

# D-N an' A

By Ron Uselton

**S**he parted the drapes with a flat-black finger, stiff and chalky with age. The two girls cast long, pale shadows in the afternoon sun, one with her black ponytail and smooth, coffee-colored skin, the other with dirty-blond locks in stylish disarray, a blush on her freckled cheeks. Each and every school day, they talked about boys and things and slung their school bags back and forth and giggled their way down Pecan, then they split at Princeton, the ponytail turning left toward the Glen Oaks *cul de sacs* and the other girl angling off through a deserted quadrant of grey brick buildings that bordered what Ernestine Amos used to call “the sticks.”

But, Ernestine wasn't watching the girls. She was looking to see whether the man was there, again. Barely visible through the dark tint of his car windows, he sat, with a newspaper held close to his face. He never seemed to watch the girls, but, after they passed, he'd carefully fold the paper and put it on the front seat, then put the car in gear and drive off, sometimes toward Glen Oaks, usually to the right, up Princeton. She removed her finger so the drape could slip shut and used the same finger to punch three numbers on her telephone: 9-1-1.

She'd called them three times before, and they'd said, “We'll check it out,” but nobody ever showed up. Of course, those times, the girls had gotten home safely. This time, the morning paper reported the discovery of the mutilated and sodomized body of Susan, the young blonde girl.

I spoke with Ernestine Amos that afternoon. I'm Peg Shaw, and, since my dad died, I awake at 4 every morning. My eyes simply open and I watch the digital clock move to 4:16 a.m. before I can shut them again. Every night, same routine, for no reason. Someone once told me that's when my demons growl. That morning, the phone rang.

“Did I wake you?” *Deja vu.* It was Marty Martinson. He'd called the night my father died. Same time; asked the same question.

“I was awake,” I half-lied. It was 4:17 a.m.

Marty leased the bar called Max's from my brother and me. He tended bar back when my father was murdered; cradled Max Shaw's head off the hard wooden floor. He always started his sentences in the middle of a thought. “Kid works for me,” he said, “name's Luke. You know him?” A little Wisconsin lingered in the vowels.

“I've seen him around there, pushing a broom. The quiet kid?”

“He was arrested tonight for murdering a 14-year-old girl; leaving her body in that Dumpster on Princeton.”

I pressed the cool flesh of my palm to my spinning head. “My God, why did he do that?”

“He didn't. The cops have been picking on him ever since one of them bullied him up against the wall about a scratch on

a patrol car. Luke went off on him. You don't corner Luke.”

All sorts of questions were bouncing around in my suddenly aching head, but I'd hold them for later. “What evidence do they have? Do you know?”

“All I know, Peg, is that you got to help him. He didn't do nothing and he sure don't belong in jail.”

“Marty, I'm not a criminal lawyer. I'm hardly any lawyer at all! I just got my bar results last week. I don't even have my bar card yet!”

“Just go see him, Peg, huh? Just go see him. I know you can help.”

I shook my head in the darkness. Old favors die hard. “I'll see him, Marty, but don't expect me to represent him.”

I couldn't sleep the rest of the night. Murder of a 14-year-old? Me represent him? When I finally closed my eyes, at dawn, I saw the grievance committee convening around my law license, scrolled out, and aflame. I opened my eyes and headed toward the shower, the smell of burning parchment in the air.

At 8:30 a.m., I called Mike Monroe in the

D.A.'s office. He'd been two years ahead of me on law review.

“Mike, it's Peg.”

“Michael,” he corrected. I could almost see the carnivorous smile on his lips when I told him who I was calling about.

“We own him, Peg. Preliminary DNA came back. Luke Cooley was all over the rags he'd wrapped around the body. You want to explain that?”

I was in no position to explain anything; more questions than answers. I needed time with Luke. “No, Mike, I really can't.” Within the hour I was sitting across from Luke in a jail interview room. I'd had to move heaven and earth to get in there without a bar card.

“Luke,” I said, “I'm here because of your boss, Marty. Tell me about the girl.”

He was looking at me like I'd just dropped from the sky.

“The girl, Luke. Why did they find your DNA on the body?”

Luke stared. I don't think I'd ever heard him speak a word. “The rags,” he said.

“What?” I said. “Luke. Tell me about the girl.”

He leaned across the table, his wrist and ankle chains jangling. “Ernestine Amos,” he whispered, with some effort. “She stays on Pecan.” He shook his head, bowed it, tears spotted the tabletop. “Talk to her.” He didn't say another word.

Ernestine let me in with that open wariness that comes from a life alone, and a life of being tested by sharp young white people who think they know more than her just because they are sharp young white people. One look at those eyes would tell you different. They held wisdom and an awareness that stretched beyond the confines of her clapboard home.





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She opened the screen door and stood aside when I told her who'd sent me. "I'm his lawyer," I said, the first time I'd openly admitted it. "Luke told me I should speak to you, about what they're saying he did."

"Autism," she said, "he got it bad." Her eyes caught the glint of the afternoon sun. Her face was soft; deeply lined. "That why he send you here. It's hard — hard for him to speak, for hisself." She motioned me toward a threadbare but spotless couch in a tiny living room. She sat across from me on the edge of a wicker rocker. Her long fingers animated her words.

"Luke didn't do nothing to that lil' girl."

She told me about the girls, walking home from school every day down Pecan. She told me about the man in the car with the newspaper. "I called an' called an' nobody come."

"Did you get a good look at the man?"

She shook her head. "Dark through those windows." Then she said, "But, I seen him so many times, I might know him if I seen him again."

We talked some more, about Luke, about a family that abandoned him as a toddler to survive the streets. I told her I intended to ask for an examining trial. That I needed her there. And I finally left.

I started my car and drove down Pecan to Princeton. I turned right. Within 100 feet of the turn, yellow police tape wrapped a rusty dumpster. Across and down away was Max's. Marty was there, behind the bar.

I greeted him with, "Tell me how they got a DNA match!"

Marty let out a low whistle, shook his head, and fell silent. He knew as well as I that DNA was a defendant's death march in a murder trial. Juries eat it up.

Finally, he looked at me, some life in his face. "The rags," he said. "They said it was on the rags?"

"Yeah."

"That makes sense! That's where Luke used to dump the work rags. He'd take the ones over there that'd raise a stink out back. We both liked to go out back, to smoke."

I looked at Marty. Explanations feel good.

The morning of the examining trial dawned after a second sleepless night. I knew nothing huge was going to happen; the judge would find probable cause. Judge Shelton could find probable cause in a hurricane. It was my first real day in a courtroom as a lawyer, and I felt like I was the only thing that stood between Luke and the full wrath of the State. I felt very small. Ready, but small.

I got there early and was not entirely surprised to see the up-and-coming Mike Monroe, huddling with a couple of guys in suits and shiny leather holsters, detectives, and a big lanky red-headed guy who could have been the medical examiner.

I went up and said, "Hello, Mike."

"Michael," he corrected, and shook his head. The prosecutor might be on top of the food chain, but I'm still going to get in a bite or two. I went over to counsel's table and opened a virtually empty briefcase, took out three legal pads and arranged them. I felt a tug at my shoulder.

"Miss Peg," she said. It was Ernestine. She was pointing one of those boney fingers at a guy on the back row. He had a newspaper up in his face. "I think that's him," she said. "I do believe that's the man from the car."

I stared at her; tried not to stare at the man with the newspaper. "Are you sure?" I asked.

"Well," Ernestine said, "if it's not, you might ask him why he's so in-ter-ested in a newspaper that's fo' weeks old!"

Judge Shelton took the bench and, with Luke Cooley at my side, his head bowed, Mike/Michael completed the State's case in less than 20 minutes. I didn't have to call a witness, but my inexperience moondazzled me to believe I could make the whole case go away in a preliminary hearing.

I called Marty, who testified about the rags. He looked as uncomfortable in court as I would feel behind his bar. If that suit button had popped, the court reporter would have lost an eye.

Then I called Ernestine, who testified about the man in the car, leading to my last question, "Do you recognize anyone in the courtroom who meets his description?"

She pointed toward the backbench. "Yes, ma'am, Miss Peg. That man, right there!"

Mike/Michael came unglued. He jumped up and commenced a tirade peppered with words like "unprofessional" and "unethical." A lot of "uns." During his rant, the man on the backbench rose and headed for the door. One of the detectives amazed me and followed.

Later, I heard what happened. The detective found him, at the elevator, jabbing at the down button. Their eyes met and he bolted toward the stairwell. The detective followed, but he must have gone up instead of down. They lost him.

The prosecutor still spouted, face scarlet, until Judge Shelton simply got up and headed toward his chambers, shaking his head. The judge turned and looked at me just before he opened the heavy oak door and stepped through, a look of sympathy for my career in his eyes.

I heard Marty behind me say, "That went well."

I hurried over and grabbed the medical examiner's upper arm and led him to the backbench. Still holding him, I pointed at the folded newspaper. "He's had that with him for nearly a month. Take it. It might hold some surprises."

It did, eventually, but not as big as the surprise the next morning.

My eyes opened at 4 a.m. I watched the digital minutes click past. Then the phone rang.

"Miss Peg," Ernestine Amos said, "that man. That man from the car? He come to my house. If y'all need any more of his D-N an' A, it's drippin' off my butcher knife right now."

When the tests were complete, Luke was freed. He even sort of hugged me. That same day, I got my bar card in the mail.



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