

# New trial likely for bombing convict

## Judge stands by earlier decision

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A federal judge has refused to reconsider a ruling that all but guarantees a new trial for a man convicted in the 1991 bombing death of Boston police officer Jeremiah J. Hurley Jr.

In a two-sentence handwritten ruling, US District Judge Rya W. Zobel refused to reverse a decision she made last September that would permit psychiatric testimony she had prohibited during Thomas Shay's 1993 trial.

Zobel issued the September ruling after the US Court of Appeals for the First Circuit said she had been wrong to forbid the testimony of a defense psychiatrist without a hearing.

After holding a hearing, Zobel concluded that she should have allowed Dr. Robert T. M. Phillips to testify that Shay suffered from a mental disorder known as "pseudologia fantastica," a propensity to tell self-aggrandizing lies.

In her latest decision, dated Jan. 16, Zobel said evidence of pseudologia fantastica exists in scientific literature. The testimony would be relevant, she said, because it would "cast doubt on the truthfulness of the defendant's statements."

Shay's lawyers consider the testimony crucial, arguing that it offers an alternative explanation for incriminating statements Shay made to police and others, including the boast that he was the one "who killed the Boston cop."

■ **Bombing case:** A federal judge refuses to reconsider a ruling that all but guarantees a new trial for a man convicted in the 1991 bombing death of a Boston police officer. B2.

The bomb exploded in the <sup>shay</sup> ~~area~~ Shay's Roslindale driveway on Oct. 29, 1991, killing Hurley and maiming Foley.

Shay is currently serving a 15-year prison sentence. The man convicted of building the bomb, Alfred Trenkler, is serving a life sentence.

Prosecutors in December had asked Zobel to reconsider her ruling permitting the psychiatric evidence. The case is now expected to go back to the appeals court, which is all but certain to order a new trial. Prosecutors may once again try to get Zobel's ruling overturned.