

# Officer at bombing trial tells of partner's death

By Sean P. Murphy  
GLOBE STAFF

Boston police Officer Francis X. Foley testified yesterday in the bombing trial of Thomas A. Shay that he had only a split-second warning before the explosion that maimed him and killed his partner, Officer Jeremiah J. Hurley Jr.

Foley testified that he and Hurley were crouched over the device when he noticed that a small piece of the apparatus — a plastic stem or arm known as a 'servo' — was moving, and that the device was about to detonate.

"I said, 'Jerry, is that a servo,' and as I said it, I saw the arm moving, and that was the detonation," Foley testified.

Speaking in a clear, dispassionate voice, Foley testified in US District Court in Boston that he and Hurley did not consider the device they examined on Oct. 28, 1991, to be dangerous because Shay's father, Thomas L. Shay, had told them that he had handled it in his backyard for more than a year without incident.

"I remember the explosion going off," he testified. "I saw a ball of fire and white smoke. . . . Apparently, I was thrown up against a fence. I remember being propped up against the fence.

"I thought the left side of my face was blown away. I had my hand to my face. My right arm, I wasn't able to move it. My legs, I could feel the warmth of blood on my legs, what I assumed to be blood on my legs.

"I thought I was going to die."

Foley, 50, of West Roxbury, testified that Hurley never panicked as the two men, both stunned and bloodied, lay in the debris of the explosion near the driveway of Shay's house on Eastbourne Street in Roslindale.

"I knew he was in terrible shape," Foley testified. "I could see his face was partially blown away. It looked like his hand or his leg was gone, too.

"He was not panicky. He was talking loudly. Saying to stay away, there could be a secondary device. Even at that time, I was surprised

**'He was not panicky. He was talking loudly. Saying to stay away, there could be a secondary device. Even at that time, I was surprised by that . . . And he talked for a long time about his children and his family.'**

FRANCIS X. FOLEY, *Boston Police officer*

by that, that he was thinking of that. In our training we're taught that a bigger explosion may follow after the first one attracts people to the area. He kept repeating that, for the others to stay away."

"Jerry was asking if I was alright. 'Are you OK?' And he talked for a long time about his children and his family."

Foley said both men talked to stave off unconsciousness. Hurley, 50, the father of four children, died later that day.

Foley's testimony was the first time he recounted in public the

events surrounding the explosion.

Only 10 feet away from Foley sat Thomas A. Shay, 21, of Quincy, who is on trial for allegedly conspiring with Alfred Trenkler, 36, of Quincy, to build the bomb. Federal prosecutors contend Shay intended to kill his father to revenge a childhood of neglect and abuse, and to gain by inheritance the proceeds of a lawsuit his father filed against a Dedham service station.

Trenkler will be tried separately at a later date. Both men face the possibility of life imprisonment if convicted.

Foley lost his left eye in the explosion, and the hearing in one ear. He has undergone extensive surgery on his face, arms and legs. Foley is permanently disabled.

Shay's attorney, Nancy Gertner, had no questions for Foley.

Earlier yesterday, assistant US Attorneys Paul V. Kelly and Frank Libby Jr. played for the jury a 32-minute videotape of an interview of Thomas A. Shay by WLVI-TV (Ch. 56) anchor Karen Marinella. Most of the tape was never broadcast.

In the taped interview, Shay says Trenkler built the bomb without his knowledge, though he admits to willingly purchasing some of the bomb's components at Trenkler's request. Shay says on the tape that he and Trenkler considered themselves victims of abusive fathers, and that Trenkler sought revenge against Shay's father without his knowledge or consent.

Shay says on the tape that it was only after the bomb exploded that he realized he had purchased some of

its components. He says he fled to California out of fear, and came forward when he realized he was being blamed for the crime.

"I never asked Al Trenkler to do any type of physical harm. . . . He did this on his own without my knowledge," Shay says on the tape.

"I did make purchases of electronic goods at a number of stores for Trenkler. . . . After the explosion I knew who built it because he said in September, early October of 1991, that he was building a surprise for me."

Later in the taped interview, Shay tells Marinella, "So he builds a bomb, tries to kill my father and thinks that I'm going to collect a half million dollars because of my father's in a lawsuit with some people. . . . I'm guilty of knowing who built the bomb after the fact."

Referring to Trenkler, Shay says at one point, "He couldn't get back at his father. So he decides to get back at my father."