

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

THOMAS A. SHAY)

CRIMINAL NO. 92-10396-Z

MOTION TO SUPPRESS ADDRESS BOOK

Defendant moves this Court to suppress an address book, which was among the items taken from Thomas A. Shay ("Shay, Jr.") incident to his arrest on October 31, 1991.

Defendant cites as his reasons therefor the following:

1. Shay Jr.'s arrest was pretextual, and violative of the Fourth Amendment to the Constitution.

A. As established by previous hearings (on other motions to suppress statements), the Boston Homicide Unit never executes default warrants for other state courts.

B. The only reason they did so in the case of Thomas Shay was in order to arrest him and take him into custody. Their only purpose in arresting Shay was to gain access to him so as to question him concerning the above entitled charges, and to search him.

2. Since the police had no probable cause to arrest or to search, such an arrest and search was pretextual.

3. An address book was taken from the defendant along with other personal effects ostensibly as part of an inventory.

4. Evidence gathered as a result of an illegal, pretextual arrest is illegally obtained and therefore should be suppressed.

Respectfully submitted,

THOMAS A. SHAY
By his attorneys

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Dated: June 24, 1993

CERTIFICATE OF SERVICE

I, Amy Baron-Evans, hereby certify that on this 24th day of June, 1993, a copy of the foregoing document was mailed, first class, postage prepaid to the all counsel of record:

Amy Baron-Evans
Amy Baron-Evans