

1 A No, I did not.

2 MR. KELLY: Nothing further.

3 THE COURT: Anything else?

4 MS. GERTNER: No.

5 THE COURT: Thank you Mr. Bonnano, you're excused.

6 Who is next?

7 MR. LIBBY: Your Honor, the United States calls
8 Mr. Christopher Henry.

9 THE COURT: We'll stretch.

10 (Pause.)

11 Christopher Henry, sworn

12 Direct Examination by Mr. Libby

13 THE COURT: Let us proceed.

14 Q Good afternoon, sir, would you state your name and spell
15 your last name for the reporter, please?

16 A Christopher Henry, H E N R Y.

17 Q Could you move forward, Mr. Henry, and make sure you're
18 speaking into the microphone?

19 A Christopher Henry.

20 THE COURT: It's okay. I'll turn it down.

21 Q If you could --

22 THE COURT: If he gets too close, his breath over
23 bears the words.

24 Q Mr. Henry, how old are you?

25 A 26.

1 Q I'm sorry?

2 A 26.

3 THE COURT: You've got it right, just there.

4 Q How far did you go in school?

5 A Tenth grade.

6 Q Where did you attend school, sir?

7 A Florida.

8 Q With whom did you live with Florida, sir?

9 A My grandmother.

10 Q Did she raise you?

11 A Yes.

12 Q What was your last home address, sir?

13 A Ware, Mass.

14 Q W A R E?

15 A Yes.

16 Q Are you married?

17 A No.

18 Q Have you ever been married?

19 A No.

20 Q Where did you wake up this morning?

21 A MCI Cedar Junction, Walpole.

22 Q Are you serving a sentence there?

23 A Yes, I am.

24 Q For what, sir, what offense?

25 A Disdistribution of a class B substance.

- 1 Q When did you begin serving that sentence?
- 2 A February 2nd, 1983.
- 3 Q And when is your sentence scheduled to end?
- 4 A '98.
- 5 Q Now, I want to direct your attention to October of 1991,
6 October, November time frame of 1991, were you also
7 incarcerated then?
- 8 A Yes, I was.
- 9 Q For what offense?
- 10 A Larceny of a motor vehicle.
- 11 Q When did that sentence begin, please?
- 12 A June 1st of '91.
- 13 Q And that was a sentence out of Massachusetts State Court?
- 14 A Yes.
- 15 Q When were you released, were you released from that
16 sentence, sir?
- 17 A Yes, June of '92.
- 18 Q Now, from that time to today, Mr. Henry, have you been
19 convicted of any other crimes, felonies, from that time in
20 October of '91, any other crimes that you've been convicted of
21 that we haven't discussed?
- 22 A No.
- 23 Q Haven't you, in fact, been convicted of assault and
24 battery on a corrections officer?
- 25 A Yes, I have.

1 Q And did you plead guilty to that?

2 A Yes.

3 Q And in what court?

4 A In Ware courthouse.

5 Q You were convicted and pled guilty to that?

6 A Yes, I was.

7 Q And I want to direct your attention, now, sir, please, to
8 November 1st, 1991, do you recall that date?

9 A Yes, I do.

10 Q Do you recall that date particularly for any reason?

11 A Yes, that was the date that I went to Quincy court for a
12 revise and revoke.

13 Q It stands out in your mind?

14 A Yes, it do.

15 Q What's a revise and revoke?

16 A That's when the judge gets a chance to review the
17 sentence that was imposed.

18 Q And where did you start your day on that day, the first
19 of November 1991?

20 A Dedham House of Correction.

21 Q How did you get from the Dedham House of Correction to
22 Quincy District Court, your Honor?

23 THE COURT: Does it make a difference?

24 MR. LIBBY: I think it does, your Honor. I can link
25 it up.

1 A The transportational guy.

2 Q Anyone in the van with you?

3 A Yes.

4 Q Who was in the van with you?

5 A Bobby Evans, known as Bundy.

6 Q Is that what you called him?

7 A I call him Bundy.

8 Q How big a fellow is Bundy?

9 A Approximately something like 6, 3, 220 pounds.

10 Q How do you know Evans, how do you know this Bundy fellow?

11 A Because we boxed together.

12 Q Now, on the way in that morning, you say in the sheriff's
13 van?

14 A Yes.

15 Q Could you hear what the driver and the fellows up front,
16 the corrections officers, were talking about?

17 A Yes, I did.

18 Q How could you hear that?

19 A Because it's just Plexiglas from where the inmates are
20 sitting in the back of the van, and you could hear anything.
21 They talk to us anyway.

22 Q What were they talking about that day, that morning?

23 A They were talking about a previous incident that happened
24 in Roslindale.

25 Q What incident was that?

- 1 A A bombing incident.
- 2 Q Had you been aware of that bombing incident before you
3 overheard that conversation?
- 4 A No, I wasn't.
- 5 Q Had you read anything about it in the paper?
- 6 A No.
- 7 Q Now, you were brought into Quincy District Court and
8 where did you go?
- 9 A I went to the lockup cell.
- 10 Q Where is that?
- 11 A It's down, like, the basement part of the Court house.
- 12 Q Is there more than one cell in the basement?
- 13 A Yes, there's two cells.
- 14 Q And who went with you in your cell?
- 15 A Me and Bundy and a couple of other guys.
- 16 Q Now, at some point, sir, did you see anyone enter the
17 adjacent cell, that cell right next door to yours?
- 18 A Yes, about an hour later.
- 19 Q Would you describe this individual, please?
- 20 A He was something like 6, 1, sandy, blondish hair.
- 21 Q Would you describe his build, please, his weight, his
22 build?
- 23 A About 180.
- 24 Q Now, at some point, did Bundy begin some kind of
25 conversation or did you begin speaking with this fellow?

- 1 A Yes.
- 2 Q At some point did you learn this individual's name?
- 3 A I learned his name when the Court bailiff came down.
- 4 Q I'm sorry the Court what?
- 5 A The Court bailiff.
- 6 Q And they announced his name?
- 7 A Yes.
- 8 Q What name did they announce?
- 9 A Thomas Shay.
- 10 Q At some point, you heard some conversation between Bundy
11 and Shay?
- 12 A Yes, I did.
- 13 Q Shay is in the next cell?
- 14 A Yes.
- 15 Q Could you see right into that cell?
- 16 A No, you can't.
- 17 Q How can you hold a conversation?
- 18 A By getting up by the bars and talking.
- 19 Q Now, did you also have an opportunity -- strike that.
20 How long did you stay in the Quincy District Court that day,
21 sir?
- 22 A From, like, 9 o'clock to 3, 3:30 --
- 23 Q I'm sorry, did you finish your answer?
- 24 A From 9 o'clock until 3, 3:30.
- 25 Q Did you stay in that lockup, rather in that cell for the

1 entirety of that day?

2 A Yes, I did.

3 Q You didn't get pulled out for any hearing?

4 A No.

5 Q On your return to the Dedham House of Correction, you
6 said you left about 3?

7 A Yes.

8 Q You went back to the Dedham House of Correction?

9 A Yes.

10 Q Who went with you?

11 A Me and Bundy and Thomas Shay.

12 Q Shay was in the van with you?

13 A Yes.

14 Q About how long was that trip back?

15 A About 45 minutes to an hour.

16 Q Do you see that individual known to you as Tom Shay in
17 the courtroom today?

18 A Yes, I do.

19 Q Would you point him out for us, please?

20 A He's right there.

21 Q Second man in from the right as you're facing the counsel
22 table?

23 A Yes, in the middle there.

24 MR. LIBBY: If the record may indicate that the
25 witness has correctly pointed out the defendant Tom Shay.

1 THE COURT: With Mr. Libby's help.

2 MR. LIBBY: Thank you, your Honor.

3 Q Now, back to the conversation that you overheard with
4 Bundy, is it fair to say, Mr. Henry, that at some point both
5 you and Bundy or Evans are talking with Shay?

6 A Yes, we was.

7 Q Between you and Evans, who carried most of the
8 conversation with yourself?

9 A Bundy was in -- Bundy was talking to him.

10 Q All told, how long were you speaking with Shay?

11 A For a while until he went to get arraigned, so an hour to
12 an hour and a half until he went to get arraigned.

13 Q Now, I want to direct your attention to the beginning
14 when you first heard this fellow's voice, Shay's voice from
15 the other cell, do you recall what the topic was, that he was
16 talking about?

17 A He was talking about his case.

18 Q What case was that, sir?

19 A What they had arrested him for.

20 Q Did he say, what was that, sir?

21 A That was that they had arrested him for a bomb in
22 Roslindale.

23 Q Did you and Bundy Evans have any response for Shay, Jr.,
24 when they started talking about the Roslindale bombing?

25 A When it first started I was, like, I told them to shut

1 up, because I didn't want to hear it. I was there to try to
2 deal with my case, and get upstairs, I wasn't trying to hear
3 anything from nobody.

4 Q At the time did Evans say anything to him?

5 A At the time Evans was telling him to shut up.

6 Q How many times during the day did you and Evans tell
7 Shay, Jr. to shut up?

8 A About two times.

9 Q Did he make, did Shay, Jr. make any comment with respect
10 to the bomb, did he say anything about the bomb itself?

11 A Yeah. He had mentioned that they couldn't prove that he
12 made a bomb.

13 Q I'm sorry, that he said what?

14 A They couldn't prove that he made the bomb.

15 Q How many times did he say that, did he say that more than
16 once?

17 A About three times.

18 Q Now, you say that Shay, Jr. at one time his name was
19 called when he was pulled out to be arraigned for something?

20 A Yes.

21 Q And you saw him come back 45 minutes later or so?

22 A Yes.

23 Q Was he alone when he returned?

24 A No, he was with his attorney.

25 Q Would you tell us, please, what you saw thereafter, did

1 the attorney stay in front of yourself, did you see him?

2 A Yes, because the cells are close together, the attorney
3 was standing, you know, out against the wall. He wasn't close
4 up against the bars.

5 Q Now, at this point, was there any conversation between
6 Shay, Jr.'s attorney and Shay, Jr. about the issue of bail?

7 MS. GERTNER: Objection, your Honor.

8 THE COURT: Well, it's hard to see how the privilege
9 remains that the conversation takes place in the obvious
10 presence of others.

11 MS. GERTNER: Your Honor --

12 THE COURT: Is that the objection, that it's
13 privileged.

14 MS. GERTNER: He inadvertently heard conversations
15 that derives from the fact that you're simply in close
16 quarters, and there's no place for lawyers to talk to him.

17 THE COURT: I don't know that, but why do we need to
18 get into it.

19 MR. LIBBY: Just one series of questions, your Honor,
20 three or four questions on this one point.

21 THE COURT: About conversations between Mr. Shay and
22 his counsel.

23 MR. LIBBY: That's correct. Conversation between the
24 lawyer and Shay, Jr. with respect to bail, his intentions,
25 efforts made in that regard.

1 THE COURT: Then you know we're going to have to have
2 a voir dire whether in fact it's inadvertent or not, and I
3 don't know why it's necessary.

4 MR. LIBBY: Let me ask him preliminary questions,
5 your Honor.

6 THE COURT: Let me explain to the jury, when a person
7 has explained something to a lawyer, what that the person says
8 to the lawyer is what we call privileged. That is the person
9 may not be forced to say what he or she said to the lawyer,
10 and the lawyer may not be forced to say what the client told
11 the lawyer, and the idea is that clients should be truthful
12 with their lawyers and open with their lawyers, because unless
13 they are the lawyer can't do a very good job. So there is
14 this privilege that says the lawyer may not be forced to
15 disclose, and the client may not be forced to disclose
16 conversations they have with each other about the case.

17 There are exceptions that don't apply here. One of
18 the exceptions, however, is that there is no privilege if the
19 lawyer and the client speaks in the presence of somebody
20 else. Because at that point it is not a private conversation
21 that the law protects, but it is a conversation that somebody
22 else has already overheard.

23 Now, here we have sort of a hybrid. We don't know
24 whether the lawyer and the client were aware that there were
25 other people were listening in. If they were aware others

1 were listening in, my guess is that the privilege does not
2 apply.

3 MS. GERTNER: Your Honor, the Government objected to
4 the same questioning I raised with respect to Mr. Evans. It
5 was the exact same circumstances and --

6 THE COURT: That is true, and Mr. Libby wasn't here
7 at the time.

8 MS. GERTNER: I have to face one Government.

9 MR. KELLY: Well, your Honor, I don't remember that
10 we objected to that conversation.

11 THE COURT: Well, there was questioning about what
12 the lawyer said of Mr. Evans, and there was an objection at
13 the time. So perhaps we'll just go on to something else.

14 MR. LIBBY: Well, if I may, your Honor, just a few
15 preliminary questions I think that will be cleared up.

16 THE COURT: This is how counsel overrules the judge.

17 (Laughter.)

18 Q Was the attorney whispering to Shay, Jr.?

19 A No, he wasn't.

20 Q Was Shay, Jr. right up against the bar and the attorney
21 whispering in his ear at this time?

22 A No.

23 Q In fact the attorney at one point turned to you and
24 Evans --

25 THE COURT: Not only is he overruling he's leading

1 the witness.

2 Q Did the attorney at one time turn to you and Evans and
3 direct any part of this conversation to you?

4 A Yes, he did.

5 Q What did he say?

6 A He was telling Tom Shay to talk with any of the inmates.

7 Q Did this attorney, at any time, turn to you and Evans and
8 tell you to go to the back of the cell and not to listen in?

9 A No, he didn't.

10 Q Did he make any effort in any way to be secret about this
11 conversation that he had in the corridor or outside Shay,
12 Jr.'s cell?

13 A No.

14 MS. GERTNER: Your Honor, I continue to object on the
15 grounds that the same inquiry with respect to Evans was barred
16 without any further discussion. It seems to me that this
17 inquiry should be barred for the same reason.

18 THE COURT: She's right about that.

19 MR. LIBBY: I'll move on then, your Honor.

20 THE COURT: Thank you.

21 Q With respect to Shay, Jr.'s father, did Shay, Jr. at any
22 time in or about this time, Mr. Henry, describe his
23 relationship with his father?

24 A Yes. When this attorney asked him who he wanted to call,
25 he mentioned his father --

1 MS. GERTNER: Objection, your Honor.

2 THE COURT: Mr. Henry, what I think Mr. Libby is
3 asking is not conversation to the lawyer, but whether Mr. Shay
4 at any time, without the lawyer present talked to you or you
5 and Mr. Evans about his father.

6 THE WITNESS: Yes, he did.

7 THE COURT: What did he say on that occasion?

8 THE WITNESS: He was telling us that he didn't think
9 his father would bail him out.

10 Q Did he say if he had a good relationship with his father?

11 MS. GERTNER: Your Honor, objection.

12 THE COURT: The objection is sustained. Because it's
13 a leading question. You now know what that is. You recognize
14 it.

15 Q At any point, Mr. Evans, did Shay, Jr. offer a
16 description of how he got along with his father, did he say
17 how he got along with his father at any time?

18 A He said he didn't think his father would bail him out.

19 Q Listen to my question, please. Did he say, did he
20 describe how he and his father got along at any time?

21 A No.

22 Q He did not?

23 A No.

24 Q Now, did there come a time, Mr. Henry, when Shay, Jr.,
25 asked you or Evans in the next cell over any question about

1 the Massachusetts prison system or crimes, offenses, things of
2 that nature?

3 A He asked what would a murder charge get.

4 Q He asked you what?

5 A He asked what a murder charge carried.

6 Q Before he asked you that question to you and Evans, was
7 there any discussion about a murder charge before that?

8 A No, there wasn't.

9 Q Had you and Evans used the term "murder" before that
10 time?

11 A No, we didn't.

12 Q What did you or Evans tell Shay, Jr. at that time?

13 A We told him that it carries a life sentence.

14 Q Now, did Shay, Jr. at any time indicate to you whether he
15 intended to make bail?

16 A Yes. He had mentioned that he didn't know if he was
17 going to be able to make bail.

18 Q Did he say what he would do if in fact he could make
19 bail?

20 A But if he made bail he was out of there.

21 Q At some point did the discussion turn to the bomb
22 officers, the bomb squad officers who responded to Roslindale
23 before the blast?

24 A Yes, he did.

25 Q Did Shay, Jr. have anything to say about those bomb squad

1 officers?

2 A Yes. He said that officers were detecting, detaching the
3 bomb, they didn't know what he was doing, that they was
4 stupid.

5 Q Now, you said that you went back to the Dedham House of
6 Corrections at the end of the day?

7 A Yes.

8 Q And by the way, you weren't called out; is that right?

9 A No.

10 Q What happened to your case that day?

11 A They continued it.

12 Q Now, you rode back with Evans and Shay?

13 A Yes, I did.

14 Q Did you go back to the same block with Shay at Dedham?

15 A No, I didn't.

16 Q Did you go back to the same block with Evans?

17 A Yes, I did.

18 Q How long did you stay at the same block with Evans at
19 that time?

20 A About a month.

21 Q During that period of time, did you get together and
22 discuss a conversation that you had at the cell block at
23 Quincy District Court that morning?

24 A No, I didn't.

25 Q You stayed together for about a month?

- 1 A Yes, sir.
- 2 Q Where did you go?
- 3 A I went to Plymouth House of Corrections.
- 4 Q Now, did you ever see Evans again after that?
- 5 A I didn't see Evans until around February of '92.
- 6 Q Would you describe how you saw him and for how long at
7 that time?
- 8 A I was being transferred to Shirley Meeting.
- 9 Q That's a prison?
- 10 A Yeah, and he came too.
- 11 Q Did you have a time to sit down with Evans at that time?
- 12 A No.
- 13 Q How long did you see him?
- 14 A I saw him just pass through the holding cells, and I just
15 said, What's up.
- 16 Q Have you seen him at any time after that day?
- 17 A Yes, I saw him last week.
- 18 Q Where did you see him?
- 19 A In the holding cell down here.
- 20 Q In this courthouse?
- 21 A Yes.
- 22 Q At that time, sir, did you discuss the conversation that
23 you and Evans had had on the morning of the first of November
24 1991 with Shay, Jr.?
- 25 A Yes, we did.

1 Q Did you do it in a way where you wanted to get your
2 stories together?

3 A No, I didn't. I was trying to find out what I was doing
4 here.

5 Q Now, you appeared in the grand jury in connection with
6 this case, correct?

7 A Yes, I did.

8 Q And you visited, before you appeared in the grand jury,
9 you visited with various law officers, correct?

10 A Yes.

11 Q You visited with me; is that right?

12 A Yes.

13 Q And you visited with me again before you appeared in this
14 trial today, correct?

15 A Yes.

16 Q Now, at any time before you appeared in the grand jury,
17 Mr. Henry, did any law officer, any agent of the Government,
18 anybody associated with this investigation offer you any kind
19 of reward or promise you anything for your testimony?

20 A No.

21 Q Did you expect anything, sir, in exchange for your grand
22 jury testimony?

23 A No, I didn't.

24 Q Same question with respect to your appearance here at
25 this trial, are you happy to be here today?

1 A No, I'm not.

2 Q Does it cause you concern here today?

3 A Yes, it do.

4 Q Anybody in the Government offer you anything in exchange
5 for your testimony today?

6 A No.

7 Q Did anybody indicate to you that you would be rewarded in
8 any respect for coming in here and testifying?

9 A No.

10 Q Do you expect anything in exchange --

11 A No.

12 MS. GERTNER: Asked and answered nine times.

13 THE COURT: A bit leading.

14 Q However, sir -- strike that. After you appeared here in
15 the grand jury, sir, sometime back about a year or so ago, did
16 you have an understanding, sir, as to what if anything was
17 communicated to your lawyer or through your lawyer with
18 respect to your appearance before the grand jury?

19 A My understanding was through my lawyer that a phone call
20 was made by Attorney Libby to the D A at Norfolk in Quincy,
21 and my understanding was that, that Attorney Libby told him
22 that --

23 Q That's me, correct?

24 A Right. That my statement to the grand jury was found to
25 be believable and true.

1 Q Does your understanding conclude that Attorney Libby
2 suggested that you would be rewarded in some respect for
3 having testified?

4 A No.

5 Q Well, then, sir, why are you here today testifying?

6 A I'm just here, I'm making a statement of what I told
7 police inside the cell.

8 MR. KELLY: I have nothing further at this time.

9 THE COURT: Ms. Gertner.

10 Cross-examination by Ms. Gertner

11 Q Mr. Henry, Mr. Libby wrote a letter on your behalf, did
12 he not, do you recall that?

13 A Yes, ma'am.

14 Q He wrote a letter to the District Attorney that was
15 prosecuting your case; is that right? You wrote a letter
16 asking that this be brought to the District Attorney's
17 attention, right?

18 A Yes.

19 Q And that letter was written after you testified before
20 the grand jury, right?

21 A Yes.

22 Q And may I ask if you've seen in this letter dated April
23 29th, 1992?

24 A Yes, I have.

25 Q You've seen that letter?

1 A Yes.

2 Q And this is the letter that Mr. Frank Libby wrote on your
3 behalf; is that right?

4 A Yes, it is.

5 MS. GERTNER: Can this be marked, your Honor?

6 MR. LIBBY: No objection.

7 THE COURT: Defendant's 9.

8 **(Defendant's Exhibit 9 entered into evidence.)**

9 Q When you were talking to police, the federal authorities,
10 you were doing, you understood, you were hoping that they
11 might help you at some point in the future, right?

12 A No.

13 Q You didn't want anything out of your talking to them at
14 all?

15 A No.

16 Q How did it come to pass, you told your lawyer that you
17 gave some information to the Feds, didn't you?

18 A Did I tell my lawyer?

19 Q Yeah, did you tell your lawyer that you gave some
20 information to the federal authorities?

21 A No. My lawyer found out that from the grand jury.

22 Q How did he find out, did you tell him?

23 A Did I tell him?

24 Q Yes.

25 A No, what happened was when I went to court on my revised,

1 he found out that I had come to court to the grand jury.

2 Q And at that point he said, I'm going to use the fact that
3 you've been to the -- you've been cooperating with Mr. Libby
4 to see if I can help you, right?

5 A He didn't make a statement like that to me. He just said
6 that he would contact Mr. Libby.

7 Q And I think he used the word "cooperation," sir?

8 A Yes.

9 Q And he said bringing your cooperation to the attention,
10 have Mr. Libby bring your cooperation to the attention of the
11 federal authorities -- I mean to the state authorities, right?

12 A I believe so.

13 Q Now, I think you said that you've, you had other charges,
14 is that right, you've been in jail before, right?

15 A Yes, I have.

16 Q You pled guilty to assault and battery, is that right, in
17 Wareham?

18 A Yeah.

19 Q And you were trying to get a revise and revoke on the
20 charge that you're currently serving?

21 A Am I --

22 Q I'm sorry. In September, October of 1991, you were
23 trying to get your sentence changed?

24 A Yes.

25 Q And what was the nature of your sentence, how much time?

1 A A two-year sentence.

2 Q And you were trying to get that reduced?

3 A Yes.

4 Q You had already been tried and found guilty and
5 sentenced?

6 A Yes.

7 Q And you were trying to come to the Court to get your
8 sentence reduced, right?

9 A Yes.

10 Q And how soon after you had this conversation with Tom
11 Shay, did you tell the police about it, did you tell the
12 federal authorities about it, pretty soon, right?

13 A Could you rephrase that?

14 Q Well, you let the police know, the federal authorities,
15 state authorities, whatever, pretty soon after you talked to
16 Tom Shay about what he had said to you, right?

17 A No, I didn't contact no one. I got contacted.

18 Q And who contacted you?

19 A I was at Shirley. It was like six months later I was
20 contacted at Shirley Meeting.

21 Q And what was going on with your revise and revoke, it
22 hadn't been granted?

23 A No, it hasn't been -- it hadn't been granted.

24 Q And did the judge rule on whether your sentence could be
25 reduced?

1 A It was under consideration.

2 Q So when the federal authorities came to you, this
3 potential for changing your sentence, when you had an
4 application to change your sentence that was still under
5 consideration by the judge?

6 A Yes.

7 Q Do you mean to tell us there was no mention, when the
8 federal authorities came to you, about what they could do to
9 help you with this revise and revoke?

10 A No, there was no mention of any kind of type of help.

11 Q You didn't say to them, they didn't ask you what you were
12 currently doing, what kind of time you were currently doing?

13 A Yes, they did.

14 Q And did they say to you, is your trial over or is there
15 anything they can do, or words to that effect?

16 A No.

17 Q Did you ask them whether or not there was anything they
18 could do for you?

19 A No, I didn't.

20 Q So your testimony is that your lawyer just happened to
21 find out that you went to the grand jury and happened to write
22 a letter to the district attorney?

23 A He found out and he conferred with me about it, and I
24 verified that, and we came to the conclusion to get a letter
25 from Attorney Libby.

1 Q You figured you could make some use of your testimony,
2 right, by helping yourself?

3 A Yes.

4 Q Mr. Shay, when you -- talking to Mr. Shay, when he was
5 talking to you, he kept on saying that he didn't make the bomb
6 and they can't prove that I made the bomb, right?

7 A Exactly.

8 Q But later on he said to you, he boasted to you that he
9 knew how to make bombs, right?

10 A Yes, he did.

11 Q So, in the six hours that you were together, at one point
12 he said, I didn't make the bomb, and at another point he said,
13 I made the bomb, right?

14 A My understanding was that he said that he didn't know --
15 he didn't make the bomb, you know, they couldn't prove that he
16 made the bomb, you know, that's my understanding, that's what
17 I recollect from the conversation.

18 Q But later on he said, he said, he was boasting to us that
19 he knew how to make bombs, right, later on he said that?

20 A Yeah, the statement that he made, that they were stupid
21 and that they didn't know what they was doing. The bomb
22 officers when they came, this bomb, they were stupid they
23 didn't know what they was doing, so --

24 Q That wasn't my question. He said to you, he said he was
25 boasting to us that he knew how to make bombs, did he say that

1 to you?

2 A Yes.

3 Q And he also said that he had expertise in making bombs,
4 did he say that to you?

5 A Yes.

6 Q And did he tell you that he was in his dad's house when
7 the bomb exploded, did he tell that to you?

8 A Yes.

9 Q And did he also tell you -- he started telling you about
10 all the media, and the press people he had talked to you?

11 A Yes.

12 Q And he boasted about the press people that he had talked
13 to, right?

14 A Yes.

15 Q And he was really excited about the questioning, the fact
16 that the media had questioned him the day before, right?

17 A Yes.

18 Q And that was your words, it was exciting to him to have
19 media coverage, is that right?

20 A Yes, because when we was walking, when we got in the van
21 to go back, he mentioned, See -- because the media was
22 outside -- and he was like, See, they are there for me, and so
23 forth, and they're probably going to follow us back to the
24 house of correction.

25 Q And he was boasting about that, bragging about that,

1 right?

2 A Yes.

3 Q Just like he had bragged about making a bomb, right?

4 A Yes.

5 MS. GERTNER: No further questions.

6 THE COURT: Anything else?

7 MR. LIBBY: Yes, your Honor.

8 Redirect Examination by Mr. Libby

9 MR. LIBBY: Defendant's Exhibit 9 please, your Honor,
10 if I could read paragraphs 2 and 3. The letter dated April
11 29th, 1992 to Timothy Jay Spillane, Assistant District
12 Attorney, Norfolk County District Attorney's Office.

13 MS. GERTNER: Your Honor, when I wanted -- the
14 question is whether or not the jury can read this letter.

15 I had read the Bonnano letter because it was in
16 handwriting. This is typewritten.

17 MR. LIBBY: Your Honor, she has opened the door, and
18 we're entitled.

19 THE COURT: You may read it.
20 Read it in such a way that the reporter can follow.

21 MR. LIBBY: I will speak directly to her.

22 Re: Christopher Henry.

23 Dear Mr. Spillane -- I'll skip the first paragraph
24 unless counsel wants me to read it.

25 MS. GERTNER: No.

1 MR. LIBBY: Thank you.

2 Paragraph 2. As a consequence of this information,
3 Mr. Henry was subpoenaed to appear before the federal grand
4 jury convened for this purpose, debriefed by investigators,
5 and ultimately testified before the grand jury as to that
6 contact. Mr. Henry's testimony in this regard was
7 corroborated independently by other testimony presented to the
8 grand jury, and investigators assigned to this case found his
9 testimony to be both truthful and helpful.

10 I spoke yesterday with Attorney Thomas Mullen -- I
11 failed to add this is my letter -- I spoke yesterday with
12 Attorney Thomas Mullen in Quincy who represented Mr. Henry for
13 the criminal charge which Mr. Henry is presently serving which
14 I understand to be grand theft auto. I understand from my
15 conversation with Attorney Mullen that Assistant District
16 Attorney Jonathan Franzell prosecuted this matter in the
17 Quincy District Court. While no promise or inducement of any
18 kind was made to Mr. Henry in connection with his grand jury
19 appearance, this office would ask that you consider
20 Mr. Henry's cooperation, described above, on any review of
21 Mr. Henry's remaining sentence it or any other way that your
22 office may deem appropriate if you have any questions, and so
23 forth.

24 Q Now, Mr. Henry, with respect to questions from counsel
25 regarding Shay, Jr.'s comment about the bomb being located in

1 the driveway and he was in the house, do you recall that?

2 A Yes.

3 Q Did you understand that Shay, Jr. said, that he, that is
4 Shay, Jr. or his father was in the house at the time of the
5 explosion; do you have a clear recollection of that, sir?

6 A The way he explained it to us was that the bomb was found
7 inside the driveway.

8 Q Do you recall who --

9 THE COURT: Hold it. Have you finished the answer?

10 THE WITNESS: Yeah.

11 THE COURT: Okay.

12 Q Do you recall, according to Shay, Jr., who found the bomb
13 in the driveway?

14 A He said his father found the bomb in the driveway.

15 Q And when he said that he was in the house, you understood
16 that to be the house next to the driveway?

17 A Yes.

18 Q Who did you understand that Shay, Jr. was talking about
19 that was in the house at the time of the explosion?

20 A Himself, him.

21 Q "He" meaning?

22 A Him meaning Shay.

23 MR. LIBBY: I have nothing further, your Honor.

24 MS. GERTNER: Nor I.

25 THE COURT: Thank you, Mr. Henry, you're excused.