

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

THOMAS A. SHAY

CRIMINAL NO. 92-10396-Z

MOTION TO SUPPRESS STATEMENTS OBTAINED
IN VIOLATION OF PROFFER AGREEMENT

Defendant Thomas Shay Jr. moves to suppress certain statements obtained in violation of a proffer agreement entered into between the United States Government and the defendant:

1. On October 6, 1992, the defendant and his counsel entered into a proffer agreement which provided that "No statements made or information provided by Mr. Shay will be used directly against him, ..."

2. On October 7, 1992, the defendant was brought to the home of Nancy Shay, his mother, by ATF S/A John Paolillo and Deputy Marshall Roger Bryant and questioned in front of her.

a. On information and belief, the defendant made certain statements in the presence of Ms. Shay and the state and federal law enforcement authorities.

b. On information and belief, Ms. Shay was permitted to testify before the grand jury concerning these statements.

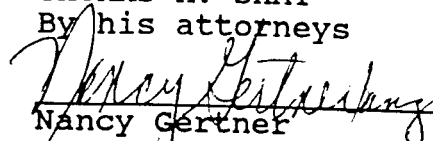
c. On information and belief, Ms. Shay made certain statements to the agents in response to Mr. Shay's inquiries, which were also the subject of Ms. Shay's grand jury testimony.

d. Such testimony, (a) and (c) above, violated the terms of the proffer agreement.

Accordingly, defendant moves (1) for the grand jury testimony of Ms. Nancy Shay to determine if Ms. Shay testified in a fashion inconsistent with the proffer agreement, (2) if such a violation occurred, that the court suppress such testimony and the fruits thereof.

Respectfully submitted,

THOMAS A. SHAY
By his attorneys


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Dated: March 2, 1993

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney or record for each other party by mail by hand on 3/2/93