

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 1:92CR10369-001-Z

v.

THOMAS A. SHAY

Nancy Gertner, Esq. and Amy Baron-Evans, Esq.

AKA: James Keough, Thomas Ashay, Mike Peters, Thomas Peters

Defendant's Attorney

THE DEFENDANT:

- [] pleaded guilty to count(s)
[] pleaded nolo contendere to count(s) which (was) (were) accepted by the court.
[X] was found guilty on count(s) 1 and 3 after a plea of not guilty.

Table with 4 columns: Title & Section, Nature of Offense, Date Offense Concluded, Count Numbers. Rows include 18 USC § 371 (Conspiracy, 10/91, 1) and 18 USC § 844(i) (Malicious Destruction of Property, 10/91, 3).

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- [X] The defendant has been found not guilty on count(s) 2
[] Count(s) (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 021-60-3766

October 8, 1993

Defendant's Date of Birth: 11/3/71

Date of Imposition of Judgment

Defendant's USM No.: 19193-038

Signature of Judicial Officer (Handwritten signature)

Defendant's Mailing Address: 200 Falls Boulevard, Building D-107, Quincy, MA 02169

Rya W. Zobel, United States District Judge, Name & Title of Judicial Officer

Defendant's Residence Address: 200 Falls Boulevard, Building D-107, Quincy, MA 02169

October 8, 1993, Date

DEFENDANT: THOMAS A. SHAY
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of one hundred and eighty-eight (188) months on Count 3 and sixty (60) months on Count(s): 1 to be served concurrently with the sentence imposed on Count 3 with credit for time served since March 24, 1992.

The court makes the following recommendations to the Bureau of Prisons:
that the defendant be placed in an institution that can provide adequate mental health treatment.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.

- at _____ a.m./p.m. on _____.
- as notified by the United States Marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.
 - before 2 p.m. on _____.
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL
By _____
Deputy Marshal

DEFENDANT: THOMAS A. SHAY
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm or destructive device.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Financial Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the following additional conditions:

Handwritten calculations:
788
- 18.8 grand jury

169.2
- 14.5 jail costs

154.7

Handwritten calculations:
12.5 years
12/150.7

12
30

24

Handwritten mark: 153

Handwritten note: vel date in 2/15/06

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STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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Judgment - Page 5 of 6 Pages**FINANCIAL PENALTIES**

The defendant shall pay the following total financial penalties in accordance with the schedule of payments set out below.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$50.00		
3	\$50.00		
<u>Totals:</u>	\$100.00		

FINE

No fines have been imposed in this case.

RESTITUTION

Restitution has not been ordered in this case.

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

The total fine and other monetary penalties shall be due as follows:

- in full immediately.
 in full not later than _____.
 in _____ installments of \$ _____ over a period of _____ to commence 30 days after the date of this judgment. If this judgment imposes a period of incarceration, payment shall be due during the period of incarceration.
 in installments to commence 30 days after the date of this judgment. If this judgment imposes a period of incarceration, payment shall be due during the period of incarceration. During a period of probation or supervised release supervision payment of any unpaid balance shall be a condition of supervision and the U.S. probation officer shall establish and may periodically modify the payment schedule provided that the entire financial penalty is paid no later than the termination of supervision but in no event no later than 5 years after release from incarceration.

- The defendant shall pay the costs of prosecution.
 The defendant shall forfeit the defendant's interest in the following property to the United States.

All financial penalty payments are to be made to the Clerk of Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

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STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary): that the correct guideline is that for second, not first degree murder.

Guideline Range Determined by the Court:

Total Offense Level: 33

Criminal History Category: II

Imprisonment Range: 151 to 188 months

Supervised Release Range: 3 to 5 years

Fine Range: \$25,000.00 to \$250,000.00

Fine waived or below the guideline range because of inability to pay.

Restitution: \$

Full restitution is not ordered for the following reason(s):

Defendant has no funds and the law does not permit the assessment of restitution for intangible damages.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): because one man died and another was seriously injured, and because a bomb is a particularly lethal and indiscriminate device, the high end of the range is appropriate.

OR

The sentence departs from the guideline range.

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):