

Part 1

Blind Man's Bluff

Prologue

FRIDAY, AUGUST 27

1:13 p.m.

Nebraska State Penitentiary – Lincoln, Nebraska

Max Kramer wore his lucky red tie with his blue power suit. While he waited for the guard to unlock the door, he admired his reflection in the glass security window behind them. That Grecian hair formula really worked. He could barely see any of the gray. His wife kept telling him the salt and pepper made him look more distinguished. Of course she would say that. She always said stuff like that when she was suspicious, when she knew he was hunting for someone new. God, she knew him well, better than she realized.

“Big day,” the hulk of a guard said to him, but he was scowling instead of smiling.

Max had heard the nicknames the guards had given him in the last several weeks. He knew he wasn't a popular guy here on death row. But that was to the guards. To the inmates he had reached hero status. And they were the ones he cared about; they were the ones who counted. They needed him to right their wrongs, to tell their stories, or rather *their* versions of their story. Yes, they were the ones who mattered, but not because he was a bleeding heart liberal like the *Omaha World Herald* or the *Lincoln Journal Star* seemed pleased to label him. It was nothing quite as admirable as all that. Quite simply, all his hard work, all his efforts were for a day like today. A day when he could watch a client of his walk out of this concrete hellhole. A day when he could save his client from the electric chair and walk along side him out the front doors and into the sunlight. The sunlight *and* the spotlight of about two dozen TV cameras from across the country. CNN's Larry King had already booked Max and Jared on his show for tomorrow night. And his red tie would show up wonderfully tonight when NBC aired his interview with Brian Williams.

Yes, this was what he had waited for his entire career. All the shitty pay and long hours would be worth it and the local media attacks would come to an end.

He stopped at the doorway to the holding room, pretending to show some respect for his client's privacy. Pretending. He really didn't want to spend any

more time alone with Jared Barnett than necessary. So he watched from the doorway. Barnett was wearing the same faded jeans and red T-shirt he had surrendered that first day at the penitentiary five years ago, only now the T-shirt bulged from the muscles Barnett had built up during his days of incarceration. Since Barnett had traded in his orange jumpsuit for street clothes, Max couldn't help thinking how ordinary the man looked. Even his short dark hair had that disheveled but cool look, that just-got-out-of-bed look that Max could never pull off, but that Barnett would probably make trendy after his media appearances.

Max had already made his client out to be the poor misunderstood bad boy who had been framed and then abused by a justice system that had stolen five years of his life. Now Barnett just needed to play the role. He certainly looked it.

The guard at the door stepped aside.

"Paperwork's coming," he said. "You want, you can wait inside."

Max nodded as if grateful for the invitation – for what the guard seemed to consider a courtesy – even though Max preferred the asshole let him wait in the hall. Too late. Jared saw him and waved him into the holding room. He stood up when Max entered, another courtesy. Jesus! What was this world coming to when convicted murderers started being courteous?

"Relax. Take a load off." Max shoved one of the metal folding chairs in Barnett's direction, scraping it against the floor, the noise grating on his nerves.

Only now did he realize he was nervous, nervous that Barnett would screw this up for him.

“Man, I never thought you’d actually be able to pull this off,” Barnett said, taking the seat, seemingly not bothered that Max remained standing. It was a trick Max had learned long ago in his early years as a defense attorney. Get the client to sit down while you stand over him, instant authority. At five feet, seven inches Max Kramer had to use every trick he could.

“So how does this work?” Barnett asked even though Max had explained it several times during the appeal. His client sounded as though he believed there was still a catch. “I’m really free to go?”

“Without Danny Ramirez as a witness the prosecution has no case. The rest of the evidence was all circumstantial. As long as there’s no eyewitness testimony from Ramirez, there’s nothing to connect you to Rebecca Moore.” Max watched Barnett, measuring his response, or rather his lack of one. “It was quite admirable of Mr. Ramirez to come forward and finally tell the truth, that he wasn’t even there that afternoon.”

Barnett smiled up at him, but there was something about his smile that creeped Max out. Never once during the appeal process had he asked how Barnett had managed to get Ramirez to recant his original testimony, but he suspected Barnett had, indeed, made it happen, despite being locked up.

“What about the others?” Barnett asked.

“Excuse me?”

Max waited, but Barnett sat cleaning his fingernails, using his teeth to scrape them out and then bite off the cuticles. He had seen him do this in court – a nervous habit, probably an unconscious one. And now Max wondered if he had heard him correctly? Jesus! What others was he talking about?

Max hadn't handled Barnett's original case, only the appeal. But he wasn't stupid. He knew there had been others. Other women, all murdered with the same M.O. and the signature gunshot wound up through the jaw as if the killer had hoped to remove the victim's identity by shattering her teeth. It didn't matter. Barnett had only been charged with Rebecca Moore's murder. Why the hell would Barnett even be asking about the others?

“What others?” Max finally asked though he didn't want to know.

“Never mind,” Barnett said as he spat out a piece of fingernail then crossed his arms, tucking his hands under his armpits. “You know I don't have a fucking dime to my name, man,” he said, changing the subject. “I know you said I don't have to pay you anything, but I feel like I owe you.”

Max almost let out a sigh of relief. This was a much safer topic. If there *had* been others, he didn't want to know about them. As far as Max was concerned there had been only one case, one eyewitness. And now there was no eyewitness

and no case. If Barnett wanted to get something off his chest he could find a fucking priest. Yes, he preferred that Barnett worry, instead, about paying his debt.

Max knew Jared Barnett was the kind of man who wouldn't like feeling that he owed anyone. He also knew it was a big deal for Barnett to even admit that he might owe him. And that's what he wanted his client to focus on. Max had heard rumors that after Barnett had been read his sentence of death by the electric chair, he turned to his court appointed attorney, poor James Pritchard, and told him that it appeared he didn't owe him anything more for his help than a hole in the head. Max liked the idea that Barnett thought he might feel indebted to him. In fact, he was counting on it. "I think we can work something out," he said.

"Sure. Whatever you decide."

"But first I have to warn you. There's a media circus outside waiting for us."

"Cool," Barnett said, standing up. And that's exactly what he looked like – cool and collected, that same lack of emotion that had carried him through the trial and sentencing and every aspect of the appeal process. "So what's the going rate?"

"Excuse me?"

"What are these media blood-suckers willing to pay for an interview?"

Max scratched his head, his own nervous habit which he immediately caught and turned into a smoothing of his hair. Though he wanted to grab rip his

hair out instead. Christ! He couldn't believe this. The son-of-a-bitch was going to fuck everything up. Money? He expected to be paid for being interviewed?

Max had to watch his temper. He couldn't make it sound like he even cared whether or not they did the interviews. He couldn't make it seem as though Barnett was doing him a favor. He didn't want Barnett thinking these interviews would be his payback. He needed to think quickly. He needed to appeal to Barnett's core values, to those few essentials that made him tick. One of which, certainly, was not money.

"You're going to be a celebrity overnight, my friend," Max told him, smiling and shaking his head like he could hardly believe it. "I've got messages from *NBC News*, *60 Minutes*, *Larry King* and even Bill O'Reilly's *The Factor*. You're going to have something money can't buy. But I can understand if you'd rather tell them all to go screw themselves. Whatever you want to do. It's entirely up to you."

He watched as Barnett thought it over, forcing himself to keep quiet, to pretend it didn't matter. He concentrated on breathing, on not thinking about how much he wanted this, how much he *needed* this. He tried to keep his fists from balling up. And in his mind he couldn't stop repeating almost like a mantra, "Don't you dare fuck it up."

"Bill O'Reilly actually wants me on his show?"

Max swallowed another sigh and calmly managed to say, “Yep, tomorrow night. It’s up to you, though. I can tell him . . . hell, I can tell them all you don’t want to put up with the whole lot of them. Whatever you want to do.”

“That O’Reilly guy always thinks he’s so tough.” And now Barnett was smiling again. “I wouldn’t mind telling a few of those assholes what I think.”

This time Max smiled, too. Perhaps he could control Barnett, after all, but he’d need some sort of insurance. For the first time since he’d met Jared Barnett, Max allowed himself to look deep into those dark, vacant eyes, and now he allowed himself to admit the truth. He knew Jared Barnett had, indeed, killed that poor girl seven years ago. Not only did Max know it, he was counting on it.

TUESDAY, SEPTEMBER 7

Chapter 1

10 days later

10:30 a.m.

Hall of Justice – Omaha, Nebraska

Grace Wenninghoff hated waiting. The air in courtroom number five felt like a hot, wet towel wrapped around her neck. There were too many people, jammed inside, generating too much heat. The squeaking of chairs as people shifted in their seats and an occasional cough interrupted the silence, but that was all. Judge Fielding's presence kept the crowd agitated but quiet, as he looked over the papers in front of him, taking his time, not a hint of sweat or discomfort on his face.

Grace reached for her water bottle, took a careful sip. Come on, let's get this over with, she wanted to yell, but instead tapped her pen against her blank legal pad to keep her foot from doing the same. The judge scowled at her, without raising his head, his eyes looking at her through his bushy gray eyebrows and over

the wire-rim glasses hanging at the tip of his nose. Her pen stopped in mid-air. He went back to examining the papers.

Rumor was that the maintenance crew had shut off the air conditioning in the whole building over the long Labor Day weekend, not expecting the return of 90-degree weather. Yet, Grace couldn't help wondering if Judge Fielding had purposely shut it off in his own courtroom, hoping to make them all sweat. It wouldn't be the first time. Fielding loved to make attorneys sweat . . . sweat and wait. That combination today couldn't be a good sign, though Grace tried to remain optimistic. As optimistic as a prosecutor could be with the humidity threatening to turn her usually straight, short hair into something worthy of a Chia-pet. She knew she'd need more than optimism today.

She glanced across the aisle at Warren Penn from the high-priced law firm of Branigan, Turner, Cross and Penn. No sweat visible there, either. How did he manage it in that three-piece suit? She had hoped to see his client, the defendant, Jonathon Richey, in shackles and an orange jumpsuit, reducing the one-time city councilman to the cold-blooded murderer he really was. Instead, Richey wore a steel blue suit and crisp white shirt with red and blue tie. The slick politician didn't look affected in the least by his arrest or the allegations against him. In fact, he looked rather smug, and Grace worried that some old-boy network had already taken care of the outcome of this case. Judge Fielding had a reputation of

protecting his inner circle. Could he do it in front of a crowd of spectators and under the scrutiny of the media?

Beneath her own jacket Grace could feel her silk blouse sticking to her skin. She glanced down at it to make sure it didn't look as bad as it felt. What a day to wear silk. The blouse had been was a birthday gift from Grandma Wenny, who had been trying to dress Grace in pink since she was six-years-old, although her grandmother had reassured her that this was fuchsia, her German accent making it sound like some erotic, slightly naughty color. Thinking about that made Grace smile.

She watched Judge Fielding, looking for signs that they'd be proceeding soon. He flipped over another page and started at the top with his index finger. Geez. This was only the bail hearing. At this rate, she couldn't imagine how long the trial would take.

She reached to rub the knot still gathered at the base of her neck. The three-day weekend had been too short. Her husband, Vince, insisted they could live with the stacked boxes everywhere. Easy for him to say, he was leaving for Switzerland tomorrow morning. Sure it was business – a new client, insisting on meeting his American account rep face-to-face. Grace and Emily would be left to live with the chaos. But the boxes weren't the cause of the knot at the back of her neck.

She loved their new house, although it was far from new, a century-old Victorian with plenty of character and enough space for them to convert part of it into a mother-in-law suite – or in this case, a grandmother suite – for Grandma Wenny. The renovations were a pain in the neck – yes, maybe even a partial cause for the very real pain in her neck. There’d been workers tramping in and out of their house, leaving mud and sawdust and holes where walls once were. Still, Grace knew all of this was the easy part. The real work, the real challenge, would be in convincing Grandma Wenny to leave her South Omaha home, the small drafty two-bedroom, mouse-infested bungalow where she had lived for over sixty years, where she had raised three children and one granddaughter, a granddaughter who had pledged – actually pinkie-swore – to take care of the stubborn old woman.

“Ms. Wenninghoff,” Judge Fielding bellowed, grabbing her attention.

“Yes, your honor.” She stood up casually, resisting the urge to wipe at her damp forehead.

“Please continue,” he told her as if they’d been waiting only a few minutes and as if *she* had been the one holding them up.

“As I was saying and as you can see from the arrest warrant, Mr. Richey was arrested at Eppley Airport. Mr. Richey is a flight risk and, therefore, should be denied bail.”

“Judge, this is preposterous.” Warren Penn drew the word out so slowly it sounded like four words instead of one. He also took his time standing up then moved out from behind the defense table as if he required additional room to make his statement. Grace guessed it was more for the benefit of towering over her.

“Mr. Richey,” he continued in the same drawn out manner, “is a business man. He was simply making a business trip. This trip has been on his calendar for months. I have his appointment calendar and phone logs available for your honor.” He waved a hand at the pile on the defense table but made no effort to get them. “Jonathon Richey,” he went on, “not only owns a local business here in Omaha, but he’s a city councilman. He’s a deacon at his church and president of the downtown Rotary Club. His wife, two of his three children and all five of his grandchildren live within this community. Mr. Richey certainly does not pose a flight risk. Taking all this into consideration, your honor, I’m sure you’ll agree that Mr. Richey should be released on his own recognizance.”

Grace watched Judge Fielding nod and start flipping through the papers again. This was ridiculous. He couldn’t possibly be buying any of this crap. Not unless he was looking for an excuse. She glanced over at Richey. Was there some under-the-table deal already set up? He still looked too calm, too cool for this sauna. Grace rubbed her neck again and was disappointed to find it damp.

“Your honor.” She waited until she had his attention, then she pulled out an envelope from her file folders and stepped out from behind the prosecution table. “If I understand correctly, Mr. Richey owns a business that specializes in commercial and residential computerized heating units.” She looked over at Warren Penn, waiting for his nod of confirmation. “I have his United airline ticket that was confiscated at the time of his arrest.” She made her way forward to hand over the envelope with the ticket inside. “I’m just wondering, your honor, what kind of heating business Mr. Richey might have in the Cayman Islands.”

She heard the crowd behind her hum and whisper and shift in their seats.

“Mr. Penn?” Judge Fielding was now looking over his glasses and down his nose at the defense attorney. To Grace’s disappointment, Warren Penn didn’t flinch.

“Mr. Richey meets with his clients, often in a designated place that the client requests.”

Grace wanted to roll her eyes. That Fielding was even considering this was crazy. But here he was again, flipping over papers as if he had missed something in the documents he had already examined.

She turned back to her table and noticed Detective Tommy Pakula sitting two rows down, shifting in his seat, impatient and ready. He was dressed for court, a collared shirt and tie, jacket and trousers, just in case she needed to call him

today. Instead of calling him, she reached down behind her chair and pulled up the duffel bag.

“Your honor,” she said, bringing the bag out in full view of Judge Fielding, but more importantly in full view of the courtroom, “there is one more thing Mr. Richey had in his possession when Detectives Pakula and Hertz arrested him at Eppley Airport. He had this travel bag with him. If he was not fleeing the country, perhaps Mr. Penn might explain this.” Grace unzipped the bag and turned it upside down, allowing the stacks of hundred dollar bills to fall out onto the table.

This time the room erupted. Several reporters clamored out the door. Warren Penn shook his head as if, of course, he had an explanation for this, too. Grace scanned the room and now she noticed that Jonathon Richey’s smug look was gone.

“Okay, okay,” Judge Fielding yelled, ignoring the gavel. He seemed pleased that his voice could still silence a room.

“Your honor,” Warren Penn began, but was interrupted when Fielding put up a hand.

“Bail denied.” He stood even as he added, “Court is adjourned,” and then escaped, not giving Warren Penn the opportunity to explain or argue.

Grace ignored the defense table as she repacked the duffel bag. The crowd had already turned into a crescendo of voices, shuffling feet and creaking chairs.

She wouldn't need to worry about being accosted by reporters. They'd spend their energies on Richey, the price of being such an upstanding member of the community.

"Better make sure it's all there." She looked up to find Detective Pakula.

"Thanks for being here," she told him. He nodded, and she knew Pakula well enough to leave it at that, to not make a big deal of it.

"I found a witness who might be willing to testify against Richey."

"Might?"

"He needs some convincing. Doesn't wanna open his mouth if there's a chance he'll walk."

"He won't be walking," Grace said, finally shoving the last of the money into the bag. She knew where Pakula was going with this, and she didn't want to hear it.

"You know that and I know that. And that's what I'm trying to tell him." Pakula looked around, making sure no one was within earshot. "Our credibility's not riding too high right now with that asshole Barnett on every fucking talk show claiming the OPD framed him."

"Let him talk. Sooner or later he's going to screw up, and when he does I'll be there to nail his ass. Only next time it'll be for good."

"You and me both."

Grace knew it had been eating at Pakula as much as it had been her. In the last several months she had gone over and over the case against Barnett, hoping there was something, anything else they might use. Five years ago, she had put her heart and soul into prosecuting Barnett, convinced that it was, indeed, Jared Barnett who had coerced seventeen-year-old Rebecca Moore into his car that cold afternoon in the dead of winter, probably promising her a warm ride home from school. But instead he drove her to a remote place where he then raped and stabbed her repeatedly before shooting her through the jaw to shatter her teeth.

There were others. Four women, killed in the same manner, all within two years. Grace and Pakula were still convinced that Jared Barnett was the killer in each case. But other than circumstantial evidence, Rebecca's case was the only one they could actually make a connection with Barnett. That connection was Danny Ramirez and his eyewitness testimony, testimony that he saw Rebecca getting into a black pickup being driven by Jared Barnett the afternoon she disappeared. It had been testimony so convincing, so descriptive that the jury hadn't hesitated to convict him. Then suddenly after five years Danny Ramirez confessed he hadn't even been out that afternoon. Without his testimony, Barnett was free. It was as simple as that.

What wasn't simple was the amount of criticism leveled at the police department and the prosecutor's office. So much so that even a recent string of convenience-store robberies had the media impatient for a resolution.

Grace glanced at the defense table, noticing that Penn and Richey had started to make their way out the door, taking a good portion of the crowd with them. That's when she saw him.

Jared Barnett stood in the back row, waiting his turn to get out the door – standing and waiting as if he were just one of the spectators.

“Speak of the devil,” she said to Pakula and he followed her gaze.

“Son-of-a-bitch,” he muttered under his breath. “I saw him outside on the steps one day last week, too. Just can't stay away, can he?”

Grace had seen him, too, only it was in the coffee shop across the street from the courthouse and then again right outside her dry cleaner's. She tried to convince herself it was Jared Barnett's way of thumbing his nose at them, at them all. Not that he had singled her out. But just as he got to the door he looked over at her, and he smiled.