

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 )  
 v. )  
 )  
 THOMAS A. SHAY )

CRIMINAL NO. 92-10396-Z

MOTION FOR FURTHER DISCOVERY

Defendant Thomas Shay, Jr. moves this Court for further discovery pursuant to Rule 16, Fed. R. Crim Pro. as follows:

I. Scientific Experiments

a. Results from the materials taken from "swabbing" the hands of Thomas Shay, Sr. after the explosion on October 28, 1991;

b. Results of evaluation performed on certain equipment obtained from Radio Shack, pertaining to materials listed on a sales slip dated October 18, 1991, under the name of "Sahy";

c. Results of a "personality assessment" of Thomas Shay, Jr. sent to S/A Horbert of the ATF, along with certain videos, newsclips and ATF reports.

d. Results of the evaluation conducted by ATF Behavior Science Arson Profiler Gus Cary on or about October 30, 1991.

e. Results of scientific tests performed on or about January 31, 1992 at the home of Josephine Wallace, 7 Whitelawn Avenue, Milton;

f. Results of scientific tests performed at the home or cars owned by Thomas Shay Sr.

g. With respect to each of the reports outlined in a) - f) above: the procedures followed for each test or experiment performed; any and all laboratory worksheets relating to the test; the procedures followed for each comparative test performed on any and all materials, objects or property seized or obtained in connection with this case; worksheets relating to any tests or comparisons performed;

## II. Physical and documentary evidence

a) Any audio tapes or reports with regard to the efforts of Thomas Shay Sr. to report a possible explosive device to the Boston Police Department, prior to the explosion on October 28, 1991.

b) All reports concerned with efforts to corroborate information given to the Boston Police by the defendant after defendant's proffer agreement of October 6, 1992.

c) Unexpurgated reports from the Bureau of Alcohol, Tobacco and Firearms. <sup>1</sup>

## III. Government Witnesses Who Will Not be Witnesses at Trial:<sup>2</sup>

a) Any and all reports which contain memoranda of interviews of and grand jury testimony of individuals who will not be called as witnesses at trial, and who have been

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<sup>1</sup> While the defendant has received what appears to be all of the ATF reports, various information, including the dates on which the reports were made and other information, has been blacked out.

<sup>2</sup> Defendant Shay adopts the legal arguments in defendant Trenkler's Motion for the Production of Government Interview Reports and Grand Jury Testimony of Individuals Who Will Not Be Witnesses At Trial.

interviewed or who have testified as part of the investigation of the above-titled indictment.

IV. Government Trial Witnesses<sup>3</sup>

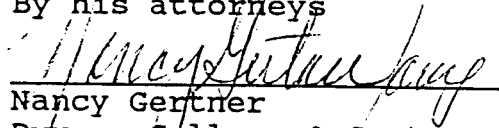
a. Names and addresses of witnesses whom the government intends to call at trial.

V. Advance Jencks Act Material

Defendant moves this Court to order the Government to provide the defendant with an adequate opportunity to examine and utilize any and all material turned over to the defense pursuant to the Jencks Act, 18 U.S.C. section 3500. Specifically, the defendant moves for an order that the government turn over Jencks Act material with respect to witnesses it plans to use at trial at least two weeks prior to commencement of trial.

Respectfully submitted,

THOMAS A. SHAY  
By his attorneys

  
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Dated: March 2, 1993

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney or record for each other party  
~~by mail~~ (by hand) on 3/2/93

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<sup>3</sup>Defendant Shay adopts the legal arguments put forth in defendant Trenkler's Motion for A List of Government Witnesses.