



U.S. Department of Justice

*United States Attorney
District of Massachusetts*

*1107 J.W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109*

May 4, 1992

Express Mail

William C. McPhee, Esquire
21 McGrath Highway, Suite 403
P.O. Box 229
Quincy, MA 02269

Re: Thomas Shay

Dear Bill:

For your benefit, I am sending along three(3) excerpted grand jury transcripts from the ongoing investigation into the facts and circumstances surrounding the Roslindale bombing. I have deleted references to the witnesses names and the dates of their testimony. At this point, I prefer to attempt to keep the identities of the witnesses confidential.

It should be evident to you after reading the transcripts just how these persons fit into the investigation. Please understand that the enclosed material represents only a very small portion of the evidence against Mr. Shay. As you are perhaps aware, in excess of 50 witnesses have testified before the grand jury thus far. Many of those witnesses have incriminated your client.

There is ample evidence in the record now to indict and convict Mr. Shay for his role in this tragic incident. I am, however, reluctant to take that step without also charging his confederates. I know he did not act alone. Another person (likely with an electronics background) either built the bomb, or provided detailed instructions to others on what to purchase, and how to assemble it. Someone else is also responsible for supplying the explosive material that was used. We believe we know the identities of the responsible parties, but quite frankly, securing a conviction against them would be a tall order at this point.

I would hope that Mr. Shay does not want to "take the fall" alone. However, that is likely what will happen unless additional evidence is uncovered against his co-conspirators fairly soon.

Here's the deal...Mr. Shay essentially has two (2) options at this point: (1) he can sit tight, and eventually get indicted for the murder of Officer Jeremiah Hurley alone or (if further evidence develops) with others; or (2) through you, he can step forward now and offer me a truthful and accurate proffer concerning his role and the role of others. If he sits tight, and later is indicted and convicted, we will, at a minimum, seek a non-parolable life sentence at FCI-Leavenworth. If, on the other hand, he agrees to a truthful proffer, I offer the following (so long as his information is truthful, complete and subject to corroboration):

- A. Exposure to a federal prison term of no more than 10-20 years (depending upon the value of his information);
- B. Consideration as to the location (and prison level) where the sentence will be served;
- C. Assistance with any and all pending charges.


This is a serious proposal, and (to the extent possible) should be considered very seriously by Mr. Shay. This offer is open to Mr. Shay only until Friday, May 15. Time is of the essence. If you and he are interested, I will schedule an initial proffer session with ATF Special Agent Jeff Kerr and me only. I may be reached at (617) 223-9280 (new number), or on my pager, 430-1682.

For the sake of justice, I hope to hear from you. Good luck with your client.

Very truly yours,

A. JOHN PAPPALARDO
United States Attorney

By:



PAUL V. KELLY
Assistant U.S. Attorney

Enclosures