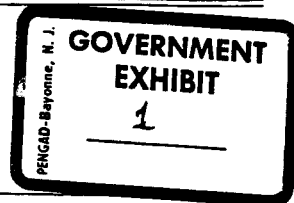


United States District Court

DISTRICT OF Massachusetts



UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Thomas A. Shay

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 5, 1992 in Suffolk county, in the _____ District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

through the use of the telephone, willfully make a threat and maliciously convey false information knowing the same to be false, concerning an attempt to intimidate an individual by means of explosive.

in violation of Title 18 United States Code, Section(s) 844(e)

I further state that I am a(n) Special Agent, BATF and that this complaint is based on the following facts:
Official Title

See Affidavit attached.

Continued on the attached sheet and made a part hereof: Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

September 18, 1992
Date

at Boston, MA
City and State

Robert B. Collings, U.S. Mag. Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

Boston, MA
September 18, 1992

I, THOMAS E. D'AMBROSIO, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Bureau of Alcohol, Tobacco and Firearms of the U.S. Department of Treasury and have been so employed for sixteen (16) years. I am presently assigned to the Boston Field office of the ATF.
2. This affidavit is submitted in support of a criminal complaint filed against Thomas A. Shay (DOB: 11/3/71) for violation of 18 U.S.C. §844(e), to wit, telephonic communication of bomb threat. The matters set forth herein are based upon information related to me by law enforcement officers assigned to this matter and my review of official reports issued in this regard.
3. At approximately 4:45 p.m., April 5, 1992, one Patricia Coyle of Brighton, Massachusetts received a telephone call at her residential telephone. On Ms. Coyle's answering, an AT&T operator asked if she would accept a collect call from Thomas Shay. Before Ms. Coyle could respond, the caller spoke over the operator, stating "there is bomb, there is a bomb, there is a bomb in the apartment"; the caller then hung up.
4. The operator overheard this statement and then checked the origin of the call, determining it to have originated from a telephone located within the Medical Unit of the Nashua Street Jail.

Thomas E. D'Ambrosio

5. The operator reported to the Boston Police Department that, the operator had called the telephone number assigned to the Medical Unit telephone and spoke to an inmate (hereinafter referred to as "W-1"). The operator inquired of W-1 as to whether that telephone on which they were then speaking was in fact located within the Medical Unit of the Nashua Street Jail. W-1 responded that it was.
6. W-1 has informed law enforcement officials assigned to this matter that at approximately 4:45 p.m., April 5, 1992, W-1 observed Thomas Shay to have been on the Medical Unit telephone for approximately one minute, whereupon Shay hung up and walked a short distance away.
7. W-1 has further informed law enforcement officers that shortly thereafter, the Medical Unit telephone rang; although Shay was a short distance away from the telephone, Shay made no effort to answer the telephone. At this point W-1 approached the telephone and answered it.
8. On answering the telephone, W-1 spoke with the above-referenced AT&T operator who inquired whether the telephone on which they were speaking was located within the Nashua Street Jail Medical Unit. W-1 responded that it was.
9. After W-1 finished his conversation with the operator, W-1 observed Shay go to the phone and, using his uniform shirt, wipe the phone clean.
10. In addition to the foregoing, law enforcement officers assigned to this matter have spoken with Corrections Officer John Rubino. Officer Rubino has stated that at approximately 4:45 p.m. on April 5, 1992, Rubino observed Shay using the Medical Unit telephone.

11. Shortly after the above events took place, Nashua Street Jail officials were contacted by Boston Police Department officers and were advised of the foregoing telephonic bomb threat. Immediately thereafter, Nashua Street Jail officials restricted Shay's access to telephones.

THOMAS E. D'AMBROSIO
Special Agent
Bureau of Alcohol, Tobacco and
Firearms

Sworn and subscribed to before me and in my presence in
Boston, Massachusetts this 18th day of September, 1992.

ROBERT B. COLLINGS
U.S. Magistrate Judge