



SELF INCRIMINATION

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RANDY SINGER

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Self Incrimination

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PROLOGUE

BY 10:00 P.M., Trish Bannister was worried sick.

It was Friday, so she didn't expect him right after work. If he made it by seven or eight, the night would be tolerable. Nine o'clock would mean he had broken his promise and had been drinking. There would be shouting and cursing, but nothing physical. But it was now ten. It had been two months since James had been this late on a Friday. It would be ugly.

For a moment she pondered the irony of it. Her husband picks Good Friday to come home drunk. The day of the Crucifixion, the suffering of Christ. Why did they call it *Good* Friday anyway?

Dinner was beyond cold. She would pop it in the microwave as soon as she heard his car, but the steak would still be dry and the rolls would be too hot. Two months ago she had used the microwave, and he had backhanded the plate across their formal dining room table. She scrubbed the carpet for half an hour. He stood over her, pointing out spots she had missed.

The next day she almost left.

She stayed for the kids. And she stayed because she wanted to believe his promises. No more drinking. He would get counseling. Things would change as soon as he could pull the company out of its nosedive.

The company. She remembered the banquet a few weeks ago, how the booze had flowed like water but James had never touched a drop. She remembered how she felt when it was his turn at the mike. He paused, choked back the tears, then thanked her for being his strength.

She stayed because there were some things worth fighting for.

She paced the front foyer, nibbling at the fingernail on her right thumb, oblivious to the extravagance she called home. She stood in the midst of carved white pillars on a marble floor. From her position next to the front door, she could see most of the first floor, every spacious room flowing into

every other room. The family room opened to a cut-stone patio and an Olympic-size pool.

She glanced again out the front windows to the circular drive. No sign of James and his Town Car. No sign of sixteen-year-old Tara and her Explorer. She prayed that Tara would get home before James. After all, Tara was supposed to be grounded. But Tara had left earlier in a huff, after Trish had nagged her about her progress report. Trish couldn't stop the kid. She was sixteen years old and strong willed. Trish would deal with Tara tomorrow.

"Jamie, turn it down!" Trish yelled toward the general direction of her eleven-year-old's room. There was no chance he would hear. She glanced again out the front window, then hurried up the steps.

She pounded on his locked door. "C'mon, honey. Dad'll be home soon."

No response.

"Turn it down! Now!"

The volume lowered to a softer roar. But the carpet in the hallway still vibrated with every beat of the bass. Trish rubbed her forehead. The pressure was building, the migraine forming.

Jamie's progress report had been the only bright spot this week. A fifth grader, he had been diagnosed with Tourette's syndrome and attention deficit disorder less than two years ago. At times, despite heavy doses of Ritalin, clonidine, and haloperidol, Jamie was hard to control. But his teacher was understanding, and his classmates were, for the most part, accepting of him. Unlike Tara, Jamie was at least trying.

Trish walked quickly to the master bathroom, listening for the sound of car engines. She opened the top drawer under her sink, found her migraine prescriptions, and popped two Fiorinal tablets and two Imitrex. She stopped and stared at her reflection. The lines on her face ran deep, creeping farther each day from the corners of hollow eyes.

Too late she heard the sound of wheels on asphalt. If it was James, she would not be at the door to greet him. There would be no time to slide his plate into the microwave before he entered.

She heard heavy footsteps on the front porch. A man's footsteps. James was home.

And dinner was stone cold.

She made it to the top of the foyer steps just as he entered. He closed the door and stood in the foyer, teetering back and forth, shifting from one leg to the other.

The red eyes, the storm that darkened his face. Even before the stench of stale liquor permeated the foyer, she knew.

“Hey, honey,” she said, trying to sound light and casual. She descended the steps and greeted him with a quick kiss. There were no fists, but she could sense the rage.

“Where’s dinner?” The words came out thick and menacing. His shocks of wavy black hair, full of styling gel, were smeared haphazardly about his head. His tie hung loose around his neck, not even knotted. But for the custom suit, he looked like a homeless person, not the CEO of a cell phone company.

“In the kitchen,” Trish said, taking one step back. “Let me go heat it up real quick.”

“Where’re Tara and Jamie?” he asked as he followed her toward the kitchen.

“Jamie’s upstairs. Tara’s out.”

“I thought she was grounded,” James mumbled. “Any calls today, Patricia?”

Trish froze. Denying it only made things worse. *Keep moving*, she told herself. *Act natural*. She put his plate in the microwave.

He leaned against the island counter in the middle of the kitchen and stared at her, studied her . . . unnerved her.

“How was work?” Trish asked, trying to change the subject.

He snorted, as if the question didn’t deserve an answer. “Same as always.”

She pulled the plate from the microwave and placed it on the kitchen table. James threw his coat on the sofa in the living room and sat at the table. Trish dutifully took her spot at the other end, her mind racing with thoughts of Tara. If she came home now, with James acting this way, there would be war.

“Did you already eat?” he asked.

“I’m not hungry.”

For a few moments James ate in stony silence. She watched warily, looking for signs of an eruption. Thankfully, he hadn’t taken umbrage about the microwaved meal. At least that was something. Maybe she would survive the night with minimal damage. Each bite that he took, each minute that passed without further incident, raised her hopes ever so slightly.

Why did she live like this? Why didn’t she just leave? How many times could she watch him come home drunk one night, then beg forgiveness the next day, showering her with attention and gifts?

She sat there conflicted, torn between survival instincts—*just make it through the night*—and her desire to confront James for his own good, if nothing else. She took a deep breath and faced into her responsibilities. She was tired of playing the victim.

“What about your promises?” she asked, her voice quivering in the silence. “Is this how much you care about your family?”

James looked up from his food with disdain. She returned the look without flinching, proud of her stance but dreading the price she might pay. She relaxed ever so slightly as he lowered his defiant gaze to his plate and ate in silence.

Less than a minute later the phone rang. It startled Trish, and she rose quickly to get it.

“Sit down,” James barked, glaring at her with dark, liquid eyes.

He rose slowly and checked the caller ID. Trish knew from the look on his face that it was another random calling card number.

He picked up the phone anyway. “Who is this?”

Trish sat there, not daring to breathe. She prayed for another phrase from her husband, anything to indicate the person on the other end had spoken. But her husband was silent, the phone to his ear, the blood rushing to his face. After an unbearable pause, he returned the phone to the cradle with exaggerated patience. Trish felt the wind leave her lungs. As usual, the caller had hung up without saying a word.

“Lover boy must have thought I’d be home a little late tonight,” James whispered.

He stood by the phone, looking her over. “Oh, I know,” he mocked. “It’s just some prank caller. Probably dialed our number at random.”

Trish stared at the table.

“Who is he?”

“I don’t know! Honest, I don’t.”

“You’re lying.”

Trish put her hands against the table and slid her chair back, standing quickly and turning away from James. “I’m not talking to you when you’re like this.”

But he was on her in a flash, grabbing her arm and jerking her back toward him. He unleashed a violent backhand across her face. Then, perhaps stunned by the violence of his own blow, he let go of her arm.

Trish tasted the blood and slowly raised her hand to her mouth to rub the lip and assess the damage. This time she looked him in the eye.

“You disgust me,” she said.

She turned to walk away, heading toward the family room and the back steps.

“*Don’t* turn your back on me,” he snapped.

But Trish kept walking.

She took only four steps before he grabbed her again, squeezing her slender bicep and twisting her toward him. He tossed her like a rag doll up against the wall, knocking over a floor lamp. The lightbulb shattered on the carpet.

“Don’t ever try to hide things from me,” he said. “You think the old man’s a fool?” He squeezed her arm with viselike force, and Trish rose up on her toes. “Who’s making these calls? Who’s sleeping with my wife?”

“Nobody . . . I d-don’t know.” It came out as a whimper. Then, out of the corner of her eye, Trish saw another flash. A backhanded slap blurred her vision. She fell to her knees; then James grabbed her by the arm and jerked her to her feet again.

“No . . . please . . . no . . .” She lifted her right arm to fend off the next blow.

But this time there was no blow, only the iron grip of James’s thumb and forefinger on her neck. He slammed her head back against the wall with a force that sent a picture crashing to the carpet.

“Tell me!” he shouted. He moved up against her, shoving his thumb and forefinger harder against her throat.

Trish flailed her arms, trying to find some leverage, trying to force him away from her. But still he squeezed, using both hands now, choking the air out of her for five seconds, ten seconds, twenty. She tried to plead with him but couldn’t speak. He pinned her neck hard against the wall, his face inches away, threatening, smiling, glaring with those hooded eyes. She felt the stale bursts of his putrid breath, his sweaty body sandwiching her against the wall. Things started spinning, going black. Her body went limp, and then, inexplicably, her husband backed away, removing his hands from her throat as she slumped down the wall, gasping for air.

James hovered over her for a moment, his rage riding on every labored breath. “You disgust *me*,” he said, mocking her earlier statement. “Now get out of here.” Then he turned and headed back toward the kitchen. He took his seat at the table and began calmly cutting his steak.

Trish squatted there on the floor, trembling, until the room stopped spinning. She ran her tongue against the inside of her left cheek, felt the swelling,

and winced. She rose slowly and deliberately, glanced at her husband, then climbed the back steps to her bedroom.

“Patricia.”

She froze on the top step, her hand trembling on the doorknob to her bedroom. James was still in the kitchen, but there was no mistaking the tone in his voice.

“Wear something nice.”

Without answering, she went through the bedroom and into the master bathroom, where she gingerly washed her face. She sobbed as she put on her pajamas. She turned out the lights, crawled into bed, and waited in petrified silence with the covers pulled up to her chin. She stared at the ceiling, her vision blurred from the swelling and tears, the pain throbbing in her cheek, and her head splitting despite the medication she had taken earlier. She prayed that Tara would come home late. She prayed James would pass out watching television.

Twice she thought she heard the stairs squeak, and her heart froze mid-beat, the bile rising in her throat. This would be the most humiliating part of all, far worse than the beatings. Her bedroom was no safe place.

She waited, not daring to breathe. But James didn’t come.

She listened for tires in the driveway as the minutes marched by slowly, ever so slowly, *ever* so slowly. Twenty minutes crept by, then thirty, with no sound but muffled noises from Jamie’s bedroom and the faint echo of the television downstairs.

Finally, she mustered the courage to sneak out to the catwalk that overlooked the family room. She saw James passed out in his leather recliner, remote in hand, television blaring. For the first time all night, she felt relief flood her body. She had survived. She would confront him with his behavior in the morning, after he sobered up. He would apologize and promise to change. She would beg him to get counseling. And this time she would leave if he didn’t follow through.

She took ten milligrams of Ambien and headed back to bed. Tara was not home yet, but she would come in quietly. You didn’t make a big scene when you’re supposed to be grounded.

Trish would later tell the police that the Ambien took less than thirty minutes to work its magic, knocking her out cold. It always brought about a deep sleep, she said, chasing the world’s troubles away until dawn.

So deep, in fact, that she never heard the gunshots.

1

Three weeks later

"I'M GLAD HE'S DEAD," the sulking teenager says as she slouches lower in the high-backed leather chair on the other side of the conference table. My business card lies untouched in front of her. *Leslie Connors, Attorney-at-Law*.

Those are not the words you want to hear from a new client. Especially when it's your first murder case.

Her name is Tara Bannister. And she comes with an attitude. Sixteen years old. Willowy thin. Short blonde hair with platinum highlights. Four earrings on each side. Dark eye shadow surrounding narrow, lifeless brown eyes. Even her clothes scream, "I don't care!" She wears a spaghetti-strap tank top and frayed jeans that ride low on her hips. She displays so much midriff that at first I can't help but lock my gaze on her pierced navel. With teenage boys, that's probably the whole idea. With a thirty-year-old female lawyer like me, who at the moment is feeling rather ancient, I'm sure Tara couldn't care less.

"I probably wouldn't tell that to a jury," I say.

She shrugs. Her favorite response.

"Tara, I'm just trying to help. But I can't help if you won't let me." I hate it when I sound so much like my mother. One of my goals in life is to avoid becoming her.

Tara shrugs again.

It's time for her to taste a dose of reality. I have already talked to her mom. The girl is in serious trouble.

"You're lucky to be out on bond," I say, narrowing my eyes. "This is a most serious charge—the murder of your stepfather." Even as I hear myself talk, it seems surreal. A few months ago, in February, I was studying for the bar exam. Now I'm advising a client charged with first-degree murder. I know

her mom came to our firm hoping to hire my senior partner, Brad Carson. To alleviate her concerns, I promised her that Brad would be personally involved, that I was an associate helping him out. But at this moment, as usual, Brad's in court. For the time being, Tara is my client.

"Your case is currently pending in juvenile and domestic relations court because of your age. But the commonwealth's attorney has requested a transfer to circuit court, where you will be tried as an adult. Because it's first-degree murder, all they have to do is show probable cause and the case gets transferred automatically." I lean forward, elbows on the table, and pause for effect. "If we lose in circuit court, you'll be looking at twenty years to life . . . not in some juvenile detention center but in the state pen. You might never see or taste freedom again, Tara."

This brings no visible reaction, not even the slightest change of expression. She just stares at me, looking contemptuous. I decide to wait her out.

Finally she shakes her head and speaks. "I'm scared," she says sarcastically. "Ready to pee my pants. Is that what you want me to say? Is this some kind of scared-straight deal?"

That does it. My Irish temper and red hair go hand in hand. "Tara, this is not a game. You're sixteen years old. This is your life we're talking about. Do you know what those women would do to you in a maximum security joint?" To emphasize my point, I look her over and shake my head. "You'd be their toy." I notice a slight flinch, followed by the stone face. "If you want me to represent you, you've got to trust me. If you want to play games, get somebody else. Your mom's got lots of money; she can hire anyone you want."

I put my pen down on the table, sit back, and cross my arms.

"Why should I trust *you*?" Tara asks. "How many murder cases have *you* tried?"

A fair question. But one I have no intention of answering.

"You trust me because I'm your lawyer," I say. "I'm the only one who stands between you and life behind bars. And I can't represent you unless you're completely honest with me and tell me everything. And furthermore, everything you tell me—everything—is confidential and will stay that way. I will tell nobody, including your mom."

Tara looks up at me, a devilish glint in her eyes. She smirks, then says, "It's your first one, isn't it?"

Busted.

I nod. Professionally. My eyes never leave hers.

“How did you do in law school?” she asks.

Great. Now I’m being put through a job interview by a sixteen-year-old murder suspect. “Second in my class,” I reply with a scowl.

“Who finished first—a man or a woman?”

“A man.”

“Then I want you.”

I resist the urge to pump my fist or even smile. There is something humiliating about being interviewed by a teenager, even if you’re hired. It’s time to regain control.

“Will you be 100 percent honest with me?” I ask.

She nods her head.

“Yes?” I want to hear her say the word.

“Yes,” she says grudgingly.

I am unconvinced. “And will you follow my instructions to the very letter?”

She nods again. I frown.

“Yes,” she says through clenched teeth.

“Good.” I pick up my pen and stare past her for a moment. I am about to do what my law school professors warned me against. If Brad were here, he too would dance around this issue. But that’s never been my style. I want to know. If my client did the crime, I’ve got to find out up front. I’ll deal with the repercussions later.

The textbook move would be to explain all the legal defenses available to this young girl. If I raise my voice in all the right places, give her a wink and a nod, she’ll get the hint. Then I could ask her what happened, and she would tailor her story to fit the proper defense.

But like I said, that’s not my style.

“Tell me what happened. Step by step. Starting at the beginning.”

She hesitates a moment, looking around the room while she processes the question. It’s a habit I’ll have to break before she testifies at trial. “I came home from a party about three weeks ago on a Friday night around eleven. My stepdad was wasted.” Her eyes lock on the wall behind me as she talks. Her voice is matter-of-fact, like she’s describing the weather. “I was supposed to be grounded, so we got into a big argument in the front foyer. I gave him some lip and he hit me.” She reaches up and touches her cheek. “Hard. He’d never hit me before, just my mom. I went stomping up to my room. I was scared, but I was also really pissed . . . um, sorry . . . ticked off. So then I, like, look at my face in the mirror, and it’s already beginning to swell up a little

right next to my eye. So I decide to go back down and get some ice to put on it. I took a towel so I could put the ice in the towel, and I hid my gun under the towel.”

“Your gun?” I ask. “Where’d you get the gun?”

She hesitates, looking down at the table. “My bedroom.”

“You had a gun in your bedroom?”

“Uh-huh. Kept it under the mattress. Got it a few weeks before that night. You’d have one too if you lived with *him*.”

“Where’d you get it?”

“A friend.”

I lean forward a little. “Does your friend have a name?”

She pushes some imaginary specks of dust around on the table, trying to decide if she trusts me. “Can’t say.”

“Can’t or won’t?”

“Won’t.”

I decide not to push the point. Later, maybe. But not now. “Okay, what happened next?”

“On my way to the kitchen, I walked past James. I guess I could have waited until he went to bed or something, but I wanted to make a point.” Now Tara looks up again—not at me but almost through me, as if she were seeing the events in her mind’s eye. “I wasn’t going to live in fear of him, tiptoe around him like my mom does. Anyway, when I walked by him, he’s like, ‘What do you think you’re doing?’ or something like that. I ignored him; he didn’t deserve an answer. Then he, like, jumped up from his chair and grabbed my shoulder and jerked me around. I told him to let go of me and probably called him a bunch of names. He got all belligerent and he’s like, ‘Nobody talks to me that way.’ Then he started choking me with both hands, going berserk on me. I mean, he’s practically foaming at the mouth, his eyes are bugging out of his head . . .”

Tara is breathing hard now, her eyes wide as she relives the horror. “I can’t breathe; he’s choking the air out of me. I’m like, ‘Let go of me,’ but nothing’s coming out ‘cause I can hardly breathe. This whole time I’ve still got the gun in my hand, under the towel. He’s jerking me around the living room, squeezing harder—”

She stops in midsentence, and her eyes refocus on me. It’s as if she has finished her trance and snapped back to the present. She exhales deeply and leans back in her chair.

“Then what?” I prompt.

“I pulled the trigger. The first shot hit him in the chest. He let go and fell to one knee. Then he started to get up again, like a scene from one of those horror movies, and I freaked. I shot him again—right in the head. This time he crumpled to the floor and didn’t get up. Didn’t even move.” She stares at me with the coldest brown eyes I have ever seen on a teenager. “And I’m glad.”

Then she gives me a sardonic half smile, and the girl suddenly looks much older than sixteen. “But don’t worry,” she says. “I won’t tell that to a jury.”
I’m sorry I asked.