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TOM TOPOR

COLLIER

The Last
Will and
Testament



A N O V E L B Y

T O M T O P O R

 HYPERION

NEW YORK

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THE CODICIL

CHAPTER I

Herschel didn't tell me in advance he was stopping by with her, so I missed them when they came in—I was on the stand, testifying. But they must have slid in as discreetly as burglars, because Neuberger was the kind of judge who commonly halted everything if anyone entered his courtroom once he'd taken the bench.

"We'll just wait till our guest is seated," he'd say in his sandpapery voice. "We wouldn't want our guest to miss any of the proceedings, would we, counsel?" And the assistant U.S. attorney, the lawyer for the defense, the court clerk, the recorder, the bailiff, the officers, the witness, and the twelve jurors and four alternates would all turn to stare at the hapless interloper as he or she stumbled to a seat. I knew; he'd done it to me.

The defense lawyer, a crafty veteran named Jeff Abramson, was spreading a set of Polaroids on the clerk's desk. "Your honor, can we label these Exhibits twenty-four through twenty-nine for identification?" Neuberger nodded, and Abramson brought the photos over. "Mr. Bruno, do you recognize these photographs?"

"Yes, I do," I said. "I took them at the defendant's building last week."

We went through the ritual of my confirming that it was my handwriting on the back of each picture and that I had dated and signed them.

“Who asked that you take these photos, Mr. Bruno?”

“You did. You wanted to show the jury the defendant’s hallway and door.”

“To the best of your recollection, Mr. Bruno, do these pictures show the entire hallway?”

“Yes—this is from the south stairway, this is from the north stairway, this is from the elevator, this is from the incinerator unit.”

“Your Honor, may I enter these in evidence?” Neuberger nodded grudgingly—all his movements were grudging—and the clerk marked the photos. “Mr. Bruno, so far as you know, have there been any renovations or modifications to this hallway?”

“Objection. Calls for speculation.” Neuberger turned a withering eye on the objecting assistant U.S. attorney, Cecile Boulanger, and slowly shook his head. Boulanger, who resembled Naomi Campbell, but with smarter eyes, lowered her chin and sighed. Anyone else would have responded to that sigh—I’d seen other judges offer her a glass of water and mean it—but Neuberger simply pointed to me. Abramson shifted a step, giving me a clear pass at the jury.

“According to the super, and the landlord, and the buildings department, there have been no changes in that hallway since 1988.” I glanced at Boulanger, who was starting to get up, then at Neuberger. “I’d be pleased to offer the court my

transcripts—or original tapes—of those interviews.” Boulanger sank back down.

We went picture by picture, each time hammering home to the jury that no matter where he was standing, sitting, crouching, or squatting, no FBI agent or Immigration or Treasury agent could have seen from the hallway into the apartment.

“Mr. Bruno, if I tell you that an agent of the federal government testified that—”

Boulanger was up and waving. “Your Honor!”

Neuberger wiggled the tip of his forefinger at Abramson. “Mr. Abramson, this isn’t a state court. We obey the rules of evidence here.”

Abramson suppressed a grin. He’d done what he needed to do. The jury got the point: The feds had sworn that they’d seen into the defendant’s apartment. My pictures showed they couldn’t have. “Nothing further.” Abramson bowed slightly to Boulanger, who stood, smoothed her skirt, and came over.

As she did, I glanced around, and that’s when I saw my former partner Herschel O’Hara in the back row. With him was the kind of woman Herschel usually married—and then divorced: blond, blue-eyed, and WASP to her tiny, tasteful earrings and her double strand of pearls. Herschel pointed to his watch and raised his brows in a question. I shrugged. Boulanger came close enough for me to smell her Chanel.

“Mr. Bruno,” Boulanger said, “before you be-

came a detective, you were a lawyer, were you not?"

"Relevance?" Abramson called out.

"Goes to credibility, Your Honor." Neuberger hesitated—the relevance was questionable and he knew it—but then he nodded. He must have been bored. Boulanger came a bit closer. Her eyes were hazel. "Were you not a lawyer, Mr. Bruno?" she said.

"Yes. For fourteen years."

"But you're no longer a lawyer?"

"No."

"Were you disbarred, Mr. Bruno?"

"No, I was not."

"You were not disbarred?"

"Asked and answered," Abramson called out.

"Were you disciplined in any way?" Boulanger said.

"No."

"You were not called before a disciplinary body . . . ?"

"Yes. But I was not disciplined."

Boulanger turned away from the jury to hide her chagrin, then turned back. "Mr. Bruno, what kind of law did you practice?"

"Criminal."

"Did you ever represent defendants accused in federal criminal cases?"

"Yes. Many times."

"What would you say is your attitude toward enforcement agents of the federal government—

the FBI, or the Drug Enforcement Administration, or Immigration, or Alcohol, Tobacco and Firearms?"

"Relevance?" Abramson said.

"Goes to bias, Your Honor." Again, Neuberger gave her some slack. "How do you feel about federal agents, Mr. Bruno—do you consider them your enemy?"

"No."

"No?"

"Only in the professional sense, Ms. Boulanger—they wanted to put my clients away."

"Like today . . . ?"

I gambled. "Your Honor, I'm confused—it's no secret that the cops and the crooks—the alleged crooks—are adversaries. By definition. I don't get what Ms. Boulanger's going after."

Neuberger twisted and stared at me. He reminded me of a vulture eyeing his lunch from the top of a tree. "You're supposed to let Mr. Abramson make the objection, Mr. Bruno." He swiveled to Boulanger. "Counselor, are we heading somewhere, or is this merely your way of tantalizing poor, puzzled Mr. Bruno?—I mean tantalizing solely in the professional sense, naturally."

"What I'm going after, Your Honor, is, given Mr. Bruno's history as a lawyer and given his notoriety vis-à—"

"Object!" Abramson shouted, but Boulanger rode right over him:

"—vis law-enforcement agents, I wanted to

know how far he would go to put them in the wrong.”

“Objection!” Abramson shouted even louder.

Neuberger put his handkerchief in front of his mouth and coughed, but I got the feeling that he was swallowing a laugh. He lowered the handkerchief and turned to Boulanger. “Counselor, I’m an admirer of yours, so, if you insist, I’m going to allow the witness to answer. But if I don’t find the answer relevant, playtime’s over, and I’m going to strike everything beginning with ‘What would you say is your attitude . . .’ ” He smiled his vulture’s smile. “Do you insist?”

Boulanger looked as though she’d had a tooth drilled without Novocain. She nodded deferentially and soldiered on:

“Mr. Bruno, given your history of antagonism toward law-enforcement personnel, how far would you go to put them in the wrong? You’re under oath.”

I shifted to my left so I could see around her to the jury. “As far as I could.” I lowered my head, raised it, and grinned. “Legally.” Three jurors grinned back at me. “Just as I assume the cops would go as far as they could. Legally. I would not tamper with evidence, if that’s what you want the jury to infer. Just as I’m sure they would not tamper with evidence. Would they?”

“They would not, but—”

“Stop right there, Ms. Boulanger,” Neuberger said. She glanced at him, and the evil old bastard

made her sweat before chopping her off at the knees.

“Jurors, please disregard everything from . . . ‘What would you say is your attitude toward agents of the federal government’ . . .”

Boulanger was the color of cappuccino, so she couldn’t turn scarlet, but her shoulders and her mouth made it clear that Neuberger was lucky—and so was I—that she wasn’t strapped. She took a breath for composure. “No more questions.”

I stood up, nodded to Abramson, and walked toward the back of the courtroom, where Herschel and his WASP companion were waiting in the aisle. I followed them into the hallway, and changed my life.

The WASP’s name was Mollie Wharton, and she spoke quietly, but not gently, as though there were reserves of strength that she couldn’t quite keep hidden. Radcliffe. Michigan Law. *Law Review*. She’d been at Dunlop, Tyler & Laird for six years; trusts and estates. She and Herschel had met when her younger brother had been busted on a misdemeanor possession charge, and her loyal colleagues at Dunlop, Tyler & Laird made it clear they didn’t do misdemeanor possession cases, not even for relatives. Herschel got it knocked down to next to nothing, and he and Wharton became . . . what? Neither would say, but I’d known Herschel for twenty years, and been partners with him for ten,

and so far as I could remember he never made friends with a woman unless he slept with her at least once. It was one of his most dependable principles.

We were sitting in a corner booth of a restaurant near the courthouse; it was too late for the lunch crowd and too early for cocktails, so we had the place to ourselves.

"Thus you see," she was saying to me, "we believe that with your legal background, you'd be the ideal person to help us find this beneficiary. Mr. Bruno—your glass is empty!" Wharton signaled the waitress and turned back to me. She didn't smile a lot, which I liked her for. But I could see nothing behind her eyes.

"My legal background is criminal law—is your beneficiary a criminal?" I said.

"No, no, not at all."

"Is there a crime connected with the estate somehow?"

"Absolutely not." She glanced at Herschel for help.

He leaned forward and poked me. "Adam, why are you being such a prick? Mollie wants to give you work."

"Right." I turned to her. "Ms. Wharton, I know Dunlop, Tyler & Laird, and I know the kinds of estates you represent, and I know this isn't the first time you've had to hunt down a beneficiary—and I know which detectives you usually hire to do your hunting. Why me?"

She glanced at her watch. "Mr. Bruno, I need to get over to surrogate's court. My senior partners will be back at the office at five-thirty, and if you stop by then we'll explain this to you properly. Can you do that?"

"What's the estate worth, Ms. Wharton?"

"Why do you ask that?"

"You're not telling me anything else, Ms. Wharton, so I at least need to know whether it pays even to talk to you—the way I work, the larger the estate, the larger the bonus." She avoided looking at Herschel, which meant she hadn't told him. "If you don't tell me, Ms. Wharton, there's not a chance I'll be there at five-thirty, or any other time."

She smiled, but this time like a model on a runway. "The estate is worth one hundred and five million dollars, perhaps more, depending on the value of Tel-Mat stock." She stood up, dropped twenty dollars on the table and picked up her purse. "Can I expect you?"

"Yes, you can."

CHAPTER 2

My guess is that Dunlop, Tyler & Laird had a score of conference rooms—the firm had 140 lawyers—but the one we were in was surely the sanctum of the most senior partners. The chairs were leather, the books were collectibles, and the table was teak, which is common; but the paintings were real French pre-Impressionists, which is not. There was no bar, or coffee machine, or anything that suggested self-service. The view was about 240 degrees: in one direction, the harbor, with the Statue of Liberty; in another, the Hudson and the World Trade Center towers; in another, the Empire State Building. And in every direction, sky and clouds and setting sun. The room, which was soundproofed, was meant to exude safety, comfort, taste, and effortless control, and it did.

I sat in the middle on one side of the oval table—there was room for twelve—and Wharton sat opposite me. To my left was Thomas Schuyler, Wharton's boss in trusts and estates. Across from Schuyler was a pair I couldn't help tagging Frick & Frack, though their names actually were Dieter Gunther and Paul VanHoven; they did tax shelters and other money stuff.

And at the head of the table, filling the Wedgwood cups from a sterling silver coffee carafe, sat Wilson Laird. Or, depending on how well you knew him and the circumstances of your meeting

him, Judge Laird, he'd served on the Virginia bench; or Senator Laird, two terms, Republican of Virginia; or Vice President Laird, one term.

"You said black, one sugar, Mr. Bruno . . . ?" I nodded, and he passed my cup to Schuyler, who slid it to me. Laird waited till I took a sip and gave him a slight bow before he poured for the others. When everyone had a cup, and had stopped stirring, Laird carelessly opened a file in front of him, which was a cue for everyone else to do the same.

"Mr. Bruno, let me give you a little background before we go to the file." A sip of coffee for drama. "Eleven days ago, my friend and client Matthew Marshall died of a stroke at his cabin upstate—I'm sure you saw the obituary in the *Times*. Matt was only fifty-one—five years younger than me. He left a wife—my friend Beth—and three children, my godchildren, Matt junior, Fred, and Wendy. He also left a good-sized estate."

"One hundred and five million, I was told."

Laird glanced at Wharton and smiled. "Were you, Mr. Bruno? That's about right, perhaps more, once the paintings on loan to museums are taken into account. According to the terms of Matt's will, that estate was divided, via trusts, among his wife and named children, his brother and sister, plus some generous bequests to various charities. I am the executor of the estate." He took another theatrical pause.

"Just before the Fourth of July weekend, Matt called us, to make an adjustment to his will. I was

in Capri, Tom here was on the Cape, so Mollie was watching the store. Mollie is a brilliant lawyer and Tom trusts her with everything in his bailiwick—as he should—and she was never told that everything connected with Matt’s legal work should—strictly as a courtesy, not for monitoring—be run through me.”

Wharton’s eyes were lowered, so at first I couldn’t tell how she was reacting. But then I saw the two tiny red spots appear on her pale cheeks. I felt for her—she was being put down so deftly she couldn’t protest and so viciously she couldn’t help but implode.

“So Matt came in and dictated a codicil to his will. Normally, we don’t do codicils—we rewrite the entire will—but since Matt was leaving town for the summer, Mollie went over the terms with him, checked the codicil for legal language, called in two secretaries as witnesses, and added the codicil to the file, with a marker to Tom to incorporate the provisions after a final consultation with Matt. Mollie did not question what Matt told her—we don’t encourage associates to question a client’s instructions—but she did tell him Tom would be going over the codicil with him to make sure of its effects on the main will. Mollie then simply sent Tom a memo giving a summary of what she’d done.” Another sip. “Because Mollie had no instructions to speak to me—I owe Tom a brisk spanking for that,” he chuckled paternally, “I first found out about all this when Matt died and Tom