

1 MS. GERTNER: Thank you, your Honor.

2 THE COURT: Thank you, Mr. Shapley, you're excused.
3 Who is next?

4 MR. KELLY: Your Honor, the United States calls
5 William Bridgeforth.

6 William Bridgeforth, sworn

7 Direct examination by Mr. Kelly

8 Q Would you state your name and spell your last name for
9 us, please.

10 A Police Officer William Bridgeforth. The last name is
11 B R I D G E F O R T H.

12 Q How are you employed, Mr. Bridgeforth?

13 A The Boston Police Department.

14 Q And what is your present position, sir?

15 A Patrolman.

16 Q How long have you been employed as a Boston police
17 officer?

18 A A little over four years.

19 Q Tell us how you are currently assigned?

20 A Area E 18 is where I am right now.

21 Q And how were you assigned in October of 1991, Officer
22 Bridgeforth?

23 A I was working in area E-5, West Roxbury.

24 Q And you would you tell us sir, does Area E-5 Roxbury
25 Police station cover parts of Roslindale?

1 A Yes, it does, that's West Roxbury.

2 Q Directing your attention, sir, to October 28th, 1991, and
3 the early morning hours of October 29th, were you working at
4 that time?

5 A I was.

6 Q Do you recall what your shift was that day?

7 A Yes, sir, I was working quarter of 12 to 7:30 in the
8 morning.

9 Q And during your shift, on that occasion, did you have
10 contact with a person now known to you as Thomas Shay, Jr.

11 A Yes, I did.

12 Q Do you see the Thomas Shay, Jr. that you had contact with
13 in the courtroom here today?

14 A Yes, I do.

15 Q Would you point him out to us, please?

16 A The gentleman in the shirt in the floral tie.

17 MR. KELLY: May the record reflect he's identified
18 the defendant?

19 THE COURT: Yes.

20 Q Now, would you describe, Officer Bridgeforth, the role
21 that you played that day as it relates to Mr. Shay?

22 A I was called in by my patrol supervisor and was requested
23 to take him to homicide.

24 Q Do you recall what time of day you received this call?

25 A I'm going to say approximately 1, 2 o'clock, right around

1 there.

2 Q So this is in the 1 o'clock a.m.?

3 A Yes, sir.

4 Q We're now talking about the early morning hours of
5 October 29th?

6 A That's right.

7 Q And what were your specific orders or directions?

8 A To take him down to homicide and remain there with him
9 until they were done.

10 Q And did you, in fact, transport Mr. Shay to homicide?

11 A I did.

12 Q Were you alone or with anyone else?

13 A I was alone.

14 Q Now, at the time you were called upon to perform this
15 task, Officer Bridgeforth, were you aware of what had
16 occurred, if anything, in Roslindale that afternoon?

17 A Yes, I was.

18 Q And what were you aware of at that time, sir?

19 A From my understanding, that a bomb had exploded and
20 injured a couple of officers.

21 Q And by 1 o'clock a.m., did you have knowledge of the
22 condition of both officers?

23 A I guess I did.

24 Q And what was your understanding at that time?

25 A One had passed away and was mamed pretty bad.

1 Q And what relationship, Officer Bridgeforth, if any, did
2 you understand Mr. Shay, the person you were going to be
3 transporting, to have to the location where that bomb had
4 exploded at 39 Eastbourne Street in Roslindale?

5 A I understood that he was the son --

6 MS. GERTNER: Objection, your Honor, what
7 relationship to the individual?

8 MR. KELLY: No, to the location.

9 A Could you repeat it, please?

10 Q Let me ask you. It's different.

11 Do you know the names of the people who resided at
12 39 Eastbourne Street in Roslindale?

13 A Yes, I did, at the time.

14 Q What, if any, understanding, did you have about the
15 relationship between the persons you were going to be
16 transporting and the persons residing at that location?

17 A I understood he was the son of the homeowner, the
18 residence.

19 Q At the time you were going to perform this task, were you
20 told by anyone that Mr. Shay was a suspect in this particular
21 matter?

22 MS. GERTNER: Objection, your Honor.

23 A No.

24 Q What if anything were you told about his status?

25 MS. GERTNER: Objection.

1 THE COURT: I don't know. What are you offering this
2 for?

3 MR. KELLY: His understanding, which may help to put
4 in context the discussions and/or relationship he had with
5 Mr. Shay in the hours that followed.

6 THE COURT: Why don't we get to the conversations he
7 had.

8 Q Did you have a conversation with Mr. Shay prior to
9 transporting him to the homicide office?

10 A Yes, I did.

11 Q Where is the homicide office located?

12 A It's in South Boston.

13 Q Now, this conversation that you had with Mr. Shay prior
14 to leaving, where did it occur, sir?

15 A Just outside of my cruiser.

16 Q And where was the cruiser parked at the time?

17 A In the front parking lot, District 5 Station.

18 Q Anyone else around beside yourself and Mr. Shay?

19 A No, just me.

20 Q Describe the conversation and any statements that you
21 recall Mr. Shay making before he entered your vehicle at that
22 time.

23 A He told me he had heard about the officer who had got
24 killed. And that he was sorry about it and wished he could
25 turn back the hands of time and make it not to have happened.

1 Q Do you recall him using those precise words, the last
2 phrase you just used?

3 A Yes, I do.

4 Q Would you describe Mr. Shay's appearance or demeanor at
5 the time he made that statement to you, sir?

6 A Kind of remorseful, kind of -- I'll just say just
7 remorseful.

8 Q Did he, did he appear nervous to you, Officer
9 Bridgeforth?

10 A Yes, he did.

11 Q Did he make any appearances (sic.) of his appearance or
12 demeanor at that time?

13 A Could you repeat that, please?

14 Q Did you make any other observations of his appearance or
15 expression at that time?

16 A Just remorseful, just a little nervous, just kind of --

17 Q Do you recall how he was dressed?

18 A No, I don't.

19 Q Now, tell us what happened after the conversation in the
20 parking lot?

21 A He entered my vehicle. He was going to get in on the
22 passenger's side on the driver's side, I had a cold, so he
23 went around to the back of the passenger's side in the rear.

24 Q What happened then?

25 A We proceeded down to homicide.

1 Q Did he get in the front seat or the back seat?

2 A He was in the rear.

3 Q Was there any window or obstruction of any kind between
4 the front and back seats of your vehicle?

5 A Yes, there's a Plexiglas partition that goes all the way
6 across the partial.

7 Q Are you able to hear through it?

8 A Yes, you can.

9 Q Did you have conversation with Mr. Shay while you were
10 transporting him to South Boston?

11 A Yes, I did.

12 Q Would you describe what, if anything, you recall about
13 that conversation during the ride?

14 A Okay. He told me he had hitchhiked from Quincy to the
15 bombing scene. And when he got there, that's when he was
16 stopped by officers at the scene and was told what had
17 happened and was informed to go to area E if he wanted to know
18 any more information.

19 Q What specifically do you recall about him saying when he
20 first learned about the fact that there had been an explosion?

21 A I just remember him saying that he didn't know anything
22 about it until he got there.

23 Q Got where?

24 A To the scene.

25 Q Upon your arrival in South Boston, what did you do,

1 Officer Bridgeforth?

2 A I turned him over to one of the homicide detectives.

3 Q Did you leave him at that stage, Officer Bridgeforth?

4 A No, I did not.

5 Q What did you do?

6 A I was made to write a Form 26, any statements he had made
7 to me when I arrived from District E to homicide.

8 Q After you finished your report what did you do?

9 A Remained there and waited.

10 Q Why were you waiting, sir?

11 A Because I was told, if needed, to transport him wherever
12 he had to go.

13 Q Okay. And were you present during any activities that
14 may have occurred at the police station there in South Boston,
15 any questioning, for example?

16 A No.

17 Q And do you recall how long after you were waiting after
18 you had introduced Mr. Shay to one of the homicide detectives?

19 A I want to say a couple of hours, I think, maybe an hour
20 and a half, two hours.

21 Q And when the session was through, what did you do, if
22 anything, sir?

23 A I transported him home.

24 Q And where did you drive him, specifically, if you can
25 recall?

1 A Out to Quincy, Massachusetts.

2 Q Did you have any further conversation with Mr. Shay en
3 route to Quincy?

4 A Yes, I did.

5 Q And could you describe that conversation or any remarks
6 he may have made?

7 A Sure. He told me he was an EMT. He showed me an EMT ID
8 and badge, and he told me that his mother owned, like, five
9 condos in the condos he lived in.

10 Q And do you know which residence you dropped him off at?

11 A His mother's.

12 Q And do you know that because he told you that?

13 A Yes, he did.

14 Q And did you make any further observations about
15 Mr. Shay's demeanor or appearance while you were driving him
16 home to Quincy?

17 A Well, he was a little more, a little more, I don't want
18 to say joyful, but he didn't appear as sad as he was at
19 first. He was, you know, more talkative. You know, we even
20 joked a little bit about a couple of things.

21 Q Do you recall, sir, what time it was that approximately
22 that you dropped him off at his mother's home in Quincy?

23 A I'm going to say between 3:30, maybe 4:30.

24 Q At any time during either of your two rides from West
25 Roxbury to South Boston or South Boston to Quincy at the end

1 of the evening, did you direct any questions towards Mr. Shay
2 that touched upon the explosion that had occurred in
3 Roslindale earlier that day?

4 A I have no idea.

5 MR. KELLY: Nothing further, your Honor.

6 THE COURT: Ms. Gertner.

7 Cross-examination by Ms. Gertner

8 Q You said you were on from 11:45?

9 A That's correct.

10 Q And your shift ended at what time, four, was it?

11 A No 7:30 in the morning.

12 Q 7:30 in the morning. And you had been instructed to take
13 Tom Shay, Jr., from E-5 to homicide?

14 A That's right.

15 Q Did you have any responsibilities at all on the scene of
16 the explosion?

17 A No, that happened early in the day.

18 Q And so, your first response -- you checked into E-5,
19 that's what you did?

20 A That's correct.

21 Q And how much after the -- you checked in, how much time
22 after you had checked in to E-5 when Mr. Shay came in?

23 A It must have been about one or so when I was called into
24 the station. I remember going to the scene a little while
25 just to see what was happening, and I came back to the area

1 where I was working, so approximately about an hour, hour and
2 a half.

3 Q You met him physically in the police station at E-5,
4 right?

5 A Yes.

6 Q You got into the car, and then he said at some point that
7 he didn't know anything about the explosion until he got home
8 to his home in Quincy?

9 A No, until he got to the house in Roslindale.

10 Q Did he say that he didn't, that he didn't know, and he
11 had hitchhiked to Quincy and found out?

12 MR. KELLY: Objection. Objection.

13 THE COURT: What's the objection?

14 MR. KELLY: That is not -- I know what she's
15 referring to, your Honor, and that's an improper foundation to
16 the question.

17 MS. GERTNER: Can I confer, your Honor, I don't know
18 what he's talking about.

19 (Pause.)

20 MS. GERTNER: We have resolved it.

21 Q Did he say to you at one point that he didn't know and he
22 hitchhiked to Quincy and found out?

23 A No, that's not correct.

24 Q Well, or did he say to you that he didn't know anything
25 about the explosion and he hitchhiked from Quincy to his

1 father's house and when he got there he found out?

2 A That's right.

3 Q You actually, sir, have said both things in your grand
4 jury minutes. I'll show you.

5 Did you testify before the grand jury on May 14th,
6 1992?

7 A Yes, I did.

8 Q Directing your attention to page 5 and 11?

9 A I don't have page 5 or 11.

10 Q I'll give them to you. Look at page 5, lines 12, 13 and
11 14 and page 11, lines 1, 2, 3, 4. I marked it so you can
12 see.

13 A (Witness complies.)

14 Q Page 5 and page 11.

15 A Page 5, you say?

16 Q Page 5 and page 11.

17 A (Witness complies.) That was a mistake.

18 Q Okay. In your grand jury minutes, what he said to you
19 was, he didn't know and he hitchhiked to Quincy and found out,
20 that was an error. What he really said was, he hitchhiked
21 from Quincy to his father's house and when he got there he
22 found out. That's what --

23 A That's correct, yeah.

24 Q And the other statement was simply an error?

25 A That's correct.

1 Q And he also told you, did he not, that he told you later
2 on in the evening that he was an EMT; is that right?

3 A That's right.

4 Q And he showed you his EMT badge and identification?

5 A Mm-hmm.

6 Q Did he tell you anything else other than being an EMT?

7 A Not that I recall.

8 Q And he also told you that his mother owned how many
9 condos?

10 A He told me five.

11 Q He told you that she was selling them for \$12,000?

12 A Not that, he told me that the units were bankrupt and she
13 was selling them for \$12,000.

14 Q Did you ask him what the financial condition of what his
15 mother was?

16 A No.

17 Q He just volunteered this information?

18 A That's correct.

19 Q Did you ask what his mother did for a living?

20 A No.

21 Q He just volunteered he was an EMT?

22 A Yeah.

23 Q Did the badge say "Tom Shay, Jr.," on it or some other
24 name?

25 A I didn't bother to look. He just showed it to me and it

1 said EMT.

2 Q You indicated in your reports that he appeared to be
3 acting in a confused state of mind; is that right?

4 A Yeah, I guess you could say confused.

5 Q And at first you thought he was under the influence of
6 liquor or drugs; it seemed like he was kind of nervous?

7 A That's correct.

8 Q He appeared a little slow?

9 A That's right.

10 Q And he seemed confused; is that right?

11 A That's correct.

12 Q And in fact, when you were sitting outside the
13 officers -- when you were at homicide, waiting for him to come
14 out, you also -- one of the officers came out and says: Is it
15 me, or this guy seems that he is kind of retarded, or he's on
16 something, and you agreed with that statement?

17 A That's correct.

18 Q You thought he was kind of retarded or on something; is
19 that right?

20 A It seemed like he was on something, that's correct.

21 Q But the officer said to you when he came out, is it me or
22 does this guy seem kind of retarded or he's on something, you
23 agreed with him, thought that, too?

24 A I agreed, I didn't say he was retarded, though. I said I
25 agree something's wrong with him.

1 Q On the way home, on the way there, you said that he told
2 you: I'm sorry about the officer who died in the explosion;
3 is that right?

4 A That was outside the cruiser.

5 Q And then he said: I wish I could turn back the hands of
6 time and make this not to have happened, or words to that
7 effect?

8 A That's correct, yeah.

9 Q And you agreed and said: You know, things like that
10 happen sometimes?

11 A That's right.

12 Q Did you have any further conversation about the, about
13 the explosion or anything like that?

14 A No, once we were on our way, no.

15 Q Okay. And the conversation -- your observations about
16 his being confused, retarded, all of that occurred before on
17 the ride there, as opposed to on the ride home; is that right?

18 A I'm sorry, could you repeat that.

19 Q Your observations about his state of mind occurred as you
20 were transporting him to homicide; is that correct?

21 A That's correct.

22 Q And he told you he hitchhiked to his dad's house, his
23 father's house, and he tried to see his father; did he tell
24 you that?

25 A I think he hitchhiked from Quincy.

1 Q And the police wouldn't let him see his father?

2 A When he got to the police, he tried to see his father,
3 but the police wouldn't let him in.

4 Q And he was told to go to E-5?

5 A That's correct.

6 Q You waited after you talked to him, after you brought him
7 to homicide, you waited three or four hours; is that right?

8 A I don't think it was that long. I think it was a couple
9 of hours.

10 Q Did he indicate to you that he really wanted to see his
11 father and see if his father is all right?

12 A No, he didn't.

13 Q But he did say he had tried to see his father that night
14 and the police wouldn't let him?

15 A He didn't tell me. He said he hitchhiked to his father's
16 house.

17 Q Did he say to you that the police wouldn't let him cross
18 their lines -- strike that.

19 He said he hitchhiked to his father's house and tried
20 to see his father earlier that evening but the police wouldn't
21 let him cross their lines; did he say any of that to you?

22 A He didn't say anything about his father.

23 Q I show you your grand jury testimony, on May, pages 7 and
24 8, May 14th, 1992 -- just one second.

25 (Pause.)

1 Q What he said to you was that he had arrived at his house,
2 hitchhiked to his father's house, and the police wouldn't let
3 him in; is that what you --

4 A Yes, that's correct.

5 Q He said that on the way back -- strike that.

6 You also said, in response to Mr. Kelly's question to
7 you, he appeared remorseful; is that right?

8 A That's right.

9 Q Another word for this is, he appeared sad?

10 A Yeah, I guess you could say sad.

11 Q And nervous, right?

12 A Yeah.

13 Q And confused, right?

14 A That's correct.

15 Q And on the way home after having been at homicide for how
16 long, a couple of hours?

17 A That's correct.

18 Q He seemed more up?

19 A Yeah, I guess a better word is up.

20 Q And more talkative?

21 A That's correct.

22 Q And that was when he started telling you that he was an
23 EMT and his mother owned condos?

24 A Mm-hmm.

25 Q Did he tell you that his mother was rich?

1 A No.

2 Q Just the line about the condos?

3 A He said they're both from Milton to where they live now
4 in Quincy.

5 Q And she was selling condos in Quincy, or words to that
6 effect?

7 A No, just she purchased five of them.

8 Q How long did the ride take from the homicide back to
9 Quincy?

10 A Oh, approximately 20 minutes or so, 25 minutes.

11 Q And he was essentially talking without you asking him
12 questions?

13 A That's correct.

14 Q Did he appear less drugged or confused or retarded on the
15 way back?

16 A No, not really.

17 MS. GERTNER: No further questions.

18 THE COURT: Anything else?

19 MR. KELLY: No, your Honor.

20 THE COURT: Thank you, Mr. Bridgeforth, you are
21 excused.

22 Who is next?

23 MR. LIBBY: Your Honor, the Government calls Boston
24 Police Detective Miller Thomas.

25 THE COURT: All right. And we'll stretch: