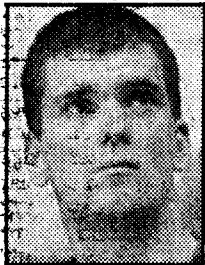


Shay convicted in fatal explosion

By Stephen Walsh
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BOSTON — In the moment before his conviction for planning the explosion that killed a Boston police officer, Thomas A. Shay of Quincy sat shivering in a cool federal courtroom as his attorney rubbed his back and whispered reassurances.

A jury found the 21-year-old guilty of conspiring to try to blow up his father's



Shay

car in Roslindale in 1991 and attempted malicious destruction of property. Shay was acquitted of one count of receiving explosives in interstate commerce.

The explosion contributed to the death of Boston bomb-squad Officer Jeremiah Hurley and the maiming of his partner, Officer Francis Foley.

The Tom Shay who awaited the verdict appeared far different from the smiling, cocky young man who called press conferences and sought and granted interviews to declare his innocence in the months after the explosion.

It was those public declarations that helped contribute to Shay's conviction, his lawyers said.

"There was no evidence in the case that he intended to destroy the vehicle," defense attorney Amy Baron-Evans said after the verdict. "I'm guessing the jury found evidence in the statements he made after the explosion."

Quincy man faces life in prison

The six-man, six-woman jury deliberated for 13 hours and requested a videocassette recorder and television at one point to watch an interview Shay gave to a local television station.

Judge Rya Zobel will sentence Shay in October. He could face up to life in prison on the convictions.

Prosecutors charged that Shay conspired with Alfred Trenkler, 37, of Quincy, to build the remote-controlled bomb and place it on the car of Thomas L. Shay, 49, of Roslindale.

The elder Shay told police the bomb scraped off the bottom of his car, and the device exploded as Hurley, 50, and Foley examined it on the afternoon of Oct. 28, 1991.

Foley testified during the three-week trial that the officers initially did not think the device would be dangerous because the elder Shay said he had dropped and handled it.

Assistant U.S. Attorney Paul Kelly said he was pleased by the verdict, which he said ended an investigation more thorough than any he had ever seen.

"This is a case of law enforcement coming together when a member is slain," Kelly said. "My heart goes out to Frank Foley."

Foley said he was pleased that the verdict has "taken someone off the street who shouldn't be there."

"The prosecutors had a tough case to prove," said Foley, 51, who had surgery on

his arms, legs and face and is blind in one eye. "If someone makes a bomb, they're a terrorist. It could have been left 100 yards down the street where kids could have found it."

Hurley's family was not in court yesterday, but was pleased with the verdict when they were informed, Kelly said. They were on a pre-paid vacation out of state that Kelly had urged them to continue rather than "pace the hallways."

Kelly and Assistant U.S. Attorney Frank Libby argued that Shay wanted to kill his father to collect money the elder Shay was expecting to receive from a pending \$400,000 lawsuit against the landlords of his Dedham auto repair business.

They also argued that Shay wanted to kill his father out of revenge for verbal and emotional abuse the elder Shay allegedly inflicted on his son.

After the verdict, Shay's mother, Nancy Shay, said she did not believe her son could have planted a bomb.

"I know what type of person Tommy is," she said. "I know him as a loving, kind boy never dangerous to himself or others."

In the week after the bombing, Shay called a press conference outside his mother's condominium in Quincy and another at a bus terminal in Boston. He later gave an interview with WLVI-TV, Channel 56.

Lawyers referred to the statements in the news conferences and showed excerpts of the interview during the trial.

Although Kelly began the trial by telling the jury the evidence was largely circumstantial, he said yesterday that Shay's statements and actions clearly provided evidence for a conviction.

The one acquittal on the receipt of explosives charge merely showed that the jury was not sure that Shay had ever touched the bomb, Kelly said, and did not reflect any confusion or inconsistencies.

After the verdict was read, Shay's lead attorney in court, Nancy Gertner, told Zobel she felt the not guilty verdict on the handling explosives count contradicted the guilty finding on attempted destruction of property by means of explosives.

If Shay didn't handle the explosives, how could he be found guilty of attempting to use them to try to maliciously destroy his father's property, Gertner said.

During the trial, Gertner had unsuccessfully tried to enter evidence that Shay had a psychological syndrome that prompted him to say what he thought listeners wanted to hear.

Judge Zobel denied permission to enter the evidence, and Baron-Evans said she expected that denial to be a basis for an appeal.

Today, prosecutors are considering whether to force Shay to take the stand in Trenkler's trial in October.

Kelly said his office has yet to decide on what sentence it will recommend to Judge Zobel. That could leave the door open to a possible deal with Shay in return for his cooperation in the Trenkler case, but prosecutors yesterday said they had yet to settle on strategy.