

**PROJECT
DIVINE WIND**

by Richard S. Platz

Blue Lake Press

Copyright 1995 by Richard S. Platz

ALL RIGHTS RESERVED

FIRST EDITION

Without limiting the rights under copyright reserved above, no part of this publication may be reproduced, stored in or introduced into a retrieval system, or transmitted, in any form or by any means (electronic, mechanical, photocopying, recording, or otherwise), without the prior written permission of the copyright owner.

This is a work of fiction. Names, characters, places and incidents are the product of the author's imagination or are used fictitiously. Any resemblance to actual events, locations, or persons, living or dead, is entirely coincidental.

Cover Design by Annie Reid

BLUE LAKE PRESS
A Western Division Subsidiary of the
Chicago, Whitewater & Mad River Company
P O Box 797, Blue Lake, CA 95525

ISBN: 978-0615454955

Dedicated to Claude O. Allen, Esquire

“ . . . designed by a process with which I
have no sympathy to live in a world that
no longer exists.”

--Stephen Jay Gould

“How could they harm *me*, Grasshopper?
Only this poor old body.”

--Master Pō

CHAPTER ONE

Thursday morning

--1--

The portly black man in turquoise silk pajamas pulled back the thick velour drapes and gazed out. Dawn was just beginning to lighten the sky, but there would be no sunshine today. The low clouds were too thick. A cold north wind howled in the eaves of his hilltop manor, but he was warm behind the triple-glazed picture window. He looked down on the lights of Oakland. *His* city, as much as any man's. A huge, natural grin curled like a fat cat and settled on his lips. He'd come a long way, baby.

Ten years ago he would already have been up and out, huddled near the creaking iron stove of the longshoremen's hall in San Francisco, waiting for some asshole nigger-hating shop steward to bark off his name so he could push and shove and haul and lift all day until every muscle and joint protested. Even then, at forty-seven, he'd been too old for that shit. And that's just where he'd be right now if he hadn't of busted his ass on that law school correspondence course. Best damned thing he'd ever done.

Cedrick P. Collins, Esq., was now the most charismatic, elegantly dressed, and silver-tongued black defense attorney ever to ply the waters of criminal justice in the Greater East Bay. With a Rolls Royce *and* a Cadillac El Dorado, a plush suite of offices on the eighteenth floor of the Bay Area Bank and Trust Building, a medley of eight hundred dollar suits, and a highly qualified white associate for his gofer, he had achieved the pinnacle of ostentatious success. He was the preeminent criminal attorney for the entire East Oakland ghetto, fielding cases in virtually every municipal and superior court of Alameda and Contra Costa Counties, with periodic command performances across the bay in the

courts of San Francisco, San Mateo, and Santa Clara Counties.

“Yes siree,” he breathed and ran his fingers through the neatly trimmed graying stubble haloing his shining pate.

A rumbling in his bowels told him it is almost time to telephone his associate, young LeBaron. Collins shook his head. The boy was honest and reliable as an old hound dog, bright with booklearning, yet abysmally ignorant of the ways of the streets. Over the past year Collins had grown unexpectedly fond of him. Hell, he’d grown to *need* him. There was no way he could make all those court appearances by himself. Each dawn he would telephone and lay out a list of clients and courts for LeBaron to cover that morning. Collins knew he was lucky to get him, and cheap, too. His bowels rumbled again. Time to make that call.

He shuffled back through the bedroom, quietly so as not to wake Beatrice, grabbed his state-of-the-art portable cellular telephone from the bedstand, and slipped into the bathroom. He settled himself on the oak toilet seat, found the current page in his daily diary, and relieved himself while studying his own heavily scrawled handwriting, some of which he could no longer decipher. Then he punched LeBaron’s button and waited while it rang.

--2--

Ecstatically he pressed against her intimate sexual warmth in a way he couldn’t begin to comprehend and didn’t try. When she moved, he moved with her. A garment of perfect fulfillment draped over them, blending his haughty desire with the distant lure of an inconstant world. To him, she was all women.

Or, to be more precise, she was to him a distillation of many women, fleshed out on the primordial bones of his Jungian *anima*. She bore the superficial likeness of a handful of Playmates he had studied on lurid calendars and in dog-eared magazines in days gone by, mingled with a persistent image of that young blond girl who had so moved him when he was twelve, glimpsed through the window of a passing train. Beneath her flawless skin, however, endured a primordial incarnation of his first wife and of his mother and of all the myriad lovers his father and his

father's father had yearned after for springs immemorial. That she was merely a dream he would not discover for yet another few seconds, as the digital circuitry of his bedside clock computed inexorably toward zero.

Had he encountered her with his fully conscious mind, he would have discovered that, more than any other living woman, she reminded him of his brother's old college sweetheart, Sarah Brubaker, whom he hadn't consciously considered for the better part of ten years. Whatever happened to Sally, anyway? he would have wondered.

Jed Aaron LeBaron awoke to a persistent electronic beep. The dream peace of her sleeping beside him seemed momentarily real, then flickered, faded, and was gone. In its place crowded a foul metallic taste, a bottomless yawn, and a solitary world which demanded too much. He stretched his toes into the cool corners of the empty sheets.

LeBaron squeezed the stem on the alarm and swung his feet to the cold floor. He glanced at the clock to see if he had time to shave before the telephone rang. It was going to be close. The remaining strands of sexual fulfillment unraveled around him as he padded glumly into the bathroom to face another workday.

What would Mr. Collins have in store for him today? His brush thrashed the suds in his shaving mug into a dense cloud of soggy marshmallow. An arraignment or two, perhaps a preliminary examination, and maybe even a drunk-driving trial. A court trial, no doubt. "Wouldn't that be fun!" he razed his mirrored scowl and smeared the thick lather over a day's stubble, his pale blue eyes watching above the froth. A court trial, he now had enough experience to conclude, was nothing more than a slow guilty plea. But Mr. Collins had instructed him that if the client couldn't cross his palm with at least five hundred dollars, new up-front cash money, he should waive the jury or withdraw from the case. Mr. Collins couldn't afford to have him getting bogged down in long jury trials unless the old *quid pro quo* was there. It was simply a matter of good business. The client was entitled to just as much spirited criminal justice as he was willing to pay for.

"S'the 'mer'can way," LeBaron drawled in a lousy imitation of Lyndon Johnson, rinsing his brush in a stream of hot water. He plucked a fresh Gillette Good News razor out of the nearly empty carton--

The phone rang, and an icy hand closed on his heart.

The telephone had rung every weekday morning about this time for the past twelve months. A year ago, just after he had moved back to the city, thirty years old and four years out of law school, LeBaron had hung out his own shingle in the front window of his first floor Berkeley apartment. He had received a number of vague inquiries right away, but only one paying client. While waiting for his own legal fortunes to root and flourish, he had answered a terse ad in the Oakland *Tribune*, and hired on part time with Cedrick P. Collins, Esq., to supplement his meager income. He hadn't had the slightest inkling of what he was getting into. The part time work had swollen like a snake and swallowed him whole.

At first he had lost a good deal of sleep worrying about what each morning's telephone briefing might portend. He had been brought up, after all, on the simple rule of life encapsulated in the Boy Scout's infamous slogan, "Be Prepared!" His success in college and law school he attributed to adequate, perhaps even excessive, preparation. So at first it was more than a little disconcerting for LeBaron to wander into a strange courtroom, never having set eyes on his client and knowing absolutely nothing about his case or why it was on the docket, and hear an unfamiliar judge call the case as sharply as a weary bow watchman might report yet another floating mine in some obscure Middle-Eastern waterway. Mr. Collins would of course try to fill him in a bit as best he could remember, but LeBaron soon learned not to rely too heavily on his employer's crowded recollections. More often than not they proved flawed.

LeBaron learned instead to rely on The Quiet Presence. As his courtroom time accumulated and the cases piled up behind him like weathered slabs in an endless concrete highway, LeBaron grew to recognize its unassailable power. The secret was to stroll up to the bar with the somber dignity of a young Abraham Lincoln, but beyond a few ceremonial jingoes, to keep his lip buttoned. "Ready for the defendant!" was in most instances all that was prudent to declare, uttered with the booming self-confidence of one who was about to waltz the entire north cellblock off to freedom because of some hitherto overlooked loophole in the law.

The unknown judge would shuffle through his stack of files,

perhaps muttering to himself, and at last announce what the matter had been calendared for. “Looks like this is on for a plea,” he might say.

Frequently this was LeBaron’s first clue. But simple patterns began to recur with reassuring regularity. To the on-for-arraignment gambit, LeBaron learned to respond, as surely as one of Pavlov’s dogs might salivate to the sound of a tinkling silver bell, “Waive formal reading of the complaint, plead not guilty, waive time, request a jury.” He would then relapse into The Quiet Presence, as if the next step were too obvious to be spoken, and wait for someone else, the poor over-worked deputy D. A., or the judge himself, to move the dialogue forward. LeBaron’s misgivings slowly abated as he began to comprehend that the criminal justice system, with its presumption of innocence, right against self-incrimination, heavy burden of proof, and inalienable Bill of Rights, was so stacked in favor of the defendant that the only proper function of a good defense attorney *was* to stand there and keep his mouth shut.

Sometimes things went wrong, of course, but LeBaron no longer doubted that even those events conformed to some secret agenda of Cedrick P. Collins, Esq. In the Hampstead case, for example, he had been sent in to select the jury with the promise that his employer would be there personally in the afternoon to conduct the trial. Then Collins had weaseled out by starting another trial in another court, leaving LeBaron to handle a very sordid affair. LeBaron assumed The Quiet Presence, convinced that the proper function of the criminal defense attorney at trial, as before trial, is reactive, not proactive, especially when his client was so obviously guilty. The only question for trial was, could the prosecution *prove* his client was guilty? Unfortunately for LeBaron, the cases Collins dumped off on him tended to be dead dogs, and the prosecution had been able to call more incriminating witnesses than LeBaron thought was in good taste. The jury had summarily found Hampstead guilty on every count.

The telephone rang a second time.

LeBaron stomped into the bedroom and snapped it up. “Mr. Collins, can I call you right back? I’m in the middle of shaving.”

Silence.

“Mr. Collins? Hello?”

After an unsettling pause a soft female voice asked, “Jed

LeBaron?”

“Yes?”

“My name is Sarah Brubaker. You probably don’t remember me, but I used to date your brother. Do you know where I can get in touch with him?”

Sarah Brubaker. Not *remember* her! Christ, how could she think that! A roiling wave surged through him like a tsunami, memory, anguish, dream, desire. He saw a honey-haired young cheerleader, lithe as a fawn, tawny-skinned and flushed with excitement, prancing in the frosty air beneath the glare of stadium lights to the staccato pulse of the marching band’s drums. Memory’s foaming whitecap exploded and he was walking through the frozen juniper beneath a gently falling snow, feeling very grown-up, Vince and Sally and he between them clinging to their arms, plumes of breath from their mouths and fresh snow crunching underfoot, and the incredible warmth of her touch through his heavy coat strangely terrifying him. Vision overlaid vision with the confusing surge of crashing waves. His blood boiled with forgotten longing and desire. Colliding worlds twirled past, pictures, feelings deeply engraved and hidden away, a kaleidoscope running out of control. Weirdly disoriented, he stared at the telephone and stammered, “My brother? Vince?”

“Yes. D’you know where I can reach Vince? It’s very important.”

“Vince? Vince’s at the Tehema Monastery at Mount Tehema.”

“Thanks, Jed. I’ll call you back sometime when you aren’t so busy. Goodbye.”

“Say, Sally, how’ve you been, anyway? Sally? Sarah?” But it was too late. The line was dead. Numbly LeBaron replaced the handset. He felt like he straddled a great gaping pit. What the hell was that all about? She sounded so . . . harried. Distracted. LeBaron considered trying to contact Vince, as difficult as that might be, and find out what Sarah Brubaker might want. And what she was up to nowadays. And, hell, since Vince was up to his neck in Zen Buddhism, maybe Jed could be a sport and help old Sally out. Hadn’t Vince said he’d taken a vow of celibacy last time he saw him? When was that? His brother’s celibacy seemed terribly relevant to LeBaron, although he didn’t allow his imagination to pursue its essential ramifications with Sarah Brubaker.

The telephone rang again. Tentatively he picked it up.
“Hello?”

--3--

“Mornin’, LeBaron. You don’t sound so hot. Y’been gettin’ ‘nough sleep?”

“Oh, good morning, Mr. Collins. Yeah . . . er . . . I just had another call I was thinking about.”

“Well thass fine. But now’s time t’think about business. Looks like a busy day. Y’got your pencil handy?”

“Yes sir.”

“Good. Y’got a Jones--I think that’s ‘Leroy’, but y’better check the docket--he’s in Oakland Muni. He’s on for an arraignment or somethin’ at nine fifteen. Try’n get two hundred dollars from him, will ya? He said he’ll have some money for ya. Be sure t’ a’ks for it. An’ while you’ there, see if y’can get Judge Tilsen t’ sentence Monica Smith. She’s been in custody on a 647b for three weeks. That’ll save y’a trip back for the one o’clock calendar. Get’er credit for time served. The probation report’ll be in the file. Then there’s a LeVerne Biggers in Superior Court at ten . . . didn’t you handle Biggers for me once already?”

“No, I don’t think so.”

“Uh. Anyway, I think that’s a welfare fraud, but check the calendar, an’ I’m not sure what it’s on for . . . arraignment or bail hearing maybe . . . but if y’get into any trouble, have’em put it over t’ the one o’clock calendar. Get some money from her! She’s way behind . . .” And on and on, ten or fifteen appearances just that morning. Seemed to be getting busier every day.

“Got it,” LeBaron said when Collins finally paused. “Is that all for today?”

“No, wait a minute.” Collins was studying a name. Freeman. Something wasn’t *right* about that one, but he couldn’t quite remember what. Superior court, department fifteen. Arraignment? No, he didn’t think so. Trial setting? Now which Freeman was that? Ruben? Or Rufus? Whatever it was, he sure wasn’t paying very good if Collins

couldn't even remember his first name. "Here's another'n for you. A Freeman. Ruben or Rufus, I think. Check the calendar. Superior fifteen, three p. m."

"Three?"

"Thass what I said."

"What's it on for at three?"

"Trial setting," Collins mumbled irritably, "or arraignment 'r somethin'. Jus' take care of it for me, an' if y'have a problem, jus' put it over an' I'll take care of it myself." He flushed the toilet.

"That's it then?"

"That's it." Collins started to hang up, then barked into the phone, "LeBaron?"

"Yeah."

"This Freeman. Get some money from him."

CHAPTER TWO

Thursday afternoon

--1--

An antique mahogany sign above the doors of Department 15 proclaimed “Master Criminal Calendar.” Court was already in session. LeBaron was late. He checked his notes, then scanned the computer printout posted on the wall for a “Freeman.” Sure enough, there it was: “Defendant: Rufus Abraham Freeman; Attorney: Collins; Violation: 459 PC, 487 PC (2 pr).” Penal Code section 459 was burglary, if LeBaron’s memory served him right. He wasn’t sure what a 487 was, though. Probably some kind of theft. The defendant had two prior convictions. The printout didn’t say what it was on calendar for today.

LeBaron jerked open the heavy door and slipped inside. The air was heavy with stale cigarette smoke, humidity, and body odor. Too many people were packed inside. The underlying commotion was Felliniesque, reminding LeBaron of a back lot circus audience impatient for the freak show action to begin. On this side of the bar, in the worn, dirty theater seats, glum defendants with their families and friends, mostly black, whispered and fidgeted. Orange clad in-custodies, linked together by shining silver chains, waited forlornly in the jury box for the other shoe to come down. A brace of stony-faced bailiffs stood, back to back, watching them. In worn coats and mismatched slacks seedy defense lawyers milled about the long tables up front, whispering deals with a battery of slick young deputy district attorneys or else staring blankly, waiting their turn. Above it all Judge Waverly’s voice could be heard through slender loudspeakers mounted halfway up the paneled wall, next to the “No Smoking” signs, conducting business as usual.

“Freeman?” LeBaron called out in a loud whisper, first to one side

of the aisle, then the other. “Rufus Freeman?”

A slender young black man in a sharkskin suit jerked up his head and studied LeBaron. His impish face wore a mask of extreme displeasure. “Wha’d’ a *you* want, Jack?”

“Are you Rufus Freeman?”

“Yeah, I’m Rufus Freeman. So what?”

LeBaron motioned for him to come to the aisle. “My name’s Jed LeBaron. I’m from Mr. Collins’ office. He couldn’t make it. He sent me--”

“Wha’d’ya mean he *couldn’t make it!*” Freeman demanded in much too loud a voice.

Judge Waverly’s even drone broke off. He looked up through eye glasses thick as petri dishes, which magnified his pupils to the size of pale plums. He looked haggard and unhappy. “Ah, Mr. LeBaron. Glad you could finally join us. You’re here on Mr. Collin’s matter.” He shuffled through a stack of files. “I was about to issue a bench warrant for Mr. Collins.”

“No need for that, your honor.” LeBaron couldn’t tell if he was joking. It really didn’t matter now. Things were under control. “It’s the Freeman matter, if it please the court.”

“Here we are. People verses Rufus Abraham Freeman.”

“Ready for the defendant, your honor.” LeBaron grasped his querulous client firmly by the arm and guided him through the jostling bodies to the front bar. “Mr. Freeman is present in court.”

“Let the record show that Mr. Freeman is present with his attorney Mr. LeBaron.” The judge leaned over to his clerk. “Do we still have Department Twenty-three available?” He muttered something LeBaron couldn’t make out. His clerk laughed and handed him a sheet of paper. “Good.” Judge Waverly smiled as he studied the list of available courts. The smile did not sit well on his thin lips. “Very good.”

LeBaron didn’t like the drift things were taking. “If there’s going to be a hearing, your honor, Mr. Collins wanted to handle this matter personally.”

“Counsel,” the judge said icily, “this matter is on for *trial* today. Are you ready to proceed?”

“Er . . . I believe Mr. Collins intended to handle the trial himself,

your honor. Can we put this over to tomorrow's calendar?"

The Judge Waverly glared at him with those terrible plum eyes. "Mr. Frank?"

Deputy District Attorney Ivan Frank was new on the felony prosecution circuit, but not so new that he would miss an opportunity to put LeBaron in a jam. He bellied up to the counsel table. "Yes, your honor. Witness've been subpoenaed. Jury panel's summoned." He pushed his glasses up on his nose with a fat thumb. "The people're ready to proceed."

"I'm not going to put this over 'til tomorrow or any other time," Judge Waverly barked. "This case is being assigned to trial right now. Now are you ready to proceed or what, Mr. LeBaron?"

His client was tugging on his sleeve, trying to tell him something, but LeBaron waved him down. "Ready to proceed, your honor."

"Good. I'm assigning this matter to Department Twenty-three."

A collective groan rumbled through the assembled defense bar. "It's your ass now, LeBaron," someone snickered from behind him. "That's Judge *Kroner*."

"Department twenty-three, your honor? That's Judge Kroner, isn't it?"

"Yes, Mr. LeBaron. Your case is assigned to Judge Kroner for trial. The bailiff will take the file over. Right now."

Judge Kroner was poison, and LeBaron knew it. He was pro-police, hated blacks, and was probably a heavy closet contributor to the American Nazi Party. Mr. Collins had instructed LeBaron to *never*, under any circumstances, allow a case to come before Judge Kroner. "Excuse me, your honor."

"Now what, Mr. LeBaron?"

"If I may be sworn, I'd like to make a declaration under C.C.P. section one-seventy- point-six." California Code of Civil Procedure section 170.6 gives a defendant the right to challenge any judge, without cause, upon a declaration by the client or his counsel that he feels he cannot receive a fair trial before that judge. It provides for one free judicial disqualification, no questions asked. LeBaron always hated to have to make the declaration, but in this case the alternative was clearly worse.

“Sorry, Counsel,” Judge Waverly purred, that humorless, unnatural smile twisting his lips. “Mr. Collins already used up your client’s peremptory challenge last month, on the fourteenth to be exact, disqualifying Judge Kemperson. Now you better not keep Judge Kroner waiting.”

“You’ honor!” Freeman suddenly shouted.

“Quiet!” the judge snarled. “If you’ve got something to say, talk to your attorney, Mr. LeBaron.”

Out of the corner of his eye LeBaron saw two uniformed bailiffs begin to maneuver into place behind them. He tightened his grip, but his client squirmed like a two-year-old.

“This dude’s *not my attorney--*”

“He is now!” Judge Waverly brought down his gavel with a conclusive bang.

“Be quiet!” LeBaron rasped, jerking his client around and dragging him down the aisle. “D’you want him to revoke your bail?”

As soon as they were out of the courtroom, Freeman was in his face. “Say, man, what *is* this shit! Where’s my *main man*? I retained Cedrick P. Collins, Esquire, to handle my beef, not some honky dude no-soul college jive trainee white boy. And what’s this Judge Kroner shit? I don’ want no Judge *Kroner*. That dude’s *bad* news. He’s the hanging judge, am I right? Am I *right*? What’a’we goin’ before that dude for, anyway? I wanna talk t’ my main man.”

A thick-necked bailiff with unpleasant eyes had followed them out into the hallway. He looked like he’d learned his trade as a night guard in some sadistic maximum security hellhole. Tensely he followed the exchange.

“I’m sorry, Mr. Freeman, but we really don’t have very much choice at this time.” LeBaron tried to steer his client further down the hall.

But Rufus Freeman balked. He was twenty-four years old, unmarried, a high school dropout, last employed by the Quickie Car Wash on East 14th Street, and on trial for two felony counts of burglary and grand theft, with two priors. State prison was a distinct possibility. He was not very happy. “Wha’ you mean, honky, no choice? This America. I got my *rights*. I wanna talk t’ my main man. Where’s

Esquire Collins?”

“Pipe down!” LeBaron glanced over his shoulder. “Let’s get out of here so we can talk.”

“I gots nothin’ to talk to you about, honky.” He folded his arms across his chest.

Exasperated, LeBaron looked at his watch. It was after four o’clock already, and nothing much was going to happen today. He drew a deep breath and tried a different approach. “Just settle down a second and *think*, will you? You hired Mr. Collins because he’s a professional and knows what he’s doing, am I right? Did it ever occur to you that Mr. Collins sent me here for a *reason*? Think about it.”

Freeman stared at LeBaron dubiously, then his eyes began to soften. After a moment a conspiratorial grin spread over his lean face. “Say, what *is* Esquire Collins up to, my man? You got an uncle on the take, maybe?”

“No, nothing like that.” He began leading his client away from the brutal bailiff and toward the bank of elevators. “It’s just that Mr. Collins wants me to make the pretrial motions, and maybe even participate in jury selection. It’s all very technical. It kind of softens up the whites and gets their sympathy, don’t you see? Then when it’s time for the trial to start, in comes Mr. Collins with a flourish and handles the rest of the trial himself.”

Freeman was still dubious. “What about this Judge Kroner shit?”

“That?” LeBaron shrugged. “Mr. Collins himself couldn’t have done anything about that. You just had the bad luck of getting assigned to two hanging judges in a row, and you only have one challenge. Mr. Collins already used it up last month, keeping you out of Judge Kemperson’s court. It’s pure bad luck. Believe me, there’s nothing that can be done.” LeBaron punched the ornate brass elevator button. “We’re just going to have to make the best of it. And as soon as Judge Kroner’s through with us today, I’ll call the office. Mr. Collins will probably be here in the morning to handle the trial personally.”

Freeman sulked.

“Oh, there *is* one other thing.” LeBaron faced him squarely and held out his hand. “Mr. Collins told me you were going to have some money for me.”

“Money?” Rufus Freeman looked stunned, like he just remembered something very important that he had fully intended to do long before now. “Yeah. Thass right! Say, I’m gonna have t’ bring that five hundred in later, dude. It completely slipped m’ mind, don’ ya know?”

The elevator arrived, and LeBaron ushered Freeman in. “Basement” he said to the operator, then cornered his client. “Now we’re going to go over to Judge Kroner’s courtroom for preliminary motions, and we’re going to act nice and polite and we’re not going to swear or holler or piss him off in any way. Do you understand? In fact, you’re going to be *so* nice and polite, the judge is going to think, hey, they surely must’ve caught the wrong man. Tonight I’ll talk to Mr. Collins and we’ll straighten this whole thing out. Tomorrow you’ll bring in some money. Do you understand?”

Freeman opened his mouth, but all that came out was a whimper. For the first time LeBaron understood how frightened and helpless the young man really was.

--2--

It was already dusk as LeBaron hurried up Broadway toward the office. A sporadic, numbing chill drizzled down through the low overcast, permeating everything. He opened and closed his fists as he walked, trying to bring feeling back into his fingers.

Judge Kroner was a whining, officious old prick. An obvious Napoleon complex. Pretrial motions had been a farce. How could LeBaron make any motions when he knew absolutely nothing about Freeman’s alleged offense? When it became clear that LeBaron knew nothing about the case, Kroner had baited him even more. It particularly irritated LeBaron that the little prick judge had kept them until well after five for no apparent reason except to flex his judicial muscle. And now LeBaron feared he would miss Mr. Collins, and then where would he be?

Tomorrow morning the jury panel would be called in at dawn. The analogy of the firing squad didn’t escape his exhausted imagination. If Mr. Collins wanted him to handle jury selection, LeBaron was going to have to learn a hell of a lot more about the case. Surely there was a file

somewhere at the office with an arrest report, rap sheet, complaint, perhaps even notes from an initial interview. Enough to put together some questions for voir dire, select the jury, and then turn the matter over to Mr. Collins. Or did Mr. Collins have something more ambitious in mind for him?

He pushed through the revolving glass doors of the Bay Area Bank and Trust Building. The night guard was on duty already and touched the brim of his hat as LeBaron passed. The elevator bank was empty, an elevator waiting for him. He punched fourteen.

There seemed to be two criteria a case must meet before Collins dumped it off on LeBaron to try. First, the client had to be seriously delinquent in his payments. Freeman had clearly passed that test. The second was that there had to be no chance whatsoever of avoiding a full conviction on every count. LeBaron couldn't determine if that one had been met until he had a look at the file. But his suspicions were aroused. Just like the damned Hampstead case all over again. If Mr. Collins was going to have him try a case, why couldn't he tell him so in advance, so he could prepare.

Ah, but that was just the point, wasn't it? Mr. Collins didn't want him wasting his time preparing a defense that hadn't been paid for. Not when there were so many other appearances to be made. Appearances for paying clients.

The elevator doors whispered open, and there stood Mr. Collins, stoop-shouldered in his ermine-trimmed cashmere top coat and matching stingy-brim hat, the laptop computer he had christened "Gideon" dangling from his left fist. LeBaron could see the longshoreman in him now, after a bruising day at the docks, too exhausted to bother standing straight, shrunken, almost withered in his borrowed ermine finery. Instantly his welling indignation vanished, and his heart went out to his aging mentor.

Collins' expression slumped even further when he saw LeBaron step out. "Evening, LeBaron," he mumbled, and tried to slip past into the elevator car.

LeBaron wouldn't stand aside to let him past. "Mr. Collins, I've got to talk to you now." Gently he took him by the arm and swung him around.

Collins sighed. He had almost gotten away. "C'mon. Let's go in the back way. There's some fellas from the IRS in the lobby, an' I'd jus' as soon not talk to 'em right now." He fished out the key to the back door of the suite. "How'd it go?"

"Not so good."

"Uh." Collins unlocked the door and pushed through.

"The Freeman matter was on for *trial* today."

"Uh. What's he charged with?"

"Burglary and some kind of theft. Two counts. Two priors."

"Uh. Sit down, LeBaron." Collins set Gideon on the sofa, peeled off his top coat, and hung it from the coat tree. Delicately he perched his stinky-brim on top. He eased himself down in his overstuffed leather desk chair and smiled. "Didja get some money from him?"

"No. He said he'd bring something in by the end of the week."

"Uh." Collins' smile flickered, lost its substance. "Did it get sent out?"

"Yes. Jury selection starts first thing in morning."

"Uh. What judge didja get?"

"Judge Kroner."

"Felix Kroner? You got Judge Felix 'Maximum' *Kroner*? How many times have I told you *never*, under any circumstances, *ever* allow anything t'go t'Judge Felix Kroner, 'specially if it involves a black man. That man is the worst excuse for a human being to ever sit on the bench of an Alameda County court." Collins was starting to get worked up. "Did you know he tried t'put me in jail for contempt o'court once. I hadda go up on a writ t'the Court of Appeal t'get'im reversed. He jus' laughed. Knew all the time he was wrong. Jus' wanted t'see my black ass sweat. Even the Public Defender's office's issued instructions to all deputies t'challenge him every time one o'their cases gets assigned to'im. What happened? Didja forget about your one-seventy-point-six challenge?"

"No. We didn't have one left."

"We didn't?"

"You used it up last month?"

"I did? Who'd I challenge?"

"Judge Kemperson."

“Uh.” For a moment Collins seemed more tired than LeBaron had ever seen him. Over his vulnerable bald head a quotation from Abraham Lincoln silently reminded clients that “An attorney’s stock in trade is his time.” Beside him a bookcase full of the United States Code Annotated waited, dark red bindings lurid against the mahogany paneling of the office walls, an antique brass ship’s clock on top ticking quietly.

Slowly the older man gathered himself, shifted his weight, and looked LeBaron in the eye. “Okay, LeBaron, nothin’ you could o’ done about it. Shake it off. This Freeman boy’s havin’ a mighty string o’ bad luck an’ he’s into a world o’ hurt. But it can’t be he’ped. You done what y’could. Better it happens to Freeman than a good payin’ client.” Like magic that charismatic grin burst forth, a swath of ivory sunlight across a face of tar. “Now, you gonna pick me a good jury tomorrow? Like you did on that Rodriguez case a coupla months back? I still don’t know how you *did* that, LeBaron, but they couldn’t o’ been in more of a rush t’ turn my man loose. Yes siree. Jury was back in ten minutes with a ‘Not guilty, Judge.’ You shoulda seen ol’ Ernie Stillman’s face. He was handling it himself for the D.A.’s office. Thought they had Rodriguez dead t’rights. ‘Not Guilty, Judge!’ You know, LeBaron, I think you got some sort of God-given *knack* for pickin’ juries. I truly do.”

“Mr. Collins?”

“What?” He eyed LeBaron suspiciously.

“You’re not going to get involved in something else, like you did with the Hampstead case, are you, and leave me to try this thing on Monday?”

“Th’aint no trial gonna take place on *Monday*,” Collins bristled. “Judge Kroner’s got juvenile court all day Monday. Hasn’t got a single free minute. So alls you gotta do is t’ kill tomorrow with jury selection and we’ll see what happens come Tuesday mornin’.”

“You mean, we’ll see if Rufus Freeman can come up with some money by Tuesday morning?”

“That would surely help straighten things out.” He leafed through his engagement book. “Otherwise, I might get assigned to any one o’ three or four trials come Tuesday. I can’t be in two places at once, can I? You let that boy know how important it is that he pays up.”

“So what you’re saying is, I should be prepared to try this case

myself.”

“Freeman ain’t paid enough for you to do very much preparin’, LeBaron. You’ll do jus’ fine learnin’ the case as it unfolds in the courtroom, jus’ like everybody else. Now if you’re dead set on doin’ some preparin’ on your *own* free time, well of course that’s none o’ my business. But Freeman sure hasn’t paid for no preparin’ yet, an’ I can’t pay you for it.”

“What if he agrees to pay as soon as he can?” As soon as he said it, LeBaron knew it was ridiculous.

Collins shook his head. “Don’t seem like he’ll be earnin’ a whole lot o’ money in state prison for the next three to five years. Y’got to be practical, LeBaron.”

“Jeez, Mr. Collins, this is a felony! I’ve never done a felony jury trial.”

“Everybody’s gotta start somewhere. You tried the Hampstead case, didn’t you?”

“That was a *misdemeanor*.”

“Ain’t no different. Except in a felony everybody takes ‘emselves too damn’ serious.”

“But shouldn’t I interview witnesses, investigate the scene of the crime, do something to prepare?”

“This ain’t the Public Defender’s office or some public funded legal aid clinic. This’s a business. An’ the whole idea of a business is t’show a profit. Y’understan’? Freeman hasn’t paid enough t’go diggin’ up a lot of irrelevant jazz in order t’confuse the jury. We got t’fall back to a more frugal line of defense. We gotta hope a material witness don’t show up, or evidence was illegally seized, or the jury for no reason at all takes a shine to our boy. Maybe the D.A.’ll botch up the case all by himself. Freeman ain’t paid for the Cadillac defense, y’un’erstan’?”

LeBaron sighed. “Yes sir. But I would like to take a look at the file, if we have one.”

“Sure we have one!” Collins grinned and punched the intercom. “There’s always a file. Not sure if it’ll do you much good, but there’s always a file.”

“Yessir, Mr. Collins.” The voice on the intercom oozed with the honeyed sexuality of soul.

“Wanda Jean, were you able t’ find that Freeman file I a’ksed you about.”

“Sho’nuf. D’you want me t’ bring it in?”

“No. Put it on LeBaron’s desk, will ya, gal?”

“Yessir, Mr. Collins.”

Collins stood up and began pulling on his overcoat again. “I’d tell you more about the case myself, LeBaron, but I can’t seem t’ remember too much. I do remember it didn’t look so hot. Said he was a relative of Brown’s, second cousins or something. Thass why I took it without gettin’ ‘nough money up front. ‘Course Brown denies any relation.” Lovingly he lifted his ermine-trimmed stingy-brim and eased it onto his bald head. “Now as soon as I sneak out the back door here, you go out front and a’ks Wanda Jean for that file. An’ you watch out for ol’ Judge Kroner, hear? He likes t’ play you along for a while before he reels y’in. Get everything put on the record. Don’ let’im pull that ‘Approach the bench’ stuff, y’un’erstan’? Get it all on the record.”

“Yes, sir.”

With Gideon, his faithful laptop computer, stuck under his arm and one hand on the doorknob, Collins swung around and peered at LeBaron over the top of his wire-rimmed reading glasses. “Don’ look so damn’ glum, LeBaron. You’ gonna be all right. They ain’t sendin’ *you* off to state prison, are they? G’night.”

“G’night, Mr. Collins.”

CHAPTER THREE

Thursday evening

--1--

It was already mostly dark outside when LeBaron slid into a corner booth of the downtown McDonald's with his Big Mac, small fries, and vanilla shake. Fortunately, he had nothing planned for this evening. He rarely planned anything for the evenings anymore, because he was no longer fit for human companionship by the time he got home from Mr. Collins' exhausting rat race. Yes, trite as the metaphor sounded, it was exactly what his job was like, a rat maze. Every morning Mr. Collins would phone him up and announce a brand new configuration that had to be run. And every day he ran it.

He took a bite of his Mac and flopped open the Freeman file. The police report was short and utterly without a glimmer of hope. On November 11 an Officer G. Moseby of the Oakland Police Department had been dispatched to a possible burglary in progress at 1411B Ward Lane. A neighbor adjoining the property to the rear had reported a male suspect in dark overalls entering the building through a second story window. When Officer Moseby arrived on the scene, he stationed his partner, Patrolman D. Wilson, as backup in front of the residence. Moseby drew his service revolver and walked up the ungated driveway to the rear of the residence. There he observed a second story window standing wide open just above a low trellised porch. As Officer Moseby was returning to the front of the residence, the suspect, Rufus Abraham Freeman, 24, black male, dressed in a white tee shirt and gray trousers, emerged from a side door off the driveway with a color tv set cradled in his arms. Officer Moseby made contact with the suspect and, when the suspect refused to make a statement, placed him under arrest on suspicion

of violation of PC 459, burglary, PC 487, grand theft, and PC 496, receiving stolen property. The tv set was booked into evidence. The building was secured and a note left for the occupant.

Later that day victim Raccoona GeBobath, 53, white female, 1411B Ward Lane, Oakland, telephoned the Oakland Police department. Officer Moseby contacted her and took a statement. According to victim GeBobath, she was the sole occupant of the apartment, had been staying at a friend's house in Berkeley that night, did not know the suspect Freeman, and had given no one permission to enter her house. She identified the tv set. She also reported as missing two large file boxes of computer records which she claimed to be of "inestible" value. Moseby had trouble spelling "inestimable." It was crossed out and rewritten twice, both wrong. He observed that victim GeBobath appeared to be extremely upset. She was advised to contact the victim-witness program for further assistance.

End of report.

Freeman's rap sheet was a full two pages long, which was pretty impressive for someone who had been an adult for a mere six years. Most of his crimes were against property, although there was an aggravated assault charged and dismissed three years ago. Petty thefts totaled three, the last one as a felony. Two prior burglaries. Freeman served six months in the Alameda County jail and was apparently still on probation for a felony burglary conviction of less than a year ago. He had not served any state prison time.

Not yet.

LeBaron leafed through the other pages in the file. Court minutes of previous appearances in the present case indicated that the preliminary examination had been waived in December. It looked like poor Freeman hadn't been paying well enough for even a preliminary examination. Mr. Collins could be very cold.

On a yellow sheet at the bottom of the file were a few handwritten notes in Collins' cryptic scrawl. It took some time, but LeBaron finally managed to decipher the provocative words: "Gray van, Chevy, '87 or '88, Dept. of Agr., G. R. & D." The notation may have been intended for another file. Mr. Collins had the nasty habit of allowing any telephone call to interrupt what he was doing and then jotting down notes on

whatever happened to be in front of him. Collins' other notes added nothing new.

LeBaron leaned back in the yellow plastic contour bench which was designed for someone else's contour. He belched and finished off the milk shake, which made him shiver. He pulled a yellow pad out of his briefcase and wrote "Voir Dire" across the top. He would need some snappy questions to ask the prospective jurors in the morning. Questions designed to disclose potential bias, yes. But also questions cleverly enough crafted so that LeBaron could from the get-go begin to indoctrinate the jurors in his particular theory of the case.

But just what *was* his theory of this case? Mindless stupidity? Irredeemable antisocial personality? Neither was currently recognized as a viable legal defense. He laid down his pencil. Guilty as charged? Probably no plea bargain had been offered. After all, they had him dead to rights, didn't they? And even the D.A. likes a blowout once in a while. Good for the old swollen ego. Well, LeBaron had an ego too, and he would prefer not to have it dragged through the slime of a hopeless trial. He picked up the police report again. There had to be something. . . .

He skimmed through until he came to the words, "She reported as missing two large file boxes of computer records which she claimed to be of inestimable value." Now what the hell did Rufus Freeman want with two large file boxes full of computer records? And where did he stash them before he got caught? It didn't make sense. A *computer* he might take and try to resell. But computer *records*? What kind of records were we talking about here, anyway? IRS records? Fiduciary records of account? Maybe records of great value that could be reported as an insurance loss? Ah, yes, records of "inestimable" value, perhaps? LeBaron began to get a whiff of insurance scam on the part of the victim Ms. GeBobath. Not that it made his client any less guilty. But if LeBaron could present the victim to the jury as a worse scoundrel than his poor, misunderstood, disadvantaged client, maybe he could assuage that righteous indignation. Maybe he could even intimidate the victim into refusing to testify. It was certainly worth a try.

--2--

Silently Raccoona GeBobath examined LeBaron through the half-closed door. She was an ugly, short, wiry figure of indeterminate age or sex, with close-cropped brown hair, thick and lightly frosted at the temples. Her upper lip bore the vague shadow of a moustache, and her bushy eyebrows met above a pair of intense almond-colored eyes. Above her right eye a large mole sprouted bristly black hairs. Baggy trousers, a pin-striped work shirt, and heavy engineer's boots further obscured her gender.

Uneasy under her unflinching gaze, LeBaron tipped the police report to catch the light from the bare porch bulb and squinted at it. He found her name, verified the entry "female," and cleared his throat. "Ms. Raccoona GeBobath?"

She continued her silent scrutiny. At last she muttered, "Who wants to know?" Her voice had a swarthy, foreign ring that LeBaron couldn't quite pin down.

"I'm . . . ah . . . Jed LeBaron. I'm an attorney. I represent Rufus Freeman. You know who that is, don't you?"

She stared at him poker-faced.

"Er . . . he's the man who allegedly burglarized your apartment." He looked down at the report. "On November sixteenth?"

"Tell him I want my records back. He can keep the tv if he gives me my records back. Okay?"

"That's one of the things I wanted to talk to you about. The records you reported as missing."

A dark cloud passed over her eyes, and for a moment LeBaron thought she was going to slam the door in his face. Then she reconsidered. "You're not a Mormon, are you?"

"Pardon?"

"I asked whether you were a Mormon? You know, a *Mormon*?" She stressed the word as if he were hearing-impaired or an imbecile. "A member of the Church of the Latter Day Saints?"

"A Mormon? No. I'm not a Mormon. Why?"

She studied his eyes for a moment. “Wait a minute, I’ll be right back.” The door slammed shut.

LeBaron stood at the side door. A stub of old concrete sidewalk linked the building with the asphalt driveway. On each side green spears of irises pushed up through the black soil into the cold Oakland night. This must be the exact spot where the unlucky Rufus Freeman, with Ms. GeBobath’s color television cradled in his sweating palms, waltzed into Officer Moseby’s arms. Jesus! Caught in the act. Red-handed. How was he supposed to defend such an inept bastard? No wonder Mr. Collins didn’t want anything to do with the case.

LeBaron grasped the cold brass doorknob and tried to turn it. Locked. From the inside, it would turn. Freeman had climbed up the trellis, pried open the window and entered, picked up the television, then strolled down the stairs and out through this door. Only his timing was shot to hell. Pretty good response time for the police to catch him in the act.

The door jerked open and Raccoona GeBobath held out a small red book. “I knew I had one somewhere.”

LeBaron reached out to take it. “What’s this?”

“No!” she snapped. “Put your left hand on it. It’s the goddamn’ Book of Mormon. Raise your right hand. Swear on this Book of Mormon that you’re not a member of the Church of the Latter Day Saints.”

LeBaron felt a little foolish, but he complied. “I swear that I am not a member of the Church of the Latter Days Saints.”

“And never have been.”

“And I never have been.”

“Good.” Satisfied, she drew the door open. “Won’t you come in, Mr. LeBaron?”

“Thank you.” As he closed the door behind him, he tried the knob from the inside. Sure enough, it turned easily. He followed her up the narrow, enclosed flight of stairs into an unpleasant, musty atmosphere, reeking with spoiled food and hidden disease. “Why’d you have me swear I’m not a Mormon?”

She spun around on the stairs, waving the red book over her head. “‘Cause those slimy, lyin’, hypocritical sycophants would rather fry their

own first born children in boilin' fat than make a false oath on the goddamn' Book of Mormon."

She led him up to a large dark kitchen and motioned for him to sit at the cluttered table. The top was glazed with unattended spills of unknown vintage. "No, I mean, why are you concerned that I might be a Mormon at all?"

She grunted, but didn't answer.

Through a door on the other side of the kitchen LeBaron could see an even messier room, illuminated by swing-arm fluorescent lamps protruding from three desks covered with computer equipment and reference books, topped with layers of papers and open volumes. Ms. GeBobath was obviously a research scholar of some sort. LeBaron hoped her methods were tidier than her work space. The air was oppressive, and LeBaron loosened his tie to ease his breathing.

"Can I get you a cup of coffee?" She snapped on a bare light over a sink full of dirty dishes. In its glare she looked like some hairy, gnarled little atavistic gnome.

"No, thank you." He laid the police report down on the table and the back page stuck. Carefully he peeled it up.

She poured herself a cup from a dirty, half-full Mr. Coffee and pulled up a chair next to him. "Now you tell me how I can help you, an' then I'll tell you how you can help me."

"Fine. The police report indicates you lost some valuable computer records. Is that correct?"

She nodded over the rim of her cup.

"Just what sort of computer records were these?"

"Genealogical records." Her mistrustful almond eyes never left his face.

"Genealogical records?"

Raccoona nodded, watching.

"Where you trace people's ancestors?"

"Correct. All done with a powerful program I designed to extrapolate and compensate for missing data."

"I see." LeBaron started to make a note on his yellow pad, but found it too was stuck to the table. "Now, let me ask you this," he continued, abandoning the pad and bearing down, "did you have any of

these genealogical records insured?”

“What, are you crazy? Who’d insure genealogical records?”

That answer didn’t fit into LeBaron’s scheme. He was beginning to feel sticky all over. “Am I to take it you mean, ‘no’?”

“Take it however you like. But, no, my records weren’t insured. Why? You think I was trying to rip off some insurance company?” Raccoona’s laugh was a husky, bestial thing.

“No, of course not.” LeBaron blushed and fumbled through the tacky police report. The Big Mac roiled uneasily in his guts, as if it might have a mind to come back up.

“I’ll tell you, I don’t blame Mr. Freeman so much. I mean, I think somebody put him up to it. Paid him to snatch my records. He was just doin’ his job, doin’ what he was paid for. That’s what I think. But I have to get ‘em back, if he still has ‘em. If he hasn’t turned ‘em over yet.”

“Who’d want to take your genealogy records?”

“They didn’t want the records. Those were just data printouts.” She bent close to him, and he nearly gagged on the smell of rancid sweat. “They were after the *program*,” she purred conspiratorially.

LeBaron leaned away, recrossing his legs. “But *who* are you talking about?”

She watched him for a long time, then whispered, “The Mormons.”

Ah, the Mormons, LeBaron thought. *So we come full circle*. “The Mormons?”

Raccoona nodded.

“But why?”

“Because I’ve got a better processor than they do. And I’ve filled in some of the gaps.” She grasped his forearm with a horny claw and leaned close. “And because *I know what they’re up to*.”

“Oh?” LeBaron was feeling light-headed and nauseous. He tried to pull back from her sickeningly ripe breath, but she gripped his arm. So close, he couldn’t take his eyes off the revolting black hairs sprouting from the center of the rust-colored mole above her right eye. “What they’re up to?”

“Yes.” She let go of his arm in triumph.

LeBaron drew away and struggled to his feet. The room bright-

ened and tilted sickeningly. Cold sweat beaded on his forehead and ran down his neck, soaking his tightened collar. “Thank you, Ms. GeBobath.” He lurched toward the stairs. “You’ve been a great help.” Somehow he managed to snag the greasy handrail and stump down the flight without pitching head over heels. At the bottom he turned and peered back up.

She hovered unnaturally at the top of the narrow stairs, cackling down at him, “I know what they’re up to.”

LeBaron would not have been surprised to see her leap off the top step above him, swoop once or twice like a toying raptor, and fly straight out the tiny stairwell window on a rotting broomstick.