

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

THOMAS A. SHAY and)
ALFRED W. TRENKLER)

) CRIMINAL NO. 92-10369-Z

) VIOLATION:

) 18 U.S.C. §371 - Conspiracy;

) 18 U.S.C. §844(d) - Receipt Of
) Explosives In Interstate
) Commerce Resulting In Death
) And Injury To Public Safety
) Officers;

) 18 U.S.C. §844(i) - Attempted
) Malicious Destruction Of
) Property Used In And
) Affecting Interstate Commerce,
) By Means Of Fire And Explosive,
) Resulting In Death And
) Injury To Public Safety
) Officers;

) 18 U.S.C. §2 - Aiding And
) Abetting.

SUPERSEDING INDICTMENT

COUNT ONE: (18 U.S.C. §371 - Conspiracy)

The Grand Jury charges that:

In or about September and October, 1991, at Boston, Quincy
and elsewhere in the District of Massachusetts,

THOMAS A. SHAY and
ALFRED W. TRENKLER

defendants herein, did knowingly and willfully combine, conspire
and agree with one another to commit certain offenses against the
United States, to wit: (1) receipt of explosives in interstate
commerce with the knowledge and intent that the same would be
used to kill, injure and intimidate another individual and damage

and destroy real and personal property, including an automobile, in violation of Title 18, United States Code, Section 844(d), and (2) attempted malicious destruction, by means of fire and explosive, of an automobile used in and affecting interstate commerce, in violation of Title 18, United States Code, Section 844(i).

Manner And Means Of Conspiracy

Nb 1. It was part of the conspiracy that the conspirators discussed and agreed to kill Thomas L. Shay (DOB: 7-5-44) of Roslindale, Massachusetts.

yc 2. It was further part of the conspiracy the conspirators assisted one another in acquiring explosives and other materials to be used in the construction of a remote-controlled explosive device.

Nb 3. It was further part of the conspiracy that one or more of the conspirators affixed the explosive device to the undercarriage of an automobile owned and operated by Thomas L. Shay, to wit: a 1986 Buick. The device later exploded, killing Boston Police Bomb Squad Officer Jeremiah Hurley and seriously injuring his partner, Boston Police Bomb Squad Officer Francis Foley.

Overt Acts

4. In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed by the conspirators:

✓
No (a) In or about September, 1991, SHAY solicited the assistance of TRENKLER in a plan to kill his father, Thomas L. Shay.

No (b) In or about September, 1991, TRENKLER, who had a background in electronics, agreed to construct a remote-controlled explosive device, knowing the same would be used by SHAY in an attempt to kill his father.

Yes (c) On or about October 18, 1991, SHAY purchased and acquired electrical components needed for the construction and testing of the explosive device.

Yes (d) In or about October, 1991, TRENKLER built a remote-controlled explosive device consisting of dynamite, blasting caps and other materials.

Yes (e) On or about October 27, 1991, the conspirators surreptitiously affixed the explosive device to an automobile owned and operated by SHAY's father, Thomas L. Shay.

All in violation of Title 18, United States Code, Section

371.

COUNT TWO: (18 U.S.C. §844(d) - Receipt Of Explosive
Materials; 18 U.S.C. §2 - Aiding And Abetting)

The Grand Jury further charges that:

In or about October, 1991, in the District of Massachusetts,

THOMAS A. SHAY and
ALFRED W. TRENKLER

defendants herein, did receive in interstate commerce certain explosive materials, including dynamite and detonators, with knowledge and intent that said explosive materials would be used to kill, injure and intimidate Thomas L. Shay, and cause damage and destruction to his real and personal property, including a 1986 Buick automobile.

The above-described unlawful conduct directly and proximately caused the death of Jeremiah Hurley and serious personal injury to Francis Foley, both public safety officers who were performing their official duties.

All in violation of Title 18, United States Code, Section 844(d), and Title 18, United States Code, Section 2.

4
COUNT THREE: (18 U.S.C. §844(i) - Attempted Malicious
Destruction Of Property By Means Of Explosive;
18 U.S.C. §2 - Aiding And Abetting)

The Grand Jury further charges that:

On or about October 28, 1991, at Boston in the District of
Massachusetts,

THOMAS A. SHAY and
ALFRED W. TRENKLER

defendants herein, knowingly attempted to maliciously damage and
destroy, by means of fire and explosive, a 1986 Buick automobile
which was owned by Thomas L. Shay and used in interstate commerce
and in activities affecting interstate commerce.

The above-described unlawful conduct directly and
proximately caused the death of Jeremiah Hurley and serious
personal injury to Francis Foley, both public safety officers who
were performing their official duties.

All in violation of Title 18, United States Code, Section
844(i), and Title 18, United States Code, Section 2.

A TRUE BILL

FOREPERSON OF THE GRAND JURY

ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS: , 19

Returned into the District Court by Grand Jurors and filed.

DEPUTY CLERK