

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Alfred W. Trenkler)
)
v.)
)
United States of America)

Case: 10369-RWZ

AFFIDAVIT OF THOMAS A. SHAY

I, Thomas Arthur Shay, hereby depose and state as follows:

1) I am the codefendant of Alfred Trenkler in the 1991 Roslindale bombing case, which involved the death of Boston Police Officer Jeremiah Hurley, Jr., and maimed his partner, Francis X. Foley. Our trials were separated and I was convicted on July 27, 1993. On October 15, 1993 I was sentenced to 15 1/2 years in prison. In 1998, my conviction was overturned by the First Circuit Court of Appeals. Instead of going to retrial, I pled guilty, and was resentenced to 12 years. I was released on probation in 2002, but my probation was revoked in 2006, and I was recommitted for the remainder of my probation period. On December 31, 2009, I was released from the Federal prison in Memphis, Tennessee. I am currently serving a six month sentence in the Worcester County Jail and House of Correction, for the unrelated offenses which led to my 2006 probation revocation, and expect to be released by June 1, 2010.

2) Codefendant Alfred Trenkler and I are both innocent of any involvement with the October 28, 1991 Roslindale bombing.

3) I have, over the years, written letters to the Boston U.S. Attorney's office, the Boston Police, and to U.S. District Court Judges Nancy Gertner, Edward F. Harrington, Mark Wolf and Rya Zobel, and others to explain the truth of my non-involvement in the Roslindale Bomb. In 2006, I conducted an interview published in the August 7, 2006 Quincy Patriot Ledger in an attempt to undo the harm I had done to Alfred Trenkler and his family. In that interview, I explained why I said what I said in 1991 to 1993 and why I pled guilty in 1998. So far, the law enforcement authorities have appeared to disregard my truthful recanting of previous statements, and they have thus prolonged the closure for the Hurley and Foley families.

4) I recently learned that Alfred Trenkler's stepfather, Jack Wallace, passed away in December of 2009, just after Christmas. I now feel compelled to follow in Jack Wallace's footsteps to help exonerate Alfred Trenkler, a man who did nothing more than respond to my requests for transportation on five occasions in June and July of 1991.

5) I am stating these facts now for several reasons:

- a. As my Federal sentence was completed on December 31, 2009, I am no longer intimidated by a threat to recommit me to Federal prison.
- b. Over the years, I learned about the terrible impact of the wrongful conviction of Alfred Trenkler upon his late mother, Josephine Barnum Trenkler, and late stepfather, Jack Wallace. Jack's death last December has increased my desire to "make things right."
- c. Nearing my release in May 2010 from unrelated state charges, my desire to present the truth has been increased.
- d. I had read in the November 22, 2009, Boston Herald that the Boston Police Dept. was conducting a review of the Roslindale Bomb case, and I was encouraged that the truth might finally be revealed. However, as no one ever contacted me, and as the article reported that the Office of the U.S. Attorney did not support the Boston Police Dept. review; it appears that the Boston Police Dept. review was put on hold. Hence, I must say more, here.

6) At no time did I or Alfred Trenkler conspire to purchase, build, place, activate or cause to detonate or by any other means the Roslindale Bomb in 1991. I never felt or communicated, orally or in writing any intent to kill, injure, or intimidate my father, Thomas Leroy Shay, or attempt to damage or destroy his car or serve any other purpose, or otherwise have anything to do with the explosion at 39 Eastbourne Street, Roslindale on October 28, 1991.

7) To set things straight, I was not nor have ever been Alfred Trenkler's lover or sex partner. He never approached me in that way, and I was barely even his friend, and we did not even socialize. I was actually in Alfred Trenkler's presence for all of 8 hours over a period of less than 90 days, mid June to August of 1991. I used him as a source of transportation whenever I crossed his path on Boylston Street in Boston. Alfred Trenkler never approached me for anything. It was always me approaching him for rides, as I knew he worked in the area.

8) Prior to June of 1991, I never saw, met, knew or knew of, talked to, sought rides from or was otherwise ever aware of Alfred Trenkler's existence.

9) Until this case, I never knew Alfred Trenkler grew up in Milton Mass. After June, 1991, I was only aware of his connection to Quincy where he was living in 1991. I would have remembered the Milton connection if he had told me, because I lived in Milton for several years. At no time was I ever with Alfred Trenkler, with or without his car, in the Blue Hills in Milton.

10) Prior to June of 1991, I was living with Luis Guzman in New York City from approximately July, 1990 to June 1991.

11) The only reason that I was in the Boston area in the Summer of 1991 was because my father needed me for his lawsuit against the Dedham Garage. Since I was present at my father's place of business at the time of the October 1987 firecracker explosion, I was a witness to the alleged source of my father's alleged injuries. I, too, suffered hearing loss, in my left ear, but I chose not to be part of his lawsuit because I felt like he was scamming for money.

12) I did not take my father's lawsuit seriously, and had no interest in showing up for the deposition. He gave me money to go to the dentist. After I finally went to the deposition, he let me hang around with him at the club he hung at in the South End, and took me to the racetrack with his buddies. It was not until after the bombing incident that I learned that my father had no intent on reconnecting with me but rather just using me to further his lawsuit. Once he became a suspect in this case, he turned on me and helped the Federal government put the blame on me. Then the government used me to put the blame on Alfred Trenkler.

13) My father contacted me through my mother, Nancy Shay, asking me to return to Boston to be deposed in my father's lawsuit against Jeff Berry and Anthony Giammarco, who were the landlords of my father's former business, Shay Auto Body. My deposition was requested because I was a witness to the October 30, 1987 noontime firecracker explosion at the Dedham Street Garage in Dedham, Mass. This explosion allegedly had caused my father's injuries.

14) At or around June 1, 1991, I returned to Boston by Greyhound bus to be deposed in my father's lawsuit.

15) I was offered a chance to join in the lawsuit, but I was not interested. I did not sue people for money like I knew my dad did to make a living. My dad was mad at me because I had declined to participate in the lawsuit, which would have increased his chances of winning and increased the potential size of a settlement.

16) I would stay at my mother's house after my father had me return to Boston for the deposition. Because of the constant drama with my sisters, I would try to time my visits when everyone was at work.

17) I was too young to go to the bars so I hung around in front of different establishments to make friends, up and down Boylston Street.

18) While hanging around the Fenway section of Boylston Street, I met an elderly gentleman by the name of Thomas Thompson who worked at the "White Hen Pantry," a 24 hour convenience store. Thompson, also lived in the area and, when not working at the "White Hen," would walk around the neighborhood as a one man neighborhood watch. I would talk to him at the store and when I saw him in the neighborhood. I would hang out in front of the store since it was right next to "Herbie's" of Boston, a gay bar I could not get into because of my age, but I would try and meet patrons at closing hour.

19) In mid-June of 1991, at around 2:00 a.m., I was hanging around in front of the "White Hen" looking for a ride home since the MBTA trains stopped running after 1:00 a.m. Alfred Trenkler approached me and told me that Thompson had told him I was looking for a ride home to the South Shore and that I was OK (safe). Alfred Trenkler told me that he had known Thompson for quite some time.

20) Alfred Trenkler told me that he was going to Quincy and that he would give me a ride to Dorchester after I had told him that I lived with my father on Richmond Street in Dorchester, even though I knew my father did not live there at that time. It was my mother's old address.

21) I made up a story on the way back that I could not go home yet because my dad hated having me around when his friends were over since they gave my father grief about me, his gay son, since I came out on Tom Bergeron's "People Are Talking" talk show in 1990. I liked Alfred Trenkler and I wanted to spend some time with him to get to know him.

22) I asked if I could stay at Alfred Trenkler's place for a few hours. Alfred Trenkler told me that it was not his apartment, that he was housesitting for the owner, and he was not supposed to bring anyone to the apartment. Lucky for me it started raining and Alfred Trenkler agreed to let me stay only until he had to leave for some business meeting early that morning. It was in the morning when I met Alfred Trenkler's business partner, Rich Brown, for the first time.

23) Between June and July of 1991 I had asked Alfred Trenkler for four more rides when I saw him on different parts of Boylston Street. The fifth and final ride I asked for was actually a short lift for a couple of blocks. I came across Alfred Trenkler at a stoplight by the Hynes Auditorium. I surprised Alfred Trenkler by opening his passenger side door of his car and hopped into the front seat. He gave me a ride about two city blocks to the lights by the Fleet Bank, and told me that I had to get out so he could pick up his friend and roommate that I now know was John Cates. I got out of his car and left.

24) The last time that I ever saw Alfred Trenkler, before the October 28 explosion, was in the previous August in front of the same "White Hen Pantry" where I first met him in June. I made up a story about having an engineer friend at the radio station across the street (WBCN) that was looking for a company to do some antenna work and I asked Alfred for a way to reach him. Alfred produced a business card. I had done this simply to get Alfred Trenkler's phone number since I figured I could call him for rides or just to 'hang out'. I liked Alfred Trenkler. He was one of a few people who asked nothing of me.

25) I called Alfred Trenkler's voicemail phone number several times but he never answered my calls except for one time he called me back in August of 1991 and was mad at me for all the nonsense calls. He said that he was very busy and that he was upset at me for lying to him about the non-existent contact at the radio station, which he said he checked. He said that he would not return any future calls from me. Except for one accidental occasion, I have not spoken to Alfred Trenkler on the phone or in person again, after that August 1991 call. The time I saw Alfred Trenkler after the explosion was over a few hours when we were jailed in separate cells in the Federal Building in Boston in 1993, as explained below.

26) One day in 1991, after that one call from him, I saw Alfred Trenkler's car parked on Boylston Street. I opened the passenger door, which was broken and could not lock; and found a box of his business cards on the back seat. I grabbed several hundred and left them at restaurants, bars and stores, and on the windshields of cars, up and down Newbury Street, in the hope that this would make up for my lie about the radio station contact.

27) As an excuse to call Alfred Trenkler's voicemail, I called him late in October, 1991 to invite Alfred Trenkler to a Halloween party in Quincy at Scott Critcher's. Alfred Trenkler never returned the call.

28) After the Roslindale Bomb explosion on October 28th, I had a friend named Zimmerman call Alfred Trenkler under a ruse of a business call. When my friend told Alfred Trenkler the call was actually on my behalf, Alfred Trenkler abruptly ended the call with instructions not to call again.

29) Subsequent to August of 1991, as noted earlier, the last time I had spoken to Alfred Trenkler was on June 25, 1993 while I was in Cell One and Alfred Trenkler was in Cell Three at the Federal Courthouse lockup in Boston, which was just before my trial began. Alfred Trenkler was very upset with me because of all the trouble I was causing him with my constant interviews and my Channel 56 interview and that because of this I had caused irreparable harm to his family, his business and had otherwise ruined his life.

30) I first met David Lindholm in the Federal Courthouse in December 1992, where he asked me questions about Alfred Trenkler. Later, I met him again at Middleton, the Essex County House of Correction, where I learned about his reputation as a rat and avoided him.

31) Alfred Trenkler told me his work in communications involved TV and radio stations, Alfred Trenkler never took me into any of his work sites or any towers or shacks, nor any workshops. The only work-related stop occurred on the ride where he was going to Providence, Rhode Island, and I had asked him to give me a ride to Randy Stoller's store in Attleboro, which is on the way to Providence. (See #107 below.) We did stop at a building on the Hyde Park-Dedham line where there was a small communications tower and large satellite dishes and a two story office building. He went inside briefly for something and I stayed in the car.

32) I have never received any note, letter or any written communication from Alfred Trenkler at any time prior to or subsequent to the Roslindale bombing.

33) I have never been with Alfred Trenkler in Provincetown, and he never took me out on any boat.

34) Alfred Trenkler never took me to any stores for any reason and he never sent me to any stores for any reason.

35) Alfred Trenkler never gave me any money.

36) I have never been with Alfred Trenkler at any bar, nightclub, Radio Shack or hobby store anywhere.

37) Alfred Trenkler never met my mother.

38) On the night of October 28 and the morning of the 29th, 1991, the police focused on remote controls in their questioning. Later, in the October 31 interview, right after my bus station press conference, the police brought me to an interview room in a police station and they had several remote control items on a table in an adjoining room separated by a window. Those items attracted my attention, as they would any teenager. We talked about my experiences with remote control toys I had as a kid. I had several such toys as a kid and this contributed to my knowledge that the police were focused on remote controls. On the first and second interviews, they asked me to draw remote control toys that I had owned. I did so both times.

39) Not until after this bombing did I find out that my father actually predicted that the defendants of his lawsuit were going to place a bomb under the driver's seat of his car a year prior to his discovery of a bomb and again two weeks before the bomb discovery.

40) My father told me that he was convinced that Mr. Berry and Mr. Giammarco were taking steps to hurt, injure or kill him.

41) I left Massachusetts and went to California because I missed my probation appointments and didn't want to go to jail. My departure had nothing to do with the Roslindale Bomb, for which I had no responsibility. On March 24, 1992, when the government found me in San Francisco, I was told by members of the Boston Police and the ATF, Brendan Craven, Frank Armstrong, Jeff Kerr and Dennis Leahy, that they found Alfred Trenkler's phone number in my address book and they told me about Alfred Trenkler's 1986 "bomb" in Quincy and that they were convinced that Alfred Trenkler was the bomb builder of the 1991 device. I told them they were wrong and that I had not seen Alfred Trenkler since August, 1991.

42) I called my friend, Fred Burke, in San Francisco and dictated a letter for him to release to the Boston media. In that letter I stated, "The federal officers told me that one of my friends, Alfred Trenkler of Boston, who builds satellites, was a suspect in building the [1991] bomb. I feel this is not true and I know it is not true."

43) I was surprised to read a Boston Globe article which stated that I said Alfred Trenkler made the bomb, which is a statement that I did not make.

44) At or around September or October of 1991 I was associated with Edward Carrion, a man who had been paying me for sexual favors since I was 15. He had a roommate named George Nightingale.

45) George Nightingale was the Manager of the 197 Massachusetts Ave. Radio Shack store in Boston in October of 1991, where I allegedly purchased six items on October 18, 1991, one of which allegedly was part of the October 28 Roslindale Bomb. He was not happy with me because I had a relationship with his young lover at the same time as his ongoing relationship.

46) Ed Carrion had taken me to the 197 Mass Ave. Radio Shack to visit his roommate, George Nightingale. Ed took things from the Radio Shack store.

47) There was a \$50K reward, later increased to \$65K, for information in this case and the Boston police and the ATF had made it known to Radio Shack employees Dwayne Armbrister, Alan Kingsbury and Nightingale that I was a suspect in this case.

48) I did not go to that Radio Shack for any reason on October 18, 1991 and did not make the purchase attributed to me of six items at 2:36 p.m. or any other time on that day. During the investigation of this case and during the trials, I had a clear memory of that day, because it was my mother's birthday. I was with my friend, Russ Bonanno, and on that day I purchased two kittens for my mother.

49) I never knew about any Radio Shack connection to the 1991 bombing, nor of any receipt from Radio Shack, until my attorney, William McPhee, showed me the October 18, 1991 six-item receipt, which Assistant U.S. Attorney Paul Kelly sent to me on or around May of 1992.

50) The only reason that I ever mentioned Alfred Trenkler's name in connection with the Roslindale Bomb was because one or more of ATF agents Jeff Kerr, Tom D'Ambrosio and Dennis Leahy and of Boston Police officers Brendan Craven, Peter O'Malley and Frank Armstrong had told me they thought that Alfred Trenkler built the Roslindale Bomb and had told me that Alfred Trenkler had built a similar bomb in 1986.

51) I have since learned that Alfred Trenkler's 1986 incident was not a bomb but a prank with 'class "b" fireworks', or a flash simulator, or a firecracker, that had nothing to do with high explosives or dynamite or plastic explosives or even gunpowder; and that it had caused no damage or injuries.

52) I have repeatedly stated my belief that my father was responsible for the October 28, 1991 Roslindale bombing, but U.S. Attorney Paul Kelly and the ATF agents Kerr and D'Ambrosio and Leahy told me that was not what they wanted to hear, and if I did not "play ball" I would be prosecuted to the fullest extent of the law.

53) Assistant U.S. Attorney Paul Kelly and the ATF agents kept asking me why should I take all the blame for this crime and let Alfred Trenkler get away with nailing me.

54) I was even told that if I "got creative" and helped the government prosecute Alfred Trenkler, that I could get the \$65K reward money and would be very comfortable in prison.

55) I was told by Assistant U.S. Attorney Paul Kelly and ATF agent Jeff Kerr in 1992 that Alfred Trenkler's attorney was trying to make a deal with the government against me and that if Alfred Trenkler "got the deal" the door would be closed and everything would be dumped on me.

56) In May of 1992 I was told by Assistant U.S. Attorney Paul Kelly that if I helped the government get Alfred Trenkler I could get a possible minimum sentence of 40 years.

57) Since I believed what Assistant U.S. Attorney Paul Kelly and ATF agents Jeff Kerr and Tom D'Ambrosio told me, that Alfred Trenkler was pursuing a deal by helping the government against me, I began giving "proffer" statements based upon what the government had told me, and I knew what they wanted to hear, about such subjects as the alleged Radio Shack purchase, the remote control aspect, Alfred Trenkler's past 1986 "bomb" and the mention of quarter-sized magnets.

58) Assistant U.S. Attorney Paul Kelly and the ATF agents kept telling me that I should not have to pay for this crime alone and let Alfred Trenkler get away with nailing me.

59) I was repeatedly told that Alfred Trenkler was giving evidence against me and that time was running out for me to make a deal and help get Alfred Trenkler.

60) I made up a story of a shack with a fence and a tower with a red light somewhere on the South Shore. I made it up based on the tower and building by the Quincy quarries.

61) ATF agent Jeff Kerr suggested that maybe Alfred Trenkler had built the Roslindale Bomb as a "surprise" for me. His suggestive nature made my psychosis a reality, and I believed in my own lies I would later tell to Karen Marinella of Channel 56.

62) When ATF agent Jeffrey Kerr arrested me in San Francisco in March of 1992, he was posing as a "gay John," a "trick," and things got awkward when I tried to kiss him. In my mind there was a vital electricity between us, a homoerotic undercurrent, and I would have done anything to please him.

63) After I had been returned to Boston and was being housed in the Plymouth County House of Correction, I lied to ATF agent Jeffrey Kerr by telling him that bomb debris from the 1991 bomb had been sunk in the Quincy quarries. This was a place where I had met guys my own age for sex. I just wanted to get out of jail and spend some time with Jeffrey, whom I was sexually attracted to. They used an underwater submersible from Woods Hole Oceanographic Institute in the search for debris that didn't exist.

64) I told another story, that the bomb debris was sunk by a buoy outside Provincetown harbor. This was just another lie to go on an outing and to get away from the confines of the Plymouth prison, to eat regular food and to be with Jeffrey and be the center of attention of everyone.

65) I made up another story that Alfred Trenkler had a friend in New Hampshire or Vermont where there was a "Soldiers of Fortune" camp where Alfred Trenkler obtained explosives. I had never been with Alfred Trenkler outside of Massachusetts. This was another fantastic lie of mine.

66) ATF agent Tom D'Ambrosio had asked me about "slotted" magnets about the size of a quarter.

67) In order to try and convince AUSA Paul Kelly and ATF agent Jeffrey Kerr that the stories I told were true, I convinced Kelly and Kerr to set up a hypnosis session where I simply repeated all I had learned, and all that I had told before with slight variations.

68) In order to entice me to come up with something credible, on October 6, 1992, I and my attorney, Jefferson Boone, signed a letter sent by AUSA Paul Kelly. It contained an offer of as little as three years in prison in return for a proffer session where I would tell something significant that the government did not already know.

69) In meetings with ATF agents Jeffrey Kerr, Tom D'Ambrosio and AUSA Paul Kelly on October 6 and 9, 1992 I made up 24 items about Alfred Trenkler in hopes of convincing ATF agents Jeffrey Kerr, Tom D'Ambrosio and AUSA Paul Kelly that I was giving a truthful proffer. I again wove into this proffer what I had read in the media and what the ATF agents and AUSA Paul Kelly had told me and what I had received from my attorneys, such as the Radio Shack receipt. Recently, I reviewed a copy of AUSA Paul Kelly's October 14 "Memo to File" about my October 6 and 9 proffer and he correctly captured my 24 statements. However, they were all false, but with these minor exceptions, using the numbers from AUSA Kelly's memo:

3. I was living outside of Massachusetts in 1991 and returned sometime around June 1, 1991.
4. I met Alfred Trenkler at the "White Hen Pantry" early in June 1991.
6. I saw Alfred Trenkler again and he did give me a ride to Quincy, and other places.
21. I was in Alfred Trenkler's, and John Cates' apartment, once, for a few hours, after the first ride Alfred had given me, and before Alfred had to go to a business meeting a few hours later.

70) On October 17, 1992 AUSA Paul Kelly arranged an interview with Channel 56 reporter Karen Marinella. In that interview, I presented an updated, polished version of all that I had compiled from the ATF, my attorneys Jeff Boone, Francis O'Rourke and William McPhee and all that I had read in the media and seen on TV and my repeatedly being told that Alfred Trenkler was still trying to make a deal with the government against me.

71) Since I was led to believe that Alfred Trenkler was actually trying to put this all on me, I was not going to sit back and let Alfred Trenkler put me in jail for life for a crime I did not commit; and get away with three years in prison. I assumed that AUSA Kelly had made Alfred Trenkler the same offer as he had made to me. In this interview, I was going to do everything I could to convince the government, through this interview with Channel 56, that Alfred Trenkler was guilty, even though I knew he had nothing to do with this crime.

72) The week before the October 17, 1992 Channel 56 interview, Jeffrey Kerr of the ATF told me that they needed something substantial if I was to get a deal down to three years in prison. Jeffrey Kerr, AUSA Paul Kelly and I were up in Paul Kelly's office where Kelly showed me the Radio Shack receipt as a reminder of what McPhee had shown me. Between all the suggestions and conversations with the Boston Police, the ATF and AUSA Paul Kelly and the media, I did what I did best. I wove it all into a story, with the receipt and the contents of the bomb, which later proved to be wrong, i.e., a lie, and to put the spin to Karen Marinella, who herself poked holes in my glorious need for attention.

73) I was told that the authorities didn't believe, or couldn't corroborate, my earlier stories, so about a week later, on November 9, 1992, I, and my attorney Francis O'Rourke asked to meet with USA Paul Kelly and ATF agent Jeff Kerr. I told them that some of what I had said in my October 14, 1992 proffer session was false, but I tried to increase my credibility by telling them 17 new items that were also untrue. One of those 17 items was that Alfred Trenkler had told me that he had purchased dynamite in New Hampshire.

Recently, I have reviewed a copy of AUSA Paul Kelly's "Memo to File" about that November 9, 1992 proffer and he correctly listed 10 items from the October 6 and 9 meetings which were false. However, he missed the others. He also correctly listed my 17 new statements at that November 9 meeting, but they were all false.

74) Later in November of 1992, my attorneys Jefferson Boone and Francis O'Rourke told me that AUSA Paul Kelly did not believe any of my proffer statements to date.

75) In January of 1993 I told AUSA Paul Kelly another version of a story in hopes of getting some kind of sentence less than 20 years. Again, everything I had said which incriminated me or Alfred Trenkler in the Roslindale bombing was made up and untrue. It was just a more polished version, as I now knew what they didn't believe.

76) Between my conversation with Alfred Trenkler on June 25, 1993 in the Federal courthouse lockup and what my attorney, Nancy Gertner, had told me, I learned that AUSA Paul Kelly, Jeffrey Kerr and Tom D'Ambrosio and the Boston Police were not telling me the truth and that Alfred Trenkler was not in fact attempting to negotiate any deal with the government against me through his attorneys or otherwise and that Alfred Trenkler had been diligently protesting his innocence from day one.

77) The only reason I pled guilty in 1998 was because I was led to believe, by my court-appointed attorneys and the U.S. District Court Judge Edward F. Harrington, that if I had insisted on going to trial and was convicted, I could receive a life sentence. I was later told about a U.S. Supreme Court case which said that without any new evidence, I faced no more than the original 15 year 8 month sentence. Thus, even if convicted with a new trial, and I knew I was innocent, I would have been out of prison by 2005. My former attorney, Jefferson Boone, and my mother and sisters tried to convince me not to plead guilty.

78) The District Court judge, Edward F. Harrington, and I were misled by my own court-appointed attorneys.

79) I was misled at my 1998 plea hearing when my counsel instructed me that my plea in no way implicated Alfred Trenkler. I subsequently learned that my written plea agreement included, against my wishes, a statement to the contrary.

80) After I had stolen jewelry and coins from Mary Flanagan's house in 1989, where I lived for only a few days on a trial basis, my father disowned me and told me he cut me from any will or any benefits upon his death. I understood that if my father died, I was to expect nothing from his estate.

81) Ed Carrion never gave me a ride to Alfred Trenkler's parents' house in Milton. Alfred Trenkler never discussed his family, and until this case I never knew he lived anywhere other than Quincy.

82) I have never subscribed to, purchased, possessed or had any interest in Robert Kennedy's Muscle Mag International a page of the July 1991 issue of which had been wrapped around the dynamite in the Roslindale bomb.

83) I knew I had nothing to do with this crime, but the government and the media would hang on every word I said no matter how outlandish. I was suddenly popular with the ATF agents, especially Jeffrey Kerr, and AUSA Paul Kelly and the media. Any time I would pick up the phone they would always be there for me to listen to whatever I had to say. I had been institutionalized for much of my childhood, and abused emotionally, physically and sexually, and I craved attention.

84) I thought that I simply would get a good run out of this, my fifteen minutes of fame as it were, and when everyone found out I was making it all up they would simply move on.

85) I did not count on the government actually believing I had something to do with this crime on stories I wove together from information that the government would "leak" to me and the media and my attorneys combined with my creative imagination based on years of experience of telling tall tales. Everyone knew about my storytelling.

86) After the government convinced me that Alfred Trenkler was trying to make a deal against me and the AUSA Paul Kelly would tell my attorney I could get down to a three year sentence if I gave a "true" proffer, I would tell versions of the story to inmates, my attorney, AUSA Paul Kelly and my "buddy," Jeffrey Kerr, and, with all this practice, "sell" the story to Karen Marinella of Channel 56.

- 87) Up through 1993, the government had told me about remote controls, the items on the Radio Shack receipt, the round, slotted quarter size magnets like my father had, Alfred Trenkler's electronic background and his alleged 1986 "bomb" and my father's activities between Friday October 25th up until the bomb exploding on the 28th. With all that, and with my knowledge of my father's lawsuit, I would combine this all together using my creative imagination and come up with a story in line with what the government was looking for.
- 88) My father had a woodworking shop in the 39 Eastbourne Street garage, and knew how to do carpentry work. When I lived there in 1988 to 89, I noticed that he had all sorts of scrap wood around the house and in the garage and would see him doing various projects.
- 89) I refused to testify at Alfred Trenkler's trial because I told so many lies I could not keep track of them, and I was afraid that I would face perjury charges every time I said something AUSA Paul Kelly did not like to hear.
- 90) If I had taken the stand in my own trial or in Alfred Trenkler's trial, either jury would have seen that I was so mixed up, I could not have participated in this crime since I could not keep any secrets. Everything the police, the ATF, the U.S. attorney, and even my own attorneys, told me I would weave into a story for anyone that would listen, such as the media, inmates, psychiatrists, and at my several proffer sessions.
- 91) Reading the reports of my father's discussions with the AUSA Paul Kelly, it became obvious to me that my father was trying to deflect any suspicion of him making this bomb onto me.
- 92) Knowing my father's history of successful lawsuits, this being the largest besides the failed \$850K lawsuit he gave up in 1987, and the fact that this lawsuit was failing because the insurance company did not believe in his injuries, or that Berry and Giammarco were out to get my father, and the fact that my father actually predicted that a bomb would be placed under the seat of his car from within two weeks to a year prior to his 'discovery' of a bomb; even I can see that it is obvious that my father either built the bomb or had someone build or obtain a bomb for him.
- 93) My father hung around with nefarious characters in the underworld that were certainly in the position to provide the bomb or the components.
- 94) At this time I would take the stand under oath to explain what I did and why I did these foolish things at the urging of AUSA Paul Kelly and the ATF.
- 95) I want to take a polygraph test to prove that what I say here is true.
- 96) I have never been violent towards anyone in my life.
- 97) At the same time that my father was telling the police and the government that he did not know who would target him, he was telling the insurance company he was suing that he was convinced that Berry and Giammarco were still going to bomb him.

98) I learned too late that it was not Alfred Trenkler making any kind of deal with the government against me. It was my own father who was doing everything he could to throw this case onto me, with the help of his attorney, Alan Pransky. At the same time they were both trying to win the lawsuit against the Dedham Garage, Berry and Giammarco.

99) Alfred Trenkler never discussed, or told me about, the 1986 firecracker incident in Quincy.

100) At this time it should be noted that I have absolutely nothing to gain from the writing of this affidavit, except my peace of mind.

101) Prior to trial I had every reason to make up all these stories since I was convinced that I was in a race against time, because I had been told that Alfred Trenkler was making a deal with the government against me.

102) I never told Alfred Trenkler about my father's lawsuit

103) Alfred Trenkler never told me he was abused by his father.

104) I never told Alfred Trenkler that I was abused by my father.

105) I was never on a boat with Alfred Trenkler

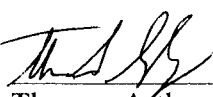
106) I had only been to Alfred Trenkler's Quincy apartment that one time in June of 1991.

107) The only friend of mine who Alfred Trenkler had met was Randy Stoller. In June of 1991, I had found Alfred Trenkler at a Mcdonald's parking lot on Boylston Street in Boston having lunch, and after I had asked what he was doing afterwards, he told me he was going to some kind of business meeting in Rhode Island. I asked him to wait while I ran to a pay phone and called my friend Randy Stoller in Attleboro to see if I could visit. He said to come down. I asked Randy to hang on, and ran back to Trenkler, and asked if I could hitch a ride to a friend's place in Attleboro right off of route 95. Trenkler agreed, and I ran back to the phone, and said I would be there in about an hour. That's how Trenkler met Stoller.

108) My father was an avid gambler and always bet to win big.

109) My father constantly had gambling debts. On or around the time of the October 28, 1991 explosion, Mary Flanagan borrowed money from her 401K to pay off my father's gambling debts.

Signed and Sworn under pains and penalties of perjury.


Thomas Arthur Shay
Worcester County Jail &
House of Correction, Maxi-B
5 Paul X. Tivnan Drive
West Boylston, MA 01583

5/6/10
Date

NOTARIZED

On this 6th day of May 2010, before me, the undersigned notary public, personally appeared Thomas Arthur Shay, proved to me through satisfactory evidence of identification, which were ID
Ann Marie Lundell
My Commission expires 7/22/2016