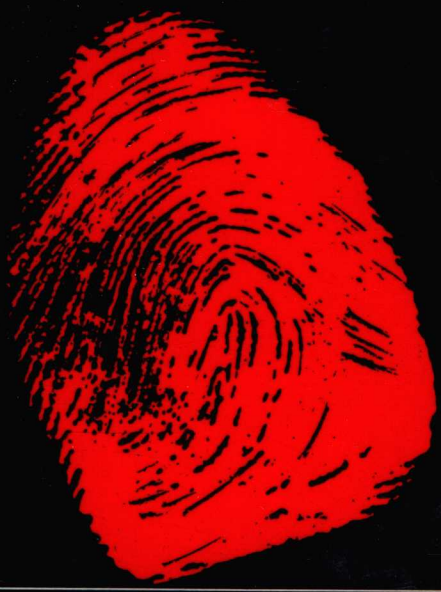
PRESUMED INNOCENT



A NOVEL BY

SCOTT TUROW

PRESUMED INNOCENT

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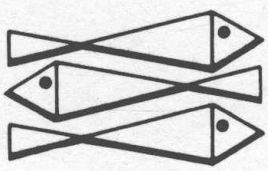
Farrar Straus Giroux

NEW YORK



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For my mother

This is a work of fiction.
All names, places, characters, and incidents
are entirely imaginary, and any resemblance
to actual events, or to persons living or dead,
is coincidental.

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Opening Statement

This is how I always start:

"I am the prosecutor.

"I represent the state. I am here to present to you the evidence of a crime. Together you will weigh this evidence. You will deliberate upon it. You will decide if it proves the defendant's guilt.

"This man—" And here I point.

You must always point, Rusty, I was told by John White. That was the day I started in the office. The sheriff took my fingerprints, the chief judge swore me in, and John White brought me up to watch the first jury trial I'd ever seen. Ned Halsey was making the opening statement for the state, and as he gestured across the courtroom, John, in his generous, avuncular way, with the humid scent of alcohol on his breath at ten in the morning, whispered my initial lesson. He was the chief deputy P.A. then, a hale Irishman with white hair wild as cornsilk. It was almost a dozen years ago, long before I had formed even the most secret ambition to hold John's job myself. If you don't have the courage to point, John White whispered, you can't expect them to have the courage to convict.

And so I point. I extend my hand across the courtroom. I hold one finger straight. I seek the defendant's eye. I say:

"This man has been accused."

He turns away. Or blinks. Or shows nothing at all.

In the beginning, I was often preoccupied, imagining how it would feel to sit there, held at the focus of scrutiny, ardently denounced before all who cared to listen, knowing that the most ordinary privileges of a decent life—common trust, personal respect, and even liberty—were now like some cloak you had checked at the door and might never retrieve. I could feel the fear, the hot frustration, the haunted separateness.

Now, like ore deposits, the harder stuff of duty and obligation has settled in the veins where those softer feelings moved. I have a job to do. It is not that I have grown uncaring. Believe me. But this business of accusing, judging, punishing has gone on always; it is one of the great wheels turning beneath everything we do. I play my part. I am a functionary of our only universally recognized system of telling wrong from right, a bureaucrat of good and evil. This must be prohibited; not that. One would expect that after all these years of making charges, trying cases, watching defendants come and go, it might have all become a jumble. Somehow, it has not.

I turn back to face the jury.

"Today you—all of you—have taken on one of the most solemn obligations of citizenship. Your job is to find the facts. The truth. It is not an easy task, I know. Memories may fail; recollections may be shaded. The evidence might point in differing directions. You may be forced to decide about things that no one seems to know, or to be willing to say. If you were at home, at work, anywhere in your daily life, you might be ready to throw up your hands, you might not want to make the effort. Here you must.

"You must. Let me remind you. There was a real crime. No one will dispute that. There was a real victim. Real pain. You do not have to tell us why it happened. People's motives, after all, may be forever locked inside them. But you must, at least, try to determine what actually occurred. If you cannot, we will not know if this man deserves to be freed—or punished. We will have no idea who to blame. If we cannot find the truth, what is our hope of justice?"

SPRING

1

"I should feel sorrier," Raymond Horgan says.

I wonder at first if he is talking about the eulogy he is going to deliver. He has just looked over his notes again and is returning two index cards to the breast pocket of his blue serge suit. But when I catch his expression I recognize that his remark was personal. From the rear seat of the county's Buick, he stares through the auto window toward the traffic thickening as we approach the South End. His look has taken on a meditative cast. As I watch him, it strikes me that this pose would have been effective as The Picture for this year's campaign: Raymond's thick features fixed in an aspect of solemnity, courage, and a trace of sorrow. He shows something of the stoic air of this sometimes sad metropolis, like the soiled bricks and tarpaper roofs of this part of town.

It is a commonplace among those working around Raymond to say he does not look well. Twenty months ago he split with Ann, his wife of thirty years. He has picked up weight and a perpetual grimness of expression which suggests he has finally reached that time of life when he now believes that many painful things will not improve. A year ago the wagering was that Raymond did not have the stamina or interest to run again, and he waited until four months before the primary to finally announce. Some say it was addiction

to power and public life that made him proceed. I believe the chief impulse was Raymond's outright hatred of his primary opponent, Nico Della Guardia, who was until last year another deputy prosecuting attorney in our office. Whatever the motivation, it has proved a difficult campaign. While the money lasted, there were agencies involved and media consultants. Three young men of dubious sexuality dictated as to matters such as The Picture, and saw to it that this image of Raymond was applied to the backside of one in every four buses in the city. In the picture he has a coaxed smile, meant to show a toughened whimsy. I think the photograph makes him look like a kind of sap. It is one more sign that Raymond has fallen out of step. That is probably what he means when he says he should feel sorrier. He means that events seem to be slipping past him again.

Raymond goes on talking about Carolyn Polhemus's death three nights ago, on the first of April.

"It's as if I can't reach it. I have Nico on one side making out like I'm the one who murdered her. And every jackass in the world with press credentials wants to know when we're going to find the killer. And the secretaries are crying in the johns. And in the end, you know, there's this woman to think about. Christ, I knew her as a probation officer before she graduated law school. She worked for me, I hired her. A smart, sexy gal. A helluva lawyer. And you think about it eventually, you know, the actual event— I think I'm jaded, but Jesus. Some cretin breaks in there. And that's how she ends up, that's her *au revoir*? With some demented slug cracking her skull and giving her a jump. Jesus," Raymond says again. "You can't feel sorry enough."

"No one broke in," I finally say. My sudden declarative tone surprises even me. Raymond, who has momentarily resumed his consideration of a lapful of papers brought along from the office, rears his head and fixes me with an astute gray eye.

"Where do you get that from?"

I am slow to answer.

"We find the lady raped and bound," says Raymond. "Offhand, I wouldn't be starting off my investigation with her friends and admirers."

"No broken windows," I say, "no forced doors."

At this point Cody, the thirty-year copper who is living out his last days on the force by driving Raymond's county car, breaks into the conversation from the front seat. Cody has been unusually quiet today, sparing us the customary reverie about the bum deals and good pinches he has witnessed in gross on most city avenues. Unlike Raymond—or, for that matter, me—he has no difficulty bringing himself to sorrow. He appears to have been without sleep, which gives his face an edge of roughened grief. My comment about the condition of Carolyn's apartment has stirred him for some reason.

"Every door and window in the joint was unlocked," he says. "She liked it that way. The broad was living in wonderland."

"I think somebody was being clever," I tell them both. "I think that's misdirection."

"Come on, Rusty," Raymond says. "We're looking for a bum. We don't need fucking Sherlock Holmes. Don't try to get ahead of the murder dicks. Keep your head down and walk in a straight line. Okay? Catch me a perpetrator and save my worthless ass." He smiles at me then, a warm, savvy look. Raymond wants me to know he is bearing up. Besides, there is no need to further emphasize the implications of catching Carolyn's killer.

In his reported comments about Carolyn's death, Nico has been base and exploitative and relentless. 'The prosecuting attorney's lax approach to law enforcement for the last twelve years has made him the accomplice of the city's criminal elements. Even the members of his own staff are no longer safe, as this tragedy illustrates.' Nico has not explained how his own hiring by Raymond as a deputy P.A. more than a decade ago fit into Raymond's liaison with lawlessness. But it is not the politician's lot to explain. Besides, Nico has always been shameless in his public conduct. That is one thing that made him ripe for a political career.

Ripe or not, Nico is widely expected to lose the primary, now eighteen days away. Raymond Horgan has wowed Kindle County's one and a half million registered voters for better than a decade. This year he is yet to win the party endorsement, but that is largely due to an ancient factional dispute with the mayor. Raymond's

political people—a group that has never included me—believe that when the first of the public polls are published in the next week and a half, other party leaders will be able to force the mayor to reverse field, and that Raymond will be safe for another quadrennium. In this one-party town, victory in the primary is tantamount to election.

Cody turns back from the front seat and mentions that it is getting close to one. Raymond nods absently. Cody takes this for assent and reaches below the dash to let the siren go. He uses it in two brief spells, almost like punctuation in the traffic, but the cars and trucks part neatly and the dark Buick noses ahead. The neighborhood here is still marginal—older shingle-sided houses, splintering porches. Kids with a kind of potato-y pallor play with balls and ropes at the edge of the street. I grew up about three blocks from here, in an apartment over my father's bakery. I recall them as dark years. During the day my mother and I, when I was not in school, helped my father in the shop. At night we stayed in one locked room while my father drank. There were no other children. The neighborhood today is not much different, still full of people like my father: Serbians, as he was; Ukrainians, Italians, Poles—ethnic types who keep their peace and their own dim outlook.

We are stopped dead in the heavy traffic of Friday afternoon. Cody has driven up the back end of a city bus, which emits its noxious fumes with an intestinal rumble. A Horgan campaign poster is right there, too, and Raymond looks out overhead, six feet wide, with the hapless expression of a TV talk-show host or the spokesman for some canned cat food. And I cannot help myself. Raymond Horgan is my future and my past. I have been a dozen years with him, years full of authentic loyalty and admiration. I am his second-in-command, and his fall would be my own. But there is no silencing the voice of discontent; it has its own imperatives. And it speaks now to the image overhead in a sudden forthright way. You sap, it says. You are, it says, a sap.

As we turn down Third Street, I can see that the funeral has become an important event for the police department. Half the

parked cars are black-and-whites, and there are cops in pairs and threes moving up and down the walks. Killing a prosecutor is only one step short of killing a cop, and whatever the institutional interests, Carolyn had many friends on the force—the sort of loyal lieges a good P.A. develops by appreciating skilled police work and making sure it is not squandered in court. Then, of course, there is the fact that she was a beautiful woman and one of modern temperament. Carolyn, we know, got around.

Nearer the chapel the traffic is hopelessly congested. We stutter only a few feet before waiting for the cars ahead to disgorge passengers. The vehicles of the very important—limousines with official plates, press people looking for spaces nearby—clog the way with bovine indifference. The broadcast reporters in particular obey neither local ordinance nor the rules of common civility. The Minicam van of one of the stations, complete with its rooftop radar dish, is parked on the sidewalk directly in front of the open oak doors of the chapel, and a number of reporters are working the crowd as if they were at a prizefight, thrusting microphones at arriving officials.

"Afterward," Raymond says, as he bulls through the press horde that encircles the car as soon as we finally reach the curb. He explains that he is going to make some remarks in eulogy which he will repeat again outside. He pauses long enough to pet Stanley Rosenberg from Channel 5. Stanley, as usual, will get the first interview.

Paul Dry, from the mayor's staff, is motioning to me. His Honor, it seems, would like a word with Raymond before the service begins. I relay the message just as Horgan is pulling free of the reporters. He makes a face—unwisely, for Dry can certainly see it—before he walks off with Paul, disappearing into the gothic dark of the church. The mayor, Augustine Bolcarro, has the character of a tyrant. Ten years ago, when Raymond Horgan was the hot face in town, he almost ran Bolcarro out of office. Almost. Since losing that primary, Raymond has made all the appropriate gestures of fealty. But Bolcarro still feels the ache of his old wounds. Now that it is, at last, Raymond's turn to endure a contested primary, the mayor has claimed that his party role demands neutrality and he has designed to withhold the party's endorsement as well. Clearly