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The Reversal

Written by Michael Connelly

Published by Orion Books

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**MICHAEL
CONNELLY**

THE
REVERSAL



First published in Great Britain in 2010 by Orion Books,
an imprint of The Orion Publishing Group Ltd
Orion House, 5 Upper Saint Martin's Lane
London WC2H 9EA

An Hachette UK Company

1 3 5 7 9 10 8 6 4 2

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

ISBN (Hardback) 978 1 4091 1439 0

ISBN (Export Trade Paperback) 978 1 4091 1440 6

Printed in Great Britain by Clays Ltd, St Ives plc

The Orion Publishing Group's policy is to use papers that are natural,
renewable and recyclable products and made from wood grown in sustainable
forests. The logging and manufacturing processes are expected to
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PART ONE

— The Perp Walk

One

Tuesday, February 9, 1:43 P.M.

The last time I'd eaten at the Water Grill I sat across the table from a client who had coldly and calculatedly murdered his wife and her lover, shooting both of them in the face. He had engaged my services to not only defend him at trial but fully exonerate him and restore his good name in the public eye. This time I was sitting with someone with whom I needed to be even more careful. I was dining with Gabriel Williams, the district attorney of Los Angeles County.

It was a crisp afternoon in midwinter. I sat with Williams and his trusted chief of staff—read political advisor—Joe Ridell. The meal had been set for 1:30 P.M., when most courthouse lawyers would be safely back in the CCB, and the DA would not be advertising his dalliance with a member of the dark side. Meaning me, Mickey Haller, defender of the damned.

The Water Grill was a nice place for a downtown lunch. Good food and atmosphere, good separation between tables for private conversation, and a wine list hard to top in all of downtown. It was the kind of place where you kept your suit jacket on and the waiter put a black napkin across your lap so you needn't be bothered with doing it yourself. The prosecution team ordered martinis at the county taxpayers' expense and I stuck with the free water the restaurant was

pouring. It took Williams two gulps of gin and one olive before he got to the reason we were hiding in plain sight.

“Mickey, I have a proposition for you.”

I nodded. Ridell had already said as much when he had called that morning to set up the lunch. I had agreed to the meet and then had gone to work on the phone myself, trying to gather any inside information I could on what the proposition would be. Not even my first ex-wife, who worked in the district attorney’s employ, knew what was up.

“I’m all ears,” I said. “It’s not every day that the DA himself wants to give you a proposition. I know it can’t be in regard to any of my clients—they wouldn’t merit much attention from the guy at the top. And at the moment I’m only carrying a few cases anyway. Times are slow.”

“Well, you’re right,” Williams said. “This is not about any of your clients. I have a case I would like you to take on.”

I nodded again. I understood now. They all hate the defense attorney until they need the defense attorney. I didn’t know if Williams had any children but he would have known through due diligence that I didn’t do juvy work. So I was guessing it had to be his wife. Probably a shoplifting grab or a DUI he was trying to keep under wraps.

“Who got popped?” I asked.

Williams looked at Ridell and they shared a smile.

“No, nothing like that,” Williams said. “My proposition is this. I would like to hire you, Mickey. I want you to come work at the DA’s office.”

Of all the ideas that had been rattling around in my head since I had taken Ridell’s call, being hired as a prosecutor wasn’t one of them. I’d been a card-carrying member of the criminal defense bar for more than twenty years. During that time I’d grown a suspicion and distrust of prosecutors and police that might not have equaled that of the gangbangers down in Nickerson Gardens but was at least at a level

that would seem to exclude me from ever joining their ranks. Plain and simple, they wouldn't want me and I wouldn't want them. Except for that ex-wife I mentioned and a half brother who was an LAPD detective, I wouldn't turn my back on any of them. Especially Williams. He was a politician first and a prosecutor second. That made him even more dangerous. Though briefly a prosecutor early in his legal career, he spent two decades as a civil rights attorney before running for the DA post as an outsider and riding into office on a tide of anti-police and -prosecutor sentiment. I was employing full caution at the fancy lunch from the moment the napkin went across my lap.

"Work for you?" I asked. "Doing what exactly?"

"As a special prosecutor. A onetime deal. I want you to handle the Jason Jessup case."

I looked at him for a long moment. First I thought I would laugh out loud. This was some sort of cleverly orchestrated joke. But then I understood that couldn't be the case. They don't take you out to the Water Grill just to make a joke.

"You want me to prosecute Jessup? From what I hear there's nothing to prosecute. That case is a duck without wings. The only thing left to do is shoot it and eat it."

Williams shook his head in a manner that seemed intended to convince himself of something, not me.

"Next Tuesday is the anniversary of the murder," he said. "I'm going to announce that we intend to retry Jessup. And I would like you standing next to me at the press conference."

I leaned back in my seat and looked at them. I've spent a good part of my adult life looking across courtrooms and trying to read juries, judges, witnesses and prosecutors. I think I've gotten pretty good at it. But at that table I couldn't read Williams or his sidekick sitting three feet away from me.

Jason Jessup was a convicted child killer who had spent nearly twenty-four years in prison until a month earlier, when the California Supreme Court reversed his conviction and sent the case back to Los

Angeles County for either retrial or a dismissal of the charges. The reversal came after a two-decade-long legal battle staged primarily from Jessup's cell and with his own pen. Authoring appeals, motions, complaints and whatever legal challenges he could research, the self-styled lawyer made no headway with state and federal courts but did finally win the attention of an organization of lawyers known as the Genetic Justice Project. They took over his cause and his case and eventually won an order for genetic testing of semen found on the dress of the child Jessup had been convicted of strangling.

Jessup had been convicted before DNA analysis was used in criminal trials. The analysis performed these many years later determined that the semen found on the dress had not come from Jessup but from another unknown individual. Though the courts had repeatedly upheld Jessup's conviction, this new information tipped the scales in Jessup's favor. The state's supreme court cited the DNA findings and other inconsistencies in the evidence and trial record and reversed the case.

This was pretty much the extent of my knowledge of the Jessup case, and it was largely information gathered from newspaper stories and courthouse scuttlebutt. While I had not read the court's complete order, I had read parts of it in the *Los Angeles Times* and knew it was a blistering decision that echoed many of Jessup's long-held claims of innocence as well as police and prosecutorial misconduct in the case. As a defense attorney, I can't say I wasn't pleased to see the DA's office raked over the media coals with the ruling. Call it underdog schadenfreude. It didn't really matter that it wasn't my case or that the current regime in the DA's office had nothing to do with the case back in 1986, there are so few victories from the defense side of the bar that there is always a sense of communal joy in the success of others and the defeat of the establishment.

The supreme court's ruling was announced the week before, starting a sixty-day clock during which the DA would have to retry or discharge Jessup. It seemed that not a day had gone by since the ruling

that Jessup was not in the news. He gave multiple interviews by phone and in person at San Quentin, proclaiming his innocence and pot-shotting the police and prosecutors who put him there. In his plight, he had garnered the support of several Hollywood celebrities and professional athletes and had already launched a civil claim against both the city and county, seeking millions of dollars in damages for the many long years during which he was falsely incarcerated. In this day of nonstop media cycles, he had a never-ending forum and was using it to elevate himself to folk hero status. When he finally walked out of prison, he, too, would be a celebrity.

Knowing as little as I did about the case in the details, I was of the impression that he was an innocent man who had been subjected to a quarter century of torture and that he deserved whatever he could get for it. I did, however, know enough about the case to understand that with the DNA evidence cutting Jessup's way, the case was a loser and the idea of retrying Jessup seemed to be an exercise in political masochism unlikely to come from the brain trust of Williams and Ridell.

Unless...

"What do you know that I don't know?" I asked. "And that the *Los Angeles Times* doesn't know."

Williams smiled smugly and leaned forward across the table to deliver his answer.

"All Jessup established with the help of the GJP is that his DNA was not on the victim's dress," he said. "As the petitioner, it was not up to him to establish who it did come from."

"So you ran it through the data banks."

Williams nodded.

"We did. And we got a hit."

He offered nothing else.

"Well, who was it?"

"I'm not going to reveal that to you unless you come aboard on the case. Otherwise, I need to keep it confidential. But I will say that I believe our findings lead to a trial tactic that could neutralize the

DNA question, leaving the rest of the case—and the evidence—pretty much intact. DNA was not needed to convict him the first time. We won't need it now. As in nineteen eighty-six, we believe Jessup is guilty of this crime and I would be delinquent in my duties if I did not attempt to prosecute him, no matter the chances of conviction, the potential political fallout and the public perception of the case."

Spoken as if he were looking at the cameras and not at me.

"Then why don't you prosecute him?" I asked. "Why come to me? You have three hundred able lawyers working for you. I can think of one you've got stuck up in the Van Nuys office who would take this case in a heartbeat. Why come to me?"

"Because this prosecution can't come from within the DA's office. I am sure you have read or heard the allegations. There's a taint on this case and it doesn't matter that there isn't one goddamn lawyer working for me who was around back then. I still need to bring in an outsider, an independent to take it to court. Somebody—"

"That's what the attorney general's office is for," I said. "You need an independent counsel, you go to him."

Now I was just poking him in the eye and everybody at the table knew it. There was no way Gabriel Williams was going to ask the state AG to come in on the case. That would cross the razor-wire line of politics. The AG post was an elected office in California and was seen by every political pundit in town as Williams's next stop on his way to the governor's mansion or some other lofty political plateau. The last thing Williams would be willing to do was hand a potential political rival a case that could be used against him, no matter how old it was. In politics, in the courtroom, in life, you don't give your opponent the club with which he can turn around and clobber you.

"We're not going to the AG with this one," Williams said in a matter-of-fact manner. "That's why I want you, Mickey. You're a well-known and respected criminal defense attorney. I think the public will trust you to be independent in this matter and will therefore trust and accept the conviction you'll win in this case."

While I was staring at Williams a waiter came to the table to take our order. Without ever breaking eye contact with me, Williams told him to go away.

"I haven't been paying a lot of attention to this," I said. "Who's Jessup's defense attorney? I would find it difficult to go up against a colleague I know well."

"Right now all he's got is the GJP lawyer and his civil litigator. He hasn't hired defense counsel because quite frankly he's expecting us to drop this whole thing."

I nodded, another hurdle cleared for the moment.

"But he's got a surprise coming," Williams said. "We're going to bring him down here and retry him. He did it, Mickey, and that's all you really need to know. There's a little girl who's still dead, and that's all any prosecutor needs to know. Take the case. Do something for your community and for yourself. Who knows, you might even like it and want to stay on. If so, we'll definitely entertain the possibility."

I dropped my eyes to the linen tablecloth and thought about his last words. For a moment, I involuntarily conjured the image of my daughter sitting in a courtroom and watching me stand for the People instead of the accused. Williams kept talking, unaware that I had already come to a decision.

"Obviously, I can't pay you your rate, but if you take this on, I don't think you'll be doing it for the money anyway. I can give you an office and a secretary. And I can give you whatever science and forensics you need. The very best of every —"

"I don't want an office in the DA's office. I would need to be independent of that. I have to be completely autonomous. No more lunches. We make the announcement and then you leave me alone. I decide how to proceed with the case."

"Fine. Use your own office, just as long as you don't store evidence there. And, of course, you make your own decisions."

"And if I do this, I pick second chair and my own investigator out of the LAPD. People I can trust."

"In or outside my office for your second?"

"I would need someone inside."

"Then I assume we're talking about your ex-wife."

"That's right—if she'll take it. And if somehow we get a conviction out of this thing, you pull her out of Van Nuys and put her downtown in Major Crimes, where she belongs."

"That's easier said than —"

"That's the deal. Take it or leave it."

Williams glanced at Ridell and I saw the supposed sidekick give an almost imperceptible nod of approval.

"All right," Williams said, turning back to me. "Then I guess I'll take it. You win and she's in. We have a deal."

He reached his hand across the table and I shook it. He smiled but I didn't.

"Mickey Haller for the People," he said. "Has a nice ring to it."

For the People. It should have made me feel good. It should have made me feel like I was part of something that was noble and right. But all I had was the bad feeling that I had crossed some sort of line within myself.

"Wonderful," I said.