
Opening Extract from...

Innocent

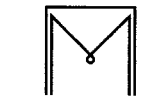
Written by Scott Turow

Published by Mantle

SCOTT TUROW

INNOCENT

A novel



First published 2010 by Grand Central Publishing,
a division of Hachette Book Group, Inc.

First published in Great Britain 2010 by Mantle
an imprint of Pan Macmillan, a division of Macmillan Publishers Limited
Pan Macmillan, 20 New Wharf Road, London N1 9RR
Basingstoke and Oxford
Associated companies throughout the world
www.panmacmillan.com

ISBN 978-0-230-74837-8 HB
ISBN 978-0-230-74838-5 TPB

1 3 5 7 9 8 6 4 2

A CIP catalogue record for this book is available from
the British Library.

Printed in the UK by CPI Mackays, Chatham ME5 8TD

INNOCENT

PROLOGUE

Nat, September 30, 2008

A man is sitting on a bed. He is my father.

The body of a woman is beneath the covers. She was my mother.

This is not really where the story starts. Or how it ends. But it is the moment my mind returns to, the way I always see them.

According to what my father will soon tell me, he has been there, in that room, for nearly twenty-three hours, except for bathroom breaks. Yesterday, he awoke, as he does most weekdays, at half past six and could see the mortal change as soon as he glanced back at my mother, just as his feet had found his slippers. He rocked her shoulder, touched her lips. He pumped the heel of his palm against her sternum a few times, but her skin was cool as clay. Her limbs were already moving in a piece, like a mannequin's.

He will tell me he sat then, in a chair across from her. He never cried. He thought, he will say. He does not know how long, except that the sun had moved all the way across the room, when he finally stood again and began to tidy obsessively.

He will say he put the three or four books she was always reading back on the shelf. He hung up the clothes she had a habit of piling on the chaise in front of her dressing mirror, then made the bed around her, pulling the sheets tight, folding the spread down evenly, before

laying her hands out like a doll's on the satin binding of the blanket. He threw out two of the flowers that had wilted in the vase on her night table and straightened the papers and magazines on her desk.

He will tell me he called no one, not even the paramedics because he was certain she was dead, and sent only a one-line e-mail to his assistant to say he would not be at work. He did not answer the phone, although it rang several times. Almost an entire day will have passed before he realizes he must contact me.

But how can she be dead? I will ask. She was fine two nights ago when we were together. After a freighted second, I will tell my father, She didn't kill herself.

No, he will agree at once.

She wasn't in that kind of mood.

It was her heart, he will say then. It had to be her heart. And her blood pressure. Your grandfather died the same way.

Are you going to call the police?

The police, he will say after a time. Why would I call the police?

Well, Christ, Dad. You're a judge. Isn't that what you do when someone dies suddenly? I was crying by now. I didn't know when I had started.

I was going to phone the funeral home, he will tell me, but I realized you might want to see her before I did that.

Well, shit, well, yes, I want to see her.

As it happens, the funeral home will tell us to call our family doctor, and he in turn will summon the coroner, who will send the police. It will become a long morning, and then a longer afternoon, with dozens of people moving in and out of the house. The coroner will not arrive for nearly six hours. He will be alone with my mom's body for only a minute before asking my dad's permission to make an index of all the medications she took. An hour later, I will pass my parents' bathroom and see a cop standing slack-jawed before the open medicine cabinet, a pen and pad in hand.

Jesus, he will declare.

Bipolar disorder, I will tell him when he finally notices me. She had to take a lot of pills. In time, he will simply sweep the shelves clean and go off with a garbage bag containing all the bottles.

In the meanwhile, every so often another police officer will arrive and ask my father about what happened. He tells the story again and again, always the same way.

What was there to think about all that time? one cop will say.

My dad can have a hard way with his blue eyes, something he probably learned from his own father, a man he despised.

Officer, are you married?

I am, Judge.

Then you know what there was to think about. Life, he will answer. Marriage. Her.

The police will make him go through his account three or four more times—how he sat there and why. His response will never vary. He will answer every question in his usual contained manner, the stolid man of law who looks out on life as an endless sea.

He will tell them how he moved each item.

He will tell them where he spent each hour.

But he will not tell anybody about the girl.

Part One

I.

Chapter 1

Rusty, March 19, 2007, Eighteen Months Earlier

From the elevated walnut bench a dozen feet above the lawyers' podium, I bang the gavel and call the last case of the morning for oral argument.

"*People versus John Harnason*," I say, "fifteen minutes each side."

The stately appellate courtroom, with its oxblood pillars rising two stories to a ceiling decorated with rococo gildings, is largely empty of spectators, save for Molly Singh, the *Tribune*'s courthouse reporter, and several young deputy PAs, drawn by a difficult case and the fact that their boss, the acting prosecuting attorney, Tommy Molto, will be making a rare appearance up here to argue in behalf of the State. A ravaged-looking warhorse, Molto sits with two of his deputies at one of the lustrous walnut tables in front of the bench. On the other side, the defendant, John Harnason, convicted of the fatal poisoning of his roommate and lover, waits to hear his fate debated, while his lawyer, Mel Tooley, advances toward the podium. Along the far wall, several law clerks are seated, including Anna Vostic, my senior clerk, who will leave the job on Friday. At my nodding direction, Anna will ignite the tiny lights atop counsel's podium, green, yellow, and red, to indicate the same things they do in traffic.

"May it please the Court," says Mel, the time-ingrained salutation of lawyers to appellate judges. At least seventy pounds overweight

these days, Mel still insists on wearing bold pin-striped suits as snug as sausage casings—enough to instill vertigo—and the same lousy rug, which looks as though he skinned a poodle. He begins with an oily grin, as if he and I, and the two judges who flank me on the three-judge panel that will decide the appeal, Marvina Hamlin and George Mason, are all the best of friends. I have never cared for Mel, a bigger snake than usual in the nest of serpents that is the criminal defense bar.

"First," says Mel, "I can't start without briefly wishing Chief Judge Sabich a happy birthday on this personal milestone."

I am sixty years old today, an occasion I have approached with gloom. Mel undoubtedly gleaned this tidibit from the gossip column on page two of today's *Trib*, a daily drumbeat of innuendo and leaks. It concludes routinely with birthday greetings to a variety of celebrities and local notables, which this morning included me: "**Rusty Sabich, Chief Judge of the State Court of Appeals for the Third Appellate District and candidate for the state Supreme Court, 60.**" Seeing it in boldface was like taking a bullet.

"I hoped no one had noticed, Mr. Tooley," I say. Everyone in the courtroom laughs. As I discovered long ago, being a judge somehow makes your every joke, even the lamest, side splitting. I beckon Tooley to proceed.

The work of the appellate court in its simplest terms is to make sure that the person appealing got a fair trial. Our docket reflects justice in the American style, divided evenly between the rich, who are usually contesting expensive civil cases, and the poor, who make up most of the criminal appellants and face significant prison terms. Because the state supreme court reviews very few matters, nine times out of ten the court of appeals holds the final word on a case.

The issue today is well-defined: Did the State offer enough evidence to justify the jury's murder verdict against Harnason? Appellate courts rarely reverse on this ground; the rule is that the jury's decision stands unless it is literally irrational. But this was a very close case. Ricardo Millan, Harnason's roommate and business partner in a travel-packaging enterprise, died at the age of thirty-nine of a mysterious progressive illness that the coroner took for an undiagnosed intestinal

infection or parasite. There things might have ended were it not for the doggedness of Ricardo's mother, who made several trips here from Puerto Rico. She used all her savings to hire a private detective and a toxicologist at the U who persuaded the police to exhume Ricardo's body. Hair specimens showed lethal levels of arsenic.

Poisoning is murder for the underhanded. No knife, no gun. No Nietzschean moment when you confront the victim and feel the elemental thrill of exerting your will. It involves fraud far more than violence. And it's hard not to believe that what sunk Harnason before the jury is simply that he looks the part. He appears vaguely familiar, but that must be from seeing his picture in the paper, because I would recall somebody so self-consciously odd. He is wearing a garish copper-colored suit. On the hand with which he is furiously scribbling notes, his nails are so long that they have begun to curl under like some Chinese emperor's, and an abundance of unmanageable orangey knots covers his scalp. In fact, there is too much reddish hair all over his head. His overgrown eyebrows make him resemble a beaver, and a gingery mustache droops over his mouth. I have always been baffled by folks like this. Is he demanding attention or does he simply think the rest of us are boring?

Aside from his looks, the actual evidence that Harnason murdered Ricardo is spotty. Neighbors reported a recent episode in which a drunken Harnason brandished a kitchen knife on the street, screaming at Ricardo about his visits with a younger man. The State also emphasized that Harnason went to court to prevent exhuming Ricardo's body, where he maintained that Ricky's mother was a kook who'd stick Harnason with the bill for another burial. Probably the only piece of substantial proof is that the detectives found microscopic traces of arsenic oxide ant poison in the shed behind the house that Harnason inherited from his mother. The product had not been manufactured for at least a decade, leading the defense to maintain that the infinitesimal granules were merely a degraded leftover from the mother's time, whereas the real perpetrator could have purchased a more reliably lethal form of arsenic oxide from several vendors on the Internet. Despite the familiarity of arsenic as a classic poison, such deaths are a rarity these days, and thus arsenic is not covered in routine toxico-

logical screenings performed in connection with autopsies, which is why the coroner initially missed the cause of death.

All in all, the evidence is so evenly balanced that as chief judge, I decided to order Harnason freed on bail pending his appeal. That does not happen often after a defendant is convicted, but it seemed unfair for Harnason to start doing time in this razor-thin case before we passed on the matter.

My order accounts, in turn, for the appearance today by Tommy Molto, the acting PA. Molto is a skillful appellate advocate, but as head of his office, he rarely has the time to argue appeals these days. He is handling this case because the prosecutors clearly read the bail ruling as an indication Harnason's murder conviction might be reversed. Molto's presence is meant to emphasize how strongly his office stands by its evidence. I give Tommy his wish, as it were, and question him closely once he takes his turn at the podium.

"Mr. Molto," I say, "correct me, but as I read the record, there is no proof at all how Mr. Harnason would know that arsenic would not be detected by a routine toxicological screening, and thus that he could pass off Mr. Millan's death as one by natural causes. That isn't public information, is it, about what's covered on an autopsy tox screen?"

"It's not a state secret, Your Honor, but no, it's not publicized, no."

"And secret or not, there was no proof that Harnason would know, was there?"

"That is correct, Chief Judge," says Molto.

One of Tommy's strengths up here is that he is unfailingly polite and direct, but he cannot keep a familiar shadow of brooding discontent from darkening his face in response to my interrogation. The two of us have a complicated history. Molto was the junior prosecutor in the event twenty-one years ago that still divides my life as neatly as a stripe down the center of a road, when I was tried and then exonerated of the murder of another deputy prosecuting attorney.

"And in fact, Mr. Molto, there wasn't even clear evidence how Mr. Harnason could have poisoned Mr. Millan, was there? Didn't several of their friends testify that Mr. Millan cooked all the meals?"

"Yes, but Mr. Harnason usually poured the drinks."

"But the defense chemist said arsenic oxide is too bitter to be concealed even in something like a martini or a glass of wine, didn't he? The prosecution didn't really refute that testimony, did you?"

"There was no rebuttal on that point, that is true, Your Honor. But these men shared most of their meals. That certainly gave Harnason plenty of opportunity to commit the crime the jury convicted him of."

Around the courthouse these days, people speak regularly of how different Tommy seems, married for the first time late in life and ensconced by luck in a job he plainly longed for. Tommy's recent good fortune has done little to rescue him from his lifetime standing among the physically unblessed. His face looks timeworn, verging on elderly. The little bit of hair left on his head has gone entirely white, and there are pouches of flesh beneath his eyes like used teabags. Yet there is no denying a subtle improvement. Tommy has lost weight and bought suits that no longer look as if he'd slept in them, and he often sports an expression of peace and, even, cheerfulness. But not now. Not with me. When it comes to me, despite the years, Tommy still regards me as an enduring enemy, and judging by his look as he heads back to his seat, he takes my doubts today as further proof.

As soon as the argument is over, the other two judges and I adjourn without our clerks to a conference room adjoining the courtroom, where we will discuss the morning's cases and decide their outcome, including which of the three of us will write each opinion for the court. This is an elegant chamber that looks like the dining room in a men's club, right down to the crystal chandelier. A vast Chippendale table holds enough high-backed leather chairs to seat all eighteen judges of the court on the rare occasion that we sit together—en banc, as it is known—to decide a case.

"Affirm," says Marvina Hamlin, as if there is no point for discussion, once we get to *Harnason*. Marvina is your average tough black lady with plenty of reason to be that way. She was ghetto raised, had a son at sixteen, and still worked her way through school, starting as a legal secretary and ending up as a lawyer—and a good one, too. She tried two cases in front of me when I was a trial judge years ago. On the other hand, after sitting with Marvina for a decade, I know she will

not change her mind. She has not heard another human being say anything worth considering since her mother told her at a very early age that she had to watch out for herself. "Who else could have done it?" demands Marvina.

"Does your assistant bring you coffee, Marvina?" I ask.

"I fetch for myself, thank you," she answers.

"You know what I mean. What proof was there that it wasn't someone at work?"

"The prosecutors don't have to chase rabbits down every hole," she answers. "And neither do we."

She's right about that, but fortified by this exchange, I tell my colleagues I'm going to vote to reverse. Thus we each turn to George Mason, who will functionally decide the case. A mannerly Virginian, George still retains soft traces of his native accent and is blessed with the white coif central casting would order for a judge. George is my best friend on the court and will succeed me as chief judge if, as widely anticipated, I win both the primary and the general election next year and move up to the state supreme court.

"I think it's just inside the boundary," he says.

"George!" I protest. George Mason and I have been at each other's throats as lawyers since he showed up thirty years ago as the newly minted state defender assigned to the courtroom where I was the lead prosecutor. Early experience is formative in the law like everything else, and George sides with defendants more often than I do. But not today.

"I admit it would have been an NG if it was tried as a bench in front of me," he says, "but we're on appeal and I don't get to substitute my judgment for the jury's."

This little tweak is aimed at me. I would never say it aloud, but I sense that Molto's appearance, and the importance the PA places on the case, has moved the needle just enough with both of my colleagues. Yet the point is I've lost. That too is part of the job, accepting the law's ambiguities. I ask Marvina to draft the opinion for the court. Still a little hot, she exits, leaving George and me to ourselves.

"Tough case," he says. It's an axiom of this life that, like a husband and wife who do not go to bed angry, judges of a court of review leave their disagreements in the impressions conference. I shrug in response,

but he can tell I remain unsettled. "Why don't you draft a dissent?" he suggests, meaning my own opinion, explaining why I think the other two got it wrong. "I promise I'll look at the matter fresh when it's on paper."

I rarely dissent, since it's one of my primary responsibilities as chief judge to promote harmony on the court, but I decide to take him up on his offer, and I head down to my chambers to begin the process with my law clerks. As chief, I occupy a suite the size of a small house. Off a large anteroom occupied by my assistant and my courtroom staff are two compact offices for my law clerks and, on the other side, my own vast work space, thirty-by-thirty and a story and a half high, with wainscoting of ancient varnished oak that lends my inside chambers the dark air of a castle.

When I push open the door to the large room, I find a crowd of forty or so people who immediately shrill out, "Surprise!" I am surprised all right, but principally by how morbid I find the recollection of my birthday. Nonetheless, I pretend to be delighted as I circle the room, greeting persons whose long-standing presence in my life makes them, in my current mood, as bleakly poignant as the messages on tombstones.

Both my son, Nat, now twenty-eight, too lean but hauntingly handsome amid his torrents of jet hair, and Barbara, my wife of thirty-six years, are here, and so are all but two of the other seventeen judges on the court. George Mason has arrived now and manages a hug, a gesture of the times with which neither of us is fully comfortable, as he hands me a box on behalf of all my colleagues.

Also present are a few key administrators on the court staff and several friends who remain practicing lawyers. My former attorney, Sandy Stern, round and robust but bothered by a summer cough, is here with his daughter and law partner, Marta, and so is the man who more than twenty-five years ago made me his chief deputy, former prosecuting attorney Raymond Horgan. Ray evolved from friend to enemy and back again in the space of a single year, when he testified against me at my trial and then, after my acquittal, put in motion the process that made me acting PA. Raymond again is playing a large role in my life as the chair of my supreme court campaign. He strategizes

and shakes the money tree at the big firms, leaving the operational details to two she-wolves, thirty-one and thirty-three, whose commitment to my election seems about as deep as a hit man's.

Most of the guests are or were trial lawyers, an amiable group by nature, and there is great bonhomie and laughter. Nat will graduate from law school in June and, after the bar, begin a clerkship on the state supreme court, where I, too, was once a law clerk. Nat remains himself, uncomfortable in conversation, and Barbara and I, by long habit, drift near from time to time to protect him. My own two law clerks, who do a similar job to the one Nat will be taking, assisting me in researching and writing my opinions for this court, have assumed less distinguished duty today as waiters. Because Barbara is perpetually ill at ease in the world beyond our house, especially in larger social gatherings, Anna Vostic, my senior clerk, serves more or less as hostess, pouring a dribble of champagne into the bottom of the plastic glasses that are soon raised for a lusty singing of "Happy Birthday." Everyone cheers when it turns out I still am full of enough hot air to extinguish the forest fire of candles on the four-tier carrot cake Anna baked.

The invitation said no presents, but there are a couple of gags—George found a card that reads, "Congratulations, man, you're 60 and you know what that means." Inside: "No more khakis!" Below, George has inscribed by hand, "P.S. Now you know why judges wear robes." In the box he handed over, there is a new death-black gown with braided golden drum major epaulets fixed at the shoulder. The mock finery for the chief inspires broad guffaws when I display it to the assembled guests.

After another ten minutes of mingling, the group begins to disperse.

"News," Ray Horgan says in a voice delicate enough for a pixie as he edges past on his way out. A grin creases his wide pink face, but partisan talk about my candidacy is forbidden on public property, and as chief judge, I am ever mindful of the burden of being an example. Instead, I agree to come by his office in half an hour.

After everyone else is gone, Nat and Barbara and I and the members of my staff gather up the paper plates and glasses. I thank them all.

"Anna was wonderful," says Barbara, then adds, in one of those

bursts of candor my odd duck of a wife will never understand is not required, "This whole party was her idea." Barbara is especially fond of my senior law clerk and often expresses dismay that Anna is just a little too old for Nat, who has recently parted with his long-term girlfriend. I join the compliments for Anna's baking, which is locally famous in the court of appeals. Emboldened by the presence of my family, which can only mark her gesture as innocuous, Anna advances to embrace me while I pat her back in comradely fashion.

"Happy birthday, Judge," she declares. "You rock!" With that, she's gone, while I do my best to banish the startling sensation of Anna full against me from my mind, or at least my expression.

I firm up dinner plans with my wife and son. Barbara predictably prefers to eat at home rather than at a restaurant. They depart while the odors of cake and champagne linger sadly in the newly silent room. Sixty years along, I am, as ever, alone to deal with myself.

I have never been what anybody would call a cheerful sort. I'm well aware that I've had more than my fair share of good fortune. I love my son. I relish my work. I climbed back to the heights of respectability after tumbling into a valley of shame and scandal. I have a middle-aged marriage that survived a crisis beyond easy imagining and is often peaceful, if never fully connected. But I was raised in a troubled home by a timid and distracted mother and a father who felt no shame about being a son of a bitch. I was not happy as a child, and thus it seemed very much the nature of things that I would never come of age contented.

But even by the standards of somebody whose emotional temperature usually ranges from blah to blue, I've been in a bad way awaiting today. The march to mortality occurs every second, but we all suffer certain signposts. Forty hit me like a ton of bricks: the onset of middle age. And with sixty, I know full well that the curtain is rising on the final act. There is no avoiding the signs: Statins to lower my cholesterol. Flomax to downsize my prostate. And four Advil with dinner every night, because a day of sitting, an occupational hazard, does a number on my lower back.

The prospect of decline adds a special dread of the future and, particularly, my campaign for the supreme court, because when I take the

oath twenty months from now, I will have gone as far as ambition can propel me. And I know there will still be a nagging whisper from my heart. It's not enough, the voice will say. Not yet. All this done, all this accomplished. And yet, at the heart of my heart, I will still not have the unnameable piece of happiness that has eluded me for sixty years.

CHAPTER 2

Tommy Molto, September 30, 2008

Tomassino Molto III, acting prosecuting attorney for Kindle County, was behind the PA's desk, big and heavy as a '60s Cadillac, wondering how different he was, when his chief deputy, Jim Brand, struck a single knuckle on the door frame.

"Deep thoughts?" asked Brand.

Tommy smiled, making the best efforts of a chronically blunt personality to be elusive. The question of how much he had changed in the last two years arrived in Tommy's brain like a drip from an eave once or twice every hour. People said he was dramatically altered, joking all the time about where he hid the genie and the magic lamp. But Tommy was in his second stint as acting prosecutor and he'd learned to recognize the flattery people always paid to power. How much could anybody change, after all? he wondered. Was he really different? Or was he simply who he had always known he was at the core?

"State copper from Nearing just called in," said Brand once he entered. "They found Barbara Sabich dead in her bed. The chief judge's wife?"

Tommy loved Jim Brand. He was a fine lawyer and loyal in a way few people were these days. But even so, Molto bridled at the suggestion he had a peculiar interest in Rusty Sabich. He did, of course.

Twenty-two years later, the name of the chief judge of the court of appeals, who Tommy had unsuccessfully prosecuted for murdering a female colleague of theirs, still coursed through him like current after the insertion of a plug. But what he did not care for was the insinuation he had carried a long grudge against Sabich. A grudge was a badge of the dishonest, who could not face the truth, including a truth that was unflattering to them. Tommy had long accepted the outcome of that case. A trial was a dogfight, and Rusty and his dog had won.

"So?" asked Tommy. "Is the office sending flowers?"

Brand, tall and solid in a white shirt starched stiff as a priest's collar, smiled, revealing good teeth. Tommy did not respond, because he had actually meant it. This had happened to Tommy his entire life, when his own internal logic, so clear and unfaltering, led to a remark that everybody else took for blatant comedy.

"No, it's strange," said Brand. "That's why the lieutenant called it in. It's like, 'What's up with this?' The wife croaks and the husband doesn't even dial 911. Who appointed Rusty Sabich coroner?"

Tommy beckoned for more details. The judge, Brand said, had not told a soul, not even his son, for nearly twenty-four hours. Instead, he had arranged the corpse like a mortician, as if they would be waking her right there. Sabich attributed his actions to shock, to grief. He had wanted it all to be just so before he shared the news. Tommy supposed he could understand that. Twenty-two months ago, at the age of fifty-seven, after a life in which poignant longing seemed as inevitable as breathing, Tommy had fallen in love with Dominga Cortina, a shy but lovely administrator in the Clerk of Court's office. Falling in love was nothing new for Tommy. Every couple of years throughout his life some woman appeared at work, in the pews at church, in his high-rise, for whom he developed a fascination and a desire that ran over him like an oncoming train. The interest, inevitably, was never returned, so Dominga's averted eyes whenever Tommy was near her seemed to be more of the same, surely understandable since she was only thirty-one. But one of her friends had noticed Tommy's pining glances and whispered he should ask her out. They were married nine weeks later. Eleven months after that Tomaso was born. Now if Dominga died, the earth would collapse the same way as a dead star, all matter reduced to

an atom. For Tommy was different, he always decided, in one fundamental way: He had felt joy. At long last. And at an age when most people, even those who'd enjoyed large helpings, gave up the hope of having more.

"Thirty-five years married or whatever," Tommy said now. "Jesus. A guy could act strange. He's a strange guy anyway."

"That's what they say," answered Brand. Jim did not know Sabich really. To him, the chief judge was a remote personage. Brand did not recall the days when Rusty roamed the halls here in the PA's office with a scowl seemingly aimed principally at himself. Brand was forty-two. Forty-two was a grown-up. Old enough to be president or to run this office. But it was a different grown-up from Tommy's. What was life to Tommy was history to Brand.

"The copper's whiskers are twitching," said Brand.

Cops were always hinky. Every good guy was really a bad guy in drag.

"What does he think happened?" Molto asked. "Any sign of violence?"

"Well, they'll wait for the coroner, but no blood or anything. No bruises."

"So?"

"Well, I don't know, Boss—but twenty-four hours? You could hide a lot of stuff. Something in the bloodstream could dissipate."

"Like what?"

"Shit, Tom, I'm spitballing. But the coppers think they should do something. That's why I'm coming to you."

Whenever Tommy thought back to the Sabich trial twenty-two years ago, what echoed through time was the teeming emotions. Deputy Prosecuting Attorney Carolyn Polhemus, who'd been a friend of Tommy's, one of those women he couldn't help longing for, had been found strangled in her apartment. With the crime falling in the midst of a brutal campaign for prosecuting attorney between Ray Horgan, the incumbent, and Tommy's lifelong friend Nico Della Guardia, the murder investigation was charged from the start. Ray assigned it to Rusty, his chief deputy, who never mentioned that he'd had a secret fling with Carolyn that had ended badly months before. Then Rusty

dogged the case and conveniently failed to collect a variety of proof—phone records, fingerprint analyses—that pointed straight at him.

Sabich's guilt had seemed so plain when they charged him after Nico won the election. But the case fell apart at trial. Evidence disappeared, and the police pathologist, who'd identified Rusty's blood type in the semen specimen recovered from Carolyn, had forgotten the victim had her tubes tied and couldn't explain on the stand why she'd used a common spermicide as well. Rusty's lawyer, Sandy Stern, lit up each crack in the prosecution facade and attributed every failure—the missing evidence, the possible contamination of the specimen—to Tommy, to a self-conscious effort to frame Sabich. And it worked. Rusty walked, Nico was recalled by the voters, and to add insult to injury, Sabich was appointed acting PA.

Over the years since, Tommy had tried to make an even assessment of the possibility that Rusty was not guilty. As a matter of reason, it could have been true. And that was his public posture. Tommy never talked to anyone about the case without saying, Who knows? The system worked. The judge went free. Move on. Tommy didn't understand how time began or what had happened to Jimmy Hoffa or why the Trappers lost year after year. And he had no idea who killed Carolyn Polhemus.

But his heart did not really follow the path of reason. There it was scorched on the walls the way people blackened their initials with a torch on the interior of a cave: Sabich did it. A year-long investigation eventually proved that Tommy had committed almost none of the breaches he'd been slyly accused of in the courtroom. Not that Tommy hadn't made mistakes. He'd leaked confidential information to Nico during the campaign, but every deputy PA talked out of school. Yet Tommy hadn't hidden evidence or suborned perjury. Tommy was innocent, and because he knew he was innocent, it seemed a matter of equal logic that Sabich was guilty. But he shared the truth only with himself, not even Dominga, who almost never asked him about work.

"I can't go near this," he told Brand. "Too much history."

Brand hitched a shoulder. He was a big guy, walked on at the U, and ended up an all-conference outside linebacker. That was twenty years ago. He had a huge head and not much hair left on it. And he was shaking it slowly.

"You can't get off a case whenever a defendant comes bobbing by on the merry-go-round for a second time. You want me to go through the files and see how many indictments you've signed already on guys who beat their first beef?"

"Any of them about to be elected to the state supreme court? Rusty casts a big shadow, Jimmy."

"I'm just saying," said Brand.

"Let's get the autopsy results. But until then, nothing else. No nosy coppers trying to sniff Rusty's behind. And no involvement by this office. No grand jury subpoenas or anything unless and until something substantial turns on the post. Which ain't gonna happen. We can all think whatever we wanna think about Rusty Sabich. But he's a smart guy. Really smart. Let the Nearing coppers go play in their sandbox until we hear from the coroner. That's all."

Brand didn't like it, Tommy could tell. But he'd been a marine and understood the chain of command. He departed with the faint damning that always went with it when he declared, "Whatever you say, Boss."

Alone, Tommy spent a second thinking about Barbara Sabich. She had been a babe as a young woman, with tight dark curls and a killer bod and a tough look that said that no guy could really have her. Tommy had barely seen her in the last couple of decades. She did not share the same responsibilities as her husband and had probably avoided Molto. During Sabich's trial years ago, she sat in court every day, sizzling Tommy with a furious look whenever he glanced her way. What makes you so sure? he sometimes wanted to ask her. The answer was gone to the grave with her now. As he had since his days as an altar boy, Tommy moved himself to a brief prayer for the dead. Commit, dear Lord, the soul of Barbara Sabich to Your eternal embrace. She was Jewish, as Molto remembered, and wouldn't care for his prayers, and even before Rusty's indictment had never much cared for Tommy, either. The same welling hurt Tommy had felt his whole life in the face of frequent scorn rose up in him, and he fought it off, another ingrained habit. He would pray for her anyway. It was inclinations like these that Dominga had recognized and that eventually won her. She knew the good in Tommy's heart, far more than any human being save his mother, who passed five years ago.

With the image of his young wife, slightly plump, bountiful in the right places, Tommy for a moment was overcome with longing. He felt himself swelling below. It was no sin, he had decided, to lust after your own wife. Rusty had probably once yearned for Barbara that way. Now she was gone. Take her, God, he thought again. Then he looked around the room, trying once more to decide how different he was.