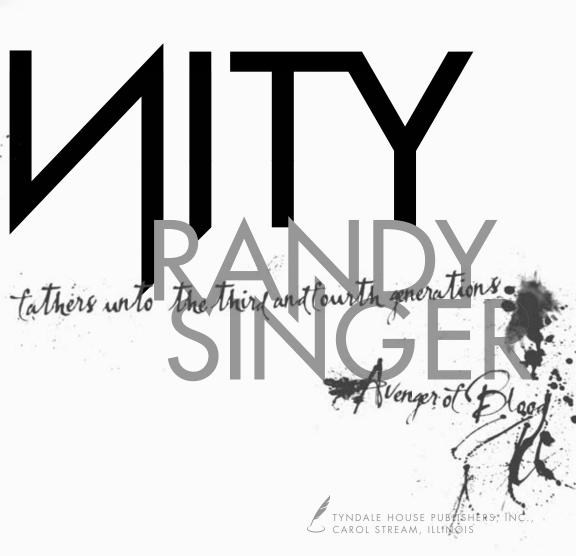


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By Reason of Insanity

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"I'm starting to see my own handwriting on the wall, and it looks mysteriously like a guilty verdict."

QUINN NEWBERG



PART ONE

Law: n., That which is laid down, ordained or established....Law is a solemn expression of the will of the supreme power of the state.

BLACK'S LAW DICTIONARY



QUINN NEWBERG ROSE to face the jury one last time. The pressure of the case constricted his chest and pounded on his temples. He had to remind himself that he had done this more than eighty times before, with stellar results. "A legal magic act" was how one of the newspapers described him. *Juries love me*.

But he couldn't shake Dr. Rosemarie Mancini's words from the prior night, after his spunky expert witness had listened to a dry run of Quinn's closing. "The whole world hates the insanity plea," she said. "Ninety-five percent of these cases result in convictions." She forced a smile. "Including, believe it or not, even a few where I testified."

"Do you have any advice?" Quinn had asked. "Or just doomsday statistics?" "Take the jury where the pain is," Rosemarie said softly. "Throw away your notes." She must have sensed Quinn's reluctance, noticed his unwillingness to even look at her as he considered this. Notes he could do without, but he had no desire to put Annie through her nightmare again. "It's our only chance," Rosemarie said.

Those words echoed in Quinn's ears as he approached the jury empty-handed, took a deep breath, and closed his eyes to gather his thoughts. He opened them again and looked at the jury—*his* jury. He heard the judge say his name—his honor's voice coming from the end of a long tunnel. Another moment passed, and the stillness of the courtroom became the stillness of that dank house on Bridge Street, over two decades earlier.

He started pacing even before he uttered his first word. Rosemarie was right—a good lawyer would start by describing this scene. But a great lawyer would do more. A great lawyer would *take* them there. . . .

By the time Annie turns thirteen, her father has been visiting her bed for nearly a year. Holidays are always the worst because they give Annie's father an excuse to drink.

Thanksgiving, Christmas, New Year's Eve, Memorial Day—they all end the same. Like this night undoubtedly would: July 4, 1986. Independence Day.

Annie goes to bed early—a holiday custom of her own—hoping she won't see her father come home. She leaves the light on in her room and prays for a miracle. A car accident. A heart attack. A mugger who goes too far.

She prays that tonight her father might die.

The answer to that prayer, the same answer she has received so many times before, arrives a few minutes after midnight. She hears the sound of car tires on the gravel drive. She listens through the thin walls of the small house as the engine stops and the driver's door thuds shut. Her father enters through the laundry room, his heavy footsteps taking him into the kitchen.

Petrified, Annie lies in bed and stares at the ceiling, the covers pulled tight to her chin. She hears the television. The sound of dishes. Murmured curses.

There is silence for an hour, her father probably sleeping in the recliner, but Annie does not sleep. Eventually he stirs and wakes. He trudges up the stairs, his footsteps and labored breathing magnified by the stillness of the house. She smells him. Though she knows it is impossible because the door to her room is closed and her father is only halfway up the steps, she smells him. Stale beer on her father's breath. The putrid odor of a grown man's sweat. The stench of cigarettes and a wisp of aftershave.

Sometimes he comes directly to Annie's room. If he does, Annie will not cry out for her mother. When Annie cried out in the past, her father would violate her mom first. When he returned to Annie, it would be worse.

Tonight he walks past Annie's door and into his own bedroom. Sometimes he will stay there. But sometimes, like tonight, there is muffled shouting. Her mother begs. Annie hears the sound of fist on bone. Annie wants to run to her mother's aid, but she has tried that before too. It only angers her father more. Once he threw Annie to the floor and made her watch as he beat her mother. He called

it an obedience lesson. Another time, when Annie called the authorities, her mom defended her father. The bruises were an accident, her mom said. "I fell down the steps."

Tonight there is angry yelling until it abruptly stops. Her mother will be unconscious, oblivious to further pain. The silence hangs like the blade of a guillotine.

Moments later, Annie hears the door to her parents' room creak open. Stumbling footsteps grow closer in the hallway. She hopes that tonight her ten-year-old brother will not try to be the hero. She thinks about the beating he endured the last time he tried to interfere. After subduing the boy, her father made him drop his shorts as the old man took off his belt. He promised to whip Annie's brother until he cried. Her brother, stubborn as the old man, refused to cry.

Annie hears the doorknob turn and she closes her eyes. The smell is real now. She senses her father at the threshold, lingering there for a perverse moment, breathing heavily. He turns off the light. Even with her eyes closed, Annie can feel the darkness deepen, and terror overwhelms her.

2

QUINN STOPPED PACING and turned to the jury, fighting back emotions that threatened to undo him. He swallowed once, twice . . . but he could not dissolve the lump in his throat or calm the slight tremor in his voice. He knew he was close to losing it altogether, right there in the courtroom for everyone to see. In the past he had made jurors cry and had even summoned a few manufactured tears of his own. But this time, the tears were real.

Quinn Newberg, legal magician, in danger of not being able to finish his closing argument. Juror number five, a single mother of two, had tears welling in her eyes too. Every juror stared intently at Quinn. The courtroom was as still as the house that Quinn had just described.

Slowly Quinn returned to his counsel table and placed a gentle hand on his client's shoulder. She had been stoic throughout the trial, but now he felt Annie's silent sobs, the small trembling of the shoulder. She dabbed at the tears with a worn-out tissue.

"Who can begin to understand what such abuse does to a young girl's soul? to her mind? to her psyche? The home is supposed to be a safe place. A father is supposed to be a protector." In control again, Quinn squeezed his client's shoulder and returned to the well of the courtroom, never taking his eyes off the jurors.

"If she had shot her father in self-defense that night—July 4, 1986—who would have blamed her? Who would have been so bold as to charge her with murder?"

Quinn lowered his voice, searching the faces of the jury. "You heard the testimony of Dr. Rosemarie Mancini," he said, motioning toward the witness stand. He knew they could still picture his diminutive but flamboyant psychiatric expert—her sharp wit and confident demeanor had captured the entire courtroom. "Dr. Mancini explained that Annie did what most children would have done—she repressed those horrible acts and partitioned them off in her mind. She created an alternative reality even as her father abused

her—a dreamworld where her mind could go and leave the horrors of abuse behind."

Quinn stood in front of the jury now, so close he could reach out and touch the rail. "Some say that most women marry men who are just like their fathers. For Annie, it was true. Blinded by love, she gave herself to Richard Hofstetter Jr.—a man ten years her senior. He could turn on the charm, and she fell for it. And yes, she fell for the lure of his money. He was the heir apparent to his father's Vegas empire. Annie knew he had a temper, but nobody's perfect. And he had never raised his voice at Annie, at least not until Annie and her ten-year-old daughter, Sierra, moved into the Hofstetter estate."

Quinn reached down and grabbed the poster board leaning against the jury rail. He placed it on the easel, displaying large photos of Annie's face after the second domestic disturbance call. "You remember the testimony about this 911 call," he said. His voice stayed composed, but he felt his blood pressure rising. "Richard made some calls of his own before the police arrived. I'll give him this much—the man had connections. He begged Annie to forgive him. He promised to get counseling. The police officers, instead of arresting Richard, agreed to let the couple work it out." Quinn shook his head, disgusted. "We saw how well that worked."

He sensed the jury was tiring. They had been at it for three straight weeks. Rehashing all the evidence now would probably do more harm than good.

"And you know from the testimony that it wasn't just the physical abuse," Quinn continued. "Hofstetter flirted with other women right under Annie's nose—purposefully humiliating her. He threatened to turn her in for a younger model, a smarter model. For her thirty-fifth birthday, he scheduled Annie an appointment with a plastic surgeon.

"It's a wonder she didn't snap earlier—what Dr. Mancini referred to as a psychotic break. The prosecution says she should have worked through the system. She should have called family protective services. She should have filed for divorce.

"But you don't think rationally when your thirteen-year-old daughter says that her stepfather touched her private parts. Maybe you can take your husband's abuse yourself, but you can't let him hurt your daughter the way your father hurt you. Your past comes rushing back in full Technicolor—those nights you begged God to make it stop. You thought you had worked through the painful memories, but you had only caged them in for a while. And now your abusive husband feeds the beast every time he abuses you, every time he humiliates you in public. The beast grows, and the anger feeds

on itself. You drive the shame and humiliation into that same cage, and they only make the beast stronger."

Quinn was talking faster now—the words coming in an unscripted torrent that flowed from his own troubled past. "You manage the beast until your husband threatens the one thing you hold dear, the one undefiled thing in your life, the only thing worth living for. The rage and fear consume you and overwhelm your inhibitions until you become the monster your father and husband have created. Your husband becomes your father. Threatening you. Abusing you. Abusing your daughter. To protect yourself and Sierra, you must act. You must do what your own mother could not. For the sake of Sierra, you must make it stop."

He paused, lowering his voice. "And you do."

Instinctively, Quinn did something that violated every rule of advocacy—something that ran counter to every defense strategy he had ever learned. He reached down and grabbed the poster board that contained two large photos of the victim. The first showed a bloody close-up of Richard Hofstetter's face—the entry wound in the forehead, execution-style. According to Annie's confession, she had made him kneel and beg for his life. Only then had she pulled the trigger. The second photo showed Hofstetter lying on the living room floor in a pool of his own blood. He placed the two photographs on the easel, side by side.

"Do you punish a mother for protecting her daughter?" Quinn asked. "Do you punish that abused thirteen-year-old girl for finally, twenty-two years later, pulling the trigger on this new abuser? As you've heard from Dr. Mancini, at that pivotal moment in Annie's life, all of her separate realities merged into an explosive fusion—the little girl and the protective mom, the harsh reality of the past colliding with the present, the real world merging with a dreamworld of make-believe justice. In her mind, her father and husband became one.

"Did my client pull the trigger? Yes. But is she *guilty*? Not under the law. Not when she acted under a delusion so strong that it annihilated her ability to understand the nature and consequences of her actions."

Quinn surveyed the jury, trying to read the looks on their faces. He suddenly felt drained. "My client was legally insane when she pulled the trigger," he said softly. "The only thing more insane would be to make her pay for it. Her father abused her. Her husband abused her. Don't let the system abuse her too."

He waited there for a moment before he turned and started back to his

counsel table. He stopped halfway and turned to face the jurors again. This time, he felt the tears resurface, stinging the backs of his eyes.

"Twenty-two years ago, that ten-year-old boy tried to help his sister but couldn't summon the courage to act. Instead, he listened to his dad's menacing footsteps and, alone in the dark, begged God for justice. But justice never came."

Quinn looked down, wishing he could have done more. "Today, he's begging again."

He turned in the quietness of the courtroom and took his seat. He folded his hands on the table and stared straight ahead.

Annie reached over and placed her hand on top of his. "You did everything you could," she whispered. "Nobody could ask for a better brother than you."