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The Brass Verdict

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**MICHAEL
CONNELLY**

THE
BRASS
VERDICT



PART ONE

— Rope a Dope

1992

One

Everybody lies.

Cops lie. Lawyers lie. Witnesses lie. The victims lie.

A trial is a contest of lies. And everybody in the courtroom knows this. The judge knows this. Even the jury knows this. They come into the building knowing they will be lied to. They take their seats in the box and agree to be lied to.

The trick if you are sitting at the defense table is to be patient. To wait. Not for just any lie. But for the one you can grab on to and forge like hot iron into a sharpened blade. You then use that blade to rip the case open and spill its guts out on the floor.

That's my job, to forge the blade. To sharpen it. To use it without mercy or conscience. To be the truth in a place where everybody lies.

Two

It was in the fourth day of trial in Department 109 in the downtown Criminal Courts Building when I got the lie that became the blade that ripped the case open. My client, Barnett Woodson, was riding two murder charges all the way to the steel-gray room in San Quentin where they serve you Jesus juice direct through the arm.

Woodson, a twenty-seven-year-old drug dealer from Compton, was accused of robbing and killing two college students from Westwood. They had wanted to buy cocaine from him. He decided instead to take their money and kill them both with a sawed-off shotgun. Or so the prosecution said. It was a black-on-white crime and that made things bad enough for Woodson — especially coming just four months after the riots that had torn the city apart. But what made his situation even worse was that the killer had attempted to hide the crime by weighing down the two bodies and dropping them into the Hollywood Reservoir. They stayed down for four days before popping to the surface like apples in a barrel. Rotten apples. The idea of dead bodies moldering in the reservoir that was a primary source of the city's drinking water caused a collective twist in the community's guts. When Woodson was linked by phone records to the dead men and arrested, the public out-

rage directed toward him was almost palpable. The District Attorney's Office promptly announced it would seek the death penalty.

The case against Woodson, however, wasn't all that palpable. It was constructed largely of circumstantial evidence—the phone records—and the testimony of witnesses who were criminals themselves. And state's witness Ronald Torrance sat front and center in this group. He claimed that Woodson confessed the killings to him.

Torrance had been housed on the same floor of the Men's Central Jail as Woodson. Both men were kept in a high-power module that contained sixteen single-prisoner cells on two tiers that opened onto a dayroom. At the time, all sixteen prisoners in the module were black, following the routine but questionable jail procedure of "segregating for safety," which entailed dividing prisoners according to race and gang affiliation to avoid confrontations and violence. Torrance was awaiting trial on robbery and aggravated assault charges stemming from his involvement in looting during the riots. High-power detainees had six a.m. to six p.m. access to the dayroom, where they ate and played cards at tables and otherwise interacted under the watchful eyes of guards in an overhead glass booth. According to Torrance, it was at one of these tables that my client had confessed to killing the two Westside boys.

The prosecution went out of its way to make Torrance presentable and believable to the jury, which had only three black members. He was given a shave, his hair was taken out of cornrows and trimmed short and he was dressed in a pale blue suit with no tie when he arrived in court on the fourth day of Woodson's trial. In direct testimony elicited by Jerry Vincent, the prosecutor, Torrance described the conversation he allegedly had with Woodson one morning at one of the picnic tables. Woodson not only confessed to the killings, he said, but furnished Torrance with many of the telling details of the murders. The point made clear to the jury was that these were details that only the true killer would know.

During the testimony, Vincent kept Torrance on a tight leash with

long questions designed to elicit short answers. The questions were overloaded to the point of being leading but I didn't bother objecting, even when Judge Companioni looked at me with raised eyebrows, practically begging me to jump in. But I didn't object, because I wanted the counterpoint. I wanted the jury to see what the prosecution was doing. When it was my turn, I was going to let Torrance run with his answers while I hung back and waited for the blade.

Vincent finished his direct at eleven a.m. and the judge asked me if I wanted to take an early lunch before I began my cross. I told him no, I didn't need or want a break. I said it like I was disgusted and couldn't wait another hour to get at the man on the stand. I stood up and took a big, thick file and a legal pad with me to the lectern.

"Mr. Torrance, my name is Michael Haller. I work for the Public Defenders Office and represent Barnett Woodson. Have we met before?"

"No, sir."

"I didn't think so. But you and the defendant, Mr. Woodson, you two go back a long way, correct?"

Torrance gave an "aw, shucks" smile. But I had done the due diligence on him and I knew exactly who I was dealing with. He was thirty-two years old and had spent a third of his life in jails and prisons. His schooling had ended in the fourth grade when he stopped going to school and no parent seemed to notice or care. Under the state's three-strike law, he was facing the lifetime achievement award if convicted of charges he robbed and pistol-whipped the female manager of a coin laundry. The crime had been committed during three days of rioting and looting that ripped through the city after the not-guilty verdicts were announced in the trial of four police officers accused of the excessive beating of Rodney King, a black motorist pulled over for driving erratically. In short, Torrance had good reason to help the state take down Barnett Woodson.

"Well, we go back a few months is all," Torrance said. "To high-power."

“Did you say ‘higher power?’” I asked, playing dumb. “Are you talking about a church or some sort of religious connection?”

“No, high-power module. In county.”

“So you’re talking about jail, correct?”

“That’s right.”

“So you’re telling me that you didn’t know Barnett Woodson before that?”

I asked the question with surprise in my voice.

“No, sir. We met for the first time in the jail.”

I made a note on the legal pad as if this were an important concession.

“So then, let’s do the math, Mr. Torrance. Barnett Woodson was transferred into the high-power module where you were already residing on the fifth of September earlier this year. Do you remember that?”

“Yeah, I remember him coming in, yeah.”

“And why were you there in high-power?”

Vincent stood and objected, saying I was covering ground he had already trod in direct testimony. I argued that I was looking for a fuller explanation of Torrance’s incarceration, and Judge Companioni allowed me the leeway. He told Torrance to answer the question.

“Like I said, I got a count of assault and one of robbery.”

“And these alleged crimes took place during the riots, is that correct?”

With the anti-police climate permeating the city’s minority communities since even before the riots, I had fought during jury selection to get as many blacks and browns on the panel as I could. But here was a chance to work on the five white jurors the prosecution had been able to get by me. I wanted them to know that the man the prosecution was hanging so much of its case on was one of those responsible for the images they saw on their television sets back in May.

“Yeah, I was out there like everybody else,” Torrance answered. “Cops get away with too much in this town, you ask me.”

I nodded like I agreed.

“And your response to the injustice of the verdicts in the Rodney King beating case was to go out and rob a sixty-two-year-old woman and knock her unconscious with a steel trash can? Is that correct, sir?”

Torrance looked over at the prosecution table and then past Vincent to his own lawyer, sitting in the first row of the gallery. Whether or not they had earlier rehearsed a response to this question, his legal team couldn't help Torrance now. He was on his own.

“I didn't do that,” he finally said.

“You're innocent of the crime you are charged with?”

“That's right.”

“What about looting? You committed no crimes during the riots?”

After a pause and another glance at his attorney, Torrance said, “I take the fifth on that.”

As expected. I then took Torrance through a series of questions designed so that he had no choice but to incriminate himself or refuse to answer under the protections of the Fifth Amendment. Finally, after he took the nickel six times, the judge grew weary of the point being made over and over and prodded me back to the case at hand. I reluctantly complied.

“All right, enough about you, Mr. Torrance,” I said. “Let's get back to you and Mr. Woodson. You knew the details of this double-murder case before you even met Mr. Woodson in lockup?”

“No, sir.”

“Are you sure? It got a lot of attention.”

“I been in jail, man.”

“They don't have television or newspapers in jail?”

“I don't read no papers and the module's TV been broke since I got there. We made a fuss and they said they'd fix it but they ain't fixed shit.”

The judge admonished Torrance to check his language and the witness apologized. I moved on.

“According to the jail’s records, Mr. Woodson arrived in the high-power module on the fifth of September and, according to the state’s discovery material, you contacted the prosecution on October second to report his alleged confession. Does that sound right to you?”

“Yeah, that sounds right.”

“Well, not to me, Mr. Torrance. You are telling this jury that a man accused of a double murder and facing the possible death penalty confessed to a man he had known for less than four weeks?”

Torrance shrugged before answering.

“That’s what happened.”

“So you say. What will you get from the prosecution if Mr. Woodson is convicted of these crimes?”

“I don’t know. Nobody has promised me nothing.”

“With your prior record and the charges you currently face, you are looking at more than fifteen years in prison if you’re convicted, correct?”

“I don’t know about any of that.”

“You don’t?”

“No, sir. I let my lawyer handle all that.”

“He hasn’t told you that if you don’t do something about this, you might go to prison for a long, long time?”

“He hasn’t told me none of that.”

“I see. What have you asked the prosecutor for in exchange for your testimony?”

“Nothing. I don’t want nothing.”

“So then, you are testifying here because you believe it is your duty as a citizen, is that correct?”

The sarcasm in my voice was unmistakable.

“That’s right,” Torrance responded indignantly.

I held the thick file up over the lectern so he could see it.

“Do you recognize this file, Mr. Torrance?”

“No. Not that I recall, I don’t.”

“You sure you don’t remember seeing it in Mr. Woodson’s cell?”

“Never been in his cell.”

“Are you sure that you didn’t sneak in there and look through his discovery file while Mr. Woodson was in the dayroom or in the shower or maybe in court sometime?”

“No, I did not.”

“My client had many of the investigative documents relating to his prosecution in his cell. These contained several of the details you testified to this morning. You don’t think that is suspicious?”

Torrance shook his head.

“No. All I know is that he sat there at the table and told me what he’d done. He was feeling poorly about it and opened up to me. It ain’t my fault people open up to me.”

I nodded as if sympathetic to the burden Torrance carried as a man others confided in—especially when it came to double murders.

“Of course not, Mr. Torrance. Now, can you tell the jury exactly what he said to you? And don’t use the shorthand you used when Mr. Vincent was asking the questions. I want to hear exactly what my client told you. Give us his words, please.”

Torrance paused as if to probe his memory and compose his thoughts.

“Well,” he finally said, “we were sittin’ there, the both of us by ourselves, and he just started talkin’ about feelin’ bad about what he’d done. I asked him, ‘What’d you do?’ and he told me about that night he killed the two fellas and how he felt pretty rough about it.”

The truth is short. Lies are long. I wanted to get Torrance talking in long form, something Vincent had successfully avoided. Jailhouse snitches have something in common with all con men and professional liars. They seek to hide the con in misdirection and banter. They wrap cotton around their lies. But in all of that fluff you often find the key to revealing the big lie.

Vincent objected again, saying the witness had already answered the questions I was asking and I was simply badgering him at this point.

“Your Honor,” I responded, “this witness is putting a confession in my client’s mouth. As far as the defense is concerned, this is the case right here. The court would be remiss if it did not allow me to fully explore the content and context of such damaging testimony.”

Judge Companioni was nodding in agreement before I finished the last sentence. He overruled Vincent’s objection and told me to proceed. I turned my attention back to the witness and spoke with impatience in my voice.

“Mr. Torrance, you are still summarizing. You claim Mr. Woodson confessed to the murders. So then, tell the jury what he said to you. What were the *exact* words he said to you when he confessed to this crime?”

Torrance nodded as if he were just then realizing what I was asking for.

“The first thing he said to me was ‘Man, I feel bad.’ And I said, ‘For what, my brother?’ He said he kept thinking about those two guys. I didn’t know what he was talking about ‘cause, like I said, I hadn’t heard nothin’ about the case, you know? So I said, ‘What two guys?’ and he said, ‘The two niggers I dumped in the reservoir.’ I asked what it was all about and he told me about blasting them both with a shorty and wrap-pin’ them up in chicken wire and such. He said, ‘I made one bad mistake’ and I asked him what it was. He said, ‘I shoulda taken a knife and opened up their bellies so they wouldn’t end up floatin’ to the top the way they did.’ And that was what he told me.”

In my peripheral vision I had seen Vincent flinch in the middle of Torrance’s long answer. And I knew why. I carefully moved in with the blade.

“Did Mr. Woodson use that word? He called the victims ‘niggers’?”

“Yeah, he said that.”

I hesitated as I worked on the phrasing of the next question. I knew

Vincent was waiting to object if I gave him the opening. I could not ask Torrance to interpret. I couldn't use the word "why" when it came to Woodson's meaning or motivation. That was objectionable.

"Mr. Torrance, in the black community the word 'nigger' could mean different things, could it not?"

"'Spose."

"Is that a yes?"

"Yes."

"The defendant is African-American, correct?"

Torrance laughed.

"Looks like it to me."

"As are you, correct, sir?"

Torrance started to laugh again.

"Since I was born," he said.

The judge tapped his gavel once and looked at me.

"Mr. Haller, is this really necessary?"

"I apologize, Your Honor."

"Please move on."

"Mr. Torrance, when Mr. Woodson used that word, as you say he did, did it shock you?"

Torrance rubbed his chin as he thought about the question. Then he shook his head.

"Not really."

"Why weren't you shocked, Mr. Torrance?"

"I guess it's 'cause I hear it all a' time, man."

"From other black men?"

"That's right. I heard it from white folks, too."

"Well, when fellow black men use that word, like you say Mr. Woodson did, who are they talking about?"

Vincent objected, saying that Torrance could not speak for what other men were talking about. Companioni sustained the objection and I took a moment to rework the path to the answer I wanted.

“Okay, Mr. Torrance,” I finally said. “Let’s talk only about you, then, okay? Do you use that word on occasion?”

“I think I have.”

“All right, and when you have used it, who were you referring to?”

Torrance shrugged.

“Other fellas.”

“Other black men?”

“That’s right.”

“Have you ever on occasion referred to white men as niggers?”

Torrance shook his head.

“No.”

“Okay, so then, what did you take the meaning to be when Barnett Woodson described the two men who were dumped in the reservoir as niggers?”

Vincent moved in his seat, going through the body language of making an objection but not verbally following through with it. He must have known it would be useless. I had led Torrance down the path and he was mine.

Torrance answered the question.

“I took it that they were black and he killed ’em both.”

Now Vincent’s body language changed again. He sank a little bit in his seat because he knew his gamble in putting a jailhouse snitch on the witness stand had just come up snake eyes.

I looked up at Judge Companioni. He knew what was coming as well.

“Your Honor, may I approach the witness?”

“You may,” the judge said.

I walked to the witness stand and put the file down in front of Torrance. It was legal size, well worn and faded orange—a color used by county jailers to denote private legal documents that an inmate is authorized to possess.

“Okay, Mr. Torrance, I have placed before you a file in which Mr.

Woodson keeps discovery documents provided to him in jail by his attorneys. I ask you once again if you recognize it.”

“I seen a lotta orange files in high-power. It don’t mean I seen that one.”

“You are saying you never saw Mr. Woodson with his file?”

“I don’t rightly remember.”

“Mr. Torrance, you were with Mr. Woodson in the same module for thirty-two days. You testified he confided in you and confessed to you. Are you saying you never saw him with that file?”

He didn’t answer at first. I had backed him into a no-win corner. I waited. If he continued to claim he had never seen the file, then his claim of a confession from Woodson would be suspect in the eyes of the jury. If he finally conceded that he was familiar with the file, then he opened a big door for me.

“What’m saying is that I seen him with his file but I never looked at what was in it.”

Bang. I had him.

“Then, I’ll ask you to open the file and inspect it.”

The witness followed the instruction and looked from side to side at the open file. I went back to the lectern, checking on Vincent on my way. His eyes were downcast and his face was pale.

“What do you see when you open the file, Mr. Torrance?”

“One side’s got photos of two bodies on the ground. They’re stapled in there — the photos, I mean. And the other side is a bunch of documents and reports and such.”

“Could you read from the first document there on the right side? Just read the first line of the summary.”

“No, I can’t read.”

“You can’t read at all?”

“Not really. I didn’t get the schooling.”

“Can you read any of the words that are next to the boxes that are checked at the top of the summary?”

Torrance looked down at the file and his eyebrows came together in concentration. I knew that his reading skills had been tested during his last stint in prison and were determined to be at the lowest measurable level—below second-grade skills.

“Not really,” he said. “I can’t read.”

I quickly walked over to the defense table and grabbed another file and a Sharpie pen out of my briefcase. I went back to the lectern and quickly printed the word CAUCASIAN on the outside of the file in large block letters. I held the file up so that Torrance, as well as the jury, could see it.

“Mr. Torrance, this is one of the words checked on the summary. Can you read this word?”

Vincent immediately stood but Torrance was already shaking his head and looking thoroughly humiliated. Vincent objected to the demonstration without proper foundation and Companioni sustained. I expected him to. I was just laying the groundwork for my next move with the jury and I was sure most of them had seen the witness shake his head.

“Okay, Mr. Torrance,” I said. “Let’s move to the other side of the file. Could you describe the bodies in the photos?”

“Um, two men. It looks like they opened up some chicken wire and some tarps and they’re laying there. A bunch a police is there investigatin’ and takin’ pictures.”

“What race are the men on the tarps?”

“They’re black.”

“Have you ever seen those photographs before, Mr. Torrance?”

Vincent stood to object to my question as having previously been asked and answered. But it was like holding up a hand to stop a bullet. The judge sternly told him he could take his seat. It was his way of telling the prosecutor he was going to have to just sit back and take what was coming. You put the liar on the stand, you take the fall with him.

“You may answer the question, Mr. Torrance,” I said after Vincent sat down. “Have you ever seen those photographs before?”

“No, sir, not before right now.”

“Would you agree that the pictures portray what you described to us earlier? That being the bodies of two slain black men?”

“That’s what it looks like. But I ain’t seen the picture before, just what he tell me.”

“Are you sure?”

“Something like these I wouldn’t forget.”

“You’ve told us Mr. Woodson confessed to killing two black men, but he is on trial for killing two white men. Wouldn’t you agree that it appears that he didn’t confess to you at all?”

“No, he confessed. He told me he killed those two.”

I looked up at the judge.

“Your Honor, the defense asks that the file in front of Mr. Torrance be admitted into evidence as defense exhibit one.”

Vincent made a lack-of-foundation objection but Companioni overruled.

“It will be admitted and we’ll let the jury decide whether Mr. Torrance has or hasn’t seen the photographs and contents of the file.”

I was on a roll and decided to go all in.

“Thank you,” I said. “Your Honor, now might also be a good time for the prosecutor to reacquaint his witness with the penalties for perjury.”

It was a dramatic move made for the benefit of the jury. I was expecting I would have to continue with Torrance and eviscerate him with the blade of his own lie. But Vincent stood and asked the judge to recess the trial while he conferred with opposing counsel.

This told me I had just saved Barnett Woodson’s life.

“The defense has no objection,” I told the judge.