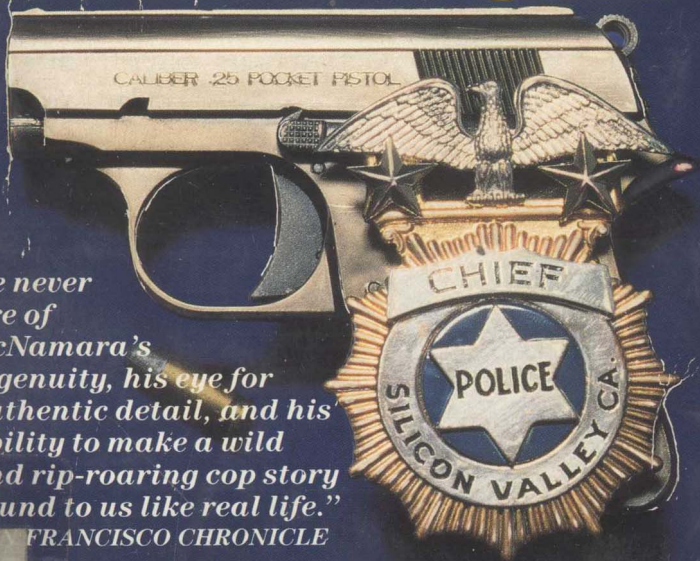


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## JOSEPH D. McNAMARA

Bestselling author of  
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**Joseph D. McNamara**

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**SAFE & SANE (nonfiction)  
THE FIRST DIRECTIVE\*  
FATAL COMMAND\***

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**This book is dedicated to Gordon Silva and Gene Simpson, the loved ones they left behind, and all the members of the San Jose Police Department who carry on their work. I thank the City of San Jose for allowing me the privilege of serving alongside them during the past fourteen years. Liza Dawson's insights and skills helped greatly in shaping the final product. My thanks also go to my son, Don, for his suggestions.**

The use of undercover investigative techniques requires a careful balance between meeting law enforcement objectives and the prevention of mental injury and emotional disturbances.

FBI LAW ENFORCEMENT BULLETIN, FEBRUARY 1989

# Prologue

COMING IN FROM THE FOUR A.M. BLACKNESS, I FOUGHT OFF the last bit of sleepiness and entered the briefing room. Three times a day platoons of more than one hundred officers gathered here for roll call and instructions prior to going on patrol. Now, the sounds made from the group at the far end of the room echoed eerily off the walls hung with pictures of wanted criminals.

I looked at the twenty large men in combat fatigues milling about aimlessly. The harsh white fluorescent lighting threw shadows across their incongruously boyish faces and bounced dull metallic reflections from the barrels of the assault rifles they carried. These were the elite—SWAT cops—and they dwarfed the three scroungy undercover sting detectives in their midst.

It was only eight weeks ago that I had been unexpectedly appointed acting police chief and this was the first major raid under my command. The men were fully trained, but I well knew that a lot could go wrong. A burly lieutenant also in fatigues waved to me. He was operational commander and a good man at his job, yet I fought my instinct to call him over and take personal command.

Coffee and greasy doughnuts were set out, and the cops clustered around the refreshments played grab ass much the way they had in high school locker rooms before going out to play in the big game. But this morning's game was potentially lethal and I was making an effort to keep my nervousness from showing. Police chiefs were supposed to



be like generals, without nerves or doubts.

In my previous position as chief of detectives, I had authorized the sting. For eight months we ran it out of an electronics repair shop. Sting detectives posed as employees eager to buy hot goods. When the crooks showed up with stolen property, they were ushered into a back room where the sale prices were negotiated and money and property changed hands. Of course, the thieves had no idea that the transactions were being recorded by hidden videotape cameras. The crooks wouldn't have a prayer in court, but first we had to get them there. It wasn't always that easy.

A number of them were heavily armed and would kill when cornered if they got the chance. Then too, the criminals and their lawyers had an incredibly efficient communications network. Within hours after one of the thieves' lawyers saw the court papers describing how evidence had been obtained during the sting, word would flash through their ranks and our best "customers" would vanish before we could arrest them. This was our answer, a predawn synchronized operation to nail the crooks who had been caught in our net before they could resist or get away. The sting detectives were there to make sure the people taken into custody were the same crooks who had sold them dope or stolen property. They would identify people after the SWAT guys had rounded up and disarmed the players.

Looking more like street people than solid citizens, the sting detectives were jubilant. Their undercover work had ended yesterday, and they were relaxed for the first time in eight months. Clad in jeans and leather vests, they were skinny, fragile, dirty-looking, and the bright light contrasted them sharply with their younger, clean-cut SWAT colleagues. The dicks now joked among the uniformed cops the way professional football quarterbacks made sure to mingle with their offensive linemen.

"You don't have to be smart to work a sting, all you gotta do is look like a hype," said SWAT team leader Scott Ward

with his big paw spread around Detective Nunzio Papa's shoulders.

I smiled to myself. Ward was all of twenty-seven. Old enough, big enough, and tough enough to be a team leader in the SWAT unit. In my NYPD days I would have wondered what a hype was. But California law enforcement's jargon was more precise. After all, you could be a junkie in a number of ways, but a hype was addicted to heroin or other drugs injected with a hypodermic needle.

Papa shook Ward's arm loose and said, "You ain't nothing, Ward. It's too bad they gave you steroids instead of a helmet when you played at State. You mighta been able to make detective yourself."

Ward's team members laughed at the detective's comeback. Nunzio Papa moved nimbly away as Ward attempted to grab the detective under the armpits and lift him into the air. The SWAT team cops in their combat fatigues and flak vests were posturing a bit.

I studied Papa, our star undercover man. He was an intense guy with swarthy skin pitted by acne, and had the bulging eyes of a strung-out coke fiend. It was easy to see why thieves and drug dealers fought to sell him stolen goods or dope. His slight build helped, but he was a natural actor who threw himself into things with an incredible energy. The energy made me uneasy. In high-risk undercover work, it was a short step from super-productivity to disaster.

The lieutenant was moving through the ranks patting backs and urging the cops to take seats. The group around the coffee urn thinned as men squeezed into briefing-room chairs made for average-size cops. Eighteen rows of tables with ten swivel seats attached to each table stretched toward the rear of the room. Five places in the front row had the names of uniformed cops who had been killed in the line of duty imbedded in the desk. The row was left empty by unspoken consent. I leaned against the wall and watched as the lieutenant came to the front of the room.

"OK, listen up, gentlemen . . ." Their lieutenant paused then said, "and members of the sting team." The SWAT guys guffawed. It wasn't that funny, but laughing would show that they weren't thinking about what could happen an hour from now when the raid began.

"Chief Fraleigh," the lieutenant turned to me, "do you have a few words for the troops?" He moved aside from the microphone on the raised podium.

I almost missed my cue. No one had told me I was expected to speak. What should I say? "If you get your balls shot off I'll visit you in the hospital, and if you don't make it, at your funeral I'll hand your badge and the folded flag to your mother." Guys this young couldn't have wives and kids, could they?

Moving up to the front of the room I saw that the detectives were in their thirties. Climbing buildings and hanging off helicopter ropes in antiterrorist and hostage-rescue training was the work of young cops. Most of them sported mustaches, trying to make themselves look older, but all it accomplished was to make me feel ancient at the age of thirty-eight. Once, I had felt that strong and confident, but it had been a long time ago. Two policewomen sat quietly to the side, clearly left out of the camaraderie.

I stood level with the cops, declining to use the podium and microphone for such a small group. "I know you've done this before and know your stuff. Our guys working the sting did a good job. They've got these crooks cold on candid camera. But remember, there are paroled robbers, muggers, dope pushers, and career burglars on this morning's list, and you'll be starting them on long stays in the joint. They'll know that once they spot you, so let's be careful. Good luck."

"Thanks, Chief." The lieutenant moved back to the mike. "We have forty-one felony arrest warrants and sixteen search warrants to be served. We're breaking into three teams—Tiger One, Two, and Three. Five men and a sergeant on each

team. The sting cop who obtained the warrant will come in after the arrest team secures the house or apartment. He'll ID the players for you. The general rule is that the warrants give us the right to break and enter. If you spot illegal weapons or stolen goods at the location, bring in everyone present. It should be admissible as evidence against them, but we'll have a deputy D.A. in the command room all morning, in case you have questions on who gets booked. We'll let the D.A. guess what the Supreme Court wants this time. He can cut them loose here if necessary. We've set up a priority list based on the crooks' past criminal records and how dangerous they seemed during the sting. We hope to collar the real baddies first while they're still catching their Z's. Are there any last-minute questions?"

"Yeah, Lieutenant," Scott Ward said. "The sting guys are buying the beer for tonight's party, right?"

"Absolutely, Scott. Unless you want to help them out." The lieutenant got the last laugh. "OK. Let's pick up your assignments and hit the bricks. No mistakes. Follow procedures, and no one gets hurt. At least none of us."

Well, that was it. My work was done for the next couple of hours. The cops went into the moonless night and I crossed my fingers and went home for an early breakfast.

"How many of these turkeys are yours, Nunzio?" Ward held up a fistful of warrants as Tiger One Team's van drove through the sprawling, sleeping, residential neighborhoods of Silicon City.

"Fourteen. Almost all of them sold some dope. The narcs don't like us on their turf. But what can you do? The shit is everywhere. These dirtbags would make us in a minute if we didn't deal dope. Still, it's funny. I don't know why I always feel a little guilty when these assholes see me wearing a badge," Nunzio said.

"You should feel guilty about us instead," Scott Ward growled. The van pulled up at the first stop, a block from

the three-story tenement where the arrest warrant would be served. At four-forty in the morning, the streets in the racially mixed low-income area were deserted. "Here we are risking our asses for your pinches. Real cops make their own collars."

"Hey, that's department policy. You guys are expendable. Detectives with high IQs have to be protected."

"Up yours, Nunzio," Ward said, flicking the detective's gold earring as they got out of the van.

"Ouch. Lay off, asshole. Listen, guys. Seriously, this first dude, Hector Gonzales, is bad. He's crazy as hell and likes to hurt people. He's a three-time loser and sold me a lot of dope and guns. I know he's got a whole box of Uzis up there ripped off from a San Jose gun store. Hell, he sold me five of them. He knows he'll be going in for good this time and he'll shoot it out if you give him a chance."

"So what else is new?" Ward said.

The team, welcoming the darkness, moved toward their prearranged positions surrounding the apartment house, all hoping that the demented, and well-armed, Hector Gonzales was fast asleep. But none hoped harder than Nunzio. As a sting dick, he'd stay behind in the van with the sergeant until Gonzales was in custody. Still, he felt sick to his stomach with fear as he remembered his sessions with the tall, slim dooper with the schizo eyes. Nunzio was an experienced cop used to dealing with tough and dangerous criminals, but Gonzales was different. Scary. Nunzio puzzled over what made Gonzales unique. Most crooks saw cops as the enemy and hated them, but it wasn't personal. They knew cops were going to try to nail them. But Gonzales was a killer who thought anyone who got in his way had to be eliminated. Nunzio shivered; Gonzales looked forward to trouble so he'd have an excuse to kill. He was a psychopath.

"Shit," Officer Tony Perez said—jumping as a dog in the building began to bark shrilly. His hand had hit the

microphone button strapped to his left shoulder. Belatedly, he remembered the sensitive microphone and hoped that the sergeant hadn't identified him as the one breaking radio silence.

Perez was twenty-three. He had been in two previous hostage operations which turned out to be false alarms. This was his first real arrest situation. The garbage dumpster in the building's rear parking lot was his assigned cover and the closest post to the van. The first cop in position, he crouched behind the dumpster, swallowed, and checked his weapon for the third time in the darkness.

The sergeant manning the Motorola radio console in the van smiled slightly and wondered if his rookie Tony Perez had slipped on dog shit. Because Hector Gonzales was so dangerous, the sergeant had reconnoitered the area the day before. He had assigned the newest member of the team to the best cover, a garbage dumpster. Tomorrow was the once-a-week pickup, so it was ripe, but with Hector Gonzales occupying the apartment on the opposite side of the building, Perez's supervisor had put him where he was least likely to see action.

Another dog with a deep bark had joined the first. Tony Perez began to sweat, despite the coolness. Again he touched his earplug radio receiver to make sure it hadn't come loose. *It must be about seven minutes since they had left the van. Time for the sergeant to poll them.* Perez didn't want to take his eyes off the building to check his own watch. He cursed silently when a light went on in a second-floor apartment, and wondered if he ought to report it to the sergeant. *No. Only emergencies got reported.* A gray-haired woman in a bathrobe parted the curtains and looked out from the lighted window. Perez moved behind the bin, catching his knee on a sharp corner. *Damn. He had torn his pants and maybe his skin on this lousy rusty metal. He tried to remember when he had gotten his last tetanus shot. Those fucking dogs. They should be illegal. The whole goddamned building is going*

*to wake up any second. And the suspect had assault rifles. That changed the whole game plan if he knew they were out here. A semiautomatic Uzi could fire two hundred rounds a minute. If it was fully automatic, six hundred rounds. And your flak vest wasn't going to stop slugs with the kind of muzzle velocity assault rifles provided. The gun shops not only sold them to any screwball no questions asked, but they let a crazy like Gonzales steal them. Jesus. It doesn't make sense that cops have to go up against assault rifles. What the fuck do they think we are, marines?*

*If the woman started yelling, was that an emergency? What the hell was wrong with the sergeant? It had to be seven minutes. Perez became aware of the terrible smell and gagged. An intense itch started in the small of his back. He touched his earplug. Was the sergeant OK?*

The sergeant in the van stood and stretched, checking his stopwatch. Three minutes had elapsed since the cops had left. ETA for Ward and his partner at the front door of Gonzales's second-floor apartment was seven minutes. At that time the sergeant would poll the team to make sure they were in place. When everyone was ready, he would clear the two men at the front door to begin the raid.

*Something was moving inside the dumpster. Scratching, squeaking. The hair on the back of Perez's neck stood. Jesus! Rats. The fucking bin is full of garbage rats. You have to get painful rabies injections into your stomach if they bite you. Goddamned sergeant. Why wasn't he doing his job?*

The sergeant looked around when his watch hit five minutes, wondering where Nunzio Papa had gone. *Probably outside taking a piss behind one of the bushes. Although, who knew with these sting guys—maybe he just whipped it out and pissed on the van's tire.*

Scott Ward and his partner had slipped in through the unlocked front door and now stood outside Gonzales's

apartment. Ward, on the left side of the door, pushed the safety on his machine gun to off. His partner, on the right side of the door, carried a steel battering ram. The partner held up his right hand to Ward and froze. His eyes widened. He lowered the battering ram to the floor and began to unsling his weapon. Then Ward, too, heard the sound. Someone was creeping up the staircase. What the hell? He swung his automatic weapon to cover the stairs and pushed the safety off.

Detective Nunzio Papa peeked over the top of the staircase and found himself looking into the barrels of two Mac Elevens.

"Nunzio, what the fuck are you doing here? You were supposed to stay back in the van with the sergeant until we got the place secure. Now you're gonna be in the goddamned way," Ward whispered.

Another dog began to bark.

"Come on, Ward. Break the fucking door before Gonzales wakes up. If he hears us and beats it, I'll have to be looking over my shoulder for this crazy motherfucker for the rest of my life. Let's take him." Nunzio stood erect and walked up to Ward, who roughly shoved him away from the door and any Uzi slugs that might come suddenly ripping through it.

Tony Perez realized that he had to take a leak badly. He was also considering using the barrel of his assault rifle to scratch the itch in the middle of his back, but he couldn't remember whether the safety was on or off. His fingers indicated that it was on, but he suddenly wasn't sure and didn't dare take his eyes from the building to look. Something must have gotten screwed up. It had to be ten or twelve minutes by now and every fucking dog in the building was barking. Another light had gone on in the corner apartment. He touched his earplug.

The sergeant's watch hit seven minutes. He pushed a switch on the console. "Report Tiger One," he said.



"Alpha One and Two in position," Ward whispered into his mike.

"Ten Four, Alpha," the sergeant said.

"Bravo One in position."

"Ten Four, Bravo."

"Charlie One in position"

"Ten Four, Charlie."

"David One, lights on back here," Tony Perez said.

"Are you in position, David One?"

"Affirmative," said Perez, blushing in the darkness. *So he should have confirmed his position first. Didn't the damn sergeant even want to know lights were on?*

"Tiger One is ready, Alpha. It's your call," the sergeant said.

Ward, frowning, covered his mike. He pointed at Nunzio Papa. "What are we gonna do with this asshole? Should I tell the sergeant?" he whispered to his partner.

In an upstairs apartment, a man yelled at a dog to shut up and a baby began to cry. Ward's partner shrugged.

"OK." Ward gave Nunzio Papa a last glare, then said into the mike on his shoulder, "Alpha One commencing."

"Ten Four, Alpha," the sergeant acknowledged.

"Alpha One now commencing," he broadcast in case any of the team hadn't picked up Ward's weaker signal.

Ward reached out and pounded the apartment door with his right hand. "Police. Open up," he yelled, satisfying the legal requirement. Without waiting for an answer, his partner smashed the flimsy wood apart with the battering ram.

Nunzio rushed into the living room first, ignoring Ward's curses. The other cop dropped the battering ram and picked his weapon up from the floor and followed Ward.

"Police. Freeze, Gonzales!" Nunzio, in front of the two SWAT cops, shouted as he leveled his 357 Magnum at Hector Gonzales, naked and sound asleep on a pull-out couch. A very young teenaged girl, also nude, slept alongside him