

1 MS. GERTNER: Thank you.

2 THE COURT: Thank you Mr. Cates, you are excused,
3 subject to being recalled.

4 Lawrence E. Plant, sworn

5 Direct Examination by Mr. Kelly

6 Q Would you state your name, please, and spell your last
7 name.

8 A P L A N T, Lawrence E. Plant.

9 Q And where do reside, Mr. Plant?

10 A Quincy, Massachusetts.

11 Q How old a person are you?

12 A 37-years old.

13 Q How far did you go in school, Mr. Plant?

14 A General Equivalency Diploma in high school.

15 Q You got what is what is known as a GED?

16 A Yes.

17 Q Did you ever serve in the military, Mr. Plant?

18 A Yes, I did.

19 Q What branch?

20 A The Air Force.

21 Q During what time frame, sir?

22 A 1972 and 1973.

23 Q And where were you stationed?

24 A I was stationed in the states, in the United States, and
25 various bases, and in Thailand for a short period of time.

1 Q Are you married or single, Mr. Plant?

2 A Married.

3 Q Do you have any children?

4 A One 15-year-old daughter.

5 Q I want to talk for a few minutes, Mr. Plant, about your
6 involvement with the criminal justice system.

7 Are you incarcerated at the present time, sir?

8 A No, I'm not.

9 Q Would you describe for us your present residential
10 situation?

11 A I'm in a halfway house, recovering drug addicts and
12 alcoholics in Norton, Massachusetts.

13 Q Now, when were you paroled to this residential facility?

14 A My parole became effective June 30th of this year.

15 Q Mr. Plant, when was the first time that you were
16 incarcerated for having committed a crime?

17 A April of 1992.

18 Q And what offense were you convicted of at that time, sir?

19 A Larceny by check.

20 Q And that offense larceny by check had occurred sometime
21 in 1988, had it not?

22 A Yes, it did.

23 Q And what prison term were you given at the time, sir?

24 A Three months house of correction.

25 Q And approximately when were you released?

1 A Late June, the same year, 1992.

2 Q And did you run into any further difficulties with the
3 law thereafter?

4 A Yes, I did.

5 Q And what offense or offenses were you subsequently
6 arrested or convicted of after June of 1992?

7 A I was convicted of uttering false prescriptions and
8 sentenced to 15 months at the house of correction.

9 Q Would you tell us, Mr. Plant, or describe the underlying
10 circumstances of that offense of uttering false prescriptions?

11 A Being a drug addict, the way, the way that I obtained my
12 drugs was I would go into a pharmacy with a prescription that
13 I doctored myself or acquired in another way, and I would
14 obtain narcotics at the pharmacy, so as to further my
15 addiction.

16 Q What is known as false scripts?

17 A Yes.

18 Q And what types of drugs are prescriptions would you
19 obtain with those false scripts?

20 A Mostly anything with opium in it, since I have a heroin
21 addiction. It would be Percoset, Dilaudid, Demoral, morphine,
22 anything I can get so I didn't have to buy it on the street.

23 Q Mr. Plant, when were sentenced for uttering false
24 prescription violations?

25 A November 3rd of '92.

1 Q I think you already told us that you received a sentence
2 of 15 months?

3 A Yes, sir.

4 Q If I can, just very briefly, review your criminal history
5 over the last ten years. In May of 1988, you were charged
6 larceny by check, and you told us you received a three-month
7 sentence?

8 A Yes.

9 Q In March of 1992, you were charged with credit card
10 misuse.

11 A Yes.

12 Q What was that, sir?

13 A I applied for a credit card and got it, knowing that I
14 couldn't pay for it and used it and never paid for it, and
15 subsequently was charged with misuse.

16 Q And then in August of 1992, you were charged with
17 uttering false prescriptions?

18 A Yes.

19 Q And then, a couple of months thereafter, in October of
20 1992, you were charged with additional charges of uttering
21 false prescriptions, correct?

22 A Yes.

23 Q And the sentence that you received on the two separate
24 occasions where you had uttering false prescription charges,
25 one was nine months and one was 15 months, right? The first

1 set of charges you got nine months, the second set of uttering
2 false prescriptions, you got 15 months?

3 A Correct, I got 15 months actually first. Even though the
4 nine-month charge was the initial charge, I wasn't convicted
5 of that until after I got the 15 months.

6 Q I see, sir. Okay.

7 How about on the credit card misuse charge, what was
8 the sentence on that charge, sir?

9 A Initially, it was a suspended sentence, and then I was
10 surrendered because of my arrest for drugs and given 15 months
11 for that.

12 Q And some of the prison terms, all of which occurred in
13 about a six-month-time frame between, what, April and November
14 1992, you had all of these things coming together, correct?

15 A Yes.

16 Q Some of the prison terms overlap or, what can he call,
17 would run concurrent; would that be fair to say?

18 A It would all run at the same time.

19 Q Mr. Plant, have you ever been charged with or convicted
20 of any crimes of violence?

21 A No.

22 Q Have you ever been charged with or convicted of any
23 crimes more serious than the charges of crimes we described
24 here in the last few minutes?

25 A No, I haven't.

1 Q Would I be correct to presume, sir, that there is a drug
2 or alcohol problem underlying or what has contributed to some
3 of your difficulties with the law?

4 MS. GERTNER: Objection, your Honor. I've been a
5 little bit a sleep, I think this has gone too far into the
6 subject, A, impeaching his own witness, and, B, going rather
7 far afield. This man's problems are not in issue in this
8 case.

9 THE COURT: Will he's already told us about them, in
10 any event.

11 Q Let me ask this question, Mr. Plant, how long have you
12 had a drug problem, sir?

13 A All of my adult life.

14 Q And what drug or drugs have you been addicted to, sir?

15 MS. GERTNER: Objection.

16 THE COURT: He's already told us that, too.

17 Q Was your answer, drugs involving, did you say, morphine
18 or opium?

19 A Opium.

20 Q And how, if at all, Mr. Plant, did your military service
21 direct affect your drug problem?

22 MS. GERTNER: Objection, your Honor.

23 THE COURT: The objection is sustained.

24 Q Have you ever been employed, Mr. Plant?

25 A Yes, I have.

1 Q What kind of work have you done?

2 A I was a designer and salesman for uniforms in the garment
3 industry. I would design and outfit employees of resorts and
4 hotels.

5 Q And how long have you been involved in that field, sir?

6 A Since 1978.

7 Q One last question on the other matter, sir, what if any
8 drug treatment or rehabilitation have you had, Mr. Plant?

9 A I've had extensive --

10 MS. GERTNER: Objection, your Honor.

11 THE COURT: I don't understand the relevance of that,
12 nor why you can get into it.

13 MR. KELLY: If we can be heard at the side bar for a
14 minute.

15 THE COURT: Why can't we get to the substance of this
16 and maybe come back?

17 MR. KELLY: It's important to place in context
18 because it relates to the substance that we're about to talk
19 about.

20 THE COURT: Well, we're all dying of curiosity about
21 what this witness is going to tell us.

22 [Conference at the bench, as follows:

23 THE COURT: What's he going to tell us?

24 MR. KELLY: Your Honor, this individual was in the
25 Plymouth House of Correction in October of 1992 with Mr. Shay

1 for period of about a week or two. Shortly thereafter, in
2 November 1992 he was sentenced. A part of his sentence
3 involved a sentence of drug rehabilitation and treatment.

4 There is a suggestion in the reports that part of
5 that sentence and the drug rehabilitation treatment was
6 somehow an inducement or reward for having coming forward and
7 provided information. I want him to just very briefly tell us
8 what if any drug rehabilitation treatment he received as part
9 of that sentence, which, of course, came after his discussions
10 with Mr. Shay, and then I'll move to the substance.

11 MS. GERTNER: I'm not going to get into it at all.
12 You have my word that I won't get into this.

13 MR. KELLY: If she's not going to get into the issues
14 of promises and rewards and inducements, it is not necessary.

15 MS. GERTNER: I'm not going to get into it.

16 THE COURT: So this is another witness who is going
17 to tell us about Shay's statements?

18 MR. KELLY: It is, your Honor.

19 MS. GERTNER: Which I have long ago abandoned.

20 THE COURT: Now, while I'm here, to satisfy my
21 curiosity, what is the significance of whether Trenkler's car
22 was white-white or blue-white or whether it has a decal.

23 MS. GERTNER: McKernan at one point testified --

24 THE COURT: That he saw this car and he couldn't
25 remember.

1 MS. GERTNER: Right.

2 ...end of conference at the bench.]

3 Q Mr. Plant, we agreed to move on, sir.

4 I want to direct your attention to mid-October of
5 1992, Mr. Plant, and ask you if you can tell us where were you
6 at that time?

7 A Plymouth House of Correction.

8 Q And why were you there?

9 A For the drug arrest, uttering false prescriptions.

10 Q And while you were at the Plymouth House of Correction,
11 did you meet a person by the name of Thomas Shay, Jr.?

12 A Yes, I did.

13 Q And over what period of time were you and Mr. Shay
14 located together at the same facility?

15 A For about a total of two weeks.

16 Q Describe for us, sir, the general nature and frequency of
17 your contact with Mr. Shay over that two-week period?

18 A Initially, it was extensive. We were housed in the same
19 room for a short period of time for a few days, and then out
20 in the population, in the jail side of the prison, it was more
21 or less sporadic.

22 Q Had you ever met this person prior to that occasion?

23 A No, I had not.

24 Q Do you see the Mr. Shay that you spent time with in
25 October 1992 in the courtroom here this morning?

1 A Yes, I do.

2 Q Would you point him out to us, please.

3 A Right there in the yellow shirt. Tan shirt.

4 MR. KELLY: Your Honor, for the record, the witness
5 has identified the defendant.

6 MS. GERTNER: No objection.

7 Q Mr. Shay -- Mr. Plant, directing your attention to the
8 first time that you had contact with Mr. Shay at the Plymouth
9 House of Correction, would you tell us where in the
10 institution you were?

11 A In the area called the orientation unit.

12 Q Would you describe that location for us, please?

13 A It is one room that's probably as wide as this
14 courtroom,, about 20 feet width, wide. It has bunk beds going
15 up one side and down the other side.

16 Q And how many residents are in that room at any given
17 time?

18 A I think up about 20.

19 Q Would you describe for us Mr. Plant, your initial contact
20 and conversation with Mr. Shay in that location?

21 A I was laying in bed. I had only been there a short time
22 and I wasn't feeling very well at the time. I had a lot of
23 things going on in my head. And he came over and he sat
24 beside my bed. And he was on the floor up against the wall.
25 And I was little concerned who this guy was sitting beside my

1 bed. And I turned and I looked at him, and I said: You know,
2 who are you? What are you doing here?

3 And he said: I'm boom-boom. Don't you know me?

4 And I said: No, I don't.

5 And he said, he went on about it, and he said: You
6 have to know me, I'm the one that killed the Boston cop. And
7 in between he had said his name was Shay.

8 And I begun to put it together but I hadn't had much
9 knowledge of this, and I really didn't want to have much
10 knowledge at the time.

11 Q Well, what if any understanding did you have when he
12 said, "I'm boom-boom"? Did you know who he was?

13 A No.

14 Q At any point in this initial conversation, did he tell
15 you his name?

16 A He just said, I'm Shay, my name is Shay.

17 Q And what if any understanding or reaction did you have to
18 that?

19 A None.

20 Q What if anything did he say that finally led you to
21 understand who this person was?

22 A He got upset that I didn't know who he was based on
23 calling him boom-boom and Shay, and he finally said: I'm the
24 one that killed the Boston cop.

25 Q And then you put it together?

1 A Yes.

2 Q Now, following this initial contact and conversation,
3 Mr. Plant, did you have subsequent conversations with
4 Mr. Shay?

5 A Yes. He was, like, one big overall conversation with a
6 lot of little ones mixed in.

7 Q Like a running or an ongoing conversation?

8 A You could call it that. It was a running conversation,
9 and then there would be other conversations that he would
10 start-up and stop on, various subjects that might have been,
11 might have been or might not have been related to what we were
12 talking about.

13 Q And over when period of time did these conversations
14 continue, sir?

15 A Mostly over a few days, and over a week altogether.

16 Q And was there a particular topic or topics that you
17 discussed?

18 A Mostly, the bombing incident.

19 Q Now, who else if anyone was present during this kind of
20 continuing conversations, sir?

21 A During the bombing incident part of the conversation
22 nobody was present. He talked very quietly and very, very
23 seriously to me alone. When he would talk about other things,
24 more general, he would talk in front of anybody or everybody.

25 Q At any time during the conversation you had on this topic

1 of the Roslindale bombing, was there any other person who
2 listened in or participated?

3 A No.

4 Q Now, describe, sir, how could that conversation between
5 you and he occur within the facility as you described, an
6 orientation unit, without other people joining in?

7 A Well, like I said, I was laying in bed the first time,
8 and that's when a lot this took place, and I was in bed for a
9 few days because I was, I was not feeling well, for obvious
10 reasons. And he would come over and he would sit down. And
11 when he was sitting down, he would be from here to the end of
12 this thing away from me. And he would talk very quietly,
13 almost in a whisper, and he would be looking directly at me or
14 directly at the floor, and nobody else could here that unless
15 they came right up to the two of us and listened.

16 Q What if anything, Mr. Plant, did Mr. Shay tell you about
17 the Roslindale bombing?

18 A He told me that, he told me that they did it. He told me
19 how they did it and why they did it.

20 Q Tell me, as you best you recall, what he said or what
21 questions he responded to from you, as best you can give us,
22 kind of how it involved in a chronicle sequence of his
23 statements, if you're able to do that.

24 A Well, he began by telling me how I could protect myself
25 in population. He would explain to me how I could build a

1 bomb so that I would be out in population and I wouldn't have
2 to worry about people coming into my cell I, or I could put
3 one in somebody else's cell so as to hurt them by putting
4 gasoline or bleach into a light white bulb and screwing it
5 back and waiting for them to put a light on in the cell.

6 Then he went into talking about his abuse and how he
7 had been abused as a child and shipped around from DSS to
8 foster homes and to the Baird Center in Plymouth, and his
9 father, he had been abused by his father, and he would go on
10 with this and on with this. I told him I didn't want to hear
11 this, I had my own problems. He started to say he was
12 sexually abused. I said I don't really want to hear any of
13 this.

14 Then he got into -- when he started talking about the
15 Baird Center is when he started about how he promised himself
16 he would get even with his father for his childhood and for
17 the abuse that he took as a child.

18 I got interested in the conversation now because he
19 was talking much differently than he was talking when he was
20 saying he could buy an F 16 or he could buy a tank and that the
21 federal authorities were all his friends, and so on. Those
22 things I didn't put much stock in. But when his eyes swelled
23 up and he was close to tears and he was talking very seriously
24 and very slowly, I understood that to be the truth, or I took
25 it to be the truth.

1 Q When mentioned he mentioned the Baird Center, had you
2 ever heard of the Baird Center?

3 A No.

4 Q What did he tell the Baird Center was? Did he ever tell
5 you what it was?

6 A It was -- no.

7 Q What was the relevance the Baird Center in the
8 conversation, as you understood it?

9 A He knew that I had worked in Cohasset. And in working a
10 Cohasset, he asked me if I knew a certain person that worked
11 out of the gym that I worked at, and that's how he told me
12 that he was at the Baird Center because he said that this
13 person works at the Baird Center. And that's when the
14 conversation got into the abuse. And he said that down there
15 when he was in the Baird Center, the psychologists, priests,
16 or other people there abused him, and that his father wouldn't
17 take him out of there and, and he swore he would get his
18 father for that.

19 Q What else did he tell you as this conversation unfolded,
20 sir?

21 A He told me he had a friend, and he didn't name his
22 friend, he just said he had a friend who, when he was telling
23 his friend all this, they had a relationship and that his
24 friend had said, Well, I got a surprise for you. And after he
25 said it first he wouldn't tell him what the surprise was. And

1 after probing him sometime time, he told him the surprise was
2 that he knew how to and he was building a bomb, and if you
3 really did want to get even with his father that he would help
4 him.

5 He said after, after a short period of time, they
6 started building this bomb together. And they put it
7 together, and they brought it over to his father's house. He
8 put it up under the car, using magnets so it would stay up
9 under the car; that they the way the bomb was supposed to have
10 worked was that it was ignited by a radio frequency, equal to
11 that of the car radio.

12 Q Let ask you a question, at any point in the conversation,
13 here, did Mr. Shay mention the name of this friend?

14 A Yes, he did. After he got going in the conversation, by
15 now I was interested.

16 Q So initially he didn't mention any names?

17 A No.

18 Q When he did mention a name what name did he mention?

19 A Trenkler.

20 Q And are you sure that was the name?

21 A Yes, because I couldn't remember it. And the
22 conversation spanned a period time now. And every time I
23 brought this thing up, I would call him Tronkler or Transit or
24 something else, and he kept correcting me and telling me his
25 name.

1 Q Continue, sir, I'm sorry?

2 A They put it under the car. And he said that it was
3 supposed to be ignited by the radio frequency. His father all
4 always left the car radio on. When he would come out and turn
5 the car on, and he got really excited, then boom, the bomb
6 goes off, and that's that. He said that what happened, it
7 fell off the back of the car and fell to the ground. And his
8 father at some point noticed it and called the police. And
9 when the police came, when the officer looked under the car
10 and saw it, this is what he actually told me, that he went to
11 call on his shoulder radio and the bomb went off.

12 Q What if anything did Mr. Shay say during this
13 conversation about the fact of one bomb squad officer had been
14 killed and another one had been maimed?

15 A He got really excited about the one that got maimed. He
16 seemed in a kind of strange way happy about it. He said
17 something about his arm being blown off or his face being
18 blown up. And said it was their own fault, that they really
19 messed up, and they messed him up, and that what they got was
20 their own fault. He didn't talk a whole lot about the guy who
21 got killed, except to say it was his own fault.

22 Q At any time in the conversation, did Mr. Shay tell you
23 the reason or reasons why he and this other fellow did this
24 act?

25 A Yes.

1 Q What did he say?

2 A He had wanted to get even with his father, and it was a
3 passion of his to get even with his father, and that was his
4 side of what he wanted to do.

5 He also told me there was the money. He told me
6 there was a \$500,000 life insurance policy and that he had
7 told his friend about that and his friend wanted the money and
8 what Tommy wanted was to get even with his dad.

9 Q Did he make any statements concerning where they had
10 obtained any components or explosive material?

11 A Only that they had gotten, I think the explosives, from
12 the National Guard Armory in the North Shore.

13 Q At any point in this conversation, Mr. Plant, did
14 Mr. Shay mention his mother?

15 A No. Never.

16 Q What if anything did Mr. Shay say about where they had
17 discarded any of the leftover materials?

18 A This was, this was where he went into great deal. He had
19 said they taken it out into the ocean and dumped it at sea,
20 three miles out into the ocean. And that as long as he could
21 recover the parts to the bomb, that he had a deal with the
22 Government, that he would get a three-year prison sentence and
23 that would be all, he would be able to beat the case as long
24 as they didn't find out.

25 Q As long they didn't what?

1 A As long as they didn't find Trenkler.

2 Q What if anything did he say about that? Did he express
3 any concerns?

4 A He was afraid that they would find Alan.

5 Q Who are "they"?

6 A The federal authorities were going to find Alan. And he
7 was on the phone with his sister, and this was the only other
8 area that he was very secretive about, calling his sister.
9 Because he was telling me that she had contact with him, and
10 that as long as they didn't find Alan, that he would be able
11 to beat this case, and if they found Alan that they would know
12 everything about the case.

13 Q When Mr. Shay was talking out loud when the other inmates
14 appeared to be participating and listening in, as you
15 previously described, what was his demeanor?

16 A He was hyper. He was very excited. He would talk fast,
17 talk loud, and he would walk around. And he'd just, the more
18 he'd talk, the faster he would talk. And he wouldn't sit
19 down, he didn't talk soft, he didn't talk to one person.

20 Q And how if at all, Mr. Plant, did that demeanor change
21 when he was talking to you in this one on one setting about
22 the Roslindale bombing?

23 A He would sit, he would become quiet, then he would talk
24 softly, he would talk like he was trying to whisper to me, and
25 he would have emotion in his voice and in his face, something

1 completely opposite of what he had when he was talking to
2 everybody. When he was talking to everybody, he would giggle
3 a lot and he would smile, and always have the smile, and make
4 a lot of facial expressions. When he talked about the
5 incident and when he talked about his father and when he
6 talked about Alan, he would talk very softly, very seriously
7 and his eyes would even at points swell up. That's the real
8 reason I believed him.

9 Q At the time you began having these conversations with
10 Mr. Shay, as you described, what was the extent of your
11 knowledge about this Roslindale bombing, sir?

12 A I really had none. I had, I believe, heard about it when
13 it happened. But even at that it was passing. I didn't even
14 think I would have read any newspapers articles about it.

15 Q After hearing this information from Mr. Shay, what if
16 anything did you decide to do, Mr. Plant?

17 A I decided to tell the authorities.

18 Q And how soon after you had this conversation with him did
19 you do that?

20 A About a week.

21 Q Tell us what you did.

22 A I contacted the State Police and asked them if they would
23 want to talk to me about this. And they asked me why. I just
24 said because I want to tell you. And they came down, and I
25 told them. Subsequently they had other people that came and

1 talked to me.

2 Q And Mr. Plant, what was your reason for passing this
3 information on to the police?

4 A A lot of reasons. One, I've been a drug addict all my
5 life. And I've been trying to get clean for some time without
6 very much success up until this point. And I had decided at
7 that point that's what I needed to do. One of the things I
8 needed to do was to do what every other is supposed to do.
9 And if I truly was going to be citizen, then I had an
10 obligation to do this. And it was one of the first steps I
11 took towards recovery.

12 Q Mr. Plant, do you have any friends that are police
13 officers?

14 A Yes, I do.

15 Q And how if at all does that fact or did that fact affect
16 your reaction to what Mr. Shay was telling you?

17 A It played a major role. My friend Bill also,, he came
18 into the program of alcoholics anonymous the same time I did,
19 in the early '80s, and we became best friends. He's much
20 older than I am. He's a retired Boston police officer. When
21 Tommy would tell me this story, I could imagine my friend in
22 the position of Officer Hurley. And I can imagine his son
23 Bill and granddaughter and the times that we go out, and
24 saying, like, would I put up with somebody doing this to my
25 friend, no. And I decided not to put up with it doing to a

1 stranger, either.

2 Q What if any promises, rewards or inducements, Mr. Plant,
3 did you receive for coming forward initially?

4 A None.

5 Q Have you received any promotions, rewards, inducements of
6 any kind for testifying here, today?

7 A No, I haven't. My time actually got harder because of
8 this.

9 Q What does that mean, sir?

10 A Well, even though a secret grand jury is supposed to be
11 secret, word leaks out you've been to the grand jury. And I
12 was in jail at the time I went before the grand jury. And
13 when I went back to jail, word got out and there was a lot of
14 talk as to why I was before the grand jury. They didn't know
15 what case, they just knew I had been there. And, also, while
16 I was in jail, I got more time on more prescriptions that were
17 out there that they had retraced and found. And I took that
18 time rather than telling anybody that I was in here because at
19 that point I was somewhat fearful for my life, and I decided
20 to just keep it to myself and take the time the Court was
21 going to give me.

22 Q You mean, after you testified before the grand jury?

23 A Yes, February 12th, February 10, and February 17th, I
24 received a year in prison and nine months in prison,
25 respectively. I'm sure if I wanted to I could have used what

1 I had done to reduce my sentence or get no sentence, but I
2 decided not to.

3 Q How much longer, Mr. Plant, are you scheduled to be at
4 this residential facility you described?

5 A I have another four months commitment, closer to three
6 now. But I can stay as long as I feel necessary afterwards.

7 Q That's because it is a drug rehab center?

8 A Drug and alcohol rehab. I got sober in jail. And when I
9 got sober in jail, it took a while for them to believe in
10 that. Obviously, because everybody tries to say that they
11 are. And after they found out that I was, they got me
12 involved with a program, in which I went up and talked to
13 children around the community. And they saw that that was
14 honest and sincere, and finally they offered me this program.
15 And three said if you really are sincere and you want to keep
16 getting better, we have a contract with North Cottage in
17 Norton, and we would be more than willing to send you there,
18 but you're going to have to give back some of the time.
19 Because I was receiving seven-and-a-half days a month of good
20 time while I sat in prison, but I only received two-and-a-half
21 days while at North Cottage. So in reality, I'm extending my
22 sentence by going to North Cottage, but I needed to do this.

23 MR. KELLY: Nothing further.

24

25

1 Cross-examination by Ms. Gertner

2 Q Mr. Plant, this is not the first time you actually
3 cooperated with authorities; is that right?

4 A Right.

5 Q You were an informant for the, is it, the Quincy Police
6 Department?

7 A No, ma'am, I cooperated when I was arrested. Because
8 they, when I was arrested they said if you cooperate on this
9 case, that, you know, the time won't be any more than what is
10 necessary.

11 Q How much cooperation? Does that mean you set up other
12 people?

13 A No, I didn't.

14 Q Gave them information about other people?

15 A Told them what I thought they would want to hear to at
16 that time, which actually was nothing. Because what they
17 wanted to know, did I know pharmacists that were giving drugs
18 over the counter; did I know doctors who were giving
19 prescriptions, and I actually didn't. I did this thing alone
20 to support myself.

21 Q So you told them information that wasn't true?

22 A No. No. I thought that what they wanted to know about
23 was how I did what I did, so I told them how I did what I did.

24 Q You told them you did it on your own and nobody else was
25 involved?

1 A Right.

2 Q So you cooperated as soon as you were arrested, you
3 cooperated with the Quincy Police?

4 A Yes, but the cooperation didn't last, so I had nothing
5 for them. I wound up getting a prison sentence instead.

6 Q You also talked to Trooper Paul, is that, Demoral?

7 A Demore. That was all at the same time.

8 Q And someone at the Mass. State Police.

9 A Right, same thing. See, they didn't believe me.

10 Q Try to answer my question.

11 You cooperated with them, that was as soon as you
12 were arrested, right?

13 A Yes.

14 Q Did you do it again? Did you talk to them again after
15 you were arrested?

16 A They came to me and asked me more questions.

17 Q And you answered their questions?

18 A Yes.

19 Q Now, when you were -- you were not in a single cell with
20 Tom Shay, you were in a cell with other people; is that
21 right?

22 A Yes. Ma'am.

23 Q And you said that for two weeks, you and Mr. Shay were
24 housed in the same room?

25 A No, for just a few days we were housed in the same room.

1 Q Okay. And then when you moved to the jail side, it was
2 more sporadic and you would occasionally see him?

3 A Right.

4 Q And his introductory comments to you, the way he
5 introduced himself, was that he came over to you, and he
6 said: Do you know me, or words to that effect?

7 A He just said, I'm boom-boom. That was his first words.

8 Q He said, I'm boom-boom?

9 A Right.

10 Q Was there anyone around when he said this?

11 A No.

12 Q And he said words, to the effect, you have to know me, or
13 something like that?

14 A He said, my name is Shay, you have to know me.

15 Q And you said, I don't know who you are, or words to that
16 effect?

17 A I said, I don't want to know who you are.

18 Q Okay. And he said, I'm the one who killed the cop; is
19 that right?

20 A Yes, ma'am.

21 Q Now, this was in October of 1992?

22 A Yes.

23 Q So, at that time, sir, you said that you didn't know
24 about any of the publicity surrounding the Roslindale bombing?

25 A Not really.

1 Q Okay. And he said, he seemed to get upset that you
2 didn't know who he was; isn't that right?

3 A Yes.

4 Q And then he says, I'm the one who killed the Boston cop,
5 again; is that right?

6 A No. He just said it one time.

7 Q He just said it once.

8 And it's fair to say that he began to sort of rant
9 and rave in a quiet sort of way; is that right?

10 A I wouldn't call it ranting and raving. When he would
11 rant and rave, he would talk not about the incident or about
12 the cops or about his father, he would talk about selling and
13 buying tanks and going out to the ocean for a swim to get the
14 bomb components, and so on.

15 Q Wait a second. You said --

16 By the way, by the time Mr. Shay said "boom-boom" to
17 you, it's fair to say there was already word around the prison
18 that the man accused of bombing the -- the man accused of the
19 Roslindale bombing was in the prison; is that right?

20 A Yes.

21 Q You said, I think I know who you and I don't want to talk
22 to you; is that right?

23 A Best I can recall, yes. That's right.

24 Q And then he started talking to you, even though you told
25 him you didn't want to talk to him, right?

1 A Yes.

2 Q And is it fair to say that he just ranted and raved in a
3 quiet kind of way about himself; is that right?

4 A If I said ranting and raving before, I don't recall
5 saying it. Okay.

6 Q I'll show you page 18 of your grand jury minutes, the
7 December 3rd, 1992, page 18, line 21.

8 You characterized the way he was talking as ranting
9 and raving, is that right, line 21.

10 MR. KELLY: Your Honor, I would just ask the full way
11 that he characterized be read again, not be cut off. I think
12 she read it properly the first two times.

13 MS. GERTNER: Thank you.

14 A It says he started talking to me, he pretty much ranted
15 and raved. Anyway.

16 Q Pretty much ranted and raved in a quiet kind of way
17 about, you know, about himself. He talked about himself a
18 lot, his childhood, his father, and friends, and the police,
19 and the Feds; is that right?

20 A Yes, ma'am.

21 Q And he told you, he told you that he knew how to buy
22 tanks and planes; is that right?

23 A Yes.

24 Q He knew he could buy and sell tanks and planes?

25 A Yes.

1 Q Right?

2 A That would be when he was talking to everybody.

3 Q I see.

4 When he was -- and he introduced himself as boom-boom
5 just to you or to everyone else at the orientation unit?

6 A Just to me at that time.

7 Q At some point in your two weeks that you were there, did
8 he start asking people to call him boom-boom in the jail,
9 generally?

10 A I don't know.

11 Q And do you know whether or not he talked to other people
12 about the whether he had killed a cop?

13 A I don't know.

14 Q You only knew that he talked to you, right, you don't
15 know who else he talked to?

16 A Right, I minded my own business.

17 Q Okay.

18 A See, I didn't go to him. I lay in my bed, and he came to
19 me.

20 Q But when he talks to you about tanks and planes that he
21 had bought and sold; is that right?

22 A Yes.

23 Q And he told you that he knew how to build a bomb, right?

24 A Yes.

25 Q And in fact, he advised how to build a bomb so that you

1 could protect yourself in population, right?

2 A Yes.

3 Q He told you that you use a light bulb, to put gasoline in
4 a light bulb and screw it back in again; is that right?

5 A Yes.

6 Q He told you, then, he began to talk a little bit more
7 about his father; is that right?

8 A At some point he did.

9 Q Now, when he was he was talking about buying and selling
10 tanks and making a bomb, is that the kind of thing he said
11 just to you or did you overhear him say this to other people?

12 A That was the kind of thing he said to everybody.

13 Q Everybody. And he then talked about, then he talked
14 about this abuse and he talked about being in the DYS, DSS; is
15 that right?

16 A Yes, ma'am.

17 Q He talked about priests and psychologists sexually
18 abusing him?

19 A Yes.

20 Q And then he talked about a kid who became his friend; is
21 that right?

22 A Yes.

23 Q And he suggested to you that this kid he had become very
24 close friends; is that right?

25 A He didn't say they had become very close friends, as I

1 remember. I just remember he had some sort of relationship
2 with this person.

3 Q He said this person came to him and said, I have a
4 surprise for him, or words to that effect?

5 A Yes.

6 Q And his friend told him he was building a bomb or knew he
7 could build a bomb?

8 A Yes.

9 Q And this was all, this was the conversation just to you,
10 or is this a conversation to everybody present?

11 A That's just to me.

12 Q He told you that his friend was not around, right?

13 A Yes, ma'am.

14 Q He told you that his friend had fled?

15 A He was hiding.

16 Q In October of '92, he said that his friend was hiding; is
17 that correct?

18 A Yes.

19 Q And that in fact he was talking to the Feds, to get to
20 talk to the Feds before his friend would, right?

21 A He was talking to the Feds because he said that he knew
22 where the bomb parts were.

23 Q Right.

24 A And that if he was able to take them out, he kept saying
25 every morning that he was going for boat rides with the Feds.

1 If he could take them out in the ocean and if was successful
2 in finding the bomb parts, that he would only get a three-year
3 sentence.

4 Q He told you that his friend, the person you found out
5 later on, was Alfred Trenkler, had -- was hiding from the
6 Feds, right?

7 A Yes.

8 Q That in the fall of '92, the Feds had not been able to
9 find Alfred Trenkler, right?

10 A He really didn't say that. All he said was that
11 basically he was talking through his sister to him, and he was
12 hoping that they didn't get to him before he made his deal.

13 Q But getting to him, did he say that Trenkler was not
14 around, that he was, that they wanted, that he was hiding, he
15 fled?

16 A I don't recall.

17 I think if, and I could be wrong, that he did say he
18 was hiding in California.

19 Q Right.

20 And then he said that he built the bomb with
21 Trenkler, he and Trenkler together, right?

22 A He said he helped him.

23 Q He helped him. And then he said that he brought it to
24 where his father was, right?

25 A Yes.

1 Q And put it on the car, right?

2 A Yes, ma'am.

3 Q And that the car -- that the gas tank was triggered by a
4 radio frequency as soon as you turn the car on, right?

5 A That the bomb was triggered, yes.

6 Q Right.

7 So that when his father came out and turned on the
8 car, the radio would go, the bomb would go off, right?

9 A Could you repeat that?

10 Q As soon as his father turned the radio on, the bomb would
11 go off; is that right?

12 A Yes.

13 Q And then he said, and then the more he began to talk to
14 you about the details of this, the more excited he got?

15 A When he was talking about the bomb itself and about the
16 abuse and so on, he didn't get real excited, he got, he almost
17 seemed to get angry. But he got excited when he talked about
18 the cop dying and the other cop getting maimed, yes.

19 Q He said the cop really did it to himself, and he giggled;
20 is that right?

21 A Yes.

22 Q And he said that the reason that Trenkler did this was
23 because there was a life insurance policy; is that right?

24 A Yes, ma'am.

25 Q And that his father had taken out a life insurance policy

1 on himself, on his father?

2 A Right.

3 Q And that Tommy would get the money if the father died,
4 did he say that to you?

5 A I don't -- all I remember him saying words that, that
6 Trenkler would could have his share. What he motive was to
7 get even with his dad.

8 Q Right. He was saying to you that Trenkler would have Tom
9 Shay, Jr.'s, share of his father's life insurance policy; is
10 that right?

11 A Yes, ma'am.

12 Q And did he tell you how it could be that -- well, did he
13 describe his relationship with his father at all?

14 A As abusive. He said that his father, not only did his
15 father give him away, put him in the care of the DYS and put
16 him in the Baird Center, and so on, his father also not only
17 didn't do anything about the abuse when he was told about the
18 abuse, that contributed to it.

19 Q Did he tell you that that abuse had gone on in 1991?

20 A No.

21 Q He said that the abuse had occurred when he was in child,
22 right?

23 A Yes.

24 Q Did he mention anything about a lawsuit having to do with
25 the Dedham Service Center?

1 A No.

2 Q And did he tell you about his role in that lawsuit or
3 anything?

4 A No.

5 Q Did he mention Berry or Giamarco, or anything like that?

6 A No.

7 Q Did he tell you that his father had looked for him to get
8 him to come back to Boston and in September of '91, or
9 anything like that?

10 A No.

11 Q And did he mention to you that his father had taken him
12 out to the dog track and had given him money, or words to that
13 effect?

14 A No.

15 Q He only talked about the abuse that had occurred some,
16 what,, 15 years before when he was a child, right?

17 A Yes.

18 Q And he only talked about life insurance policy; is that
19 right?

20 A Right. He said that there was about a half million
21 dollars, and he didn't say it was specifically a half a
22 million. He said it was about a half million dollars, that he
23 stood to gain from the life insurance policy that his dad had.

24 Q Did he brag to you about the numbers -- the members of
25 the press that he knew?

1 A Yes.

2 Q And did he tell you that he had been telling members of
3 the press about all this, too?

4 A Well, he didn't say he was telling members of the press,
5 but he spoke of one instance.

6 Q And what instance was that?

7 A Interview with Channel 56.

8 Q And he was telling you about how he was going to be
9 interviewed with Channel 56 or had been interviewed?

10 A Had been interviewed. He was waiting for it to be on
11 television.

12 Q He that he had told the Channel 56 people all the things
13 he was telling you, right?

14 A I don't know because it was never on television.

15 Q I'm sorry. Did he tell you that he said the same things
16 to this reporter that he was saying to you?

17 A No.

18 Q Did he seem excited that he was going to be on
19 Channel 56?

20 A Yes.

21 Q And did he talk about all the other articles that had
22 been written about him?

23 A No. He seemed -- the only things that seemed to excite
24 him was making a deal with the federal authorities.

25 Q Okay. Now he talked about the federal authorities. Did

1 he mention Mr. Kelly, in particular?

2 A No.

3 Q And it was your -- he led you to believe that everyday he
4 was talking to the federal authorities?

5 A Well, he would go over to the pay phone. Understand,
6 this is a small room, and the pay phone would be from me to
7 that woman over there, away. And he would have a business
8 card in his hand, and he would be openly calling whoever was
9 on that on that business card, and saying this was part of his
10 deal and he was going to be doing this. And in jail that's
11 not a very healthy thing to do.

12 Q He would be getting on the phone, and the business card
13 would be a card that had Mr. Kelly's name on it?

14 A I don't know.

15 Q Or have -- did he do something that led you to believe or
16 did he say something to conclude that that card was the card
17 of Special Agent Kerr or Mr. Libby?

18 A He did nothing to make me think anything about what was
19 on the business card, except when he was making the calls, he
20 only called two sets of people, his sister and the federal
21 authorities.

22 Q But how did you know that it was the federal authorities?

23 A Because he would come back from the phone, and he would
24 say I'm going out on the boat tomorrow.

25 Q Okay. And he would brag that he was talking to the

1 federal authorities?

2 A I wouldn't call it bragging.

3 Q You would say this rather openly to all the other
4 prisoners there, right?

5 A Yes.

6 Q And that is certainly, to say the least, unusual, right?

7 A Yes, it is.

8 Q Because you don't in jail brag about talking to the
9 authorities, right?

10 A Right.

11 Q And in fact, if you brag about anything in jail,
12 sometimes you might brag about the crimes you've done, right?

13 A Yes, you do.

14 Q And he was bragging about the crimes that he did, right?

15 A He was bragging about being able to acquire a tank or an
16 F 16 fighter jet or any amount of arms that anybody would want
17 and, he would get listeners for it, and he liked that.

18 Q Okay. And in addition to talking about, he would talk
19 about dealing with the federal authorities, and he would say
20 that if he can't -- if the federal authorities would take him
21 in a boat -- and let me see if I've got this right -- the
22 federal authorities would take him in a boat everyday to look
23 for what?

24 A To look for the parts of the bomb, either. I don't
25 understand exactly what parts of the bomb, just the parts of

1 the bomb. As soon as they found those and were able to dig
2 them up, that he would have his three-year deal.

3 Q Okay. Did he tell you where these boats trips were?

4 A No, he just said it was three miles out in the ocean.

5 Q Okay. And was he in fact physically in the jail every
6 day or did he really go somewhere, as far as you knew?

7 A After we left the orientation unit, I obviously didn't
8 keep much tabs on him.

9 Q But he told you every day he was going out with the
10 federal authorities in a boat looking for the bomb fragments
11 in the ocean, right?

12 A Right, he didn't say every day. For a couple of days,
13 that's what he would come back saying he was going to be doing
14 the next day.

15 Q Okay. Once they found these bombing fragments, he would
16 say get a three-year deal?

17 A Yes.

18 Q He said he also told the federal authorities he had
19 gotten the explosives from the National Guard in the North
20 Shore?

21 A Yes.

22 Q Did he tell you at all how he happened to break into the
23 National Guard on North Shore?

24 A No.

25 Q Was it with a tank or an F 16?

1 A No.

2 Q Now, you also testified that he said that he talked about
3 putting the bomb together with his friend Trenkler.

4 Right?

5 A I'm sorry?

6 Q He said that he and Trenkler put the bomb together right?

7 A He said he helped him, yes.

8 Q And that he and Trenkler also went to physically put the
9 bomb under the car, right?

10 A Yes.

11 Q Did he tell you anything about Trenkler?

12 A Just that he knew how to build a bomb.

13 Q He told you that Trenkler was the person who knew all
14 about C 4 explosives, right?

15 A He just said C 4. I think that had to do, if I remember
16 correctly, that had to do with how he stole it or bought it or
17 whatever. He said he's the one that knew how to get the C 4
18 or got the C 4.

19 Q Did he tell you that C 4 was the kind of explosive that
20 was in the bomb?

21 A No, he just said he knew how to get it or whatever. It's
22 in that transcript.

23 Q By the way, did he tell you with which sister he was
24 talking to?

25 A No, if he did, I don't remember it.

1 Q Okay. And he told you not only were the Feds taking him
2 regularly on these little trips at sea, but they were also --
3 he was going to take them to where the rest of the explosives
4 were; is that right?

5 A I don't recall. I don't remember that.

6 Q Did he tell you that he knew where the rest of the supply
7 of the explosives were?

8 A I don't recall that either.

9 Q Did he tell you that they were dumped at sea?

10 A He just said parts of the bomb were, yes:

11 Q Well, do you recall, just to refresh your recollection,
12 on page 28 of your grand jury testimony, that he says, he knew
13 where the rest of the supplies of explosives were and where
14 they were dumped at sea, and they were dumped in the sea, and
15 all he had to do was to prove to the Feds that he had done
16 this and that; in fact, they were going to nail Trenkler for
17 the bomb and he would get three years and walk?

18 A Okay.

19 Q Is that right?

20 A If that's what's there, that's accurate.

21 Q So that not only was he saying they were taking him to
22 these little boats trips to find the parts of the bomb, but he
23 could also point out to them where the rest of the explosives
24 were, right?

25 A Yes. But you say it in an animated way, like, you would

1 think he would say it in public. He didn't say it like.

2 Q He said it in a quiet way?

3 A Yes.

4 Q This was one -- there were times that he spoke quietly,
5 and his eyes teared and there were times that he ranted and
6 raved openly, right?

7 A Yes.

8 Q And when he talked about the Feds, though, he was
9 bragging, right?

10 A On a few issues, not taking him out in a boat. He
11 wouldn't go around the unit and tell everybody about that. He
12 would you tell them, like I said before, the planes and tanks
13 and so on.

14 Q It was fairly -- he made no effort, as you said, I
15 believe a moment ago [[?

16 A To conceal.

17 Q -- to hide he was dealing with the federal authorities,
18 right?

19 A Correct.

20 Q And you're saying that you watched him go from being very
21 animated and walking around and talking fast to being quiet
22 and calm, right?

23 A Sure, because I was worried about myself. I'm locked in
24 this unit with this person, and he goes from this end to this
25 end, and I had no choice but to be there.

1 Q You thought he was crazy?

2 A No, I just didn't know what he was.

3 Q You didn't know what he was capable of doing?

4 A No, I didn't know what anybody there was capable of
5 doing, I just got there.

6 Q But he was behaving in an unusual fashion?

7 A Well, I didn't know why all of a sudden he picked me to
8 be his friend.

9 Q How many other people were in the orientation unit?

10 A Close to 20, I think we were full at the time.

11 Q Okay. And you were the only person he singled out to
12 talk to?

13 A About this specific detail, yes, sir.

14 Q You don't know whether he was talking to anybody else in
15 the same way, tearful, about his father, you don't know that?

16 A Well, he didn't talk to anybody else privately. He would
17 come over and sit beside my bed, with a pad of paper, and he'd
18 be about a foot away from my face, that I remember pretty
19 distinctly, as you would, if you were there and not knowing
20 who this person was. And I would watch to see if he did this
21 with other people so I would know whether I was the one being
22 singled out or there were other people, not for the reasons
23 we're here for today, but for other reasons when you're in
24 jail, you have to walk watch out for yourself.

25 Q How long were you in the orientation unit?

1 A I was in there for two weeks.

2 Q And he was in there the whole time?

3 A No. No, he was only in there for, I think, three or four
4 days. I'm not even sure I'm accurate on this.

5 Q You don't know whether or not when he was in another part
6 of the jail he singled out some other person to have a tearful
7 conversation about his father; you don't know that?

8 A No.

9 Q And you told him you didn't want to hear this because he
10 was a really sick person, right? You thought he was a really
11 sick person?

12 A I don't think that I told him I thought he was a really
13 sick person, but I thought he was a really sick person. The
14 way he got excited killing a person, yes, I thought was a
15 really sick person.

16 Q And getting excited about having tanks and weapons; is
17 that right? He would also get excited about that, right?

18 A He would get excited about it, but I didn't think that
19 was why he was sick. I only thought he was sick because of
20 the way that he got excited about killing somebody.

21 Q How long had you been in jail at this time?

22 A By Tuesday, probably a week.

23 Q That was your first encounter with -- that was your first
24 time you were incarcerated?

25 A No.

1 Q You had been incarcerated before?

2 A In April of '92 for three months.

3 Q Okay. And on other occasion, you had found that
4 prisoners sometimes take the crimes they are in for and wear
5 it like a badge?

6 A It gains them a toughness in jail if they can say that
7 they had done something and they have done it.

8 Q And in some settings, people might get, from your
9 experience, might get some support for having, for claiming
10 that they had killed somebody, right?

11 A In some settings, not in Tommy's, because the reason he
12 was brought to the OEU was because he couldn't stay in
13 population because people didn't respect him out there, and
14 they brought him in there to protect him.

15 Q It is your opinion?

16 A No, that's what happened.

17 Q This is your opinion?

18 MR. KELLY: She asked the question, your Honor.

19 MS. GERTNER: No.

20 MR. KELLY: She said, in his experience.

21 THE COURT: The question has been put and the answer
22 was given, we will go on to something else.

23 Q People in jail, in your experience, not Tommy, in
24 particular, the people in jail brag about their crimes?

25 MR. KELLY: I object.

1 THE COURT: That one we've already done.

2 Q Have you run into anyone before who at least claimed that
3 they had killed a police officer?

4 A No.

5 Q Had you run into anyone who bragged to the other inmates
6 about killing a police officer?

7 A No.

8 Q But you had run into people who bragged about their
9 crimes, right?

10 A Yes.

11 Q Did he tell you that the federal authorities believed him
12 or were working with him closely?

13 A I think he said that they would not believe him, were
14 working with him closely, but never spoke about whether they
15 believed him or not.

16 Q He said that he doesn't want to let the Feds get to
17 Trenkler because Trenkler -- because then they will know
18 everything, or words to that effect?

19 A Yes, ma'am.

20 Q So he was going to cooperate fully with the Feds; isn't
21 that right?

22 A Yes, ma'am.

23 Q He led you to believe that he was cooperating fully with
24 the Feds, right?

25 A Yes.

1 Q And now when he talked about his -- did he have his
2 clippings with him, by the way?

3 A No.

4 Q He didn't show you clippings of the newspaper with him?

5 A No.

6 Q And did you know whether or not the newspaper had
7 reported any of the details of the investigation as it was
8 known in October of '92?

9 A No, I didn't.

10 Q So you couldn't have known whether he was regurgitating
11 the facts he had read, you didn't know any of that?

12 A Right.

13 MS. GERTNER: No further questions.

14 THE COURT: You don't have any?

15 MR. KELLY: No, your Honor.

16 THE COURT: Thank you, Mr. Plant, you are excused.

17 We will take the morning recess.

18 [Whereupon, the jury was excused.]

19 THE COURT: Court is in recess.

20 [Recess.]

21 THE CLERK: All rise.

22 [Whereupon, the jury entered the courtroom.]

23 THE COURT: Please be seated.

24 THE COURT: Who is next?

25 MR. KELLY: Your Honor, the United States calls