

## BOSTON HERALD

PATRICK J. PURCELL, Publisher  
MARTIN DUNN, Editor

ALAN S. EISNER,  
Managing Editor

JEFF JACOBY, Chief Editorial Writer

RACHELLE COHEN,  
Editorial Page Editor

# Tilting justice's scales

U.S. District Court Judge Rya Zobel seems hell-bent on keeping Thomas A. Shay Jr. from spending the rest of his life behind bars. Shay is the sterling fellow federal officials believe attached a bomb to the underside of his father's car 20 months ago. The bomb, which exploded, killed a Boston police officer, Jeremiah Hurley, and permanently disabled and maimed Officer Francis Foley.

Zobel has already bent over backwards for Shay, allowing him not one, not two, but *three* court-appointed attorneys. Defendants unable to retain counsel are generally assigned one court appointed lawyer at the standard rate of \$60 per hour for in-court time and \$40 for out-of-court time.

Shay's gaggle of defenders — one of whom costs \$200 per hour for all court time — duns the state a grand total of \$335 an hour. Zobel's coddling of Shay is not just unusual; it's costly.

Federal attorneys have filed a motion challenging Shay's right to three lawyers at taxpayer expense. But Zobel has yet to rule on that.

Instead, this week she further undermined the government's case by ruling inadmissible the testimony of Dwayne Armbrister, a Radio

Shack clerk, who has said that 10 days before the explosion he sold Shay components found in the bomb.

Because of Zobel's ruling, a jury will not hear Armbrister testify that on Oct. 18, 1991, a customer walked into the Radio Shack store across the street from the Christian Science Monitor at 2:30 p.m. and bought a toggle switch, an AA battery holder, and a small lamp capable of testing circuitry.

A jury will not hear Armbrister read the name on the receipt this customer signed: "Sahy" — potentially "Shay" with the two middle letters transposed. Or hear him repeat the last four digits of the customer's phone number — Shay's father's phone number, again with two digits transposed.

A jury will not hear Armbrister explain why he didn't immediately identify Shay when shown his picture by authorities; but how when he did make the identification, he was positive the man he waited on was Shay.

Zobel's exclusion of evidence that a jury should have the right to hear, and her special treatment of Thomas Shay, are not justice.

A courtroom is supposed to be an even playing field. Zobel's courtroom seems rather dangerously tilted.