



HADLEIGH GARRARD

# UNTRODDEN



BOOK ONE  
OF  
THE TRAILS OF TRUTH





**UNTRODDEN**  
**Book One of**  
**The Trails of Truth**

**HADLEIGH GARRARD**



A publication of Proprio Vigore Press  
[www.ProprioVigorePress.com](http://www.ProprioVigorePress.com)

Author Hadleigh Garrard  
[www.HadleighGarrard.com](http://www.HadleighGarrard.com)

Copyright © 2012 by Proprio Vigore Press

First electronic edition: 11 January 2012  
ISBN: 978-0-9848975-0-6

First paperback edition: 21 February 2012  
ISBN: 978-0-9848975-5-1

All rights reserved. All characters and events in this book are fictitious. Any resemblance to actual events or persons, living or dead, is strictly coincidental. No part of this book may be reproduced, transmitted, downloaded, or distributed in any form or by any means, electronic, mechanical, audio recording, or otherwise, without written permission of the publisher. Please purchase only authorized electronic editions. Your support of the author's rights is appreciated.

Cover illustration © 2011 by Joan Doyle  
[www.theHouseArtist.com](http://www.theHouseArtist.com)

Cover design by Hadleigh Garrard, Michelle Santee, Joan Doyle

Edited by Michelle Santee  
[admin@ProprioVigorePress.com](mailto:admin@ProprioVigorePress.com)

Proprio Vigore Press logo © 2011 by Proprio Vigore Press  
Drawing A Line of Emperor Penguins by Rasperberg4

Coming in 2012: *Unveiled: Book Two of The Trails of Truth*  
A publication of Proprio Vigore Press

The first one is for Bill Hansen: He would have enjoyed  
the journey.

# Contents

<b>Prologue</b> .....	1
<b>Chapter 1</b> .....	4
Omnia mutantur, nos et mutamur in illis (All things change, and we change with them; proverb)	
<b>Chapter 2</b> .....	15
Actus primus (First act)	
<b>Chapter 3</b> .....	28
Inculpatus (Blameless)	
<b>Chapter 4</b> .....	34
Occasio furem facit (Opportunity makes the thief; proverb)	
<b>Chapter 5</b> .....	46
Gradu diverso, via una (The same way by different steps)	
<b>Chapter 6</b> .....	58
In tenebris (In a state of darkness)	
<b>Chapter 7</b> .....	71
Parva scintilla saepe magnam flamam excitat (A small spark often initiates a large flame; proverb)	
<b>Chapter 8</b> .....	75
Gutta cavat lapidem, non vi, sed saepe cadendo (A drop hollows a stone, not by force, but by constant dripping; Ovid)	
<b>Chapter 9</b> .....	85
Altissima quaeque flumina minimo sono labi (The deepest rivers flow with the least sound; Q. Curtius)	
<b>Chapter 10</b> .....	96
Res mihi integra est (I am still undecided)	

<b>Chapter 11</b> .....	113
Periculum in mora	
(There is danger in delay; Livy)	
<b>Chapter 12</b> .....	---
Principiis obsta	
(Resist the beginning; Ovid)	
<b>Chapter 13</b> .....	---
Fata viam inveniunt	
(The fates will find a way; Virgil, Aeneid)	
<b>Chapter 14</b> .....	---
Actus secundus	
(Second act)	
<b>Chapter 15</b> .....	---
Certis rebus certa signa praecurrunt	
(Certain signs precede certain events; Marcus Tullius Cicero)	
<b>Chapter 16</b> .....	---
Nosce te ipsum	
(Know thyself; Ancient Greek proverb)	
<b>Chapter 17</b> .....	---
Infixum est mihi	
(I have firmly resolved)	
<b>Chapter 18</b> .....	---
Amicus est tanquam alter idem	
(A friend is, as it were, a second self; Marcus Tullius Cicero)	
<b>Chapter 19</b> .....	---
Magni nominis umbra	
(The shadow of a great name; Lucan)	
<b>Chapter 20</b> .....	---
Inter spem et metum	
(Between hope and fear)	
<b>Chapter 21</b> .....	---
Tu ne cede malis sed contra audentior ito	
(Yield not to misfortunes but advance all the more boldly against them; Virgil)	
<b>Chapter 22</b> .....	---
Iustitia omni auro carior	
(Justice is more precious than all gold; proverb)	

**Chapter 23** ..... ---

Iacta alea est

(The die is cast; Julius Caesar)

**Chapter 24** ..... ---

Quo fata vocant

(Whither the fates call)



## Prologue

It was sufficiently late on Halloween night that the moonlit streets near the beach had emptied of revelers; the make-believe ghosts and goblins were tucked away safe in bed as the mist rolled in, gradually obscuring the full moon. A brief burst of brilliant white light split the fog-shrouded scene. A young man with long brown hair pulled back in a ponytail stumbled as he passed behind a weather-beaten stone bench that sat on the bluff above the beach. He hesitated and scanned his surroundings before sprinting south on the path that snaked along the bluff. A dark form emerged from the shadows of a clump of scrubby trees and followed stealthily as the young man raced through the twisting streets.

After a few blocks, the young man yanked open the door of a ramshackle brick apartment building. He darted up the rickety wooden stairs and pulled to a stop at the first door on the landing. Throwing a quick glance over his shoulder, he placed his right hand flat against the door and frowned in concentration. Long moments later, midnight blue light flashed at the margins of the door; it edged open, and the young man slipped inside, fighting for breath. A woman hastily closed and locked the door as an older man drawing on a robe entered the room.

“You must leave,” the young man wheezed, “Tiergan ...”

Suddenly the apartment door burst open with a blinding blaze of light. All three pivoted. The woman gripped her necklance. The older man jerked a gemstone out of his pocket as a massive, black-clad, knife-wielding figure surged across the threshold and sprang at the woman.

The young man wrenched at the thrusting arm but was effortlessly tossed aside. The older man brandished his stone, and a beam of deep crimson light shot at the intruder, only to be absorbed by the black cloak. Soundlessly, the stranger drove a dagger into the woman’s chest. Clutching futilely at the knife, she crumpled to the floor.

The gold-handled dagger glinted in the dim light as it was pulled smoothly from the wound; blood spurted in its wake. The

young man leapt to his feet and hurled himself onto the assailant's back; he was lobbed across the room. The intruder lunged through another shaft of crimson and slammed the dagger directly into the older man's heart. Pausing for a fleeting instant to withdraw the dagger and gather the edges of the cloak, the killer began to spin, faster and faster, then vanished.

Winded and stunned, the young man scrambled to the woman's side and tried to stem the flow of blood from her wound with his hands.

"No ..." she croaked feebly, "too late."

"I'll get help."

"No time ... must ... hide the baby. ... They can't know ... she lives." She gasped and continued with great effort. "A veridictrix ... must ... survive!" The woman labored to breathe. "Take her ... to Greer. Tell ... tell her ... don't go back ..."

"You can't die," he pleaded.

The woman looked into the young man's eyes and, with her last bit of strength, said clearly, "Promise to keep her safe."

Tears streamed down his cheeks as the young man picked up the woman's limp right hand and held it palm-to-palm. "With all my heart, I so promise." He drew a calming breath and gently unclasped the woman's necklace. Placing a kiss on her forehead, he pocketed the pendant.

He got shakily to his feet and plucked a pale stone from the floor near the older man's still body. In the bedroom, he reached with unsteady hands into a crib in a corner of the room, scooped up a sleeping baby, and wrapped her in a blanket. Snatching a small box from the dresser and stealing one last grief-stricken glance at the lifeless pair, he dashed from the apartment.

The young man again sprinted through the narrow, murky streets, stopping this time at a tiny wooden house on the verge of the beach. Once more, he placed his hand flat against the door. Too quickly for the occupant to have been asleep, the front door was flung open by a grey-haired woman in a long, flowing garment.

"What's wrong?"

The young man brushed by her and staggered into the house, breathing heavily.

"You're covered with blood!"

"They're dead ..." the young man choked out.

"No! How? What happened?"

"An assassin ... must have followed me. ... She said to hide the baby."

“Hide her? But how ...”

“There’s no time! Take the baby. I’ll go back for her *cistella*.”

“Wait, come here.” She pulled a colorless stone from her pocket. “Let me get rid of that blood.”

“Quickly!”

“I should hide her?” The woman waved the gemstone over his garments.

“She said it’s not safe to go back.”

“Then you must destroy the baby’s things.” She tucked the stone away and added, “I know where I’ll take her.”

“I’ve got to go.” The young man thrust the baby at her and bolted out the door.

He sped back, slowing as he approached the apartment building. With no one in sight, he bounded up the stairs. The apartment door stood wide, its latch shattered. He swung the door shut behind him and hastened to the bedroom, struggling not to look at the bodies. He crossed directly to the dresser and pushed aside the clothing in its lowest drawer. The wail of an approaching siren could be heard. The young man’s mouth tightened, but he continued with his task. He seized a small green box bearing a raised crest. Pulling a ruby from his pocket, he rushed to throw open the screenless window and held the gemstone and the box aloft. After a few seconds, the box dissolved in a shimmer of intense indigo light.

Returning to the open dresser drawer, he gathered baby clothing and other paraphernalia and pitched it into the crib. Shoving it under the window, he grasped the sides of the crib firmly and stared hard at the ruby tucked into his left hand, a look of fierce concentration on his face. Eventually the edges of the crib softened and glowed indigo, then started to waver and blur. The young man continued to stare intently at the ruby, exerting great effort. The crib finally disappeared altogether as the door of the apartment crashed open and someone yelled, “Police! Don’t move!”



 Chapter 1 

**Omnia mutantur, nos et mutamur in illis**  
**(All things change, and we change with them;**  
**proverb)**

The fourth day of August was hot and muggy in Burning Springs, Pennsylvania. Sigrun Nyman was mechanically picking string beans along a row that stretched seemingly endlessly across the field while the sweat trickled slowly down her face. Her brown hair, which usually hung in thick unruly waves around her shoulders, was tucked into an untidy bun in a losing battle to stay cool. Philip Schlichter, Sigrun's best friend, had folded himself into the meager shade cast by the battered pickup truck parked at the edge of the field and was fanning his flushed face with the bandana he had been wearing to protect his neck from the blazing sun.

"Come and sit down before you faint," called Philip.

"No, it's too soon to take a break," she said with a laugh. "We'll never get the field finished if you stop every fifteen minutes."

"We won't get the field finished if you have to drive me to the emergency room with heat prostration either."

"All right, you rest – I'll pick your share as well."

He heaved himself to his feet with an exaggerated sigh. "No, I can't let you show me up."

"But, Philip, these are the last of the vegetables your mother wanted for the market tomorrow; if we finish early, we can get in a ride before dinner."

"I'll be too worn out to think about anything besides bed by the time we finish," Philip muttered as he resumed picking the row next to Sigrun's.

The sun beat down relentlessly as they worked in companionable silence. Untethered by the mindlessness of the repetitive task, Sigrun's thoughts turned, as they frequently did of late, to her father, William. Two months earlier she had suddenly heard a thud and had run upstairs to find him collapsed on the floor. Although he had been 74, he had seemed so healthy and had stayed so active that his

death had come as a complete shock. She had not yet fully convinced herself that he was gone.

“Feeling down again?” Philip asked after a while.

“Yeah,” Sigrun said. “I keep trying to think about being at law school, and all I can focus on is how excited Dad would have been. I guess ... well, I can’t really see myself there without having him to share it with.”

“I know, but remember how proud he was when you got accepted by UCLA.”

She stopped picking. “That’s what makes it so hard. It was **his** dream. From the time I was tiny, he told me he wanted me to go to law school so I could go out and save the world. ... I’m not so sure I want to do it on my own.”

“Come and sit down.” Philip headed back to the shade of the truck. “So you’re still thinking about not going?” He untied his bandana and wiped his dripping face.

Sigrun took a long drink of tepid water and brushed escaped strands of hair off her face. “I just don’t know. If I’m out in California – what about the Farmstead?”

“Like I’ve told you before, we’ll take care of things – that’s not what’s really bothering you.”

“Maybe not ... but it’s so sad to have to sell the goats.”

“I wish I could keep them – but I don’t have time to feed and milk a dozen goats.”

“I couldn’t let you do that. I feel bad enough having you watch the house and everything. I mean, you’ve got too much going on this year with the entrance exams.”

“Don’t worry – I’ll get my brothers to do most of the work. I’m a master at passing off my chores to them.”

“But if I went to law school at Dickinson instead, then I could keep the goats and take care of the place.”

“Hey, as much as I’d love to have you stay home, I can’t let you walk away from your scholarship without being sure that’s what you really want.”

“I’m not sure about anything.”

“Right. So stick with our deal: You promise to try your best at UCLA for a year, and I’ll do my best to get into vet school.”

“I suppose,” she said doubtfully, “I should at least see what it’s like.”

“Exactly.” Philip got to his feet. “Let’s get this torture over with.”

The day wore on. The sun gradually became obscured by high

clouds, and the pair picked at a rapid pace. Nonetheless, the afternoon slipped by more quickly than did the rows of beans.

“Finally,” Philip said, picking the last beans in the last row and straightening his back. “I don’t think we have time for a ride after all. I didn’t tell you, but Mom baked you a cake, so we shouldn’t be late for dinner.”

“Oh, that was sweet. But ... I just don’t feel much like celebrating.”

Philip gave her a quick hug. “I know, but we can’t let your birthday pass unnoticed. Besides, Mom wants to spoil you a bit before you leave.”

Philip hefted the last buckets of beans into the back of the truck. “Come on, if we hurry, I’ll have time for a shower, and everyone will be much happier if I do.”



The temperature had continued to drop from the heavy heat of early afternoon, and a cooling breeze had sprung up. Sigrun decided that, even though she was tired from the long hours in the fields, the weather was perfect to walk the mile or so that separated the Schlichters’ place from the century-old house and 10-acre patch of land that was all that remained of the Nyman Farmstead.

Strolling up the long gravel drive at the farm, she heard a voice call out, “Yo, Sigrun.” She peered through the deepening shadows cast over the chicken coop by a row of tall maple trees bordering the drive and spotted a gawky 15-year old with hair a shade lighter than Philip’s sandy blond. “Hi, Donald, I didn’t see you there.”

“Hey,” he said as he loped over to join her, “thanks again for your father’s chickens. It’s funny – since I brought them over, my egg count has really improved. I think my girls are jealous and are trying hard to outproduce the newcomers.”

She laughed. “I’m glad you were willing to take them.”

“Willing – no way. I was thrilled. I mean, I have to do all the work to take care of mine anyway; so with almost twice as many birds, I should make nearly twice as much money with only a little more effort. Seems like a no-brainer to me.”

“Well, I’m thankful they have a good home.” They stepped into the kitchen. “I see you found time for that promised shower,” she said as she spied the freshly-washed-and-changed Philip.

“When have you ever known Philip not to have time for a shower and clean clothes?” asked Donald. “I swear he changes clothes twice as often as Mom does.”

“Watch it – I’m bigger than you,” Philip said in a mock-threatening tone as he tucked Donald’s head under his arm. At 21, Philip was still somewhat gangly, not quite grown into his hands and feet, and not as athletic as either of his younger brothers. As he and Donald wrestled, they bumped into the sturdy table in the center of the room, causing the dishes stacked upon it to rattle alarmingly.

“Stop that!” Sigrun laughed as she ducked out of their way. She caught Philip’s arm and pulled him away from Donald. “Come on guys, behave and help me set the table.” She grabbed a pile of plates and headed to the dining room.

“Happy Birthday, Sigrun,” said an affable middle-aged man who was an older, heavier, and grayer version of Philip. “Come and chat; let the boys do some work for a change.” Otto Schlichter settled himself in the living room. “I’d rather not bother you on your birthday, but I wanted to make sure that everything is okay.”

“I’m fine.” Sigrun reflexively brushed her now-unbound hair back from her face. “Well, I am worried about leaving the Farmstead empty – but Philip assures me that he and the boys will take care of it.”

“We’ll make sure nothing happens to the place while you’re gone. By the way, I ran into Ray at the feed store and asked him how things were going. He said he’s got the probate just about done. I asked him to keep me informed. I hope you don’t mind.”

“Not at all. I’m really grateful for your interest.”

“Ray told me there’ll be enough money to keep the Farmstead running while you’re in school. So you don’t have to rent it out yet. And Sigrun,” Mr. Schlichter leaned forward and said earnestly, “always remember that we’re here for you if you need anything. You know Mother and I think of you as a daughter – why, you’ve spent almost as much time over here as Philip since that summer you moved next door.”

“Thank you,” she replied warmly. “You know I think of you as family.”

“I hope so – otherwise I’d have to marry you to keep you around,” Philip said genially from the doorway.

His father laughed. “Why Philip, that’s a grand idea.”

“Sorry to interrupt, but I was sent to call you in to dinner.”

“We’re done,” said Mr. Schlichter, getting to his feet.

“Happy Birthday, Sigrun!” chorused Norman, Donald, and Ernestine Schlichter as they entered the dining room. Dinner was a spirited occasion; the conversation never strayed from cheerful subjects, and Philip and his next-younger brother Norman strove to sur-

pass each other's comical stories. Sigrun allowed herself to be swept up in the celebration. A harmonious rendition of "Happy Birthday," led by Philip's impeccable tenor, was followed by the cutting of the cake.



"Why don't you stay a while," Philip suggested after the rest of the family had headed to bed.

"No, I'd better get home," she said. "I want to tackle some packing tomorrow. I've been putting it off all summer, and now there's only two weeks left."

"Don't remind me." Holding the front door for her as they stepped outside, he gave a searching glance around the driveway. "You walked?"

"Yes, it's a lovely evening."

"I suppose. But I've had quite enough fresh air today. I'll drive you."

"Don't bother – I don't mind walking."

"Of course not. What would Mom say if she found out I let you walk home alone at night?"

"So, all you care about is what your mother would say?"

"No," Philip responded smoothly, "but I figured if I said I was concerned for your welfare, you'd think I was coddling you."

She laughed. "Okay, you can drive."

Sigrun settled herself into the passenger seat of a 1968 Mustang, a gift from his father upon Philip's graduation from high school. The car had been Mr. Schlichter's pride and joy since his own high school years. Philip had embraced the role of caretaker for the car with an enthusiasm that continued to confound Sigrun.

"You know," Philip said as they drove down the driveway, "Dad meant that – they do think of you as their daughter."

"I know ... it means a lot to me."

"And it's not only my folks; my brothers adore you and would do anything for you. ... As would I," he added gravely. "I'll even help you pack."

"But – don't you have things you want to do?"

"There is nothing in the world I would rather do than spend time with you," he intoned solemnly.

She laughed as they approached the Farmstead. "Really – I'll start taking you seriously if you don't stop."

"But I am serious," he protested, "I want to help pack."

"Then I'd love your help. And Philip, thanks for making my



birthday special.”



Although she had turned her alarm off, Sigrun awoke as usual at dawn. As she was free of picking chores that day, she considered going back to sleep, but then she remembered her vow to start packing. The thought immediately cast her into gloom and banished all possibility of sleep. Best get an early start, she thought with resignation.

After a quick breakfast, she girded herself and entered her father’s bedroom. It wasn’t that she hadn’t been in the room all summer – it was that packing his things would substantiate his death to an extent that she wasn’t sure she could handle. Her sorrowful gaze lingered on his collection of “lawyer stories,” as he had called them. William had loved novels about lawyers, especially ones with courtroom drama. She sighed. Now she’d never be able to describe for him what it felt like to give a closing argument in front of a jury. She didn’t want to disturb the books. Maybe the clothing. Sigrun opened the closet and eyed the rather sparse and tattered contents; it had always been a struggle to get her father to replace anything that wasn’t falling apart. She sighed again. She was planning to donate the clothing to charity, but not today.

With the whole day stretched in front of her, she thought, maybe it made sense to start on something more substantial. She wandered aimlessly down to the sitting room. She then headed to the kitchen and poured herself another mug of coffee, staring blankly out the window while she drank it. What about the attic? Clearly she would need somewhere to store the things she wanted to keep when she did rent the place.

Sigrun briskly ascended the two flights of stairs to the attic and struggled to open the tight-fitting door. The space was rather more crowded and chaotic than she recalled. She randomly started on one of the untidy stacks of boxes. After a while, it occurred to her that some of her mother’s things must be around. Her mother had died before Sigrun and her father had moved to Burning Springs, and the Farmstead bore few traces of her. But knowing her father, he would have packed her belongings and brought them along.

She eventually worked her way to the back of the attic and found a large unfamiliar old-fashioned black steamer trunk. After clearing away the stuff stashed around it, she was able to pry the lid’s rusty latches open and prop it up on age-weakened hinges. Inside, as she had suspected, were what seemed to be her mother’s things.

Rubbing the worst of the dirt from her hands onto her jeans before pushing the hair off her face, Sigrun contemplated the remnants of the life of someone of whom she retained only the faintest memories. Did it make any sense to look at this now? Standing there adrift, she became aware that she was hot and hungry. Maybe she should reconsider her plan of action over lunch.

As she ate in the shade of a tall beech tree, Sigrun watched the goats milling about in their nearby pasture. Her father's soft goat-milk cheese had been much in demand at the local farmers' markets, and she had found a rival cheese-maker who wanted to buy the herd. Once they were gone, she realized with a pang, she would be alone at the Farmstead.

She blinked back her tears; she didn't want to succumb to depression. Maybe it wasn't the most logical use of her time, but if she could empty that trunk, she would have a good place to put her father's things. And besides, since she didn't need to rent the house before next summer, she had plenty of time to pack. Fortified by lunch and focused on her goal, she returned to the attic determined to dispatch her mother's trunk. She lifted the top tray and settled to the floor; it held bundled letters.

She was pulled out of her absorption in her mother's long-ago correspondence to Sigrun's grandmother by the far-off ringing of the doorbell. That must be Philip, and, she thought in exasperation, she had forgotten to unlock the front door. Maybe he'd check the back. She waited, straining to hear something to indicate that he had let himself into the kitchen. Nothing. She descended the stairs and unlocked the door.

"Well, hello," she said to Philip's back.

Philip lazily unfurled his lanky frame from his position leaning against the porch post, his guitar slung carelessly across his back, and gave her a sheepish grin. "Hi, guess I missed the morning."

Struck by the image Philip presented backlit by the brilliant sunshine, she ran her eyes over him, from his scuffed shoes and worn and faded, but snug-fitting, blue jeans to his still-crisp, freshly laundered white T-shirt with its sleeves rolled up to expose more of his deeply tanned arms. The long summer in the fields had produced not only the rich color of his skin, but also the sun-bleached highlights in his tousled blond hair. The blue of the sky was reflected in his cheerfully sparkling eyes. "My, you do casually disheveled well."

His grin widened. "I didn't think you'd notice."

"I always try to appreciate beauty when I see it," she said dryly. "Are you coming in, or are you just dropping by on your way to a

gig?”

Philip ambled into the house. “I’m here to keep you company as long as you’ll have me.”

“What about your promise to help pack?”

“Oh, that too.” He took off his guitar and set it on the sofa in the sitting room. “But I thought we’d like some entertainment later ... while we’re resting.”

“Haven’t you rested all morning?” she quipped as she started up the stairs.

“That’s unfair. Well, I did sleep in a bit ’cause I stayed up late last night working on a new song, but Mom left me a list of chores for my ‘day off’, and then I ran into Dad in the barn while I was tending the horses, and he wanted to discuss whether Estelle was off her feed. So, no, I haven’t been resting.”

“Is she off her feed?”

“Yeah, but I think it’s the heat. What have you been up to?”

Sigrun shoved open the door at the top of the narrow attic stairs. “I tried Dad’s room first, but I couldn’t face that. I haven’t been up here in years and look,” she said, gesturing at the dusty disarray, “it’s a mess.”

“Mmm – that it is. What’s your plan?”

“Actually, I got side-tracked by a trunk of my mother’s things.”

“Your mother! Anything interesting?”

“Sort of – I was looking at her letters. I can’t decide what I should hang onto.”

“You don’t really remember her, do you?”

Sigrun pushed a box aside to make room and handed Philip a letter she had been reading. “I have a few memories, but I’m not sure – they might come from photos. I was only four when she died, and the cancer was pretty horrific.”

While he read, Sigrun glanced through the package of letters and opened one near the bottom of the pile. “Oh,” she exclaimed, “this one must have been written soon after I arrived. She wrote to her mother, ‘Sigrun is growing so fast! We can’t believe how fortunate we are that she was so young when she came to us.’”

“How old were you when they adopted you?”

“Just a few months I think.” She gave a rueful laugh. “Dad never wanted to talk about anything that even hinted that I wasn’t his child, so I don’t know much. ... Now I guess I never will.”

“But you know, there might be loads of information buried in that trunk – be careful what you throw out.”

“I suppose,” she agreed absently, still reading. Then she set the

letter down and looked at Philip somewhat helplessly. “What should I do?”

He got to his feet. “I say we take some of the stuff from the trunk downstairs so you can sort through it in comfort. Let me look around, but I bet if it’s organized, there’ll be plenty of room to bring up what you want to store.”

As Philip assessed the attic, Sigrun combed through the trunk. Apart from the letters and a couple of old photo albums, the only thing she thought might have any connection to her infancy was a small blanket that was made of some extremely soft, unfamiliar material. In the end, she took only the letters and albums.

Time passed quickly as they rearranged. After carting down those items identified as trash, Philip trudged back up the stairs and sat down in the doorway to watch as Sigrun stacked the last of the boxes. His appraisal had been correct; once organized, the attic was no longer crowded. “Not a bad day’s work, I’d say.”

She laughed. “I think we’re done, what do you think?”

“Definitely done.”



After their delivery-pizza dinner, Philip sat on the couch in the sitting room strumming a quiet melody on his guitar and nursing a beer. Sigrun, curled into the softest chair in the room, had lapsed into silence.

“You know,” she reflected, “I’ve never been away from home.”

“You never took vacations, did you?”

“No – Dad didn’t like to travel, and we always had chores, so we only ever took day trips. ... I can’t really imagine living in Los Angeles.”

“I can’t imagine you not being here,” he said glumly. “Who else can I confide in?”

“Oh, Philip.” Sigrun sat up in her chair. “You can call me.”

“I plan to – every day I expect. But ... you’ll be out in the big city, meeting new people, having new experiences. I’ll just be here and ... we’ll grow apart.”

“No we won’t. You know I don’t like meeting people, and I don’t expect I’ll like living in a big city, and anyway, I don’t know how I’ll get by without you.”

Philip shook his head skeptically. “As Emerson said: ‘We change, whether we like it or not’. ... Anyway, there’s something I want to play for you – my adaptation of ‘Dead Man’s Hill’. It really resonates with me.” He struck up the opening measures of a rather

mournful melody.

Silence reverberated as the last chord faded.

“Me too,” Sigrun said eventually, wiping away tears.

Philip took a swig of beer. “Enough melancholy – this is for you, too.”

She laughed as she recognized “California Girls.”



It wasn't until two days before Sigrun was to leave that she finally confronted her father's clothing. She and Philip had discussed plans for her semester break during a long ride the previous evening. She was propelled into action by the vision of coming home to a room preserving the charade that her father was still alive. It was time, she told herself purposefully, to accept that he was, in fact, gone.

Sigrun folded the last shirt into the last box. As she contemplated the tidy room, her eyes fell on a framed photograph on the dresser of herself on a horse when she was about six. Her father had always said it was his favorite photo; she took it into her bedroom and set it on her dresser next to her baby box. She glanced at her watch. Damn, it was a quarter past four, and she had agreed to meet Philip at four.

Sigrun waved at Donald as she passed the chicken coop before parking her father's ancient pickup by the barn. She entered the dim coolness of the spacious building and followed the sound of voices until she found Philip and his father in a stall.

“I'm not too worried.” Mr. Schlichter stepped out of the stall. “Hello, Sigrun.”

“Is Estelle still not eating?”

“Well, she just isn't thriving the way she should be,” Mr. Schlichter said. “I'll see you kids later – I have to get to bank before it closes.”

Sigrun entered the stall and stroked the white star on the forehead of a large chestnut mare. “How's she doing?”

“She still hasn't gained weight, so I guess the vet had better check her out,” Philip replied. “I'm done – why don't you get saddled.”

Sigrun slipped out of the stall and set off down the wide aisle, but then she turned. “Hey, I finally did it.”

“What? The clothing?”

“Yeah, it's packed and ready to be picked up.”

Philip joined her, and they headed toward the tack room. “So

how do you feel?”

She considered for a moment. “Good.” She grabbed a brush and took her saddle and bridle down from their peg. “I think you were right: I was still vacillating about UCLA, and I was giving myself a safe haven by leaving the room intact.”

“So, you’ve resolved to go?” He followed her into the adjoining pasture, put two fingers in his mouth, and gave a piercing whistle. The small herd of horses clustered under a clump of trees at the far end of the field flung up their heads and galloped over.

Sigrun laughed as several large heads thrust against her in search of treats. “Don’t be greedy, girls,” she said, handing out carrot pieces. She pushed through the milling horses and grabbed the halter of a dainty young chestnut mare with vibrant red highlights in her mane and tail. She gave Ellie a carrot and led her over to the fence.

After weighing Philip’s question, Sigrun replied, “I think I have.” Then she laughed. “How’s that for an equivocal answer?”

“But it was just an illusion,” he said unexpectedly. He swung his saddle onto Arabella, a frisky dark bay mare he had tethered next to Ellie.

“What was?”

“The room. You’ve been clinging to the fiction of continuity. But the reality is – your life **has** changed, whether you stay here or go to California.”

“Thanks for pointing that out.” Sigrun finished tightening the cinch on her saddle. “Let’s go for our ride, and let me stave off reality for one more night.”



## Chapter 2

### Actus primus (First act)

“And did I mention the palm trees?”

“Yes Sigrun, several times,” said Philip with a long-suffering sigh.

“Well, I think it’s cool that I can see real live palm trees out my bedroom window.”

“As opposed to dead ones?” he asked sarcastically.

“**No.** As opposed to the movies – I’ve only ever seen palm trees in movies.”

“I guess you didn’t come that time we went to Disney World?”

“No Philip, that was your family’s vacation.”

“Sorry, I forgot. You know, there aren’t many things in my life I’ve done that didn’t involve you; until now, of course.”

“I’ve only been gone two days,” Sigrun said in exasperation.

“So, I’m anticipating.”

“Maybe you could try anticipating that my classes go well.”

“Hey, has the presumptive roommate appeared?”

“No, I guess she’s waiting until classes start.”

“Isn’t that in less than 12 hours?”

“Yeah.”

“Plenty of time ...”

“Wait – I think that’s her now. Anyway, someone’s talking next door.”

“Then you should go and be sociable,” he prodded.

“I suppose so,” she said grudgingly.

“Yes, Sigrun, at the very least, you’ve got to be friendly to your roommate. I’ll call you tomorrow to see how classes went.”

As she tucked her cell phone into her jeans, she thought reluctantly that Philip was right, she should make an attempt at being sociable. She knocked lightly and opened the door into the adjacent common room, which contained a tiny kitchen and two moth-eaten but passably comfortable lounge chairs. A rather plump but pretty young woman with long, curly brown hair was talking animatedly into

a cell phone. Catching sight of Sigrun, she waved, concluded her call, and stuffed her phone into a large green messenger-style bag slung over her shoulder. Her gum cracked audibly.

“Hello, I’m Sigrun Nyman.”

“Glad to meet you. I’m Maria Guadalupe Contreras – my mother’s rather old-fashioned – I go by Lupe. When did you arrive? I skipped the intro stuff.”

“I came a couple of days ago for orientation,” Sigrun replied, fascinated by Lupe’s ability to talk so rapidly while chewing gum.

“Oh, well, you know,” Lupe waved a hand dismissively, “I took a class at the law school last year, so I know my way around. And my boyfriend, Diego, well, he’s over at Cal State LA, and his classes started already, so, like, we had to move him in, and we only have one car. Hey, you know, I’ve got the car this week, so if you want to go anywhere, I can take you.”

“Thanks,” said Sigrun, struggling to keep pace with Lupe’s swift conversational shifts. “Were you an undergrad at UCLA?”

“Oh yeah, guess you wouldn’t know.” Lupe laughed cheerfully at herself. “I was a political science major here. But, you know, Diego couldn’t get in – he’s in his fifth year as an undergrad. Where’re you from? Hey, did you have dinner?” She glanced at her watch. “I thought I’d go grab something before the cafeterias close – wanna come?”

Sigrun, not interested in going anywhere, recalled Philip’s admonishment. “Sure,” she said, trying to inject enthusiasm into her voice, “that sounds like fun.”

“Great! We’d better hustle. And I’ll show you around campus on the way back. Have you had time to see anything yet? You know, Westwood’s only a couple of blocks away, and it’s a pretty happening place.”

As they left the suite, accompanied by a non-stop flow of friendly advice from Lupe, Sigrun found herself weighing one of Philip’s favorite quotations: “You don’t get harmony when everybody sings the same note.”



“Sigrun Nyman?”

“Here,” she replied as the Contracts professor fixed her with piercing blue eyes for an instant before moving on.

“Quentin Quinn?”

“Here,” responded the earnest-looking student seated to Sigrun’s left.



Sigrun's attention wandered while the row call continued. She was still slightly flustered from the morning's rush to class. The previous evening, she and Lupe had discovered that they had been assigned to the same one of the four sections of first-year law students. Because first-year classes were scheduled by section, that meant they would have the same classes all year. Thereafter, Lupe could not be politely deterred from her insistence that they walk to their first class together. Unfortunately, their first class happened to be Contracts, which started at 8:30 on Wednesdays, and Lupe, it turned out, was not an early riser. Sigrun, although ready early as usual, waited too long to knock on Lupe's door. By the time Lupe had dressed and they had scurried across campus, they had barely had time to locate their assigned seats from the seating chart posted on the door of the lecture hall. She had slipped into her seat just as the stern-faced elderly professor strode purposefully to the lectern.

"Milton Teague?"

"Here," a reedy voice called from a seat near the door.

"Mr. Teague, why are you not in your assigned seat?" asked Professor Ida Acorda irritably, jotting a note on her chart.

"Uhm ... I didn't know we had assigned seats," he said, sounding bewildered.

"The chart is plainly posted. From now on, you will arrive on time and be in your proper place." Without giving the student time to respond, Professor Acorda moved on to the name of what appeared to be the last student, "Regan Wren?"

"Present," responded a woman's lilting voice from the back.

Professor Acorda shuffled her papers. "Welcome class. Before we get started, I'd like to go over some of my rules. First, attendance is mandatory, and I will deduct points if you consistently miss class. Second, I will randomly call on students and expect all students to be prepared with the day's assigned cases. Third, do not interrupt me; I will take questions at times that are convenient.

"So, Mr. Teague, could you tell me the essential elements of a contract?"

"Uh ... well, I ..." The sound of a book hitting the floor echoed through the hall. Several students giggled. "Sorry," Milton stammered sheepishly. "Let's see ... uhm, mutual consent, an exchange, uh ..."

"What is he missing, Mr. Quinn?" the professor asked briskly.

"A lawful objective," stated Quentin decisively.

"Yes," Professor Acorda said. "And, of course, an enforceable contract must be executed by competent parties. Ms. Contreras, what

did Mr. Teague mean by the term ‘exchange?’”

“I really couldn’t say,” Lupe said. “Some sort of swap, I suppose?”

“No,” the professor said disparagingly. “In contract law, it has a precise meaning. And what is that meaning, Mr. Higginbotham?”

“But excuse me, Professor,” Lupe said, holding up a book she had opened, “it says right here in Black’s Law Dictionary that ‘exchange’ is ‘to barter; to swap.’”

A murmur of muffled laughter rumbled through the room. “Please do not interrupt,” Professor Acorda snapped. “I do not dispute the general definition of the word. Mr. Higginbotham?”

“A contract requires consideration,” Livingstone Higginbotham said smoothly, “that is, some bargained-for benefit must be conferred.”

“Exactly,” the professor said. “Turning to *Dougherty v. Salt*; Mr. Higginbotham, why is his aunt’s promise to pay *Dougherty* \$3000 at her death not a contract?”

So far, Sigrun thought with a sigh while rapidly taking notes, law school was shaping up to be loads of fun.



The section had an hour-and-a-half break after Contracts. Sigrun checked her mailbox in the student lounge, more for something to do than because she expected to find anything. Her box, however, contained a folded piece of paper. The lounge was beginning to fill with students, so she went out to the adjacent patio and found a shaded seat at an empty table. It was still early, but the day was working itself toward hot.

She read the note of welcome from Emma Ehrlich, one of the few students her father had kept in touch with from his days teaching high school in Lancaster before they had moved to Burning Springs. She was his favorite success story – having gone on to graduate from Harvard Law School after Sigrun’s father had encouraged her to become a lawyer. Now a professor, it was on her advice that Sigrun had selected UCLA. She made a notation on her calendar to stop by the professor’s office that Friday afternoon after her last class.



By Friday, Sigrun was beginning to get into a rhythm of going to classes and the library. Friday was a good day because she only had one class, Contracts, and it started at 10:30 rather than 8:30 as it did the other three days a week it met. Already, she and Lupe had reached an unspoken agreement that it was best not to walk to class

together since their internal comfort levels for timeliness differed so significantly. She arrived at the Law School by 10:15, checked her mailbox, and was in her assigned seat with ample time to review the day's assignment.

The class quieted quickly when the professor reached the podium, with the exception of one intense conversation toward the front.

"Mr. Higginbotham," Professor Acorda said sharply, "Mr. Hawke. If you two would like to carry on a private conversation, please leave the room."

"No, professor, sorry," Tony Higginbotham said nonchalantly, settling back in his seat and appearing not the slightest embarrassed at the dressing down.

"Well then, Mr. Higginbotham, why did the court in the Plowman case find a lack of consideration?"

"Because the employees' past performance, exemplary or not, was completed prior to bargaining and therefore couldn't constitute consideration for a new contract."

"True," the professor said, "but why doesn't the company's moral obligation to provide for their employees suffice?"

"Moral obligation isn't something bargained for – the employees didn't give anything in exchange. But I don't see why the company can't be held to their promise, not as a contract, but because they induced the employees to quit."

"Good question," Professor Acorda said, sounding almost complimentary. "Ms. Contreras," the professor shot out, "can you tell us why the employees' agreement to quit is not sufficient for consideration?"

"No, Professor, I have no idea," Lupe said casually from her front-row seat.

"Perhaps if you had done the assigned reading, you might have a chance," said the professor testily. "Ms. Nyman, can you answer my question?"

"Because the employees didn't give up anything – they were going to be laid off anyway?" Sigrun ventured nervously.

"Exactly. So there was no exchange."

The hour-and-a-half class passed, Sigrun thought, quite quickly. As the class filed out of the lecture hall – voices exuberant at the onset of the weekend – Lupe called, "Hey, Sigrun, wait up. A bunch of us from the section are going for pizza in Westwood. You've gotta come, you know, I want you to meet Diego. How about it?"

“Well ...” Sigrun said uncertainly, hesitant to put herself in a situation in which she knew she would be uncomfortable; she always felt gauche and tongue-tied in groups of people she either didn’t know or didn’t know well.

“Hey, no excuses!” Lupe snapped her gum loudly. “It’s Friday night, and you’re new in town – you’ve got to get out and have some fun. Be ready at 7:30.”

Slightly nonplussed, Sigrun watched Lupe dash down the hall. Well, she certainly didn’t have any plans for the evening. She re-checked her still-empty mailbox before heading over to the closest cafeteria to pick up a sandwich for lunch.

It was 1:30 by the time Sigrun found her way to Professor Ehrlich’s office. She paused nervously at the closed door, trying one more time to compose an introductory comment before knocking. Just as she raised her arm, the door was flung open. She leapt back quickly to avoid being hit by the intense young woman, dressed all in black, who backed rapidly out of the office, swinging her backpack onto her shoulder.

“Okay, thanks, Professor, I’ll catch you next week,” the woman was saying. She turned quickly and nearly ran into Sigrun, who was still attempting to get out of her way. “Sorry, I didn’t see you.” The woman hurried down the hall.

“Can I help you?” a courteous voice called from the office.

She stepped into the doorway. “Uh, hi – I’m Sigrun Nyman, I ...”

“Sigrun!” The thirtyish woman seated behind the heavily laden desk jumped to her feet and hurried over to shake Sigrun’s hand warmly. “I’m so happy to meet you. Take a seat. I can’t believe you’re actually here – and grown up. The last time I saw you, I think you were four years old.” Professor Ehrlich sighed. “I can’t believe that Mr. Nyman is gone either. Of course, I hadn’t seen him for years – but I have an image of him in my mind as fit and energetic.”

“He was,” Sigrun offered quietly, letting her hair fall forward to hide her face. “He seemed healthy up until the day he died. ... I guess it was better that he didn’t suffer, but it was so unexpected ...”

“He had a heart attack?”

“Yes, without warning. Or at least nothing he ever mentioned.”

“Very sad.” The professor shook her head and sighed again. “But, on a more pleasant topic – how do you like law school?”

“It’s okay I guess ... it’s rather early yet.”

Professor Ehrlich laughed. “I suppose it is. I have to confess

that I'm one of the few people I know who loved law school. Over the years, however, I've come to appreciate that few students feel the same."

"I'll have to wait and see. I was taken aback by the rather combative nature of some of my classes."

"You know, Sigrun, I remember my first semester at law school – it wasn't **all** that long ago – and how difficult it was. But it was fun once I'd gotten used to all the reading."

"I hope so," she said doubtfully.

There was a knock on the door, and a young man stuck his head in. "I'm sorry to interrupt, Professor, but we have an appointment."

"Yes, so we do. I'm sorry, Sigrun, I have to meet with another student." They both stood. "Please do stop by any time. I'm so happy to have finally met you."

"Me too ... and thanks."

Sigrun **was** happy to have finally met Professor Ehrlich – but, on the other hand, the conversation had depressed her. In the bustle of new classes and a new routine, she had mostly succeeded in pushing her loneliness to the back of her mind. Now she felt an aching emptiness at not being able to call her father; he had been so excited at the prospect of her meeting the professor. She blinked back tears and quickly stepped outside. She had planned to go to the library, but it was another warm and brilliantly sunny day, and the thought of being stuck indoors was too much at the moment. Perhaps she could study in the Sculpture Garden, which she had happened upon earlier. She threaded her way through the crowds until she found a shaded spot at the base of one of several large sculptures scattered in the grassy open space. She had to admit that, so far, she was not at all sure she shared the professor's view of law school.

She pulled out her cell phone – maybe she could catch Philip before dinner. But the call switched to his voicemail. "Hey, you'll be happy to hear I'm going out to dinner tonight with Lupe and her friends. Call me if you get this before ten or so your time."



At 7:20 that evening, Sigrun went into the common room. It had been quiet in the suite ever since she had returned, and Lupe was sure to be late. But she was ready early and decided she might as well wait in the common room. Tired of studying, she had brought out a novel, James Ellroy's *Black Dahlia*, that a college friend had recommended upon hearing that Sigrun would be going to school in Los

Angeles. She had impulsively purchased the book at the campus store while buying supplies. She hadn't yet found much time to read, but she soon became engrossed.

Sigrun checked her watch when she heard a key in the outside door and was amused to note that it was nearly 8:00.

"Sorry we're late," Lupe said cheerily as she hurried into the room trailed by a rather short, sharply dressed, clean-shaven young man carrying an overnight bag on his shoulder. "This is Diego Flores – he's grumpy tonight because he wanted to have me to himself." Lupe laughed. "But I told him, like, we have plenty of time for that, and I want him to meet my new friends. So, you two chat."

Lupe vanished into her room, leaving an awkward Sigrun to greet Diego. "Hi, I guess you've gathered that I'm Lupe's suite-mate?"

"Hi," he responded agreeably and looked around with a slightly vague expression. "No – what do you mean?"

Sigrun was disconcerted by his apparent lack of comprehension. "I share the suite with Lupe. My room's through there." She gestured to the closed door.

"I didn't know Lupe was sharing again." He sounded acutely disappointed. "I kinda thought she'd have her own place, I mean, she's not an undergrad anymore."

"Well," she said patiently, "we only share this room – we have our own bedrooms."

"Oh good." He set the overnight bag down.

She cast about for a conversational gambit. "Lupe said you're at another university?"

"Yeah ... Cal State LA. ... You in law school too?"

"Yes, I'm in Lupe's section."

"Oh," he said with no apparent interest and ambled over to examine the contents of the small refrigerator.

"So ..." she tried again, "do you like living in Los Angeles?"

He shrugged. "It's okay."

They lapsed into silence. Lupe's return rescued Sigrun from her struggle to scare up a subject to which Diego might respond.

"Ready? We should be off." Lupe swept through the common room. Sigrun paused to make sure the exterior door was locked and had to hurry to catch up. "I'd better call Hawke to let them know we'll be late. You drive." She tossed a set of keys at Diego as they approached a bright teal Sunfire coupe illegally parked in the loading zone in front of the dorm.



During the animated discussion of an acceptable division of the dinner bill at the pizzeria, Sigrun's cell phone vibrated in her pocket. She pulled it out and peered at the screen in the dim light. It was a text message from Philip. Holding the phone just below the top of the table, she unobtrusively read: "Just in. Call. Ok if late." She checked the time, almost 11:00, and smiled. What had Philip been up to so late?

As they filed out of the still-crowded restaurant, Lupe leaned past Diego to attract Hawke's attention. "Let's go check out that new bar, over on Manning, did you hear about it? It's supposed to be the hottest."

"Sure," Hawke said amicably. "You game, Tony?"

"Yeah, why not?"

"I think I'll head on back," Sigrun said hastily.

"But, Sigrun, it's early," protested Lupe, "come on."

"No, I'd really rather not. I can walk, it's not far."

"Okay then," Lupe yielded. "You know how to get back? Just stay on Westwood Boulevard, and you'll end up on campus."

Sigrun watched as the rest trooped down a side street. She had tried, but she never seemed to have anything to say, and, to be honest, she would rather have read her novel. After a few blocks, she found herself in a vaguely familiar part of campus and located the law school after a bit of searching.

She pulled out her cell phone; Philip had said she could call late.

"How was it?" Philip asked in greeting.

"Dinner was fine," she said tersely. "I'm walking home; they went to a bar."

"I see – not your cup of tea?"

"Not really. But, on a more interesting topic, why were you out so late?"

"Oh," he said innocently, "just out to dinner."

Sigrun snorted. "Yeah, right, until two in the morning? You're holding out."

"Well ..."

"Philip! Come on – who are you seeing?"

He laughed. "I wouldn't go that far. I mean, it was a first date, and it was a spur-of-the-moment thing, but ..."

"Tell me the details."



Sigrun closed her Torts case book with a sigh and looked at her

watch. She was startled to discover that it was after eleven. She hadn't planned to stay at the library so late; she had been absorbed in trying in vain to understand the distinction between actual and proximate cause, but she was just not getting it. She hadn't been paying attention to the time because she thought she'd leave whenever Philip sent his nightly text message – usually around nine or so on a weeknight. Concerned, she packed up her belongings, hurried outside, and called Philip as she headed toward her dorm.

“Hi,” he answered after several rings.

“Hey, you never called?”

“Yeah, well,” he said listlessly, “I figured you'd call when you were done and, anyway, I've been struggling to capture a song that was sparked tonight.”

“But, wait, didn't you have a date?”

“Yeah. Yeah, I did.” He sounded dejected.

“What happened?”

“We were hanging out at Furnace Hill. And ... well, the state troopers came by and ... well, we had open bottles of beer. It caused quite a scene at home.”

“Oh, Philip,” Sigrun said softly. “Was he very angry?”

“Of course. You know Dad – the worst part about his anger is how quiet he gets. He makes you feel so small.”

“What did he say?”

“Oh, pretty much what you'd think – how disappointed he was, and how he expected me to set a better example, you know, being the eldest, and so on.”

“Did he ... was anything said about who you were with?”

“No, I don't think he was thinking about that. He was focusing on my having lied to him, the public humiliation, getting a criminal record, not getting into vet school ...”

“Were you charged with something?” Sigrun asked in alarm.

“Only violating the open container law. So, I have to report to a magisterial judge in a couple weeks. I guess I'll get a fine or something; it's not a big deal.”

“What horrible luck.”

Philip gave a humorless laugh. “Yeah, well, it could have been a lot worse, you know.”

“I know. How could you be so stupid!”

“Well, thanks for the sympathy.”

“Hold on a minute, I have to let myself in.” Sigrun took the phone away from her ear long enough to unlock the outside door and then the door to her suite.



“I’m back,” she said into the phone. “Philip, please, could you try to ...”

“Use some common sense?” he suggested wryly.

“Yes, exactly.”

“Yeah, well believe me, tonight shut down that incipient relationship. So, I guess I’ll adopt your approach of all school work, all the time. ... I’m grounded anyway,” he added gloomily.

“Really! Did you argue?”

“No. I mean, I am living in his house, I did lie to him, and, like you so bluntly said, I was being an idiot. So, yeah, I deserve it.”

“Well, that’s true.” Sigrun had to agree. “Did you talk to your brothers?”

“No. Fortunately, it was late enough when I got home that they were both in bed. After he’d calmed down a bit, Dad agreed we didn’t have to create a drama out of it as long as I promised to tell them that I would have to ‘pay the consequences.’”

“I’m so sorry, Philip. I wish I could be there ...”

“Me too.” He sighed heavily. “But let’s not dwell on my stupidity. Tell me about your day.”



Despite being on the phone with Philip until late the previous night, Sigrun still managed to arrive at Contracts fifteen minutes early. She was brooding about his plight and, she had to admit, feeling acutely lonely. She typically reviewed the day’s assignment before class but, today, she simply sat staring into space. Her musings were interrupted by hurried footsteps.

“Dude!” Hawke called. “I’ve been looking all over for you.”

“What’s up?” Tony said from the front where he was chatting with Chun Chang.

“Surf’s up, that’s what. I’m not sitting in this shrew’s class when 12-foot waves await. Let’s go.”

“Awesome! Bye Chun.” Tony strolled up the aisle and caught Sigrun’s eye. “Wouldn’t care to join us, I’m sure?” he asked caustically.

“No.” Sigrun hoped she sounded disdainful. “I’d rather be in class.”

“So jejune,” Tony said.

“What?” asked Hawke.

Tony laughed. “Never mind – we’re outta here.”

Sigrun remained depressed and distracted as class started. Fortunately, Professor Acorda launched into her lecture mode and only

called on a few students; Sigrun was not among them. Even in Con Law – usually her favorite class – she found herself unable to concentrate, pondering instead whether she would be happier now had she switched to Dickinson.

After Con Law, Sigrun took her lunch up to her favorite spot in the Sculpture Garden, figuring she'd see no one she knew there. She made another attempt to sort out the question of causation, but it continued to elude her. And, the way she felt, she was bound to get called on in Torts.

Driscoll Campbell, the Torts professor, was a stooped and restive man who rarely stood still. Sure enough, as soon as a student stumbled in her response, the professor darted back to the podium and, after a quick glance at the seating chart, called on Sigrun to explain how a “superseding cause” impacted proximate causation.

“Well,” Sigrun said fairly confidently, “if the chain of causation is broken, there’s no proximate cause.”

“But does the superseding event have to be distinct in time?”

“No,” she replied more tentatively, “if the injury isn’t the foreseeable result of the first act, the superseding event . . .”

“No, no,” he cut her off, “you’re going in the wrong direction.”

“But,” she tried again, “if an unforeseeable intervening event occurs, then there can’t be proximate cause.”

“You’re focusing on foreseeability,” the professor said with a shake of his head, “I’m asking about directness. Really, class, it’s not that tricky.”

The only redeeming aspect of the day was that Tony, apparently still out surfing, was unavailable to advance his usual astute and articulate analysis as to why Sigrun’s answer was wrong. The class concluded before anyone had come up with an acceptable explanation. Afterwards, Sigrun headed to the library, determined to craft a better response in case the professor called on her next class.



Sigrun was in her seat checking her notes for Contracts Friday morning when Lupe uncharacteristically raced into the lecture hall with a couple of minutes to spare.

“Hey, Sigrun,” she said breathlessly, “I missed the last two days, and I just know she’ll call on me straight away. So, like, can I borrow your notes?”

“Well, I like to . . .”

“But you don’t need them, you always know what’s going on,” Lupe cajoled. “Come on, I’m sure she’ll call on me.”

“Wouldn’t it be better to come to class,” Sigrun suggested a bit testily.

“I suppose,” Lupe giggled, “but you take such great notes, I do better with them. Please? You know I’ll give them back right after class.”

“All right.” She reluctantly handed her notebook to Lupe.

“Thanks, Sigrun, you’re the greatest.” Lupe rushed to her seat just as the professor entered the classroom.

Sigrun got out a blank notebook. Now, she thought peevishly, she’d have to copy her notes into the proper notebook after class. She wished she’d refused, but she didn’t want to be rude to Lupe, who, she believed, was genuinely trying to be friends.



## Chapter 3 Inculpatus (Blameless)

After Lawyering Skills the following Thursday, Sigrun debated skipping the library for a change. She only had Contracts the next day, and she didn't feel like being indoors. Maybe she could go for a walk before dinner – it seemed like all she did these days was sit in class, sit in the library, and sit at dinner. As she paused at the corridor that led to the library, she noticed Professor Ehrlich talking to a student. Just then, the professor looked up and caught her eye. Sigrun nodded before heading toward the exit.

“Sigrun, hold on,” the professor called. As she caught up, she said, “I haven't seen you for weeks. How are things?”

“I'm fine,” Sigrun said, feeling a bit guilty for not having stopped by. “I've been busy with classes.”

“Have you had a chance to see anything of Los Angeles yet? I've got some free time on Saturday – why don't I show you around, and we can get dinner?”

“No, really, I don't want to impose.”

“I insist,” said the professor. “I'd like to get to know you and hear more about your father's retirement years. Why don't you come by my office Saturday around one o'clock? I need to take care of a few things, but then we can have the rest of the day.”

Feeling she couldn't refuse, Sigrun said, “Well, if you're sure – it sounds lovely.”



Saturday's whirlwind tour of Hollywood and Beverly Hills ended at Venice Beach, where they watched the sun setting over the ocean from a beach-front restaurant.

“This is so thoughtful of you, Professor,” Sigrun said. “I haven't had such a nice day since I got here.”

“I take it you're not having a great time, then?”

“Oh,” Sigrun said quickly, “it's not so much school as the fact that I don't know anyone, and I ... well, I don't seem to have much in

common with most students.”

“Not liking law students too much, is that it?”

“Well, since I am one, I guess I can’t say that – but no, not most.”

“What drew you to study law?”

“My father really,” Sigrun said. “But also, I like to figure out how things work. I was a physics major undergrad for that reason. It seems to me that law plays such a fundamental role in how a society functions, yet most people take it for granted.”

The professor laughed. “No wonder you’re not making many friends. In my experience, most law students aren’t interested in such ... intellectual questions.”

“So I’ve noticed. Everyone seems to be focused on passing the bar and finding a high-paying job.”

“Not all! I teach a clinical course on habeas corpus, and I think, all modesty aside, that my course attracts the best and brightest students. At least, I get the ones whose interests are broader than test scores. As it happens, I’ve arranged a lecture next Thursday by someone from Advocacy for Innocence – have you heard of it?”

“I don’t think so.”

“Well, it’s a nationwide project that’s helped free dozens of wrongfully convicted prisoners. For someone concerned about the ramifications of the legal system, I’m sure this will be a thought-provoking lecture. Why don’t you come?”

“Thanks, I’d love to.”

“Good. I think you’ll find it intriguing, and, if you want to consider taking my course as your required clinical next year, I’ll get you started on a case now. The cases take so long to wend their way through the system that, to have any hope of seeing results – which I admit doesn’t happen often – it’s best to begin in your first year.”

“Have you ever won the release of a prisoner?”

“We’ve had our minor victories, but we mostly handle capital cases, and, so far, we haven’t had any success there. The work, however, is extremely rewarding.”

“I’m sure my father would have found it fascinating.”

“You know, Sigrun, I wouldn’t be here if it hadn’t been for your father.”

“Really?”

“Absolutely. He encouraged me to look beyond my small, insular world. If he hadn’t pushed me, I know I would have settled for a local college and never even considered law school. But enough about me, I want to hear about you. I remember the first time I saw

you; maybe a month after they got you, your father brought you to a holiday party at the high school. He was glowing – I’d never seen him so happy.”

“Do you happen to remember how they came to adopt me?”

“Uhm ... no, I don’t think I ever knew that,” the professor said thoughtfully. “Or perhaps I’ve just forgotten. Sorry.”

“That’s okay. It’s just that my father and I never talked about it, and I’m curious.”

“Well, next time I visit, I’ll ask my mother. Maybe she’ll remember.”



The evening of the lecture, Sigrun took a seat not long before Professor Ehrlich called the room to attention. “I have the extreme pleasure tonight to introduce Professor Marshall Barrie from Golden State School of Law. When he taught in Illinois a few years back, he was instrumental in initiating a groundswell of support for a moratorium against capital punishment there. Now he’s turned his attention to California – where we have over 600 inmates on death row, by far the largest number of any state in the nation. With that, I’ll turn over the podium.”

“Welcome,” Professor Barrie began. “I’m heartened to see so many in attendance tonight. My goal here is two-fold: to draw attention to the prevalence of wrongful convictions and to build momentum for legislative change. I hope that I can motivate you, as law students, to use your privileged position to work for justice. Oh, I don’t mean you all have to go out and become public defenders,” he paused while the ripple of laughter passed, “but you can work now as students and later as well-educated and influential members of society to raise the public’s awareness of the reality of wrongful convictions. Moreover, some of you will be in positions some day to make the laws that you are now studying. My aim is to get you to stop and think about the possibility that the person who is on trial may actually be innocent. Our legal system is predicated on the principle that every accused is innocent until the state meets the heavy burden of establishing beyond a reasonable doubt that he or she is guilty of the charged crime. But, unfortunately, injustice is not infrequent.

“It is an irrefutable fact that innocent people have been sent to death row all over this country. In California alone three men have been released from death row based on evidence of their innocence. Since 1973, approximately 100 people have been exonerated from death rows across the country. In the 1990s, the pro bono Advocacy

for Innocence was created to assist inmates who may be able to prove their innocence with new DNA testing. They have had great success, and, in their wake, a broad network of programs has sprung up around the country. Some of them – such as the one run here by Professor Ehrlich – assist inmates in trying to establish their innocence whether or not evidence exists that can be subjected to scientific testing.

“Again, here in California, the Courts have decreed that more than 200 people have been wrongfully convicted since 1989 – not all were on death row, not all were convicted of murder – but these numbers reveal that our criminal justice system has a significant capacity for error.

“And don’t believe for a moment that the sole problem lies with faulty scientific testing or the lack of testing. Any number of factors play into wrongful convictions. For example, according to their case records, false confessions were instrumental in more than 20% of the exonerations won by Advocacy for Innocence. Accused men – and they are mostly men – confess for a number of reasons, many having little to do with the truth. Juries have trouble accepting that an innocent person would ever confess if he weren’t guilty of something. Further, and perhaps more sobering, nearly 80% of exonerations involved mistaken identifications. In fact, controlled studies have shown that an eyewitness is as likely to be wrong as he or she is to correctly identify the perpetrator of a crime just witnessed. As what happened fleetingly in front of the eyes is repeatedly replayed inside the head, it becomes embroidered, reinforced, and finally entrenched.

“Then there are the problems with prosecutors. First, let me assure you that I do **not** believe that the vast majority of prosecutors **ever** intentionally set out to convict someone they are not absolutely convinced is guilty. To the contrary, most problems arise when prosecutors believe so strongly they are prosecuting the right person that they exclude potentially exculpatory evidence, fabricate useful evidence, and use inflammatory rhetoric that prevents the jury from fairly considering the evidence presented.

“The people who have been wrongfully convicted are just that – people. They had lives and families before they got swept up in the swirl of a criminal prosecution. Of course, I’m not going to try to convince you that every person wrongfully convicted is an upstanding citizen; some of them are guilty of other crimes. But in this country we have a constitution that protects the civil rights of the accused. If our constitution is to remain strong, we must ensure that every indi-

vidual – no matter their criminal history, no matter how unlikable they may be – is secure from wrongful convictions.

“And sometimes, the net of an over-zealous prosecution pulls in an individual with no involvement in any past crime and no connection to the charged crime. One example of the many, many, moving stories of those who’ve been convicted of crimes they did not commit is that of a California prisoner who recently won his release after serving more than 20 years of a life sentence for murder. He’s a former soldier who had received an honorable discharge and was attending a local community college. Down on his luck and drinking heavily, he had the misfortune of living near where a man was shot to death late one night. Based on the dubious testimony of an elderly woman who thought she saw him shooting a gun into the air outside his residence a couple of nights after the murder, the mistaken identification of a neighbor eyewitness who probably recognized the guy from having seen him on his nightly beer excursions, and – the coup de grace – the testimony of a career jail-house informant, the jury convicted a man with no tie to the deceased and no criminal record. Despite the absence of a gun or any physical evidence linking him to the murder. It took many years of work by the prisoner and the eventual assistance of a private investigator to track down the eyewitness, who then recanted, to win his freedom.”

As the lecture concluded, Sigrun sat back, stunned by his passion and sincerity, enthusiastic applause ringing in her ears. Wondering what her father would have thought, she waited until the crowd had thinned to join the group of students clustered around the speaker. Her father had always been a proponent of the death penalty; would these statistics have made him reconsider?

“Sigrun,” said Professor Ehrlich, “I’m so glad you came. What did you think?”

“I’m sold,” Sigrun said. “I’d like to get involved.”

“Why don’t you drop by my office around 2 tomorrow. I’m meeting a student about her case, and I think you’d enjoy working with her.”



The following afternoon, Sigrun knocked on the partially open office door.

“Come on in,” Professor Ehrlich called. “Sigrun, I want you to meet Blythe Jordan. Blythe, this is Sigrun Nyman, the student I was just mentioning.”

“Hi, Sigrun,” said the thin, black-clad woman sitting in front of



the desk, the tight curls of her black hair forming a loose cloud around her head. “The professor was telling me that you want to work on a habeas case – that’s terrific.”

“I think the two of you will work well together,” said the professor. “And since both of you are volunteers, you won’t have to worry about any deadlines. Blythe’s a third-year student; she completed the clinical course last year.”

“I’ve only just started,” Blythe said. “It’s been really hectic so far this year since I’m writing grant proposals for a public interest job.”

“Yes,” the professor said, “Blythe is looking for a position with an Advocacy for Innocence group. Unfortunately, they have no funding, so she has to try to win a grant.”

“I’m hopeful,” said Blythe, “but I’m not optimistic. It’ll be great to have help on this case, though. It looks like the guy might have some decent claims.”

“I think so,” the professor said. “This case is a federal petition for writ of habeas corpus by a person in state custody – that’s the state of California, obviously. The petitioner – that’s the person who’s been convicted – has filed a habeas petition seeking release from what he contends is unconstitutional imprisonment. Keep in mind that we’re not representing the prisoner; he filed the petition pro se – or on his own behalf. Our interest is to see whether he has viable claims that he was wrongfully convicted.

“Sigrun,” the professor continued, “I realize you don’t know anything about this area of the law, and, unfortunately, I’ve finished my introductory lectures already this term. But it’s actually much easier to learn with a concrete example. So, I suggest that you go through the case file with Blythe. Come in when you have questions and I’ll give you a quick tutorial on the quirks of federal habeas corpus jurisprudence.”

“All right,” Sigrun said hesitantly, thinking it all sounded rather complex.

“Don’t worry,” Blythe said, “I think I’ve got it, and the system really does make more sense with some context. Want to get started?”

“I’m done with classes for the day,” Sigrun agreed.



## Chapter 4

### Occasio furem facit (Opportunity makes the thief; proverb)

“Our petitioner,” Blythe began after they had settled at a table on the patio, “is on death row for a double murder and robbery that took place 20 years ago up the coast in Cambria ...”

“Twenty years!” Sigrun interrupted. “He’s been on death row for 20 years and is still claiming he’s innocent?”

Blythe nodded. “That’s not uncommon. In this case, he’s on his second round of petitions because he’s raising claims based on newly discovered evidence. First, he appealed his conviction in **state** court. Next, he filed a series of habeas petitions there. After being rejected at all levels in the state courts, the petitioner moved to the **federal** system and filed a habeas petition in the district court, the lowest level. Then, he appealed that rejection first to the Ninth Circuit Court of Appeals and, finally, to the United States Supreme Court. With me so far?”

“I think so.”

“Good. So, ordinarily, that would have been the end of it. In this case, however, the petitioner somehow tracked down a witness who had been interviewed by the police right after the murders, but the record of the interview was ‘lost’. He eventually found the witness and obtained a declaration that he used as the basis for a couple of new claims. But he had to start over in state court.”

“Why couldn’t he stay in federal court? I mean, isn’t the whole point that he’s claiming his conviction violated the federal constitution?”

“True. But, you’ve got to keep in mind that federal habeas jurisdiction is quite limited – the sole question for a federal court on habeas review is whether the federal constitutional rights of a prisoner have been violated during state court proceedings. Federal courts can’t hear a claim raised by a state prisoner unless the state courts have had an opportunity to consider it first. So, our petitioner had to return to state court to raise his new claims before he could raise them in federal court.”

“I can see that.”

“So,” Blythe continued, “the prisoner filed his second round of petitions – all rejected – in state court. Then he filed a second federal habeas case. And that’s where we are now: at the federal district court with a petition raising new claims pertaining to the witness he found. As the professor said, the petitioner filed this petition on his own behalf, but it’s pretty clear that someone on the outside wrote it. I haven’t read many, but this one is so well done, I can’t believe it was written by a prisoner.”

“Is that unusual?”

“No idea. But I have a bunch of questions, and I’ve been considering contacting the petitioner to find out who his helper is to see if I can get some answers. So, do you want to start reading the transcript, or would you rather I gave you a brief overview?”

“Oh, the more information you give me the better, I think.”

“All right. Just after midnight on November 1, 1982, police officers responding to a 911 call arrived at an apartment to find the front door ajar and the occupants stabbed to death. In the bedroom the police found a young man who appeared to be trying to flee out the open window. The drawers of the dresser had been ransacked, and police recovered a necklace and two gemstones from the petitioner.

“The trial,” Blythe continued, “was pretty quick. The prosecution offered forensic evidence and the testimony of the police officers. No murder weapon was ever found, but the prosecutor argued that the petitioner had had time to throw the knife out the open and screenless bedroom window, and a passerby must have picked it up before the police managed to search the area. The only evidence presented by the defense was an expert witness who testified that the type of wound that killed each victim would have required considerable force, but he couldn’t rule out the possibility that the petitioner was capable of delivering such a blow. So, he’s clearly guilty, right?”

“I’d say,” Sigrun agreed.

“Ah, but now it gets interesting,” Blythe said. “The prosecutor argued that the petitioner was part of some cult and had murdered the victims because he wanted their jewelry to perform some unspecified ritual.”

“You’ve got to be kidding; where’d that come from?”

Blythe laughed. “Well, the prosecutor talked it up to the press and argued it in court, but the only real evidence he offered was some unexplained burn marks on the front door and the testimony of a neighbor from one of the lower apartments in the building. She

identified the necklace found on the petitioner as belonging to the wife, who, the neighbor testified, always wore it. The prosecutor speculated that the petitioner must have seen the woman wearing the unusual necklace and decided to kill her for it. In addition, the murders took place just about midnight on Halloween. Apparently that was enough to spook the prosecutor – no pun intended. The defense dismissed the prosecutor’s theory as pure fantasy and argued that no evidence connected the petitioner to the murders.”

“Apart from his presence at the scene of the crime.”

“Well yes,” Blythe conceded. “But you’ll see his point after you’ve read the transcript. The bodies were in the living room and there was blood everywhere – except on the petitioner. Add to that the missing murder weapon and the fact that the petitioner’s fingerprints were found on the bedroom dresser, but nowhere else. So, my personal theory is that the guy happened by after the murders, noticed the open door, and grabbed an opportunity to engage in a little burglary.”

“Interesting. I gather the petitioner didn’t testify?”

“No,” said Blythe. “Of course, you can’t draw any inference about his guilt from that, but it makes me wonder if he had a juvenile record.”

“Really? How old was he?”

“He was just 18 when he was arrested, so if he had had a criminal record, it would have been confidential. Had he testified, though, the prosecutor could have tried to get his prior crimes admitted to attack his credibility. But it’s only a guess.”

“Okay,” said Sigrun. “So ... you think I should start with the transcript?”

“Yeah. Why don’t you read through it – it’s not that long – and then move on to his claims. I want to review his earlier petitions to better understand the scope of what he’s raising here.” Blythe pushed a pile of bound transcripts across the table.

Sigrun opened the first volume. It began with a series of short hearings concerning pre-trial issues that she skimmed quickly. Then a potential jury panel was assembled, and the charges were read prior to jury selection. Eventually, the jury was sworn in, and the attorneys presented their opening statements. Sigrun quickly became absorbed. This was the first time she had read a trial transcript; she was surprised that the personalities of the prosecutor and defense counsel came so clearly through the unadorned record of words spoken in court. From the manner in which they posed questions to the witnesses, the objections they raised, and the exchanges they had with

the judge outside the presence of the jury, she developed an image of the prosecutor as clever and exceptionally well-prepared, but earnest to the point of fervor. In contrast, the defense counsel, who came across as comfortable and confident before the judge, seemed lackadaisical and aloof in front of the jury. No wonder, she thought in dismay, that the jury bought the prosecutor's bizarre theory.

"Hi, Blythe," said a male voice behind Sigrun.

"Zvi," Blythe said. "Gee, is it time for dinner already?"

Sigrun turned: The man who had joined them was tall and heavy-set, with dark curly hair and a neatly trimmed beard that just hinted at grey. In his early forties, dressed in tailored slacks and a wrinkled, button-down shirt, he did not look like a law student, despite the case books tucked under one arm.

"I can come back later, if you're busy," he said amicably.

"No, no," said Blythe, "I want to keep to my schedule. Hey, have you two met?"

"I haven't had the pleasure," he said cordially to Sigrun. "I'm Zvi Ziegler."

"This is Sigrun Nyman," Blythe said. "She's a first-year, and she's joining me on my new habeas case."

"Ah, another bleeding-heart liberal."

"Zvi," Blythe chastised. "Don't mind him, Sigrun. He was my partner on our loser of a habeas case. He likes to hide it, but he's quite sympathetic to the downtrodden."

"Now, Blythe, just because I believe that justice should be meted out without bias does not make me a radical reformer like you."

"It's an ongoing debate," she explained to Sigrun. "Zvi's a business executive who decided he wanted to understand what the lawyers he hired **did** for all the money he paid them, so he came to law school. We've been friends since our first term, and I convinced him he should broaden his perspective by taking the habeas clinic with me."

"Did it work?" Sigrun asked.

They both laughed.

"Not really," Blythe admitted ruefully.

"No," said Zvi. "I remain a firm believer in the morality of capital punishment and the guilt of the majority of those sentenced to die."

"Of course," Blythe added, "it didn't help that the case we had was a disaster – the claims were totally fabricated and the facts were ghastly. Anyway, Zvi's here to join me for dinner. If you don't have

any plans, why don't you come along?"

"Oh, no, I couldn't intrude," said Sigrun hastily.

"Don't be silly," Zvi said mildly. "My family is out of town for a few weeks, and Blythe is taking pity on a lonely old man. Indulge me in the singular pleasure of having two pretty young women entertain me."

Blythe laughed. "Here, Sigrun, take the transcripts, and I'll keep the rest."

Sigrun stuffed her notes and the volumes of the transcript into her backpack and hoisted the bag onto her shoulder. "Wow," she exclaimed as she followed Blythe out of the courtyard, "that adds a bit of weight."

"Yep," she agreed, "I'm glad to be rid of some. But we're not going far – the North Campus Center is the best spot for dinner."

"Only," Zvi said disdainfully, "if the metric used is the food served by campus cafeterias – all of which I find deplorable."

"Zvi," Blythe explained, "has only consented to eat on campus because I insist on going to the gym on Fridays nights."

"Yes," he added with a sigh, "and she has to eat early so she has time to do whatever it is that she does at the gym."

"What do you do?" Sigrun asked.

"I work out with weights a couple times a week, and I try to catch a kickboxing class twice a week. I have to struggle to stay in shape."

"Oh," Sigrun said in surprise, "you look quite fit."

"Exactly," said Zvi. "I keep telling her she's too thin."

"And I keep telling him that his ideal Rubenesque woman is unhealthy."

"Not true," he protested. "You see, Sigrun, young women today – they want to be so skinny, but they never think about what happens if they get sick or can't eat. They should maintain a healthy reserve. You too – you could use some padding."

"I'm afraid," Sigrun said, "that I'll have to side with Blythe on this as well. I most certainly do not need any 'padding'. To the contrary, I need to lose some of the weight I've gained since coming here and becoming largely sedentary."

"Let's eat," Zvi said, "all this talk of exercise has made me hungry."



As they left the cafeteria, having already taken leave of Zvi, Blythe asked, "How about joining me at the gym?"

“Well,” Sigrun said thoughtfully, “that’s an idea. I used to be pretty active at home, but now I mostly sit. I don’t know, though, I’ve never been to a gym.”

“I’m happy to show you around. What are you doing for exercise?”

Sigrun snorted. “I don’t do much of anything besides go to class and study.”

“Sigrun!” Blythe sounded dismayed. “You need balance in your life – it can’t be all school all the time. You should think about coming to the gym.”

“Maybe I will.” Sigrun turned toward her dorm. She pulled out her cell phone; Philip hadn’t called, and she’d wanted to wish his brother Norman a happy eighteenth birthday.

“Hey, am I too late to catch Norm?” Sigrun asked Philip when he answered.

“Yeah, he’s gone to bed – but we were just talking about you.”

“Why?”

“Oh, you know, just a bit of bartering – chores at the Farmstead in exchange for use of the Mustang.”

“Ah, I see. How did you fare?”

“Favorably. The Mustang commands good consideration, as you would say.”

“But I thought you were grounded?”

“True. But I control the keys.”

“Stellar, Philip! It’s your brother’s 18th birthday, and you’re not going anywhere, but do you magnanimously offer him the use of your car? Nooo, you haggle with him.”

“Hey, I have to keep him in line. So, what have you been doing?”

“Well, let’s see – since we spoke yesterday morning, I’ve attended a soul-stirring lecture, agreed to assist an amazing third-year student, taken on the tribulations of a young man condemned to die for murder in furtherance of a satanic cult, debated the desirability of capital punishment over dinner, and possibly signed on to start weight training. You decide which you want to hear first while I go inside.”

“And your choice is?” Sigrun asked after she had settled herself on her bed.

“That depends on the gender of the ‘amazing’ third-year.”

“Ah. No, unfortunately, Blythe’s a woman.”

“Okay. In that case, I’ll pick the young man’s story.”

“Really,” she asked curiously, “does your mind always turn first

to sex?”

“I’m wounded!” Philip said in mock dismay. “I’m only looking out for you.”

“Right. Okay then, the young man it is. Although – come to think of it, he’s no longer a young man. Let’s see, he must be about 38 now. But he was 18 when, according to the prosecutor, he spied and subsequently coveted a pentagonal necklace worn by a young woman living in Cambria, a small, sleepy, beach community north of here. Late one night he used an unidentified explosive to blow open the door of the woman’s apartment and stabbed her and her husband to death – killing each with a thrust to the heart. Interestingly, the husband was a pretty solid guy, and the defendant was tall, but thin. There were only minimal signs of a struggle. So, somehow our young man ...”

“Hey, what’s his name?” Philip interrupted.

“Fremont, uhm ...” Sigrun paused while she pulled her backpack over to the bed and extracted a volume of the transcript to read the caption: “Zareh Fremont.”

“Sorry, go on, I just wanted a name to go with my visualization.”

“Hold on.” She rooted around in her backpack until she located the first volume of the transcript and flipped through it to the prosecutor’s opening argument. “So – to maintain neutrality – the victims were a husband and wife, Eireen and Edoardo Durante.”

“Do you know how old they were?”

“I think he was about 30, and she was a bit younger, if I recall correctly. So, back to the story. The young man took the woman’s necklace and two loose gemstones. He was still searching the bedroom when the police arrived and arrested him.”

“What do you mean by loose gemstones?”

“Well, I’ve only read the opening arguments and some of the forensic testimony – so I’ll have to get back to you on that. But one thing that caught my attention – and on which the defense focused – was the nature of the wounds. Each victim was killed with a single, clean, stab wound.”

“Wow! What did he use?”

“No weapon was found. But the doctor who conducted the autopsies testified that the wounds appeared to have been inflicted by a short – maybe six-inch – blade that was razor-sharp and appeared to have been used with considerable force by someone who was taller than either victim.”

“Which Fremont was? But how could someone so slight have



been capable of using enough force to kill an older, stocky man with a single thrust of a short blade?”

“Good question. Apparently that was the crux of the defense. That and the fact that the petitioner – or Fremont if you prefer – bore not a trace of blood.”

“What! That’s impossible.”

“Seems like it, doesn’t it? I just started the testimony of one of the first police officers on the scene, so I’ll have more details in the next installment. And I’m curious about who alerted the police. The autopsies placed the time of the deaths less than an hour before they arrived.”

“Hey, this is pretty cool. So you’re working with a third-year student?”

“Yeah, she’s great. Oh, that reminds me, she wants me to join her at the gym.”

“Good idea.”

“You think so?”

“Absolutely – it’ll make you a better rider.”

“Maybe,” she said dubiously, “but I’m not sure ...”

“Sigrun, you’re a tiny thing – you need to develop the assets that you have.”

“But I **am** strong.”

“Yeah, you’re a lot stronger than you look, but only because of all the riding. If you just sit around studying – you’ll lose it.”

“I suppose, but ...”

“No arguments,” Philip said. “If you have someone to show you around, go for it.”

“Okay,” Sigrun said somewhat reluctantly, “I’ll give it a try.”

“What are your plans for tomorrow night?”

“Plans? When do I ever have plans on a Saturday night?”

“You do now. I want to play you the song I’ve been working on.”



Sigrun reached her seat just as Professor Acorda reached the podium. She sighed in relief as she assembled her book and notepad; she hated to be late for class, especially Contracts. During that morning’s meeting on the case, she and Blythe had become so deeply engaged in their discussion that they had lost track of the time.

Lupe rushed by and slipped quickly into her front-row seat.

“Ms. Contreras,” Professor Acorda said coldly, “your attendance is a pleasant surprise. Is it too much to hope that you’ve read

the assignment?”

“Actually, Professor,” Lupe said, “I believe that’s highly unlikely.”

A ripple of muffled laughter swept through the classroom. Sigrun caught her breath at Lupe’s audacity.

Professor Acorda scowled as she scrawled on her chart. “I fail to understand why you people come to class unprepared. Mr. Teague, perhaps you might be able to tell us the holding in *Sherwood v. Walker*?”

In the ensuing silence, Sigrun looked at her notes and quickly composed a response in case Milton, as he commonly did, choked up.

“Well ...” Milton noisily cleared his throat before he continued tentatively, “I think, uhm, I think the case held that if, uh, if both parties were mistaken about the cow being, ah, barren, there was no contract.”

“Good,” the professor said. “Why does it matter if both parties were mistaken?”

“Uh, well, maybe because they didn’t bargain for a, uhm, pregnant cow?” Milton ventured.

“Exactly. Now, given that, Mr. Hawke, should the seller be held to the bargain if the buyer could show that he thought the cow could become pregnant at the time of the contract?”

“Yes, because he took the risk of selling,” said Hawke casually.

“Mr. Teague, would you agree with Mr. Hawke’s assessment?”

“Uh ... actually, no, uh” Milton spluttered, “I wouldn’t.”

“Why not?” Professor Acorda pressed.

“Uhm, because ... uh,” he hesitated, looked down at his notes, and then continued more confidently, “well I think even then they were both mistaken. I mean, it seems to me that nobody thought they were bargaining over a pregnant cow.”

“Good,” she said approvingly, “in this case, there was a mutual mistake. But does the emphasis on ‘mutual mistake’ make sense?”

As the professor plunged into a lecture, Sigrun relaxed and let her thoughts return to her meeting with Blythe. Just before they had run to class, Blythe had suggested that they take a trip to the courthouse the next day. They had realized that their copy of the file was missing some of the exhibits that the state supposedly had filed. They were hopeful that the exhibits ... Sigrun became aware that the cadence of the professor’s voice had changed. She looked up and followed the professor’s gaze to the back of the lecture hall. Not her this time, but she’d better pay more attention.



After departing the metro at Union Station in downtown Los Angeles, Sigrun and Blythe walked through the plaza at El Pueblo and joined a horde of tourists spilling from a bus parked at the curb. As they surged across the street, the thought struck Sigrun that she certainly was not in Burning Springs anymore. She had never before encountered such a bizarre mix of people. The business-suited men and women with briefcases were probably lawyers; they strode purposefully through the tourists, nearly all of whom were armed with cameras. No one paid the slightest attention to the wheelchair-bound man, old and unwashed, shaking a cup that clattered with change and calling out Spanish words; the rainbow-haired clown, in a striped jumpsuit dotted with stars, shuffling about in oversized shoes and hawking balloon-twisted animals; or the blanket-covered woman, sprawled untidily against a wall, pillowing her head on a bulging bag of belongings and sleeping despite the raucous crowd. Aware that she was dawdling, Sigrun hurried to catch up as they crossed a bridge spanning a traffic-clogged freeway.

At the Federal Courthouse, they found the clerk's room at the end of a granite-clad hallway, and joined a long line waiting to approach the window of the one file clerk who was working. The line moved slowly.

When it was finally their turn, Blythe said cheerfully, "Hello. We're law students working on a habeas petition that was filed here, and we checked out a case file ..."

"Yes?" the bored-looking clerk prodded.

"Well," Blythe continued at a faster pace, "we think part of the file is missing."

"Oh," the clerk said without interest, "go look in the stacks then ... Room 100." She pointed vaguely toward a closed door beyond the last of the dark filing windows.

Somewhat surprised at apparently being given unrestricted access to the file room, Sigrun followed Blythe through the indicated door and down a dimly lit interior hallway. At the end of the deserted corridor, they spied an otherwise unadorned door bearing the correct number. They stepped into a huge room, dingy and dusty and filled with row upon row of files lining floor-to-ceiling shelves. It was difficult to decipher the cryptic system, but they eventually located where the case number for their file fell; if the missing exhibits existed, they should be on the top shelf. Neither woman was tall enough to reach that shelf, however. Blythe wandered off and returned with a battered stool.

Sigrun climbed up and shoved apart the folders on either side

of the spot where their file should have been. She spied a thin red folder, just barely visible, wedged at the back of the shelf. She pried it out and peered inside at two sealed envelopes, which, she was elated to see, both bore the correct case number.

They returned to the Clerk's Office to find that the line had dispersed. The file clerk finished with the last person, flicked off her light, and turned away.

"Excuse me," Blythe called as they hurried over. "We need to check this out."

"I'm closed." The clerk pointed to a large digital clock as it changed to 4:30.

"But," Blythe continued politely, "you said we could look in the stacks, and we found what we were looking for."

"Yeah?" said the surly clerk.

"Look," Blythe said, "we don't want to keep you. Just let us check this out, and we'll be out of your hair."

"Yeah, okay," muttered the clerk, shoving a register across the counter, "sign here." She jabbed at an empty line. Blythe quickly filled out the required information. The clerk grabbed the book almost before Blythe had finished and stalked away.

"Thank you," Blythe said tartly to her receding back. "Want to go filch some more files since she clearly couldn't care less what we walk off with?"

Sigrun laughed as she stuffed the red folder into her backpack. "Perhaps you shouldn't joke about committing crimes in a courthouse." They hurried out the front door and down the broad flight of granite steps.

"Come on," Blythe said, "let's see what we found."

Setting her backpack down, Sigrun retrieved the folder. She handed the larger of the envelopes in it to Blythe.

"Excellent," exclaimed Blythe. "It's the photographs. What do you have?"

Sigrun reached inside the second envelope. Her hand encountered several hard, cold objects, and she felt a sharp but fleeting shock that, for an instant, reminded her of the time she had accidentally grabbed an electric fence as a child. "Ouch!"

"What's wrong?"

"Just static electricity, I guess." She pulled out the largest object. "**Look** at this!" Sigrun held out her hand. In her palm rested an emerald necklace – the stone a beautiful, intense but cloudy green in color – in an intricate pentagonal setting woven with thin, now-tarnished, silver wire.

“Wow!”

“There’s more.” She held out the envelope, and Blythe extracted two gemstones. One appeared to be a ruby, and the other looked like a rose quartz; each was cut and polished, but unset.

Blythe gasped. “Whatever are these doing in the court files?”

Sigrun shook her head in amazement. “They’ve just been sitting there on the shelf. I can’t believe no one took them.”

Blythe threw a furtive look around as she dropped the stones back into the envelope. “Well, if we flaunt them, someone is sure to suspect we stole them.”

With some reluctance, Sigrun replaced the necklace.



## Chapter 5

### Gradu diverso, via una (The same way by different steps)

Sigrun sat curled into the most comfortable of the chairs in the little common room she shared with Lupe reading a particularly long Supreme Court opinion assigned for Con Law and savoring one of the delectable hand-dipped double-chocolate truffles she had picked up at the campus store on her way back from dinner. She rationalized the indulgence as a reward for having fit in an extra workout. She was expecting a quiet weekend because Lupe had gone home. Her cell phone rang.

“Philip,” she said into the phone, “you’re early.”

“Yeah, I guess,” he said glumly. “How’re things?”

“Oh, good. Hey, I finally joined Blythe for a kickboxing class today.”

“And?”

“It was tough. I wish we had a tub – I suspect I’ll be too sore to walk tomorrow.”

“Did you like it?”

“Yeah, I did. More than I expected to; I never really envisioned myself assailing anything – even if it is only a bag. So, what have you been up to?”

“Nothing, besides studying. ... But I have a question for you. Norm was over at the Farmstead today, and he wants to know if you’d mind if we winterized the place before you’re back for break?”

“Philip, did you extract more chores for use of the Mustang?”

“Nah. Actually, Norm’s been doing my Saturday chores for weeks now, and I’ve taken over most of his after-school ones. His coach increased practice by an hour a day until basketball season starts.”

“So, you **were** being generous with the car on his birthday. Why the line earlier?”

“Didn’t want you feeling sorry for me.”

“Still down?” she asked in a carefully casual tone.

“Well ... it’s mostly classes. You know, Sigrun, I look ahead,

and I see four more years of this, and I wonder – do I really want to go to vet school?”

“I know,” she said sympathetically. “But you **are** interested in genetics, and you don’t want to end up as a farmer.”

“I guess.” Philip sighed. “Sometimes, though, I think I’d rather just stay with the farm and stop struggling so hard to get the grades I need in classes I detest. I probably don’t stand a chance of getting in anyway.”

“But like you said in August – don’t do anything rash until you’re positive you want to change directions. Look, you didn’t flunk that quiz like you thought the other week. All you need to concentrate on right now is getting a decent grade in chemistry. And, if you do,” she added encouragingly, “maybe you can come out here next year.”

“Yeah, right,” he harrumphed. “So, would you mind if we closed up the Farmstead? We’re all so busy we’re having trouble keeping up with it, and we’re afraid a frost will catch us unprepared. I know you wanted to stay there, but I’d rather you stayed with us so I can keep you up late.”

“Oh no, go ahead. I don’t want to be a burden. And I’m happy to stay with you.”

“Good – we’ll go over tomorrow and start on it. So, tell me about our friend Fremont, what’s the latest?”

“Well, today Blythe and I went over his claims again. Remember I’ve been wondering how the police heard about the murders, since there were no witnesses or gunshots or anything?”

“You said there was a 911 call.”

“Yeah, but how? It turns out that the neighbor of the victims got home after a party – it must have been right after the murders – and noticed that the door of their apartment was ajar. When she didn’t get a response, she stuck her head in the door and saw the bodies in the living room. She called the police and then watched the door through her peephole. It was rather dark in the hallway because the landlord hadn’t fixed a broken light, but she saw a man enter the apartment.”

“What!” Philip exclaimed. “But this is **after** the murders?”

“Exactly. She couldn’t see his face, but she described his clothing perfectly, even though it was about 17 years later that she signed a declaration for Fremont.”

“Hey, what was he wearing? You never told me.”

“Oh, well, he had on a pair of tall riding boots, close-fitting pants – they don’t sound like jodhpurs – and, most distinctively, a

dark-colored, hooded cape that billowed around him as he slipped inside the open door. Then the police showed up. They interviewed her that night, and she said she later signed a statement that a detective brought to her apartment. But, of course, Fremont's attorney never got a copy of it."

"She never testified, and the jury didn't learn that Fremont arrived **after** the murders. But, wait a minute, why didn't she come forward during the trial?"

"She'd moved away and never heard anything about it. Turns out she's an artist and had moved to the area to be near the beach only about a month before the murders. She was so freaked out that she simply packed up and fled back to Kansas. That's why it took Fremont – or whoever's working with him – so long to track her down."

"And his attorney never attempted to find her?"

"No. There's no indication he was even aware she existed, although he had a copy of the police report listing her name."

"Wow. That's pretty persuasive."

"Except it leaves open the question of why Fremont was there. He didn't live in the building, and the police arrived pretty quickly. Exactly how did he know that he could slip inside an open door and steal the jewelry?"

"Hey," asked Philip suddenly, "did you tell me what the other jewels look like?"

"I don't think so – do you want me to?"

"Yeah. You know, I'm conjuring up an image of a scared young kid cornered in a dark apartment clutching the jewels as the police come storming in. It's extremely evocative – describe them for me."

"Okay. I have to pry myself out of my chair. Ouch! I'm getting stiff already." Sigrun stumbled into her bedroom. "You know, Philip," she said fondly, "it never ceases to amaze me how you zero in on the human element. I'm focusing on the puzzle of Fremont's claims and the problems they present, while you're picturing him as a troubled youth."

"Perhaps, but the poet in me doesn't always jibe with the demands of real life – like chemistry."

"Maybe not, but it certainly makes life more colorful."

"Why thank you."

Sigrun grabbed the envelope with the stones and settled herself on her bed. She shook the contents onto the spread. She could hear that Philip had picked up his guitar and had begun to strum it softly;



he typically talked with a headset to leave his hands free for the guitar. “One looks like an extremely pale rose quartz – it’s so pale it’s nearly translucent – that’s cut in a smooth oval. The other appears to be a ruby. It’s deep red in color and brilliantly clear – it’s so fine, in fact, that I wonder if it’s real. It’s round, with multiple facets that catch the light.” She set down the ruby and fingered the emerald at the center of the necklace.

“Remind me, he was caught where?”

“He was standing by the open window, the ruby was in his hand, and the necklace and quartz stone were in an inside pocket of his cape,” she said as she picked up the necklace and cradled it in her palm. “The police officers who were first on the scene testified – on cross-examination – that he didn’t try to jump and didn’t resist arrest.”

“Did he say anything to the police?” asked Philip thoughtfully.

“Only his name and that he wanted to make a call.”

“So ... what’s his story – what does he say happened?”

“Nothing. We can’t figure it out. The claims are good, but they don’t provide an alibi, point to another suspect, or explain how he came to be at the apartment.”

“Do you think he just grabbed an opportunity to steal the jewels?”

“I guess so,” Sigrun said slowly, looking at the necklace she held in her hand. “I mean, what the hell else was he doing standing in her bedroom with her necklace in his pocket? It’s pretty clear that, at the very least, he stole the necklace ...”

“Hey, you said the prosecutor made a big deal about his odd clothing; doesn’t the guy at least have an explanation for that?”

“Sort of – his counsel argued in closing that the prosecutor had presented no evidence it wasn’t a Halloween costume.”

“But no evidence that it was?”

“Nope.”

“Did you ever get a physical description of Fremont?”

“No, not really. Just the defense expert’s testimony that it wouldn’t have been easy for someone of his size to have thrust the knife with enough force to kill each victim with the first blow.”

“And what was his size?”

“Let me get my notes.” Sigrun set the necklace on her desk, pulled a notebook from her backpack, and paged through the expert’s testimony, which she had marked with a tab. “Here it is. He was six foot one and weighed 151 pounds.”

“That’s thin – he was young and thin.”

“True, but his own expert admitted that it was physically possible for him to have killed the victims – both of whom were several inches shorter.”

“Hmmm.”

“It’s puzzling.” Sigrun picked up the necklace by its chain and dangled it so that the emerald glowed in the light from her desk lamp. “You know, Philip, I’m not convinced he’s innocent.”

“Oh?”

“Yeah, well, it’s so coincidental.” She stepped over to the open window and held the necklace up in the moonlight. Interestingly, the setting did not span the back of the stone, so light passed through it. It was not transparent but, rather, was filled with tiny inclusions, bubbles, and fissures. She found it strangely captivating. Sigrun held the necklace higher. She felt a vague sort of tingly, pulsating sensation. She could see shapes in the complex cloudiness of the sharply stepped oval; she could almost detect movement. She peered closer.

“Hello?”

“What?” she asked absently while scrutinizing the stone.

“You lapsed into silence.”

“Oh. ... It’s the oddest thing. I’m standing in front of my window catching the moonlight with the necklace, and I swear I can see things inside the stone.”

“What do you mean you’re ‘catching the moonlight with the necklace?’”

“Oh, well, I was just ...” Sigrun pulled the emerald up into her hand by its chain. She felt a faint echo of the shock she had felt at the courthouse. She shivered. She stared hard at the necklace.

“Sigrun, are you all right?”

“Yeah.” She shook her head, returned to the bed, and set the necklace down. “I don’t know; there’s something ... enthralling about this necklace. It’s eerie.”

“Hey – that sounds like you’ve embraced the prosecutor’s outlandish cult theory.”

“Maybe I have,” she said soberly.

“Come off it! You said yourself there’s no evidence to support it; he cooked it up to hoodwink the jury.”

“So how come Fremont was there just when the police arrived?”

“Bad luck.”



On Tuesday, Sigrun carried her lunch onto the patio and spied

Blythe sitting by herself reading a glossy pamphlet. Sigrun had come up with a question while reading the habeas petition on Sunday, so she headed over. “Mind if I interrupt?”

“Not at all.” Blythe handed Sigrun the pamphlet. “Take a look at this. Believe it or not, I have an interview this afternoon with an actual law firm.”

Sigrun belatedly noticed that, instead of her standard black jeans, Blythe was wearing a sharp black suit set off by a striking teal shirt. “You look fantastic.”

“Thanks – my mother sent it. She said it was time I stopped pretending to be a teenager and started dressing like a lawyer.”

“But I thought you wanted to do public interest work?”

“Yeah. Well, the last of my grant proposals was rejected. I’ve run out of options, so I decided I’d better start looking for a real job.”

“What about the public defenders’ office?”

“Hiring freeze.” Blythe shrugged. “So I selected a few law firms that seem committed to public interest work, and I’ll see if any of them are interested in me.”

“I wish you luck. Are you in a hurry, or can I ask a quick question?”

“I’ve got plenty of time to get nervous, so why don’t you distract me instead.”

“Okay. I understand that one of the petitioner’s early claims was that his counsel was ineffective because the attorney failed to object to the prosecutor’s inflammatory closing argument about incipient cult activity in Cambria, but I don’t understand why the petitioner didn’t raise a direct claim that the prosecutor’s argument was improper because it wasn’t based on any evidence.”

Blythe gave a thoughtful nod. “That’s because he was prevented from raising such a claim. Under state law, when his attorney failed to object at the time, he effectively waived any subsequent claim that the prosecutor’s conduct was improper.”

Sigrun considered that. “So that’s why he had to argue that the attorney’s decision not to object was unreasonable?”

“Right. He can’t directly attack the prosecutor, as he did with his claim that the prosecutor withheld evidence concerning the interview with the neighbor, because not objecting might have been a reasonable tactical decision by the attorney.”

“And our petitioner figured that out?” Sigrun asked skeptically.

“I doubt it – that’s why I’m sure someone’s helping him.”

“I see.” Sigrun nodded. “I think I’m getting this. Thanks.”

“That was a good question.”

“It took a bit to get there.”

“But this is all new to you. ... Like thinking about law firms is to me.” She pointed to a picture in the pamphlet of several young, well-scrubbed, earnest-looking attorneys posed in a well-stocked library. “Do you think I could fit in there?”

Sigrun eyed the image dubiously. “Maybe.”

Blythe sighed. “I guess I should keep an open mind.” She turned her attention back to the pamphlet.

Sigrun pulled out the petition and started reading it again while she quickly ate her lunch; she wanted to make sure they hadn’t missed anything. But she found her thoughts repeatedly returning to the photographs of the murder scene that they had found at the court house. Something about them didn’t fit, although she couldn’t figure out what. She dug out the envelope of photos and studied the two she was fixating on before shaking her head in frustration.

“Here,” she said, handing them to Blythe. “What’s wrong with these?”

Blythe looked from one to the other. “I don’t see anything.”

“Something’s not right, but I can’t quite put my finger on it.”

Sigrun took the photos back and, after one last look, returned them to their envelope.



Sigrun couldn’t shake the nagging feeling that she was overlooking something. After Torts class the following afternoon, she went to the library to start on Thursday’s assignments, but she couldn’t concentrate on the case she was supposedly reading. Once again, she painstakingly examined the photographs. Eventually she narrowed in on one of the close-up shots. She stared at it for several minutes. Suddenly, it leapt out at her: a footprint. A faint footprint was discernible in the blood puddled between the two bodies.

“Of course,” she muttered to herself. Grabbing the photo, Sigrun headed to the student lounge and found Blythe at a corner table with Zvi.

“Hey, look at this,” Sigrun said, thrusting the photo in front of Blythe. “Hi, Zvi.”

Blythe obligingly looked at the photograph, holding it so they could both see it. “What about it?”

“Look at the footprint in the blood – it must have been made by a large, flat shoe,” Sigrun said excitedly. “See, the sole must have been worn down or something because no tread pattern is visible; it’s

just sort of uniformly fuzzy.”

Both Blythe and Zvi looked puzzled.

“Remember,” she continued, “Fremont was wearing riding boots.”

Blythe shook her head. “I don’t get it.”

“Riding boots are never flat,” Sigrun said. “They always have a heel to keep your foot in the stirrup. So he couldn’t have made this print.”

“Wow! I never would’ve thought of that.” Blythe looked impressed. “Let’s see if Professor Ehrlich is available.” She jumped to her feet and headed out of the room.

“So what?” Zvi asked as he followed. “Even if the petitioner didn’t leave the footprint, that hardly points to his innocence.”

“Maybe not,” Blythe said, “but we just have to prove a constitutional error, not that he’s innocent.” She knocked on the professor’s door.

“We think Sigrun spotted something important,” Blythe said after opening the door in response to the professor’s terse acknowledgment.

“Really? Well, come on in,” said Professor Ehrlich, sounding hassled. “What did you discover?”

“Well, I’ve been studying the photographs we found,” Sigrun said, “and I finally noticed something.” Taking the photograph from Blythe, she handed it to the professor. “See, next to the man’s body? The indistinct footprint? It looks too wide and flat to have been made by the riding boots the petitioner was wearing when he was arrested.”

“Interesting.” The professor examined the photograph closely. “Is any mention made of the footprint in the record?”

“No,” Blythe said, “not at trial.”

“And I don’t recall anything in the police report either,” Sigrun added.

“What about the petitioner – he never mentioned it?”

“Nope,” said Blythe.

“So,” the professor asked, “what’s your theory?”

“Sigrun?” Blythe asked.

“Well, I think this is evidence that someone else was there during the murders. Since the neighbor stated in her declaration that the petitioner arrived after she had seen the dead bodies, this supports Blythe’s theory that he’s only guilty of robbery.”

“Okay,” the professor said, “but what’s the habeas claim?”

Blythe considered for a moment. “What about prosecutorial

misconduct for withholding evidence of the footprint.”

“But wait,” asked Zvi, who had followed them into the office, “didn’t you say that the photographs were introduced at trial? The prosecutor didn’t withhold it if he offered it as evidence.”

“Good point,” said Blythe.

“How about ineffective assistance of counsel?” asked the professor. “Shouldn’t petitioner’s attorney have investigated evidence of a potential third party?”

“Just playing devil’s advocate here,” said Zvi, “but can you really say it was objectively unreasonable for his attorney to have failed to spot something so subtle?”

“He didn’t have to know anything about riding boots,” Sigrun argued, “to try to prove that someone else made the footprint. I mean, if the petitioner’s boots had been bloody, don’t you think the prosecutor would have made sure the jury knew?”

“Excellent,” said the professor. “So your position is that counsel was ineffective for not investigating potentially exonerating evidence that should have been obvious?”

“Wait a minute,” interjected Zvi, “are you sure that it should have been obvious? When did counsel see the photographs?”

“Do we know what evidence the prosecutor turned over to counsel before trial?”

“We only know,” Blythe said, “that he gave counsel a version of the police report that didn’t mention the interview of the neighbor who called 911. We don’t know if or when anything else was provided.”

“Maybe,” suggested Professor Ehrlich, “you should ask.”

“What?” exclaimed Blythe. “Ask the petitioner?”

“Yes. Why don’t the two of you take a trip to San Quentin?”

“Hey,” Blythe said eagerly, “I’d love to go. I’ve never been to a prison.”

“Can we do that?” asked Sigrun.

“If he agrees to see you. We have a small budget, and I’d be happy to pay your expenses. I’ll give you my contact information at the prison – see if you can set up a meeting. Of course, you’re not the petitioner’s counsel, so you’ll need to go during regular visiting hours, which are not particularly generous, I’m afraid.”

“I never expected to go to San Quentin,” Sigrun said nervously.

“Good work, Sigrun.” Professor Ehrlich gathered up one of the many piles of papers from her desk. “I’m afraid I’m running late for my seminar, so why don’t you come back Friday afternoon, and

we can work out the details.”

Blythe glanced at her watch. “Zvi and I are late too. Catch you later, Sigrun.”

The others hurried to class; Sigrun returned to the library, gathered her belongings, and headed for the nearest exit. She pulled out her cell phone as soon as she was outside and called Philip. The phone rang several times.

“Hold on,” Philip finally said irritably over the low music in the background. The music stopped and he muttered, “Sorry, I dropped the phone trying to turn the music off – and I beg you, please speak softly.”

“Oh,” said Sigrun sympathetically, “you have a migraine?”

“Yeah. It’s bad.”

“Why don’t I call you tomorrow then?”

“No, I need to stay awake to finish my damn chem lab, and I can’t do anything other than lie in the dark with my eyes closed, so I might as well talk to you.”

“Well, at least I rank ahead of the dreaded chem lab.”

“You know I didn’t mean that.”

“Did you take some aspirin?”

“No. I decided I should tough it out.”

“My, we are in a rotten mood, aren’t we?”

“I suppose. It’s been one of those days. You know how you’re always after me not to wait until midnight to start the lab homework? Well, I went to school early this morning to go to the library, and I’d barely arrived before Dad called. He’d already phoned the vet – Estelle was showing signs of colic – so I rushed home. Fortunately the vet didn’t find any torsion. He thinks it was the high-energy feed we’ve been giving her.”

“How awful! How’s she doing?”

“She’s okay now. I stayed with her a couple of hours to walk her and monitor her response to the meds before I went to class. So, of course, I hadn’t had time to study, and then we had a quiz ...”

“But you didn’t have chemistry today?” Sigrun interrupted.

“No. Luckily it was advanced genetics, and I think I did fine, but it wasn’t fun. Then Donald called when I was almost home. Somehow he managed to miss his ride at a 4-H Club meeting, so I had to go back to get him before starting on the chores. Then the migraine sprang up. So, yeah, I guess I’m rather out of sorts.”

“I’m sorry.”

“It’s okay ... did you call for a reason?”

“Oh yeah, I did,” Sigrun exclaimed.

“Not so loud.”

“Sorry,” she said contritely. “I’d forgotten. I was so excited – I couldn’t wait to tell you: I’m going to San Quentin!”

“San Quentin, you’ve been livin’ hell to me,” sang Philip quietly. “You’ve hosted me since nineteen sixty-three; I’ve seen ’em come and go, and I’ve seen ’em die.”

“I hope that’s not prophetic; I certainly don’t want to watch Fremont die. Even if he is guilty.”



The following evening after dinner with Zvi at his favorite near-campus Middle Eastern restaurant, Blythe rooted around in her backpack and brought out a couple of pages of printed text. “Look at this, guys,” she said, “I went on the California Department of Corrections’ web page and found their guidelines for visitors. It’s a riot.”

Zvi took the sheets from Blythe and studied them. He snorted. “It seems that ‘inappropriate attire will be a reason to deny a visit’.”

“Read,” Blythe urged, “what they consider inappropriate.”

“Well, the first one may be a bit of a problem for you, Blythe – denim is prohibited, so you’ll have to find something other than your typical attire.”

“Ah, but they specifically mention blue denim and my jeans are black.”

“And,” Zvi continued, “no hats, wigs or hairpieces.”

“No problem there,” said Blythe.

“Oh, this is a good one – no underwire bras!”

“Well,” Sigrun said, flushing slightly, “I don’t have to worry about that one.”

“I’ll keep it in mind,” Blythe said with a giggle.

“And no clothing that exposes the midriff or more than two inches above the knee – including ‘slits when standing’. I wonder,” Zvi added, “if the guards go around with a measuring tape. Oh, and nothing sheer or transparent.”

“I’m getting the picture,” Sigrun said. “Nothing my grandmother would have found scandalous fifteen years or so ago before she died.”

“In fact,” Blythe said, “I was thinking we should wear suits.”

“Not a bad idea,” said Zvi. “It would add gravitas.”

“Oh,” Sigrun said apologetically, “I don’t have a suit.”

“Don’t worry,” Blythe said. “You’ll need one soon anyway – I’ll take you shopping.”



“I suppose,” Sigrun said reluctantly, “I’ll have to get one for interviews.”

Zvi, who had returned to the pages of instructions, said, “By the way, you’d better pay close attention to these rules. No purses, cameras, or cell phones are allowed, and the staff must approve all writing material and books.” He shook his head. “They certainly make visiting a challenge.”

“Well, I’m not going to let it discourage me,” said Blythe. “I think it’ll be fascinating, and maybe he’ll tell us what happened.”

“When do you want to go?” Sigrun asked.

“How about Thanksgiving break,” Blythe suggested, “do you have plans?”

“No – but don’t you want to spend it with your family?”

“That’s the beauty,” Blythe said with a grin, “I can visit and go to the prison on the same trip, and you can come home with me.”

“But, I don’t want ...” Sigrun began.

“Really,” Blythe interrupted, “we’d love to have you. And my brother Neil will be thrilled to have someone to talk science with. He wants to be an astronaut, so when he finds out you have a physics degree, he’ll bombard you with questions. It’ll be great.”



## Chapter 6

### In tenebris

(In a state of darkness)

“Remember class,” Professor Jamison said as the ending bell sounded in Con Law, “the holiday cuts into next week, and, after that, there’s only a partial week left before finals. So, for those of you who haven’t been keeping pace, I suggest you start putting in some extra time. Have a good weekend.”

“Gee,” Milton said with a grimace, “I’d better buckle down – I’m desperately behind.” He ran his hand through his receding hair. “I suppose you’re caught up?”

“Yeah,” Sigrun said casually, packing up her things, “I’ve done the reading. But I need to start studying.”

“Oh, but you take such amazing notes.” Milton’s voice squeaked. “I mean, I’m sure you’ll ace the final.”

Lupe called across several rows of seats, “Hey, Sigrun, got a minute?”

“Sure. See you later, Milton.”

“Before class, I was talking to my mother.” Lupe giggled. “So I was late, like usual. Anyway, she reminded me that I haven’t invited you. I can’t believe I forgot – you know, I’ve been meaning to ask you for ages. Can you come home with me for Thanksgiving? My mother wants to meet you, and she makes these to-die-for tamales.”

“That’s so kind – I would love to meet your family, but I’m afraid I have plans.”

“Really,” Lupe asked with interest, “are you going to Pennsylvania?”

Sigrun slung her backpack over her shoulder and started up the aisle. “No, the plane tickets were too expensive. I’m going to San Francisco with Blythe, the woman from my habeas case.”

“Hey, that’s great. Is her family there?”

“Yeah, and Friday, we’re going to San Quentin to visit our prisoner ...”

Lupe stopped in her tracks. “You’re visiting that guy! But why? I mean, really Sigrun, do you want to get into all that?”

“Well, we have some questions to ask, and, anyway, I think it’ll be interesting.”

“Oh, but ... he’s a murderer, right?”

“What are you talking about?” Chun Chang joined them in the doorway.

“Sigrun’s been volunteering on this habeas case, and she’s going to visit the guy in San Quentin,” Lupe said with a note of repugnance. “I mean, why do you want to waste your time with him?”

“Well,” Sigrun said defensively, “I don’t think it’s a waste of time. He may be innocent, and, even if he’s not, there were some serious problems with his trial.”

“San Quentin! Death row?” Chun exclaimed in horror. “Aren’t you afraid?”

“Well ... no,” Sigrun said. “He’ll be behind bars and surrounded by guards – what is there to be afraid of?”

Lupe shuddered. “I don’t think you should bother, Sigrun. How likely is it that he’s innocent? I mean, they all say that. And you probably don’t know much about prisons – coming from a small town and all – but I have friends with relatives in prison. Let me tell you, from what they say, visiting is no picnic. So, why don’t you come home with me,” she coaxed, “Diego and his brother Antonio will both be there since their parents have gone down to Mexico for the holidays. It’ll be a blast.”

“Thank you, Lupe. I’d love to come, but I’ve already made these plans.”

“Whatever.” Lupe cracked her gum loudly. “If you, like, change your mind at the last minute, let me know. My mother always cooks for a crowd.”



Sigrun set her pen on her desk and stretched her stiff shoulders. She had spent all day Saturday outlining her notes for the Con Law final. Although she had kept up with the reading assignments in all of her classes, with the hours she had been spending on the habeas case – plus her three or four visits to the gym every week – she simply had not had time to start studying. Professor Jamison’s reminder on Thursday had jolted her into awareness of just how few days remained. Perhaps the trip at Thanksgiving was a bad idea; she certainly could use the extra time. But she was excited about it, and they planned to return early Sunday to avoid the nightmarish traffic coming back into Los Angeles at the end of a holiday weekend. Sigrun checked her watch: nearly nine. Philip was likely to call soon,

and, anyway, she was tired. She headed into the common room to pour her long-since-cold coffee in the sink.

Returning to her room, her glance fell on the stack of letters she had pulled out of the drawer in which they'd been tucked since she'd moved into the dorm. Walking back from the gym the previous evening, she had found herself thinking about her father – what must the holidays have been like for him those first few years after her mother had died, when Sigrun was too young to understand? She wished they had talked about it. Now that she had some inkling of the grief he must have experienced, she appreciated why he had preferred to leave the past behind. But in doing so, he had left her questions unanswered. Maybe her mother's letters held some clues.

Sigrun pulled out the letter with the oldest postmark, settled herself on the bed, and started reading. The ringing of her cell phone startled her.

“Hey,” Philip asked, “how's the studying going?”

“Oh, I quit. I've been reading those letters we found from my mother.” She noted the time. “Wait a minute, that was two hours ago. What have you been doing?”

“Well, Dad finally relented and let me go out. I went to an end-of-term party, but it was dreadfully dreary. So a few of us split and grabbed some pints at a local bar.”

“Uhm, not to be too much of a stick-in-the-mud, but what about your probation? Did you drive home?”

“Lord, Sigrun, you're worse than my parents. I'm going to stop telling you things if you're going to hassle me.”

“Hey, I'm just looking out for you. What if you'd been stopped?”

“Do you think I would have had less to drink at the party than I did at the bar?”

“Good point. How much time do you have left – about five weeks? Maybe you should stay home for the duration.”

“I've done that,” he said petulantly, “and I'm bored.”

“Look – I'll be home in a month for Christmas. I promise I'll drive you to as many parties as you want if you promise to stop taking risks until then.”

“But you don't like parties.”

“True. But I'd like you to stay out of trouble.”

He laughed. “Okay. I suppose I can stay home for another month if you'll really agree to go out and have some fun while you're here.”

“The problem with that plan,” said Sigrun dryly, “is that most

of the parties you want to go to are not my idea of fun.”

“But you have a good time with the gang from Dickinson.”

“Not when everyone is drunk.”

“You’re too young to be so prudish.”

“Are you going to promise?”

“All right – I promise not to go out drinking again until you’re home on break.”

“Thank you. Speaking of going out – I’m afraid Milton is going to ask me out.”

“What?”

“Yeah. Well, he keeps sitting next to me in Con Law and making comments about how good my notes are. And then he ‘happens’ to wander by when I’m eating lunch in the sculpture garden.”

“How sweet,” Philip snickered. “And what’s the matter with Milton – he’s not smart enough for you?”

“No! Come on! I’ve told you what he looks like. I’m not that desperate.”

“Sooo, you’re judging a potential date primarily on appearance?”

“As if you don’t.”

“We’re not talking about me. And don’t you tell me not to be blinded by beauty?”

“But,” sputtered Sigrun, “that’s altogether different! When confronted by a beautiful body you lose all capacity to assess character. Here ... well, not to be unkind, but Milton is rather repulsive.”

Philip laughed. “I’m just teasing. No, I don’t think you should consider dating Milton. You can do far better.”

She snorted. “Yeah, like I have a good track record.”



On the Friday after Thanksgiving, Blythe and Sigrun arrived at San Quentin and joined a long line for first-time visitors. The line inched through a cavernous waiting room, cacophonous with the crying of children and the incessant broadcasting of a crackling public address system. Eventually, they were screened, searched, and sent to a second line, which Sigrun was grateful to see was much shorter. Then they found seats in the smaller but still noisy waiting area for the condemned prisoners. Blythe unfolded her list of questions to review yet again. Sigrun was too nervous to think. She smoothed her skirt and tugged her jacket into place, self-conscious in her new suit. She watched as other visitors were called into the partially screened booths, which terminated at a thick glass partition that sepa-

rated the visitors from the prisoners and prevented any physical contact. Under the vigilant eyes of the guards on each side, conversations were conducted through the heavy metal grills set into the partitions.

At last their names were called. Sigrun followed Blythe into the booth toward which a guard brusquely gestured. She took one of the plastic chairs and leaned forward, focusing on the door through which prisoners were escorted. A tall man wearing a blue denim prison shirt, hands cuffed before him, was led toward their booth between two guards. Her first thought was that they had made a mistake – this man must be younger than their petitioner. The man carried himself with dignity, appearing nearly oblivious to his surroundings. He was thin to the point of gauntness, his light brown hair closely cropped in a prison cut. As he settled himself inside the steel cage on his side of the partition, his cool green eyes met Sigrun's in an assessing stare. His face remained expressionless as his gaze shifted to Blythe.

“Mr. Fremont,” Blythe said, “I'm Blythe Jordan, and this is Sigrun Nyman. As we explained in our letter, we're law students from UCLA.”

“What can I do for you?” he asked politely in a quiet, reserved voice.

“We've been reviewing your recent federal habeas petition and wondered if we could ask you some questions?”

He nodded distantly. “Certainly, but I'm sure that I won't be able to provide anything useful.”

“In your new petition,” Blythe began, “you raise claims concerning the ineffectiveness of your attorney. We were wondering about his trial strategy. Did you discuss your defense with him?”

“No, not personally,” he said.

“Did he meet with someone on your behalf?”

“Yes, but I wasn't involved.”

“Do you know what his plan was? For example, do you know if he had a reason for not interviewing the person who reported the murders?”

“Not that I know of.”

“In general, what was his approach to your defense?” Blythe asked curiously.

“He believed, as I did, that the case was ludicrous,” Fremont said calmly.

“So, he didn't feel that you needed a stronger defense?”

“I can't say. Clearly, in hindsight, I did.”

“But why didn’t he object to the prosecutor’s bizarre conjecture about cults?”

Fremont shook his head. “I can’t say.”

Blythe paused and then asked thoughtfully, “Mr. Fremont, of course you realize that we’re not representing you, right?”

“Of course.”

“Okay, so nothing you tell us is protected by any privilege, and it’s certainly your right not to answer our questions. However, any information you provide might help us win a new trial for you. So, I wonder, was there a good reason not to object to the prosecutor’s argument that you had some satanic motive?”

“I can’t say,” he said evenly.

Blythe studied her list of questions. “We think we’ve identified an additional claim, and we wanted to ask you about it. We’ve obtained the photographs from the trial, but, unfortunately, the prison won’t permit us to show them to you. In examining the photographs, however, we noticed a footprint in the blood near the victims. Nothing was said about it at trial – do you know anything about it?”

“No, I’m sorry, I don’t,” he replied without inflection.

“Well, it looks like the footprint was made by a shoe and not your riding boots. Do you know if your attorney did any investigation of your boots or the photographs?”

“I don’t believe so.”

“Do you have any idea how the footprint was made?”

“I can’t answer that,” he said impassively.

Sigrun had been studying Fremont closely during the exchange. She watched his utter detachment with growing impatience.

“Was anyone else there while you were at the apartment?” Blythe asked.

“I can’t answer ...”

“Excuse me, Mr. Fremont,” Sigrun interrupted. “I’m sorry, but I thought you were claiming that you’re innocent?”

In the first reaction Sigrun had yet detected, he raised an eyebrow slightly as his gaze glided back to her. “I am innocent,” he said coolly, his expression impenetrable.

“But you’re not willing to assist us?” she challenged.

“I have no information that will be of use to you.”

“But, Mr. Fremont,” Blythe said, “we think you’ve raised good claims. We may be able to help you.”

“I don’t believe this petition will be any more effective than any of the others.”

“Has anyone ever mentioned the footprint to you?” Sigrun asked.

“No, I don’t recall ever discussing a footprint with anyone.”

“Good,” Blythe said encouragingly, “that’s useful. Did you ever discuss the photographs from the crime scene with your attorney?”

“Not that I recall.”

“But,” Sigrun pressed, “you were aware the photographs existed?”

He gave her a withering look. “I was present at the trial.”

Sigrun flushed and looked away to stop herself from making a sarcastic retort.

“What we want to know,” Blythe asked in a controlled voice, “is whether your attorney was provided with the photographs prior to trial.”

“I don’t know,” he said neutrally.

“Okay,” Blythe said. “So, could you give us the name of the person who’s been assisting you? Perhaps that person has more information.”

He shook his head. “I’m sorry, I don’t think that would be useful.”

“But there is someone assisting you, isn’t there?” Blythe probed.

“Yes, a friend filed this petition for me. I was not in favor of it.”

“But,” Sigrun tried again, “your friend has raised some good claims, and we might be able to work together to win a new trial.”

“One cannot escape the end of one’s path,” he said quietly.

“Look,” Sigrun said impatiently, “you **were** wearing riding boots that night, right?”

“Yes.”

“A footprint was left in the blood of the murder victims by someone not wearing riding boots. If you didn’t make that footprint, then we have evidence that someone else was there. Don’t you think it’s possible that such evidence might change things?”

“No,” he said, “I don’t.”

“Don’t you think it’s worth arguing?” Blythe asked sharply.

“I’m sorry,” he said in his maddeningly expressionless voice. “I do appreciate that you’ve given up your time to visit me, but I’m afraid I can’t be of any assistance.”

“I don’t understand,” Sigrun snapped. “How can you maintain your innocence and yet refuse to help us prove it?”



“I don’t believe that you can help me.”

“Why won’t you let us try?” Sigrun asked, too loudly. “Do you want to die?”

Startled, he met her eyes and, just for a second, she glimpsed the terror of a young man unexpectedly condemned to death. He quickly regained his impassiveness and repeated, “One cannot escape one’s path.”

Sigrun was drawing breath to respond when a guard said, “It’s time to go.”

Blythe quickly stood. “Goodbye, Mr. Fremont. If you change your mind, you have our address.”

They had to retrace their steps through the multiple layers of security to leave, but the process was rapid in reverse. Finally, they escaped into the fresh air and freedom of the parking lot.

“Well,” Blythe said, shaking her head ruefully as they headed back toward the Golden Gate Bridge, “that was not what I expected.”

“No, but,” Sigrun said, “did you see his expression, just there at the end? I think he really might be innocent.”

“You do?” Blythe sounded skeptical. “I don’t know – he’s way too cold.”

“No, I mean, he is irritatingly remote, but maybe it’s because he’s frustrated.”

“Does it matter?” Blythe asked. “If he refuses to help, what more can we do?”

“Well, we can try to find his friend.”

“Okay, but how do you propose to do that if he won’t talk to us? Officially, he filed the petition, so it doesn’t have any information about this friend.”

“Yeah, but maybe we can find something,” Sigrun insisted.

“Why waste our time? If he doesn’t want our help, then there are plenty of others on death row who do. We can switch to a different petition next semester.”

“I suppose so,” Sigrun said reluctantly.

Blythe took a deep breath. “I can’t say I’m eager to repeat that experience any time soon. I didn’t expect it to be quite so ... well, so overwhelmingly oppressive.”

“And so artificial. Can you imagine living in such a sterile environment?”

“Let’s put it behind us and do something fun. After all, it is a holiday.”



“How was ‘The Visit?’” Philip asked when Sigrun answered his call on Sunday.

“Frustrating. Disturbing. Useless.”

Philip laughed. “I gather it went well.”

“He didn’t tell us anything, and he was totally uninterested in the footprint. Blythe thinks it’s because he’s guilty but ... I don’t know, I saw something in his eyes. I think ... well, maybe he **is** innocent.”

“No explanation for why he waited, waited with sirens wailing, ruby heavy in hand?”

“Hardly. He couldn’t – or wouldn’t – answer most of our questions. Blythe is ready to give up on him, but ... well, I keep thinking about his eyes.”

Philip snorted.

“Yeah, I know. I should just forget it. I don’t know why I care – I mean, it’s not like it matters to me what happens to this guy.”

“Because you’re a compassionate, considerate, charitable, principled person.”

Sigrun laughed. “It’s amazing how you manage to make rubbish sound sincere.”

“I’ll take that as a compliment,” he said. “But if you truly believe he’s innocent, and you think his trial was unfair, shouldn’t you at least try to fix it?”

“I think so. I mean, the petition was filed. So, it seems like we should pursue the claims if they have any potential, regardless of his attitude. ... Anyway, how’s the family? How was your holiday?”

“Oh, good. It was good. But it was odd, you not being here.”

“Yeah, I spent a lot of time thinking about holidays past. Hey, I nearly forgot. I wanted to tell you – I had trouble sleeping Friday night, so I got out the packet of my mother’s letters I’d taken up with me. I think I may have been born in California.”

“No kidding! What did you find?”

“I’m wondering if my mother wanted to keep something from my grandmother, because it’s odd that she never really said how they had heard about me. But she finally mentioned a relative.” Sigrun picked up a letter from the pile on her dresser. “She wrote, ‘We heard from Sigrun’s great aunt the other day. She’s been called away from California for a while and won’t be able to visit as planned. I guess I shouldn’t admit it, but I’m glad because I’m afraid she might want to take the baby back?’”

“Was that the first hint of a relative?”

“Pretty much. I went back and re-read the letters from right

after my arrival and found one oblique reference to a woman who may have been this great aunt.”

“Interesting – you reading those letters in California.”

“Yeah,” Sigrun said, “I had the same thought: It’s like I’ve come full circle.”



As classes came to a close, Sigrun devoted all of her time – apart from visits to the gym – to studying. But, try as she might, she kept finding herself staring into space, re-living Fremont’s expression in that fleeting instant and wondering if the file held some clue to the identity of the person who was helping him. Irritated at having lost her train of thought three times in the space of twenty minutes, she jumped up to fetch herself a cup of coffee from the pot in the common room. Come on, she thought to herself, get a grip; even if he didn’t commit the murders, he’s just some unlucky loser who got caught in the wrong place. If he didn’t want their help, she had to let it go. She sat back down, resolutely put the image out of her mind, and focused her thoughts on her notes.

Then, flush with the exhilaration of finishing her first final – which by chance had been in Torts, the one she’d been most anxious about – Sigrun allowed herself the luxury of not studying for an afternoon. Instead, she gathered the habeas materials and a few chocolate truffles, intending to meticulously sort through the entire file one more time to see if she could either find the friend or finally get Fremont off her mind. Despite being mid-December, the day was sunny and pleasant, with just a slight nip from a cool ocean breeze, so she decided to head to the Sculpture Garden.

As dusk fell, Sigrun realized that she was getting cold. She had been sitting on the base of her favorite statue for hours and was just finishing the transcript of the trial when an idea finally crystallized. The only person to testify on Fremont’s behalf during the penalty phase was a man who pleaded eloquently and emotionally for the jury to spare Fremont’s life, arguing that he was a good kid who deserved a second chance. This witness, Gareth Malama, testified that he had known Fremont all his life. It was a long shot, but it was something.



Returning to the library from lunch the following week, Sigrun heard Blythe call her name. “Hey, I’m heading to my last final! Any success finding that witness?”

“Not yet,” Sigrun replied. “I’ve tried all the people searches and directory listings for California, but nothing’s turned up.”

“I can help you after my final, if you want.”

“Will you still be here tomorrow?” she asked.

“Yeah, want to meet late in the afternoon?”

“That would be great. Good luck!” Sigrun continued on to the library. Her last final, in Contracts, was the following afternoon, and she was a bit nervous about it.



Lupe was waiting outside the door after the Contracts final.

“Sigrun, your notes are unreal. I was blown away. I mean, I actually understood that last question! You know, I never got it when Professor Acorda explained it.” She snapped her gum loudly. “Not that I came to class too often, but anyway, mucho gracias. I wouldn’t have made it through the final if you hadn’t let me study your notes.”

“Oh, well,” Sigrun said, letting her hair fall forward in her embarrassment at Lupe’s enthusiastic praise, “I’m glad they helped.”

“You know,” Lupe gestured broadly back toward the lecture hall they had left behind on their way to the lounge, “in class, sometimes you and Tony would be having one of your exchanges – and I would be, like, totally lost – and I’d sit there thinking, whatever are they talking about? But with your notes, it all made sense. Hey, I’m leaving soon.” Lupe looked at her watch and giggled. “In fact, Diego’s probably already waiting for me. Merry Christmas.” She hugged Sigrun warmly.

Sigrun entered the student lounge and found Blythe reading a newspaper at a corner table. “Hi, you look relaxed.”

Blythe put the newspaper down with a smile. “Yeah, things are looking up. One more semester, and I’ll be done with school!”

“Wish I could say the same. But it’s good just to be done for a few weeks.”

“So, why don’t we check the property records to see if we can find that witness?”

“Can you do that?”

“Of course. Here, I brought my laptop.” She pulled it out of her bag. “Hey, what are you doing with the jewelry during break? You shouldn’t leave it in your dorm room.”

Sigrun blinked in surprise. “I hadn’t given it a thought.”

“I doubt anyone else knows it exists, but if we lost it, it might be awkward.”

“I guess so. I suppose I’d better give it to Professor Ehrlich.”

“I would,” Blythe said, “then it’s her responsibility. Okay, watch while I pull up the tax assessor records.” She clicked away and

then typed “Malama” in the box for surname. “Is that spelled right?”

“Yeah.” Sigrun studied the short list that slowly scrolled onto the screen.

“Bingo!” Blythe exclaimed. “Here it is: a listing for ‘G. Malama’. And it’s even in Cambria. It must be the right guy.”

“Wow, I’m impressed.”

“You had the inspiration to look. So, what are you going to say to him?”

“Hmmm,” Sigrun said thoughtfully. “I don’t want to say too much in case it’s not him, but I want him to be motivated to write back. I’ll think about it over break.”

“Good idea.” Blythe scribbled his address onto a scrap of paper and handed it to Sigrun. “Call me if you want to consult. Enjoy break.”



Late Thursday afternoon Sigrun sat on the floor surrounded by material from the habeas case, trying to decide what she should take with her to help craft the letter. She looked at her watch and sighed; she had better head over to the Law School if she had a hope of catching Professor Ehrlich. She picked up the envelope with the jewelry. Her eye fell on the laundry piled on her bed. Right, she thought in annoyance, she had forgotten to return to the laundry room to put her other load in the dryer. She’d better do that first. She set the envelope on her dresser, grabbed some change, and hurried out.

When she returned from the laundry room, Sigrun reached for the envelope but then hesitated. It was pretty late in the afternoon, what if the professor wasn’t in? Did she want to go all the way across campus for nothing? She glanced at the files on the floor. Was there anything she should ask? She sat on the bed to look through her most recent notes. What **was** she going to say to Fremont’s witness – “your friend told us to get lost but his eyes have been haunting me?” She didn’t think that would be particularly productive. She put down the notes.

She pulled the necklace from its envelope and cradled it in her palm. What secrets did it hold? She took the necklace over to her window and dangled it by the chain. But the sunlight was too weak; the stone only gleamed dully. She grasped the stone with her other hand and was dismayed to feel a faint jolt. She studied the emerald soberly. She leaned her forehead against the glass of the window, closed her eyes, and concentrated on bringing the image of Fremont from that one instant into the forefront of her mind. Suddenly, Fre-

mont was looking at her as if he were sitting in the same room. Startled, her eyes flew open; she stepped back, shaking her head. She drew a deep breath. Okay. So she had an extremely clear recollection of his expression, and it was just as poignant now as it had been in person. She would write that letter, and maybe Mr. Malama would be able to help. And ... perhaps Philip would like to see the stones. He seemed captivated by them. If she put them in her carry-on bag, they should be perfectly safe.



## ❧ Chapter 7 ❧

### **Parva scintilla saepe magnam flamam excitat (A small spark often initiates a large flame; proverb)**

Sigrun took her seat for Criminal Law on the first Tuesday of the new term after Christmas break. The room was filling rather early, possibly because of the buzz about their professor. He had been a high-profile prosecutor in New York City until he had decamped for the position at UCLA. Sigrun was a bit apprehensive. She was not particularly interested in the class, and she was afraid that his background might cause him to be even more confrontational than Professor Acorda. Although, in the end, she had managed to earn a rare “A” in Contracts – one of only three awarded that term by the notoriously stingy professor – she remained uncomfortable with the Socratic style.

“Good afternoon, class.” A clean-shaven, short-haired man in a well-fitting suit strode briskly to the podium. “I’m Ronaldo Orlando. I was told that this is your first taste of criminal law, and, for better or worse, it’s my first foray into teaching. So, we’ll have to muddle through together.”



Sigrun spotted Blythe in the corridor ahead as she left Criminal Law.

Catching sight of her, Blythe asked, “Hey, do you have a minute?”

As they settled themselves in the unseasonably warm sun, Blythe said apologetically, “All the horror stories about people failing the bar have gotten to me – so I’ve added another bar course.”

“You’re taking an extra class?”

“Yeah. So I’m afraid I’m going to be too busy to do anything on the habeas case. Do you think you want to stick with Fremont?”

“Well, I want to at least give it a try. But,” she added with the now-familiar twinge of guilt she experienced whenever she thought about the case, “I haven’t written to that witness yet.”

“I really am sorry. I feel like I’m abandoning you.”

“To be fair,” Sigrun said, “you don’t think it’s worth continuing with anyway, so now it’s just my time I’m wasting.”



Sigrun finally forced herself to start on the letter the following Sunday afternoon. She spread the entire habeas file on her bed and sat staring at it, a fresh pad resting on her lap. Her eye fell on the envelope containing the jewelry. It was perplexing; when she had shown it to Philip, the necklace had seemed so ordinary. She shook the emerald into her hand and studied it. It was beautiful – but she felt nothing. She held it up to the light and shook her head. Nothing. How odd.

Hours later, Sigrun closed her cell phone and scrambled to her feet, stretching her stiff limbs. She had gone around in circles for a while, but she had finally written something with which she was reasonably content. She had then called Philip and read it to him. Having gained his approval, she wanted to send it off before she could have second thoughts. Seated at her desk, she carefully re-copied the letter and put it in an envelope. She changed into a less-wrinkled shirt, tucked her cell phone into her pocket, and headed out the door. Then she stopped. She shouldn’t leave the necklace in plain sight. She scooped the necklace into its envelope and returned it to its spot in a dresser drawer. It was rather ironic, really, that she kept the jewels there, since Fremont had been arrested rifling dresser drawers in his quest to find them. But how had he known where they were, she wondered for the umpteenth time. She locked the door behind her, anxious to at last get the letter mailed.



As had become her nearly compulsive practice during the past few weeks, after Crim Law on Thursday Sigrun stopped in the student lounge to check her mailbox. She had gotten so used to finding it empty that she almost missed the letter it contained. Eagerly, she checked the return address. Yes! She slipped out the nearest door, perched on the edge of a patio chair, and unfolded a sheet of heavy paper.

*Dear Ms. Nyman,*

*Please accept my apologies for the lengthy delay in responding to your letter. I regrettably was occupied with family matters and have just turned to my mail.*



*I was most interested to learn that you have been reviewing Zareh Fremont's habeas petition. You are correct that I am the friend who filed the petition for him. I was, however, unaware that anyone was paying the slightest attention to the petition, which I filed quite some while ago. I must thank you for taking the time to find my address and to write.*

*I would be delighted to discuss the case with you and to answer any questions you may have. In fact, in order to facilitate a productive discussion, I suggest we meet in person. Because I prefer not to travel too far from San Quentin, I would like to meet near here. If that is impossible, however, I can arrange to come to Los Angeles.*

*My cell phone number is below, and I welcome your call at any time. I truly look forward to hearing from you.*

*Cordially,  
Gareth Malama*

Sigrun read the letter a second time. Fantastic! She glanced at her watch. She only had 15 minutes before Lawyering Skills. Damn. She'd have to wait through the hour-and-fifteen-minute class, which she thought tedious at the best of times, before she could call. The response was better than she'd hoped for; Mr. Malama sounded enthusiastic about her involvement. She read the letter a third time. Interestingly, it also sounded like Fremont had not mentioned their visit, as she had not in her letter. Tucking the envelope away, she reluctantly went to class.

She hurried back to the dorm as soon as class ended. She wanted both to call in private and to have the habeas file handy in case a question arose. Sigrun piled the file on her desk, got a notepad and pen ready, and pulled the envelope out of her backpack. Cell phone in hand, she paused. What should she say? Suddenly nervous, she drew a deep breath. She read the letter again and nodded. He sounded approachable. Not allowing herself to hesitate, she called.

"Hello," a deep and friendly male voice answered.

“Hi, uhm, this is Sigrun Nyman, from UCLA Law School. I just got your letter.”

“I am delighted to hear from you. I was so pleased to learn that you were working on Zareh’s case.”

“Uh, actually, I’m not precisely working on it, so much as re-viewing it. I mean, I’m just a law student ...”

“Of course. I understand that you’re not an attorney, but I am relieved that someone has at last taken an interest. I look forward to hearing your perspective.”

“Oh, well ... yes,” Sigrun stumbled, startled by how seriously he seemed to be taking her after she had been so unconditionally dismissed by Fremont. “I think your idea of a meeting is good. I mean, I’d be happy to meet with you.”

“Splendid. Would it be possible for you to travel to Cambria?”

“Well,” she said hesitantly, “I don’t have a car, so ...”

“Perhaps you could take the train? We could meet at a café in San Louis Obispo, which is the closest train station to Cambria. I hear it’s quite a pleasant trip.”

“That might work. I’ll need to check into it ... oh, there’s a holiday in a couple of weeks. Would you be able to meet over the President’s Day weekend?”

“Certainly,” he said readily, “whenever you prefer. I generally work at a horse show that weekend, but I can arrange for someone to cover for me.”

“Oh, well if you’d rather ...”

“I am at your disposal. But, I am curious, why didn’t you approach Zareh?”

“Well ... we did,” Sigrun said carefully, “but he was rather ... reticent.”

Mr. Malama gave a bark of laughter. “Delicately put. I apologize if he was rude. Did you visit the prison?”

“Yes, over Thanksgiving.”

“Ah,” he said, “then you tracked me down. I admire your perseverance.”



 Chapter 8 **Gutta cavat lapidem, non vi, sed saepe cadendo  
(A drop hollows a stone, not by force, but by constant  
dripping; Ovid)**

On the Saturday of the long weekend in February, Sigrun caught the early train to San Luis Obispo. Hours into the trip, she realized that she was hungry. She closed the case book she had been studying and pulled out a candy bar. She stared at the passing scenery while savoring the chocolate. It was indeed a beautiful trip along the coast, but she was too tense to fully appreciate it. She was nervous; she wished Blythe had been willing to come. Sigrun was always uncomfortable meeting strangers, but in this case, her anxiety was all the more acute because of the high expectations Mr. Malama seemed to have. Sure, she had spotted the footprint, but she really didn't know much about habeas law. She hoped that she wouldn't prove to be a disappointment to him – and that she wasn't wasting his time as well as her own. Her previous trip north had been less than productive, and it had left her plagued by the specter of Fremont's eyes.

Sigrun checked her watch; it was nearly 2:30, their scheduled arrival time, but she was pretty sure they weren't close. She sighed. She'd better call and warn him.

"No problem," he said agreeably after she had explained. "It's a beautiful day, and I am enjoying my cappuccino. Come find me on the café's back patio – just look for a Hawaiian shirt."

"I'm so sorry to make you wait."

"Don't worry about it. Aloha entails 'ahonui', or patience."

The train pulled into the station more than an hour late. Sigrun hurried the few blocks to the café. No employee was in sight, so she crossed the restaurant to the patio door. She hesitated in the doorway, scanning the sparsely occupied tables. That must be him, she thought as she spotted a large man in his mid-40s, sitting alone at a far table reading a newspaper. As promised, he was wearing an untucked Hawaiian shirt and jeans. With his dark and deeply tanned complexion, long black ponytail, and shell earring in one ear, he

looked Hawaiian. She approached the table and asked tentatively, "Excuse me, are you Mr. Malama?"

He looked up with a smile that warmed his friendly brown eyes. "Yes, but please call me Gareth. You must be Sigrun." He stood and offered his hand.

"Yes," she said as she clasped his hand firmly.

She felt an odd fleeting jolt.

Gareth did a rapid double-take, gave her a searching look, and said, "Greetings."

Embarrassed and confused, Sigrun ducked behind her hair. What was it? Did he feel it? If so, why didn't he say something?

"Have a seat," Gareth said in an ordinary tone of voice.

Disconcerted, she quickly sat.

"Have you had any lunch? They have good salads." He flagged down a server.

Still flustered, Sigrun studied the menu in silence for several minutes. When the server returned, she randomly selected a salad.

"So," Gareth asked genially, "you are in law school?"

"Yes, in my first year. But," she hastened to reassure him, "I'm working under the guidance of an experienced professor and, last term, another student who is quite familiar with habeas petitions also worked on the case."

"Are you from Los Angeles?"

"Uh, no ... no, I'm from Pennsylvania."

"So, what brought you to UCLA?"

"Oh, well," Sigrun hesitated, startled by this turn of conversation, "that's rather a long story, and I ..."

"I am in no hurry."

"Oh. Uhm ... it was my father, mostly. He taught high school, but he had always dreamt of going to law school. After his father died, he had to drop out of college to help his mother run the family farm. He never did get to law school, so he transferred his dream to me."

"You used the past tense," Gareth said gently. "Did your father die?"

She nodded. "Last summer."

"I am very sorry," he said quietly. "What about your mother?"

Surprised by his interest, Sigrun shot him a questioning look, but she could discern only compassion in his expression. "My mother died when I was young."

"Did you grow up on the farm?"

"Well ... yes and no. By the time we moved back, it was too

small to be functional. We just kept a few chickens and goats.”

“So, how did you end up in Los Angeles?”

“Well, the professor with whom I’m now working was a student of my father’s. She urged me to apply to UCLA and, so, here I am.”

“And she encouraged you to get involved in Zareh’s case?”

“Exactly. She thought I would be interested, and she believes that Mr. Fremont – or you, I guess – raised some good claims.”

He sighed. “I can’t tell you how long I have waited for someone to find merit in our claims.”

“Oh, but, we don’t have any official role ...”

“No, I know. Unbelievably, I have come to understand the habeas system to some degree. But I am quite interested in hearing about this new claim.”

“Well, in reviewing the file, we noticed that the attorney for the State referenced exhibits we didn’t have. So, we went to the courthouse and found the missing exhibits.” Sigrun took a sip of iced tea. “Then we discovered ...” A phone rang.

Gareth pulled out a cell phone and glanced at the screen. “Please excuse me, I must take this call.” He walked some distance from the table. She took the opportunity to get out her files and start on the salad a server had delivered.

Gareth returned several minutes later. “Coincidentally, that was Zareh. Because he is permitted to make collect calls only during brief and irregular periods, I always try to take his call. He sends his regards.”

“He does?” Sigrun asked skeptically.

“No, but he should have. Don’t take it personally. He has disengaged from this process; he discouraged me from even embarking on a new round of petitions.”

“He told us he was not in favor of filing the petition.”

Gareth gave a wan smile. “The long string of disappointments has been difficult. ... Please, do tell me what you’ve discovered.”

She picked up the envelope with the photographs. “So, the missing exhibits included photos from the crime scene. Do you remember them?”

“Yes.”

Sigrun opened the envelope, pulled out the photographs, and handed Gareth the one on top. “Take a look at this.”

He took the sheet and held it for a second. He then set the photo on the table; she noted that his face had gone ashen. He swallowed hard and briefly shut his eyes.

“Are you all right?” she asked with concern.

He sighed deeply. “I haven’t seen these since the trial ... I had forgotten.” He picked up the photo again, and she was surprised to see that his hand was shaking slightly. She watched as he studied it for a long moment before returning it to the table. “Will you excuse me?”

“Of course,” Sigrun said uneasily as she watched him walk quickly into the restaurant. She shoved the rest of her salad aside, her appetite having vanished in the suddenly somber atmosphere. She picked up the photo. If you weren’t studying it for clues, it really was rather grisly. She set it down and opened her notebook to her list of questions. She wondered what it was about the photo that had so affected Gareth. She was struck by the thought that Fremont had been Norm’s age when he was arrested. She shuddered to think of Norm being sentenced to death. Obviously Gareth had known Fremont well; the trial must have been a terrible ordeal for him.

“I apologize,” Gareth said when he returned, looking drawn. “I had forgotten how gruesome those photographs are. What is it you wanted me to look at?”

“No, I’m sorry,” Sigrun said, “I was too abrupt – I should have realized how difficult it would be for you to revisit the trial.”

He gave her an inquiring look. “Why do you say that?”

“Well, I mean, it must be hard for you to think about what Mr. Fremont’s life would have been like had the trial gone differently.”

“Yes ... of course,” he said softly. “Zareh is like a little brother to me. I remember the day he was born; I taught him to ride.” He paused. “Zareh is innocent, you know.”

Sigrun started. “Uh ... I’m not ...” She stopped. Gareth was looking at her with an intensity that staggered her. She met his eyes and read his absolute certainty. “I believe that he is.”

“Good.” He nodded. “Good. Maybe you can help us then.”



On Tuesday afternoon, Sigrun impatiently shifted in her seat during Crim Law. That morning she had arranged a meeting with Professor Ehrlich for 2:30, which was immediately after Sigrun’s class. Fortunately, her inattentiveness would not cause her embarrassment since, contrary to her expectations, Professor Orlando had proven to be her most easygoing professor, calling only on volunteers.

“In that case, would the accomplice be guilty of murder for the security guard’s death?” the professor asked, catching her attention.

“Doesn’t it depend,” Quentin asked, “on the mens rea? I mean, even if the accomplice could be said to have assisted in the burglary, he can’t be guilty of murder without an intent to commit murder.”

“Is that correct?” asked the professor.

“No,” Tony asserted. “He’s guilty of all foreseeable crimes, right? The murder flows from the burglary, and it’s certainly likely that someone will end up dead in an armed robbery.”

“But,” Quentin insisted, “he only intended to break into the warehouse to spend the night; he thought it was empty, and he didn’t know his friend was armed.”

“So,” the professor asked, “what if the crime partner was surprised by the security guard, picked up a pipe, and killed the guard with a blow to the head? Is the accomplice in the other room guilty of murder?”

“I still think,” Quentin insisted, “that, at the most, he’s only guilty as an accomplice to burglary. Even if he’s guilty of foreseeable crimes, it seems to me that his only intent was to trespass or something trivial. I mean, what did he do to assist in the murder?”

“Since we haven’t discussed the various degrees of murder yet,” the professor said, “maybe it would be easier if we used an example ...”

So, Sigrun mused, maybe Zvi was right – even if the footprint belonged to the murderer, Fremont could still be guilty as an accomplice. It seemed clear that he’d had an intent to commit burglary. Maybe he had acted as a lookout and then joined the murderer in the apartment? But no, the neighbor hadn’t seen anyone leave after she had gotten home – so what happened to the other guy if they were working together? She jotted a note to herself to make sure she argued that Fremont couldn’t have been present in the apartment at the same time as the person who had made the footprint.

Finally, the class ended, and she hurried up the aisle.

“Sigrun,” Lupe called from across the room. Sigrun waited for her and said, “I’m kinda in a hurry.”

“I’ll walk with you,” Lupe said cheerily. “What’s up?”

“Oh, just a meeting on my habeas case. Did you need something?”

“You know,” Lupe cracked her gum loudly, “you really should stop wasting your time on that guy – I mean, it’s not like you’re learning anything useful and ...”

“I know,” she interjected before Lupe could finish, “he’s probably guilty anyway. What was it you wanted?”

“Oh yeah – I was wondering – are you free Saturday? Diego called and Antonio – you remember, he’s Diego’s younger brother – is coming up for the weekend. So, Diego and I thought, wouldn’t it be great if you’d go out with us? Maybe we could, like, catch a movie?”

“Oh, well, uh ...” Sigrun tried in vain to concoct an excuse as they arrived at Professor Ehrlich’s office. “Okay, yeah, sure.”

“Outstanding!”

“Excuse me, Professor,” she said, knocking on the partially open office door.

“Sigrun, come on in.” The professor pushed aside a pile of papers and pulled a pad from the clutter that covered the desk. “So, you were right about the witness?”

“Yeah, and he filed the petition – well, he not only filed it, he also found the missing neighbor, got her declaration, and researched the claim.” Sigrun smiled. “Actually, I’m quite sure he understands habeas jurisprudence better than I do.”

“Good work. Was he able to shed any light on your questions?”

“Some. Apparently the petitioner was more or less right when he said they thought the prosecutor’s case was preposterous. Mr. Malama said the attorney convinced them that it was best to let the prosecutor present whatever evidence he unearthed without objection and then ridicule it in closing. What’s interesting though,” Sigrun added, “is that Mr. Malama said he asked the attorney several times how it was that the police had arrived so quickly in the middle of the night when there’d been no gunshots or anything, but the attorney just shrugged it off.”

“That’s good. Is the attorney still practicing?”

“No, in fact, Mr. Malama said he died some time ago.”

“Fine – we don’t need a declaration from him if we have one from Mr. Malama. His testimony together with that notation in the police report about a 911 call establishes that a reasonable attorney should have looked into what alerted the police. The declaration from the neighbor, I believe, is adequate to demonstrate a reasonable probability that, but for his counsel’s failure to investigate, the petitioner would not have been convicted. At least, it is if we take into account the footprint.”

“Right,” Sigrun broke in eagerly, “Mr. Malama said they first saw the photos at the preliminary hearing – months before the trial. So, since he had time, I think we can argue that it was unreasonable for counsel not to investigate the footprint.”



“Slow down,” the professor said with a smile, while jotting a note. “You’re skipping several steps. First, we need evidence that the footprint could not have been made by a riding boot. Then we have to raise the claim. Which brings up other issues.” She glanced at her watch and continued writing. “Which we can address later, since I have to run to class. So, your next task is to locate an expert willing to examine the photograph and the boots – which we have to obtain – and to render an opinion. But, in order to do that, we need two things.”

The professor paused and looked at Sigrun. “Because you’re not yet an attorney, you can’t represent the petitioner, but I can. Could you please contact him, and get his agreement to have me represent him pro bono? I’ll need to have him sign something, but we can start with a verbal agreement. Second, could you ask Mr. Malama if they can pay for an expert? If not, I’ll need to write a justification and get approval for funds.”

“Okay,” Sigrun said, taking notes on her tasks. “I’ll work on getting his agreement right away. But I’m afraid I’ll need some help in finding an expert.”

“Of course,” the professor said. “You’re doing an amazing job for a first-year. Let’s see,” she pushed aside a pile on her desk and pulled out a calendar, “what about Thursday at the same time?”

“No, I’ve got Lawyering Skills,” she said with a grimace.

“Well,” Professor Ehrlich said dryly, “I can’t condone cutting class, so how about Friday, say at 4:00?”

Sigrun left the office, notepad in hand. She stopped at the student lounge because it was closer than the library, dropped into a chair, and attempted to capture everything the professor had said. She was reviewing what she had written when she became aware that someone was watching her.

“Uh, hi,” Milton said from across the room. He came closer, wearing his typical deer-caught-in-the-headlights expression. “Uhm, I didn’t want to disturb you, but, uh, is it okay if I join you?”

“Well ...” She hesitated, thinking with a sinking feeling that he seemed even more nervous than usual. “I have to run.”

“Oh,” he said with disappointment. “You seem like you’re always busy lately.”

“Uh, well,” she said with a pang of guilt because she had, in fact, been avoiding him this term, “I’ve been putting a lot of time into my habeas case.”

“So, uh, I guess you don’t have time to eat in the sculpture garden anymore?”

“Well, you know, the weather hasn’t always been that nice ...”

“Yeah, I guess ...” Milton ran his hand through his hair. “Hey, I was wondering, maybe, if you don’t have any plans,” his voice rose as he rushed on, “do you think you might want to catch a movie on Saturday?”

“I’m sorry,” she said, thanking her lucky stars, “but I already have plans.”

“Oh.” He sounded dejected. “Okay. Maybe another time?”

“Sure,” she said gently, getting to her feet. “I really do have to go – I need to make a phone call on this case. See you later.” As she hurried out of the lounge, she felt both remorseful for blowing him off and relieved that he had managed to select the one Saturday in the foreseeable future for which she had a real excuse.

Sigrun spent the walk to her dorm debating whether she could just ask Gareth to contact Fremont, or if she had to talk to him herself. Professor Ehrlich had specifically said that she should ask the petitioner, but maybe that wasn’t strictly necessary. On the other hand, what if he ultimately refused to sign the agreement and she had to confess that she had never spoken to him directly? Sigrun sighed. It seemed she had two options: either go back to the professor and clarify whether it was necessary for her to speak with Fremont personally, or just get up the courage and do it. She was tempted to call Philip, but she knew what he would say. Why was it, she wondered, that since coming to law school she kept putting herself in situations that required her to do things she found loathsome? Perhaps it was an indication that she was ill suited to the law? Or maybe she was just an idiot.

She let herself into the suite and dumped her backpack on the floor. She pulled out her notes from the meeting that afternoon and extracted Gareth’s letter from the file on her desk. She set her cell phone next to the letter and stood in front of the desk composing a message in case Gareth didn’t answer. She paced across the room and back. Gareth was easy to talk to and she had dealt with Fremont once already. Why then, she thought with frustration, was she so nervous? She grabbed her phone and punched in a call. It rang several times.

“Sorry,” Philip said over the loud music in the background, “what’s up?”

“Do you have time for a reality check?”

“Yeah, hold on.” The music quieted. “What don’t you want to do?”

“Well, I just met with the professor, and she wants to represent

Fremont to raise the new claim.”

“Cool.”

“Yeah ... but she asked me to contact him to get his agreement to proceed. So, do you think I can ask Mr. Malama to talk to him, or do I have to call him myself?”

“But you’ve met Fremont.”

“Yeah, but, I mean, I’d have to call San Quentin and ...”

“Have him call you.”

“Oh. That’s a good idea. But, what if he doesn’t want to do it? You know, he was against filing the petition, so I don’t expect he’ll be keen for us to take over.”

“So persuade him.”

“Yeah, well, you know me – I’ll probably get angry again and yell at him.”

Philip snorted. “You can be plenty manipulative if you want to be.”

“Hey, I don’t think ...”

“Sigrun, you’re the most stubborn person I’ve ever met – if you want something enough, I’m completely confident you can achieve it.”

“Really?”

He laughed. “Absolutely. You’re just perversely shy. Hang up, call this Malama guy, and arrange for him to have Fremont call you.”

“Okay. Thanks.”

“Don’t mention it. Keep me posted.”

She immediately dialed Gareth and, when he answered, said, “Hi, uhm, this is Sigrun Nyman ...”

“Sigrun, I didn’t expect to hear from you so soon – good news, I hope?”

“Yes. I spoke with my professor this afternoon, and she’d like to represent Mr. Fremont on a volunteer basis to raise the new claim. Do you think he’ll agree to that?”

“Are you suggesting that she become his attorney?”

“Right – at no cost to him.”

“Cost is not an issue,” he said dismissively, “but Zareh is ... wary of lawyers.”

“Well, I can’t say I blame him, after his trial, but this is different. We think he has solid claims. We need to develop them a bit, but my professor’s optimistic.”

“I can promise you that Zareh will not be. If you believe we have a chance at success, however, I will attempt to persuade him.”

“I personally don’t have enough experience to know,” she said

carefully, wanting to be clear, “but my professor believes that he does.”

“Well, any chance is an improvement over our record. I’ll speak to Zareh.”

“Good. Uhm, would it be possible, then, to have him call me?”

Gareth laughed. “Certainly, if you’re willing to talk to him again.”

“Oh, well,” Sigrun found herself admitting, “I don’t want to, but I think I should.”

“I will ask him to be more considerate. It is, however, impossible to know when he might have access to a telephone. When would be best for him to call?”

“I can talk to him whenever I’m not in class. So, Thursday after 4:30, Friday after 10:30, or anytime on the weekend would work. Is that good?”

“That should be sufficient. I generally visit at the end of the week, so I’ll let you know by Friday if there is a problem.”

“Oh, one other thing, we need to hire an expert to examine the footprint and the boots. I was wondering, uhm, would it be possible for you to pay for the expert?”

“Certainly. Please, don’t hesitate to ask if you need any funds. Believe me, any costs are inconsequential balanced against the hope that you offer. In addition, please don’t hesitate to call if you have any questions. Unlike Zareh,” he added dryly, “I am most eager to assist you.”



## ❧ Chapter 9 ❧

**Altissima quaeque flumina minimo sono labi  
(The deepest rivers flow with the least sound;  
Q. Curtius)**

Sigrun was in the library Friday afternoon when her phone vibrated. She answered in the sparsely occupied hallway.

“Hello, this is Gareth. I’ve just left Zareh, and he has agreed to your proposal.”

“Oh good. Was he at all ... interested?”

“Suffice it to say that he acquiesced.”

“So, I shouldn’t expect much cooperation?”

“No. I suggest you use me as your contact; I now and then have some small success at influencing him.”

“Okay, that’s fine. But ... will he call me – just to confirm the agreement?”

“Well,” Gareth said apologetically, “he has agreed to, but a recent disturbance has caused his cell block to be placed in a state of indefinite lock-down, suspending all phone privileges. Will that pose a problem?”

“I don’t think so, I’m pretty sure we can go ahead and retain an expert. And thank you,” she added gratefully, “for approaching Mr. Fremont for me ...”

“Please,” he interrupted amicably, “no one ever calls Zareh ‘Mr. Fremont’, and I always think of his father whenever you do. Would you mind calling him ‘Zareh?’”

“Uh, well, no, I guess not.”

“So, please do proceed, and please keep me apprised of any funds you require.”

Sigrun hung up with a sense of anticipation. “Fantastic!” she exclaimed, garnering an odd look from a passing student. So, now she needed to find out how to retain an expert and get the boots – as well as figure out how to raise the new claim. She returned to the library to record the call in her notes and review her list of questions in preparation for her 4:00 meeting.



Sigrun had just taken her seat in Property the following Friday morning when her cell phone vibrated. She jumped to her feet and brushed by Milton on her way up the aisle. She answered the call as she exited the lecture hall.

“Sorry to disturb you,” Gareth said, “but I am driving up to visit Zareh, and I realized I forgot to ask you when you might be available on Mondays through Wednesdays; I have your schedule for the rest of the week.”

“Oh, sure. Let’s see ... uhm, he can call me after 3:00 any of those days.”

“Thank you. Is there anything you’d like me to tell Zareh?”

“Well, I’m afraid we’re still looking for an expert – apparently this is a pretty unusual specialty, and, so far, I haven’t found anyone interested. But,” she hastened to add, “I have plenty left to try.”

“Good. Please do not feel pressured by my call; I just wanted to let you know that I will be out of town for the next week working a horse show. But I’ll check my messages as frequently as I can, if you need anything.”

“Thanks for telling me.” She hesitated – ordinarily she tried not to pry, but her curiosity was piqued. “Uhm, you mentioned a horse show? What is it you do, if you don’t mind my asking?”

“Not at all. I have a rather esoteric job – I work as a braider at horse shows.”

Sigrun tried to puzzle that out, but failed. “I’m sorry?”

“People who show horses hire me to make their horses’ manes and tails attractive.”

“Wow,” she said.

Gareth laughed. “It keeps me outside and leaves me free during most weekdays to visit Zareh. The show that starts tomorrow and lasts through the following weekend is a rather large one that requires more of my time than usual.”

“By the way, do you know if conditions have changed at the prison?”

“Not yet. I was there Tuesday, and the guards I spoke with thought the restrictions were likely to remain in force for several more weeks.”

“Okay. I need to get to class.”

“I will check with you sometime during the week, if I may.”



Sigrun squinted at her mailbox as she dashed through the

lounge on her way to grab a quick lunch before Crim Law; she heard her name called from a corner of the lounge where Blythe sat with Zvi.

“Have a seat,” Zvi said as Sigrun approached. “I haven’t seen you for weeks. How are you?”

“Busy,” she replied. “But I’m so excited – we just found an expert for the habeas case. Remember, we need the expert for ...”

“The footprint. Yes, of course, I recall,” Zvi said. “Blythe told me you’ve persuaded the petitioner to push forward with the claim.”

“Well, it wasn’t me, exactly. But, regardless, I’ve been contacting experts for a couple of weeks, and one finally agreed to conduct the analysis.”

“Great,” Blythe said. “But were you able to get the boots released?”

“Professor Ehrlich’s a marvel – she has contacts everywhere. She called someone in the prosecutor’s office here who put her in touch with someone in San Louis Obispo who knew a person in the crime lab. Anyway, she finally got permission for our expert to examine the boots. You know, interestingly, the petitioner’s clothing was lost. Our contact said there’s an entry noting that the clothing was released by the trial court, but it never showed up in storage.”

“Then I guess it’s not too surprising,” Blythe said, “that the stolen jewelry ended up stuck in an envelope in the habeas file. Hey, did you turn it over to the professor?”

“Uh, no,” she said guiltily. “I ran out of time at the end of last term, and I haven’t gotten around to it since.”

“Really, Sigrun,” chided Blythe, “don’t you think it would be better if you didn’t have responsibility for those gems?”

“Yeah, well,” she said uncomfortably, ducking behind her hair, “I just never seem to remember them when I’m going to be seeing the professor.”

Zvi’s eyebrows shot up. “Do they have any possible relevance to the case?”

“None.”

“I’d have to agree with Blythe – you must turn them over. And I think Professor Ehrlich should notify her contact that she has some trial evidence. It’s probably listed as missing as well.”

“I never thought of that,” Sigrun said. “I guess you’re right, I’d better talk to her.” She noticed Regan and Quentin leave the lounge. “Oops, I’ve got to run.”



“Hey, Sigrun, isn’t this your phone?” Blythe called from the front of the gym, holding up Sigrun’s ringing cell phone.

“Thanks,” she said as she took the phone.

“Hello, Sigrun,” Gareth said. “I apologize for calling so late but I had a dinner engagement with my cousin. Are you free?”

“Sure – but I’m at the gym, so it’s a bit noisy.”

“I won’t keep you. I wanted to let you know that I visited Zareh today, and his telephone privileges have been restored. He should be calling you shortly.”

“Okay, thanks. Oh, I heard from our expert. She made an appointment to examine the boots, and she expects to have her report finished early next week.”

“Splendid. Could I trouble you to call me as soon as you hear from her?”

“Of course. And I’ll send you a copy of the report as well.”

“Thank you. And I truly appreciate how much time you’ve taken with Zareh’s case. I trust that it’s not adversely impacting your schooling.”

“Uh, well ... we’re on spring break next week, so I can catch up.”

“Please,” he said seriously, “you must not jeopardize your future on our account.”

“No, really, I’m just a bit behind – nothing I can’t rectify next week.”

“I’ll take you at your word. But, please do not take umbrage when I inquire after your progress.”

“Oh,” she murmured, “that’s so kind of you.”

“Not at all,” he said sternly. “Sigrun, you’ve taken it upon yourself to advocate on behalf of my *kaikaina*. It is my responsibility to stand behind you. Now, I have interrupted you long enough. Aloha and I will talk to you soon.”

Sigrun surreptitiously wiped her eyes as she returned to her workout.



Friday afternoon, Sigrun knocked at the professor’s office door at what had become their regular time.

“Come on in, Sigrun. Have you heard from our petitioner yet?”

She took a seat before an atypically bare desk. “No, but I expect I will soon.”

“Okay, but I need his express agreement before we can take



any official action on his behalf. By the way, you'd better ask him where we should send the written agreement ...” she said as she looked absently around the clean desk, “which I had right here. Now, where did I put that? That’s why I rarely clean up. Here it is.” She pulled a multiple-page document from an open drawer and handed it to Sigrun.

“Should I mail it to him, then, after I talk to him?” Sigrun asked.

“Yes. It’s mostly a form agreement, but why don’t you read it over first and make sure I haven’t misrepresented anything. If you find any problems, it can wait until I get back from break. So, where are we otherwise?”

“The expert’s report should be ready early next week. Assuming she finds what we’re anticipating, I thought I’d start outlining our arguments.”

“Good idea. Keep in mind two points: First, we have to present the claim from the perspective that any reasonable attorney would have pursued a lead with the potential to produce evidence that someone besides his client was in the apartment. Second, the state is going to scream that he should have raised this claim years ago – so see if we can support an argument that actions by the petitioner’s counsel prevented him from learning about the basis for the claim – in this case, the footprint. Following?”

Sigrun looked up from the notes she was jotting. “I think so. But just so I’m clear – this claim is for the state court, right?”

“Yes. We’ll need to seek a stay of the federal case and file a new petition in state court. But we can outline the scope of the petition later – for now, focus on this claim. Oh, and you might ask the petitioner if he’s willing to provide a declaration about his attorney’s failure to investigate who called the police. Maybe he has something to add.”

“I doubt it,” Sigrun said dryly, “but I’ll try to ask.”

“Well, you can always have his friend ask him, I suppose. Anything else?”

“Not at the moment.”

“Okay. So, Sigrun, I’ve been thinking about our conversation last semester, and I wanted to tell you that I’m going to be visiting my mother. Would you like me to see if she recalls anything about your adoption?”

“That would be great. I’ve been reading some letters from my mother that I found – or, I was when I had some spare time – but I haven’t learned anything much. So, I’d really appreciate it if you

could ask. Thanks.”

“Of course. I mentioned it to the one high-school classmate I keep in touch with a few weeks ago in an e-mail, but she didn’t recall anything either.”

“Thanks so much for taking the time ...”

“Not at all, it’s no trouble. I’d love to be able to track down some information for you. Maybe my mother knows a mutual friend.” She stood. “Well, have a good break, and leave me a copy of the report to read when I get back.”

Sigrun left the office and slowly strolled through the nearly deserted corridors to the library. She couldn’t afford to succumb to the jubilant mood that had been bubbling all day. Not only did she hope to make significant progress on the footprint claim, but she also was behind in her assignments in both Crim Law and Property. She planned to catch up on her course work first so that she would be free to devote her full attention to the habeas case after she heard from the expert. Fortunately, the forecast called for rain continuing at least through the weekend, so she wouldn’t be lured outside. Sigrun thought sadly that she’d be far happier to be heading home for a week in Pennsylvania.

The past few assignments in Crim Law had dealt with the various degrees of murder, and Sigrun had been lost for the duration. She settled into her favorite corner of the library and flipped back through her notes until she reached the last lecture she had understood. She opened the case book with a sigh and set to reading. Her cell phone vibrated. She jumped to her feet and headed out of the library while she attempted to extricate the apparently entangled phone from her pocket. She was in the hallway before she got the phone out and, afraid it was going to switch to voicemail, answered without checking the screen.

“Hey, how’s things?” Philip asked.

“Oh, it’s you.”

“Why thanks. I’m glad you’re happy to hear from me.”

Sigrun laughed. “Well, actually I’m not – I’m expecting that call from Fremont, and I was hoping you were him.”

“Well,” he said in mock indignation, “fine. If you’d rather wait for his call, I’ll just hang up and not share with you the tidings brought by today’s mail.”

“Oh. The mail! Tell me!”

“Nope.” Philip gave an exaggerated sigh. “I can tell that I’ve been supplanted in your affections by Fremont. So, I’ll just go write a song to drown my sorrows.”

“Philip! Tell me!”

“But why should I if you no longer care?”

“I care, I care. Tell me.”

“Perhaps I will later,” he said languidly, “if I feel like it.”

“I’d strangle you if I could reach you. It must be good news or you wouldn’t be so cheerful.”

“Who says I’m cheerful?”

“I’m going to hang up,” she threatened.

“Okay, okay,” he said, laughing. “Are you sitting down?”

“No! I’m standing in the hallway outside the library – so tell me already.”

“It’s from Davis.”

“And?” She closed her eyes and held her breath in anticipation.

“I got in.”

“YOU DID IT!!”

“Yep. Sure surprised the hell out of me.”

“Fantastic! Congratulations. I’m so happy.”

“I can’t believe it; I keep re-reading it, and it keeps saying the same thing.”

“Did you tell your folks yet?”

“No, I waited to open it in my room so I could mope in private. Then I called you.”

“Oh, go tell them – they’ve got to be wondering.”

“Okay. Call me later – I expect I’ll be up late tonight.”

“I expect you will. Wow. That’s really wonderful, Philip.”

“Yeah it is, isn’t it.”

She carried the phone back into the library and set it on her carrel. She had to admit she’d been doubtful that Philip would get into Davis. After all, it was one of the best vet schools in the country. But he had composed what (after her edits) she had thought was an elegant essay expounding on his goal of using selective breeding to improve a horse’s ability to recover from a broken leg. She knew he’d been preparing himself for rejection letters from all five schools he’d applied to. To have the first – and in her mind the most important – be an acceptance was incredible.

Sigrun felt even less like studying. She sighed and pulled her case book closer. After several false starts, she managed to get her mind back to malice aforethought and the case she had begun before Philip’s call. Her cell phone vibrated on the desk. She grabbed it and checked the screen on her way out. It was Gareth.

“Hi, Gareth,” she said with a questioning note. She had not

expected to hear from him until the following week.

“I hope I am not disturbing you, Sigrun. I was wondering if you had spoken with Zareh?”

“Uh ... no, he hasn’t called.”

“Oh, I had hoped he would have. I’ve just returned home from a visit, and he promised he would try to call after I left. But,” he added, “one never knows what obstacles prison life will cast in one’s path.”

“I suppose,” she said skeptically. “I do need to talk to him, though.”

“He will call,” Gareth said, “he promised he would.”

“Okay, if you say so. It’s not a problem – I’ve plenty to do before I talk to him.”

“And your school work as well, I trust.”

“Yes, and my course work too,” she agreed.

“Good. I’ll let you get back to work then.”

Sigrun hung up and returned to the library. It was lucky, she thought as the librarian gave her a suspicious look, that hardly anyone was around to be disturbed by her comings and goings. She started over again on the same case. At this rate, she thought glumly, she wouldn’t finish even one assignment before the library closed – early tonight because of break.

Her phone vibrated. She leapt to her feet, checking the phone as she walked. It was an oddly formatted number, unlike any she’d ever seen. Her stomach clenched.

In the corridor, she drew a deep breath and answered hesitantly.

“Will you accept a collect call from San Quentin State Prison from a Mr. Fremont?”

“Yes, yes I will.”

“Please hold.” The officious-sounding voice was replaced by a series of clicks.

“Ms. Nyman? This is Zareh Fremont.”

“Yes, hello ... uh, thank you for calling.”

“Gareth asked me to,” he said evenly. “What can I do for you?”

“Well,” Sigrun said as she paced the now-deserted hallway nervously. “First, uh, I need you to confirm that you would like to have Professor Ehrlich represent you as counsel on your pending habeas petition.”

“Gareth already advised you that I have agreed.”

“Uh... yes, he did, but we need to verify that it’s your wish to

substitute the professor as your attorney.”

“It is not my wish,” he said without inflection, “but I did so agree.”

“Okay. Well, I’ll settle for that. So, we have a written agreement that we need you to sign. Should I send it to you at the prison?”

“No,” he said with a slight edge. “Please do not send anything to me here. If I must look at something, simply send it to Gareth, and he’ll ensure that I see it.”

“Okay. That’s fine – I’ll do that. Will you sign it?”

“Yes.”

“Good. Uhm, I have some questions I’d like to ask – if you have time, that is.”

“No. I was allowed a call now only because I said it would be brief.”

“Oh, well, would it be possible for you to call back? We’re on spring break next week, so you can call me any time.”

“By that do you mean that you have no classes?”

“Yeah, not next week.”

“I’ll try. But, as I said when you were here, I don’t have any useful information.”

“Maybe so, but,” she said, attempting to be persuasive, “would you mind taking the time to let me ask?”

“It’s not easy for me to call.”

“Yes I know, Gareth explained that. But,” she coaxed, “you have all week, and I’ll be available whenever you get a chance.”

“Why don’t you ask Gareth?” he said with a note approaching annoyance.

“Oh I plan to,” she said, keeping her voice pleasant with an effort, “but I’m hoping you might recall something relevant.”

“I expect not,” he said with a return to his expressionless voice.

“Okay, fine,” she said tartly, abandoning the gently persuasive approach. “But, really, what else do you have to do?”

In the ensuing silence, Sigrun waited for him to hang up.

“So,” he said, sounding amused, “you’re the one who accosted me last time.”

“Yeah, that would be me.”

“Two things you should know about me – I place a high value on honesty, and I never go back on my word. I’ll call you next week.”

“Thank you,” she said with relief, “I look forward to it.”

“I too,” he said before hanging up.

She stared with bemusement at the phone in her hand. Surely

she had not heard that last comment correctly. But maybe he would talk to her. She checked her watch; the library was closing in less than an hour. All right, at this rate she definitely was not going to figure out how it could be that malice aforethought required neither malice nor forethought – so, she'd capitulate, head to her dorm, and call Philip in comfort.

She returned to her carrel, the librarian at the front desk glaring at her as she passed by yet again. She bundled her things into her backpack, grabbed her umbrella, and nodded politely to the librarian on her way out. Perhaps she should call Gareth; otherwise he would be left wondering until he next heard from Fremont. And, she thought as she stepped out into the rain, she'd better pick up some dinner on the way because she wasn't going to want to get wet again. She detoured to the nearest cafeteria. With a bit of searching, she found a packaged salad that still looked edible. She added a bag of chocolate cookies – after all, it was a holiday.

Naturally, Lupe had long since left for San Diego, so Sigrun settled herself comfortably in a chair in the common room. Yeah, she decided, she should let Gareth know. She punched in his number.

“Greetings, Sigrun,” he said, sounding surprised.

“I hope I'm not bothering you.”

“Not at all. Well, you are interrupting my chores, but I am more than happy not to do them.”

“I wanted to let you know that Mr. Fremont ...”

“Zareh, please.”

“Right, sorry, Zareh called me shortly after you and I spoke.”

“Splendid. Did you resolve your concerns?”

“Yeah, although he stated most precisely that he'd merely **agreed** to the plan.”

“Yes, well,” Gareth said with amusement, “that should be sufficient.”

“Oh certainly – that's fine. I have a form that he needs to sign, and he asked me to send it through you.”

“Yes, please,” he said quickly. “I am sorry, I should have made that clear. Please don't send anything to the prison. It is far better if I deliver it.”

“Okay, I'll get it sent tomorrow. Also,” she added, still marveling, “he agreed to call me next week to answer some questions.”

“He did?”

“Yeah. I'm not exactly sure what happened, but, anyway, he promised to call.”

“Once again,” Gareth said, “I commend your tenacity.”

“Thanks. I’ll let you know if he actually answers anything. And I’ll call you with the results from the expert.”

Sigrun disconnected and immediately called Philip.

“Hey,” she said when he answered, “have you returned to Earth?”

“Nope – I’m still in shock. Can you believe it?”

“I assume you’re planning on accepting?”

He laughed. “I haven’t gotten that far. All I care about right now is that I wasn’t rejected.”

“Well I care – I want you to come out here.”

“I know,” he sighed. “But I need to think about the farm and the family and everything. Let’s wait to see what happens with the other schools and what Norm decides to do. Someone has to take care of the horses.”

“I understand,” she said, trying not to sound too disappointed. “But regardless, it’s remarkably great news.”

“Yeah, fabulous. Weird though. I can’t quite wrap my mind around it.”

“It’s been a weird night. I finally heard from Fremont.”

“You did! How’d it go?”

“Uh, it went rather well, I think.”

“He didn’t blow you off?”

“No, no, he didn’t. I’ll tell you about it later ...”

“No, I want to hear. But hold on – let me grab my guitar. I still need inspiration.”



## Chapter 10

### **Res mihi integra est (I am still undecided)**

By Tuesday afternoon, Sigrun had made sufficient progress on her backlog of class assignments that she had started on the habeas research and was impatiently checking the mail every few hours. She was pretty sure the report would support the footprint claim, but she didn't want to do too much work on it, just in case.

On her way from the library to lunch on Wednesday, she ducked into the deserted lounge to check yet again. A large envelope was stuffed into her box. She yanked it out and tore it open. The envelope held several copies of a thin, spiral-bound report. Sigrun dropped into the nearest chair and opened one. Yes! There it was – clearly stated in black and white: It was the opinion of the expert that the size, shape, and pattern of the impression of the shoe left in the blood by the male victim's chest could not have been made by the riding boots the petitioner was wearing at the time of his arrest. She was right. She flipped to the end of the report to ...

"Hi, Sigrun," a tentative voice said.

"Oh!" She looked up to see Milton hovering nearby. "I didn't hear you."

"Sorry to startle you." He cleared his throat. "Uhm ... I noticed you in here ..."

"It's been pretty empty around here this week – I'm surprised you're here."

"Oh ... uhm, well, my father 'suggested' I might do better this term if I spent more time in the library. So, I thought I'd at least give it a try."

"It's not a bad idea. There are fewer distractions in the library, so I do generally get more done."

"Yeah, well, I'm my own distraction, so it doesn't much matter where I am. But ... I was wondering if ... uh, maybe you have time for lunch?"

"Yeah, sure," she yielded to his woebegone expression. It wouldn't hurt to spend a little time with Milton. Then she could read



the report and call Gareth. “Just give me 15 minutes to drop one of these reports in a mailbox. I’ll meet you back here.”



Sigrun sat cross-legged on her bed, the contents of the habeas case strewn across it and around the room. She tore off the top sheet of her notepad, crumpled it into a ball, and tossed it at the wastebasket by her desk. It missed and joined several other crumpled sheets on the floor. She chewed thoughtfully on the end of her pen. It had seemed so clear when she had discussed it with the professor – but now she wasn’t able to articulate why Fremont’s attorney was unreasonable in ignoring the footprint. Of course, he probably had never noticed it. But, if he had been making a reasonable effort to defend his client, shouldn’t he have examined the photos? What exactly did the cases say constituted an adequate investigation?

She carefully got off the bed without disturbing her piles and pulled out from under her backpack a folder with the stack of cases she had copied. Okay, so, she should be able to argue that the attorney failed to investigate sufficiently to make a tactical decision as to whether another defense strategy was preferable. But, she thought as she stared unseeingly out the window, as Zvi had said, just because someone else was there, it didn’t exonerate Fremont. Well true, but taken together with the testimony of the neighbor, wasn’t it enough to undermine confidence in the guilty verdict? She returned to the bed and resumed her position, beginning anew on a fresh sheet of paper. Her cell phone rang. Sigrun looked around the room; where had she left it? She scrambled off the bed, lunged across the room, and pushed aside the folder on her desk to grab the phone.

“Will you accept a collect call from San Quentin State Prison from a Mr. Fremont?”

“Yes.”

“Greetings, this is Zareh Fremont.”

“Hello. Uh, thanks for calling ... do you have time today for some questions?”

“That is why I called.”

“Yes, of course. I mean, do I have to worry that you’ll run out of time?”

“No. Patience perhaps.”

Sigrun blinked. Was that a joke or a warning? “Okay, I’ll try to be concise.” She sat at her desk and pulled over her list of questions. “First, I have a quick question about the claim that Gareth has already raised – that your attorney should have found and interviewed

the woman who called the police. I was wondering, did you talk to your attorney about the arrival of the police?”

“I don’t believe so.”

“Did you ever discuss with your attorney how the police knew about the murders?”

“No.”

“Do you recall your attorney ever asking you about how they arrived at the apartment?”

“I don’t think I understand – are you asking whether the attorney questioned me about the circumstances under which the police entered the apartment?”

“Yes. Did he ask you whether there were sirens, did the police come running up the stairs, those type of questions?”

“No, I don’t believe so.”

“Okay. So, did you volunteer any information about the arrival of the police?”

“No.”

“Did you answer any of his questions?”

“Not many.”

“Okay, then. Moving on – I wanted to ask you about the new claim that we plan to raise concerning the footprint. Do you recall examining the photographs prior to trial?”

“I never examined the photographs,” he said without inflection.

“Oh!” Sigrun was surprised by both the directness of the response and the fact that he apparently had not been sufficiently curious about the photographs to study them. “Uhm, okay. Do you recall your attorney telling you that he had looked at them?”

“No.”

“Did you ever see your attorney examine the photographs?”

Zareh paused. “I’m sure that he did during the trial.”

Sigrun thought she detected a note of uncertainty. “But you’re not confident?”

“I don’t recall anything specific.”

“But you think he did?”

“The prosecutor handed him the photographs during the trial. I imagine he looked at them.”

“You were sitting next to him?”

“Yes.”

“I’m sorry, I don’t mean to be rude, but this is important. I need you to support our argument that your attorney studied the photographs and ignored an obvious clue.”

“I don’t recall.”

“I don’t believe you,” she responded quickly, then instantly regretted it.

“That is your prerogative,” he said coldly.

“Please, Mr. Fremont, I’m trying to help you. It simply is not plausible that you don’t recall what your lawyer did during such a pivotal moment at your trial.”

“I was not watching him.”

Again, she was startled at his apparent disinterest in his own trial. She rubbed her eyes. This was not proving to be useful. “So, did your attorney show them to you?”

“No.”

“Why not?”

“I asked him not to.”

“Did he offer to show them to you?”

“Yes.”

“Okay, so we’ll have to come up with another argument there. Let’s try a different approach. Did your attorney ever ask you whether you saw anyone else near the apartment that night?”

“Yes.”

“And what did you say?”

“I did not answer.”

“Mr. Fremont, I . . .”

“Please call me Zareh.”

“What?”

“If you’re going to continue to question me, I would rather you addressed me by my first name.”

“Uh . . .” Sigrun was momentarily at a loss for words. “Sure, whatever you prefer. I was just going to say that I can’t help you if you won’t answer my questions.”

“As I explained to you when we met, I don’t believe that you can help me.”

“I realize that. But Gareth does.”

“Yes, he is ever hopeful.”

“So . . . maybe you could answer my questions based on his hope.”

“I’m speaking with you at his behest – I can do no more.”

“All right. I’m sure you won’t answer these either, but for the sake of completeness, I’ll ask. Did you ever discuss with your attorney the possibility that he might discover evidence that someone else was in the apartment that night?”

“No.”

“Did you tell your attorney that the door of the apartment was open when you arrived?”

“No.”

“Do you know that the expert we retained unequivocally stated that the footprint in the blood could not have been made by your boots?”

“Yes, I spoke with Gareth yesterday.”

“So, now we have strong evidence that someone else was present in the apartment before the police appeared. But, since the police arrived no more than an hour after the murders, and you had already been there some time at that point, isn’t it likely that you know something about the other person?”

“That is a logical conclusion.”

“But one that you won’t discuss?”

“Correct.”

“Look, Zareh.” Sigrun jumped to her feet and began to pace the bedroom in frustration. “I don’t **need** to know what happened that night. I can’t deny that I want to know – but the argument we’re trying to make doesn’t depend on it. All I need from you is some basis to support that your attorney should have attempted to raise a defense that someone other than you committed the murders.”

“I’m afraid I can’t help you.”

“But why not?” she snapped impatiently.

“Why do you care?”

The impassive question stopped her up short. “I don’t know,” she responded honestly. “I’ve been trying to answer that question for months. But we’re not discussing me. I’m struggling to get you to assist Gareth in his heroic efforts to stop the State from killing you. And I’m beginning to wonder why he even bothers.”

“You’ll have to ask him.”

“So you’re unwilling to be of any assistance?”

“I can’t help you.”

“Okay then. I guess that’s it.” Sigrun was reluctant to end the conversation, thinking that there must be a way to break through his reserve, but she had to concede defeat. “Thank you for calling.”

“Thank you for caring.”

Sigrun tossed the phone onto her desk and resumed pacing. Did any of it make sense? He had so much as admitted that he knew something about whoever had made that footprint, but she didn’t think she was ever going to get him to tell her anything. She’d have to argue that the defense was self-evident. After all, what defense counsel would have failed to explore the possibility that someone else

had committed the crime? Someone who knew his client to be guilty? Of course, but ... was that the answer? Was he guilty? Gareth seemed so sure. But how could he know, really? The only person who knew for sure was Zareh. And the murderer, if it wasn't Zareh. She had put so much effort into the case; she was loath to consider quitting. But, really, did she want to stick with it if she didn't have faith in his innocence? Even if someone else had been there, Zareh could still be guilty of murder. Maybe the attorney did the best he could without admitting his client's guilt.

Her cell phone rang. Sigrun checked the screen; it was Gareth. For a fleeting instant, she debated not answering. "Hello," she said warily.

"Zareh suggested that I might want to smooth things over."

"Did he?" she said dryly. "I can't imagine why."

"He seemed to think you were angry."

"Well, I didn't yell at him this time."

"Oh? I guess I never heard the details of your first exchange."

"I must admit I'm extremely frustrated." Sigrun sighed. "Actually, when you called, I was debating whether I want to put any more time into this. Look – I realize you think that Zareh is innocent ..."

"No, Sigrun: I **know** he is innocent."

"But, Gareth, you weren't there. You knew the boy he was, but he **is** hiding something. How can you be so sure he wasn't involved in the murders?"

"At the risk of alienating you completely, I must say that I can't discuss that. But I know with absolute certainty that Zareh did not participate in any way in committing the murders."

Sigrun considered that for a moment. It made sense that Zareh would have told Gareth whatever it was he refused to discuss with her. But it didn't satisfy her. "I'm sorry. I know it shouldn't matter whether he's guilty – he still deserves a fair trial. But, if he is guilty, I'm not sure I can raise the arguments we want to raise."

"What made you go to the effort of tracking me down?"

"Uh ... I thought he might be innocent."

"Isn't that enough?"

Sigrun readily recalled the emotion written in Zareh's eyes. It could have been a reflection of his fear of death. But ... what if her instincts were right? What if he were innocent? Could she live with that possibility, even if remote, after his execution? "I suppose so," she said reluctantly.

"Maybe I can help. Why don't you try asking me the questions

that Zareh would not answer.”

“Sure ...” she said absently while considering how she would feel if she quit now. She knew it would nag at her, and she would never stop wondering what might have happened had she stuck with it. “Will you promise to answer one question truthfully?”

“I can’t promise that I will answer. But I can promise that, if I do answer, it will be truthfully.”

“Did Zareh’s attorney have good reason to believe that it would have been futile to pursue a defense that someone else committed the murders?”

“No,” Gareth responded immediately. “Positively not.”

“Okay, then,” she said, feeling a weight lift.



“Ah, Sigrun, come in,” said Professor Ehrlich as Sigrun stuck her head in the open office door the Wednesday after break. “I’ve been reading the expert’s report. It’s exactly what we wanted – good work.”

“Thanks. I thought she made a compelling case.”

“I did too. And I see that you managed to secure the petitioner’s signature on the agreement. Did you get any information from him?”

“No. I did manage to talk to him, but he essentially refused to answer my questions. So I don’t think I’m going to get anything more.”

“That’s okay – we have plenty to work with. So, we need to discuss the format of our claims for a state court petition. But first, just to make sure we don’t run out of time, I have one piece of news I want to share with you. My mother thinks she met the woman who brought you to your parents.”

“Oh.” Sigrun sat forward in her chair.

“You see, for many years my mother was a housekeeper for a wealthy family, and she used to drop off the family’s clothing at the dry cleaners where your mother worked as a seamstress. They got to be friends, and my mother would stay and chat. A few times while she was there, one of your mother’s regular clients, a middle-aged woman – very dignified, my mother said – stopped by for fittings. My mother would never have remembered her except for the fact that, shortly after your arrival, your mother told her that it was that client who had brought them the baby. My mother recalls that your mother seemed to regret having said anything because she asked my mother not to tell anyone, and they never discussed it again.”

“How interesting. I don’t suppose your mother knew who the client was?”

“No, she said she didn’t know the woman’s name. Nor could she recall anyone who might know anything else.”

“That must be the great aunt my mother mentioned in a letter.”

“That would make sense. I’m sorry I don’t have anything more concrete.”

“Oh, no, this is more than I’ve been able to discover. Thank you.”

“No problem. So, here,” she offered a stack of papers to Sigrun, “I found a few sample petitions that might be helpful, and I’ll keep looking. I’ll also draft a request for a stay in federal court. It will be quicker for me to do it. Did you have specific questions?”

“Yeah. I think I’ve got a good grip on what we need for the footprint claim, but I don’t understand how it fits into a new petition.”

“Good question. We need to decide if there are other claims we can raise. Did you happen to bring his past petitions?”

Sigrun waved a thick folder that she pulled from her backpack. “And I have a list that Blythe compiled of what claims were raised in which petition.”

“Wonderful.” The professor pushed aside several piles to clear a space on her desk, which had regained its standard state of clutter in the few short days since break. “Let me see that list.”



On Friday of the following week, when Sigrun’s cell phone vibrated, she immediately headed out of the library. As she expected, it was Gareth; he had taken to calling her on the way to his regular Friday visit with Zareh.

“Good morning, Sigrun. I wanted to check to see if you needed anything.”

“Actually, I do. You remember last week, I mentioned that we were considering raising a separate claim concerning the cumulative effect of the errors?”

“Yes.”

“Well, Professor Ehrlich wants to include all of the claimed trial errors, even those that were rejected in the earlier petitions. She explained that it isn’t really permitted, but she wants to put forth the best case we can, despite the fact that the other errors can’t be considered separately in this petition.”

“I see. That’s an interesting idea ... but don’t we risk having

the entire petition rejected for violating the procedural rules?”

“Yeah, I think you may be right, but the professor is convinced that our strongest argument is to show how each error, even if not terribly significant when considered individually, points to the fact that Zareh is not the murderer. She thinks we should make it clear to the judge that the prosecutor’s erroneous closing argument was exacerbated by his failure to turn over the interview of the neighbor as well as by the various errors made by Zareh’s attorney.”

“Maybe,” Gareth said. “But I am exceedingly cautious by nature, and I will not agree to any approach that might result in the forfeiture of the new claim.”

“That’s a good point.” Sigrun reached the end of the hallway in her pacing. As she pivoted, she caught a glimpse of Zvi down the connecting corridor and waved. “But truthfully, I don’t know how much of a risk it is. I’ll discuss it with the professor this afternoon and let you know. On another topic, I was wondering ... we’ve talked about the attorney’s reasons for not objecting to the prosecutor’s cult theory, but I never did get an answer about Zareh’s clothing.”

“What was the question?”

“Oh, well, you argued in the first set of petitions that Zareh’s ‘odd clothing’ was no stranger than a Halloween costume, and I’d like to add something.”

“I am not responsible for that assertion. It was raised in the first state petition and was based on counsel’s closing argument at trial. But how can I help?”

“Uh, well, was he wearing a Halloween costume?”

“No. It was a riding outfit.”

“Oh ... but it was midnight.”

“Yes.”

“Had he been riding?”

“I truly do not know.”

“Uhm ... perhaps you could ask him?”

“Is it important?”

“Well ... I suppose I could argue that his clothing wasn’t particularly odd, and the prosecutor offered no evidence to support that it had any cult characteristics. And, since it’s disappeared, they can’t prove anything now.”

“Oh?”

“Yeah, we discovered that none of his clothing apart from the boots made it back to storage after the trial.”

“Interesting.”



“Okay, so don’t bother to ask him. I don’t imagine he’d answer anyway. You know,” she added impulsively, “it would be great if I could explain how he happened upon the apartment just then.”

“You know he won’t answer that question.”

“I guess not.” Sigrun debated whether she should push Gareth or if she risked angering him. He didn’t seem prone to anger. “It’s just that – I’m trying to paint a picture of a young guy who was in the wrong place at the wrong time. It would be helpful if I could say something specific about how he ended up getting caught in the apartment.”

“I see your point, but I don’t have anything to offer.”

“Maybe something about what he had been doing, or where he was going, or why he entered the building. Anything?”

“But none of that is relevant to the claims you’re raising.”

“No, I know. But the problem is – once you’ve read the claims and the transcript – it’s still a mystery why he was there.”

“I am sorry,” Gareth said simply.

“This is so frustrating,” she said irritably as she spun on her heel to change direction in her pacing. “Excuse me,” she muttered to the student who had been behind her, who had to sidestep quickly to avoid a collision.

“I am sorry,” Gareth repeated, sounding sincere. “But I think your legal arguments are compelling; I am confident you can craft a persuasive claim.”

“It would be a better story if I had something to work with.”

“That’s not possible.”

“Yeah, okay,” she said with a sigh. “I just thought I’d try one more time.”

“I truly appreciate the effort you’re making on our behalf.”

“Thanks,” she said grumpily, irked that they both knew something they refused to share with her.

“And how are you doing with your school work?”

“Oh, uh, fine.”

“You are not particularly good at lying.”

“Oh. Yeah, well, I’m a bit behind. But not too bad.”

“Sigrun,” he said sternly, “you must put your course work first.”

“No, really,” she protested, “I can catch up.”

“You should set aside the petition until after classes have concluded.”

“I don’t think it should wait. I mean, it’s been so long and ...”

“Exactly. It can wait a bit longer. What are you doing after

school is over?”

“Uh ... I’m going home.”

“Perhaps you could work on the petition during the summer?”

“Well, I suppose I could. But, I need a library, and I don’t know how ...”

“Could you stay in Los Angeles?”

“No, not really. I mean, I won’t have a room, and I ... well, I need a job.”

“But you are working on behalf of Zareh, and I am more than happy to provide for your needs.”

“No. Really, I couldn’t take ...”

“Why not? I can think of nothing more valuable to me than winning Zareh’s release. If you can help us toward that goal, I will do anything I can to assist you.”

“Thank you, that’s very considerate,” Sigrun said awkwardly, uncomfortable with the turn of conversation, “but I couldn’t.”

“If you were an attorney, you would take money from a client.”

“Well ... yes, but this is different.”

“I think you should concentrate on your classes now, but I would like the petition to be filed as soon as possible. The most practical solution is to have you work full time on the petition once the term is over.”

“I don’t know, I just ...”

“Sigrun,” Gareth said seriously, “money is not a problem for me. Why don’t you discuss it with your professor? If you prefer, I can give her the funds, and she can use it to support your work.”

“Well ... okay, I’ll talk to her about it.”



“Happy Birthday!” Sigrun said when Philip answered her call that afternoon.

“Thanks. Hey, you called early.”

“Yeah, I wanted to be sure to catch you. What did you decide to do?”

“You remember Eric – he was my old group’s lead guitarist my first year?”

“Didn’t he go off to New York after high school?”

“Uh-huh, and formed a band that’s doing pretty well. So, I heard they’re playing tonight at a club in Harrisburg and got a group together to go.”

“Oh, sounds like fun ... hey, don’t get any ideas!”

Philip laughed. “No. Now that I’ve been accepted, I’ve gotten

excited about school.”

“And about California?”

“Sigrun...”

“I know, I know; we’re not discussing it yet. But that doesn’t stop me from grabbing every opportunity to promote my position.”

“You’re turning into an attorney.”

“Yeah,” she said slowly, “that brings up something I wanted to discuss. This morning, while I was talking to Gareth, he offered to support me to stay here and work on the petition this summer instead of doing it now.”

“Oh. ... What do you think about that?”

“I’m opposed to taking his money, and I’d miss being home, but, on the other hand, I don’t see how I can possibly finish it before finals and ...”

“You don’t want to leave it hanging over the summer.”

“Exactly. But, I don’t know, how can I not come home?”

“It won’t take you all summer, will it?”

“I shouldn’t think so. And, once I get it filed, I don’t imagine anything will happen right away. So, maybe I could come home at the end of summer.”

“Yeah. You know I’ve been worried that you’re putting way too much time into that habeas case and not enough into your classes.”

“I know. But I was really looking forward to coming home. And, there is the money thing.”

“I don’t see your problem there – you’re working on Fremont’s case. If Gareth wants to support you, why should that upset you?”

“Yeah, that’s what he said.”

“I assume you’d still come home for my graduation?”

“Absolutely! I wouldn’t miss it. So ... you’re in favor of the idea?”

“Well ... not exactly. I’m in favor of you being here as long as possible. And I had wanted you to work with Arabella – she’s not responding, and I thought you might have more success in training her. But I don’t think it’s good that you’ve been neglecting your classes ... so, yeah, it seems like a good way to get the petition done without compromising your degree.”

“I think that’s a bit melodramatic.”

“Yeah, but how are you gonna feel when you get bad grades this term?”

“I’m not worried about my classes.”

“You should be; you’ve never not studied before.”

“Maybe you’re right,” Sigrun agreed reluctantly. “I do have a lot of catching up to do, and it’s taking far more time than I ever imagined to figure out these claims.”

“Think about it and we can discuss it again this weekend.”

“Okay. Have fun tonight; I wish I could be there. And behave yourself.”

He laughed. “The only good thing about you being away is that I get to drink more – and don’t worry, I’m not driving.”



After *Lawyering Skills* on Monday, Sigrun peered into her empty mailbox. She had fallen into the practice of checking it after every class, just in case Professor Ehrlich wanted something. But, she thought with some regret, that was no longer necessary since they had decided earlier that morning to postpone work on the petition until the summer. When she had presented Gareth’s offer, the professor had been strongly in favor of the plan.

“Hey, Sigrun,” said Lupe. “I just heard from my sister, Rose, and she’s arranged an internship for me with the Insurance Commissioner. Isn’t that great? I mean, you know, I’ll be in Sacramento, and I’m not sure what Diego will do, but still.”

“Congratulations,” Sigrun said warmly. “Will you be able to stay with her?”

“Yeah, so I won’t have any expenses. Of course, I won’t make any money either.” She giggled. “Maybe I’ll have to relent and let Diego drop out of school.”

“Does he want to?”

“For years.” Lupe cracked her gum loudly. “But I keep telling him I won’t marry him unless he graduates from college, and so, like, he’s stuck with it.”

Sigrun’s cell phone vibrated in her pocket. She pulled it out – the prison. “Oh, excuse me, I have to take this call.” She headed outside.

“Will you accept a collect call from San Quentin State Prison from a Mr. Fremont?” asked the same officious voice.

“Yes, yes.”

“Greetings, Sigrun. I hope I’m not disturbing you.”

“Oh no, this is fine,” she said while searching for an empty table on the crowded patio. “I wasn’t expecting to hear from you.”

“Upon further reflection, I’ve thought of something that I believe you would like to know.”

“You did?” she said, dropping into a chair.

“Yes.” Zareh sounded amused. “You’re surprised?”

“Uh ... yeah. I mean, you haven’t exactly been forthcoming up to now.”

“True. But Gareth is impressed by your efforts, and so – because I do not wish to die – I have given some consideration to your questions.”

“Oh! Well, what did you recall?”

“I told you that I don’t know if the attorney ever examined the photographs. And I don’t know what he did at the trial. However, I now remember that he visited me in jail shortly before the trial. I ... well, shall we say that I was not happy to see him. He attempted to show me the photographs then.”

“Really!” Sigrun sat upright in her chair, pulled her backpack closer, and dug around for a notepad. “Tell me what happened.”

“Please keep in mind that I was quite young. It was probably two days before the trial, I’m not sure. He arrived unexpectedly, and I had no time to contact Gareth.”

“Oh – had Gareth always been there before when you met with him?”

“Yes. I’d asked him not to meet with me alone. He set a pile of photographs on the table between us and told me to look at them. I refused.”

“All right. Hold on. Do you remember his reason for coming?”

“No – he said something about his opening statement, but I don’t recall what.”

“Can you think of any specific question that he asked?”

There was a pause. “No, I don’t believe so.”

“Did he talk to you about testifying?”

“No.”

“Did he say he had just received something from the prosecutor?”

“Not that I recall.”

“What about the newspaper stories? Did he mention the news coverage?”

“Yes ... I believe he did. Would that have been at this meeting, though?”

“Well, I don’t have my notes with me, so I can’t be sure, but my recollection is that the first interview with the prosecutor was published a few days before the trial.”

“Maybe,” Zareh said thoughtfully, “he did mention something. I remember that he was upset – perhaps that was the reason.”

“Okay. So, he mentioned the article in the paper. Was there some connection between that and the photographs?”

“I ... don’t believe so.”

“Did he say something about what was in the photographs?”

“The necklace,” Zareh exclaimed softly. “That was it. He wanted to tell the jury that I had never seen the necklace.”

“Good,” Sigrun said encouragingly. “So, he asked you to look at the photographs, which included one of the necklace?”

“Yes.”

“Okay. Did you look at them?”

“No,” he said flatly.

“Okay,” she said gently, afraid he would retreat. “That’s okay. Do you recall anything specific he said about the photographs?”

“I only recall him pushing a pile of photographs toward me and telling me to look at them.”

“Well, if he knew there was a photograph of the necklace, then he had clearly studied them before meeting with you, so we can state with certainty that he examined the photographs before trial.”

“I hope that’s useful.”

“Yes, enormously. That’s exactly what I needed. But ... will you sign a declaration setting forth what occurred at the meeting?”

“If you wish.”

“Thank you,” she said with relief, “I think it will make the claim much stronger.”

“No, thank you. You’re extremely good, you know.”

“I’m sorry?”

“You’re good at getting information – do you come from a family of attorneys?”

“Oh, no. Not at all. My father was a history teacher.”

“And your mother?”

“Uh ... she was a seamstress.”

“Are they deceased, then?”

“Uh ...” she was confounded by his interest, but saw no reason not to answer. “Yes, they are.”

“They must have died young,” he probed.

“No, well, yes, I suppose my mother was young, but my father was 74.”

“So, they had you rather late in life, then?”

“Uh ... well, I was adopted.”

“Adopted! As an infant?” he added sharply.

Confused, she hesitated. But, what was the harm in telling him? “Uh, yeah.”

“Hupo o na hupo!” he said in a harsh undertone.

“I’m sorry?”

“I must go. Please let Gareth know if you have any additional questions.”

“Okay ... thanks for calling.”

“Please take care of yourself.”

Sigrun found she was holding the phone to her ear after Zareh had hung up. She set it on the table and stared at the notes she had taken. She could not fathom what had triggered his transformation. She was still sitting staring blankly at her notes when she heard her name; she looked up to find Blythe approaching.

“I’m on my way to class but I spotted you and wanted to apologize for missing the gym so much lately. I guess I was a bit optimistic about that extra class.”

“I don’t mind working out alone,” Sigrun said.

“I mind missing! But anyway, what’s happening on the ha-beas?”

“Actually, I’ve put it aside until summer. I’ve realized I can’t possibly finish it ...”

“Hey,” Blythe exclaimed, “why don’t you stay with me? My apartmentmate is taking the bar exam in San Francisco. She’s leaving right after graduation, and her room will be empty all summer.”

“But won’t I disturb your studying?”

Blythe laughed. “Don’t be ridiculous. You work so hard you’ll help keep me honest. I’ve gotta run, but I won’t take no for an answer. Catch you later.”

Sigrun, a bit dazed by recent events, decided to head back to the dorm to call Gareth and let him know she’d decided to take him up on his offer. At least, she thought with relief, if she stayed with Blythe, it would be less expensive for him.



Exiting the classroom after her final in Crim Law, Sigrun was filled with a rising sense of elation; a feeling clearly shared by the swarm of students flooding noisily out of nearby classrooms as the last final of the year finished.

“We’re done, dude!” Hawke exclaimed as he pounded Tony on the back.

“Sigrun,” Lupe called from across the hall, “are you leaving?”

“My flight’s tomorrow morning,” Sigrun explained, “but I’m meeting Blythe to move my things over to her apartment.”

“I’m going as soon as Diego gets here.” Lupe giggled. “You

know, turns out he's really excited about spending the summer in Sacramento." She clasped Sigrun in a warm hug. "Have a great summer!"

"Hi, Sigrun. Uhm, what are you doing this summer?" Milton asked.

"Oh, well," Sigrun said, "I'll be here part of the time working on my habeas case."

"Really," he squeaked. "Uh, maybe, can I call you?"

"Uh ... yeah, sure. Did you manage to find a job?"

"Yeah, sort of. My father arranged a judicial externship with a friend of his."

"Oh, well, that should be interesting."

"I suppose so." He brightened. "Maybe we could catch a movie sometime?"

"Yeah, okay. Well, I've got to finish packing," she added as she left.





## Chapter 11

### Periculum in mora

#### (There is danger in delay; Livy)

Feeling stiff from the long flight to Philadelphia, Sigrun took the stairs rather than the escalator down to the baggage claim area. As she descended, she scanned the waiting crowd for Norm, who Philip had said would pick her up. She was surprised and pleased to instead spot Philip leaning against a wall, watching people being deposited by the adjacent escalator. Sigrun headed toward him; he caught sight of her, stepped forward, and swept her into a hug so enthusiastic her feet left the floor. Laughing, she said, “I didn’t expect to see you!”

“I missed you,” he responded. “You’re looking fit – all those visits to the gym have been good for you.”

“Thanks. What’s with this?” She rubbed her hand over his days-old stubble.

“Oh,” he said ruefully, “I used the excuse of being too busy studying for finals to try a beard. But Mom hates it and is threatening to boycott graduation. So, I’ll shave tomorrow. What do you think?”

Sigrun stepped back to get a better look. “I agree with your mother – it makes you look slightly scruffy.”

“Scruffy!” he exclaimed in dismay. “That’s certainly not what I was aiming for. How about dashing?”

She cocked her head appraisingly. “If you let it grow, you might get there.”

Philip laughed. “Maybe another time.”

After they had finally retrieved Sigrun’s luggage and had successfully navigated their way onto the highway, she asked, “But shouldn’t you be studying?”

“Nope, I’m done for the day, and, anyway, my last final isn’t until Wednesday, so I’ve got plenty of time. And,” he added, “I wanted to warn you – Ted’s invited us to an almost-graduation party tonight. That is, if you’re interested and not too tired.”

“Sure,” Sigrun said, “it sounds like fun – I haven’t been any-

where for weeks.”

“Excellent. So, what would you like to eat?”

“Pizza,” she responded without hesitation.

“What, don’t you get good pizza?”

“Yeah, but it’s all California style.”

“Ah hah! There is something about California you don’t like.”

“No – I’ve just been craving good, crusty, New York style pizza.”

“Pizza it is, then. And speaking of California, I’m pretty definite about Davis.”

“Oh,” she said noncommittally, “how come?”

Philip shot her an amused look. “Well, it’s a better school, and I don’t think it’ll cost that much more than Maryland. I mean, with the loans, it shouldn’t make much difference. And Norm seems set on Dickinson.”

“What did he say?”

“He knows he’s never going to make pro, so he doesn’t want to waste time chasing a fantasy. And he really wants to live at home.”

“That’s pretty level-headed for 18. But will they be able to manage without you?”

“Well, we talked it over with Dad, and he thinks we can afford to hire a part-timer to do some of the heaviest chores. So, yeah, I think they’ll be okay.”

“Uhm.”

“And then there’s you.”

“Oh, that was a factor?”

“Yeah, well,” he said lightly, “I thought it’d be good if we could get together for the occasional weekend.”

“Well, you know Davis has my vote.”

“I figured.”

“I’ve never hidden my bias.”

“I know. I’m just, well ... I feel guilty dumping my projects on Dad.”

“But he’s thrilled at the thought of you becoming a vet.”

“That’s true. Hey,” Philip pointed at a billboard, “what about that place?”

“Sounds good to me. By the way, am I staying with you again?”

“Fraid so. We kept hoping we’d get the Farmstead open, but we’ve been too busy. And then I thought, with you only being here for three weeks, it didn’t make sense to waste the effort. We can still pack. But, if you’d rather, we can work on it tomorrow.”

“Oh no, I’m perfectly happy at your place. You know, maybe I should try to rent the Farmstead next year. That would make it easier for your dad and the boys.”

“Let’s talk it over with Dad. Right now, the only serious topic I want to think about is pizza – I skipped lunch.”

After a protracted stop at the pizza place, which was packed on a Saturday night, it was nearly ten by the time they pulled into the driveway.

Philip got Sigrun’s luggage out of the trunk and held out her backpack. “Hey, that’s heavy! What’s in there?”

“I brought all my research notes and stuff from the habeas case. I thought, if nothing else, I’d spend the return flight re-familiarizing myself with them.”

“That reminds me,” Philip said as he held the side door for her, “I want to play you Fremont’s song. I’m still not satisfied with it – maybe you’ll inspire me.”

“Inspire you to get out of bed before noon?” Norman said cheekily from the kitchen.

“Unless you’re being a slacker, how would you know when I get up?” Philip retorted.

“Good point. Yo, Sigrun,” Norm said from the sink, where he was washing dishes. “I’d give you a hug, but I figure you’d rather not get wet.” He gestured toward a young woman with short wavy hair coming into the kitchen from the dining room carrying a linen towel. “You remember Amanda?”

“Of course,” she said warmly.

“How was your trip?” Amanda asked with a shy smile.

“Good,” Sigrun said. “Philip managed not to get lost even once.”

“Watch it, or I’ll make you drive on the way back.”

Sigrun laughed. “You never let me drive the Mustang unless you’re drunk.”

“I won’t dignify that with a response,” Philip said airily as he joined Amanda. “Here, let me – you shouldn’t be stuck with the dishes.”

“Oh,” Amanda said softly, “I don’t mind.”

“I’ll help you put these away, anyway,” he said, gathering an armload of glasses before following her back into the dining room.

“So,” Sigrun said quietly to Norm, joining him at the sink, “looks like things are going well with Amanda?”

“Yeah,” he said happily, “they are.”

“Philip said you’re really set on Dickinson. Might she be part

of the reason?”

“Yeah, part.”

“So,” Sigrun probed, “you’d rather live at home than stay with basketball?”

“Yeah. You and Philip – well, you’ve got wanderlust or something. Me, I like it here; I’m happy on the farm, and, well, I like Amanda.”

Sigrun patted him on the back. “Good. I just don’t want you to sacrifice your dreams so that Philip can come out to California.”

“Nah.” Norm shook his head. “I mean, it’d be great to go pro – but, you know, I’m just not good enough.”

“Hey, Sigrun, you still want to go to that party?” Philip asked as he returned to the kitchen, trailed by Amanda.

“Sure, just give me a minute to put on something less travel-worn.”

“Good idea. I’ll change my shirt and grab my guitar.”

“Guys,” Norman said, “keep it down upstairs – Mom and Dad are in bed.”

“No problem,” Philip said. “But don’t you need to get up early tomorrow?”

“Mom decided not to go to market tomorrow – she didn’t think we had enough for both Sunday and Monday. So,” Norm added with a wide grin, “Amanda and I thought we’d hang out for a while.”

“Well,” said Philip sternly, “behave yourselves.”

Norm punched Philip’s arm. “Come off it. We’re not parking at Furnace Hill.”

Philip turned beet red.

Sigrun laughed. “You deserved that. Come on, let’s go change.”

“But,” Philip protested, “I’m four years older! And, anyway, you should learn from my mistakes.”

“We did,” Norm said cheerfully. “We stay home.”

“Okay, okay, I’ve been put in my place.” He handed Sigrun her backpack and picked up her suitcase. “You keep him in line, Amanda.”



On Tuesday morning, Sigrun rose at daybreak, but found that everyone, apart from Philip, who was taking a rare opportunity to sleep in the day before his last final, was up before she was.

“Morning,” murmured a sleepy Norm over his breakfast cereal

when Sigrun entered the otherwise-empty kitchen.

She poured herself a cup of coffee. “Did I miss your mother?”

“Nope – I think she’s waiting for the eggs.”

“I’ll see if I can help.” She stepped outside, sipping her coffee. The truck for market was still parked in the driveway, so Sigrun headed to the chicken coop. “Hey, Donald,” she called softly as she slipped carefully into the chicken-filled yard.

“Morning.” Donald stuck his head out the door. “Checking on their welfare?”

Sigrun laughed. “No, I trust you’re taking great care of them. Want help?”

“Sure, there seems to be a bumper crop this morning.”

Sigrun set her mug high on a small shelf near the door and grabbed a box. They quickly gathered the remaining eggs, and Donald stacked the boxes on his cart. Sigrun held the door for him, remembering to grab her now-cold mug of coffee.

“There you are,” Ernestine Schlichter called. “Morning, Sigrun. I was just coming for the eggs.”

“Are you sure you don’t want me to come along?” Sigrun asked as she helped load the eggs onto the truck.

“No, dear,” she said, “it’s a small market, and I’m fine by myself. You go on over to the Farmstead – we’re going to keep you so busy you won’t have time to pack.”

“Bye, Mom,” Norm called from the side door.

“Don’t forget to pick up your cap and gown.” Mrs. Schlichter climbed into the driver’s seat.

Sigrun ate breakfast and cleaned up the kitchen, knowing that Philip wouldn’t want anything other than coffee. She put together some lunch, found the keys to her father’s old truck and the Farmstead on the key rack in the mud room, and drove next door. She hadn’t been there since early January. She pulled to a stop in the driveway, and sat in the pickup studying the house. She had accompanied Mrs. Schlichter to market the previous day, and they’d had a long talk. They had agreed that, regardless of what the others thought, it would be best if she rented the place to someone who could take over the routine maintenance. Sigrun had mixed emotions about the idea, but since she didn’t know when she’d be able to live there in the foreseeable future, it made sense. She sighed. She loved the Farmstead, but maybe she should just sell it. She couldn’t face that thought at the moment.

As she always had, she rounded the corner and let herself in

the kitchen door. Although someone had been inside regularly, the place had a closed-up sense that made Sigrun uneasy; she went around opening windows throughout the lower level. She'd already worked out a plan of action – she wanted to go through her things and pack an extra suitcase of books and clothing to take back to California with her. Blythe had said it would be fine if she left stuff at the apartment during the last weeks of summer, when she would be back here again. She also wanted to put everything from her room that she wasn't going to need at school into the attic; if she were going to be staying over at the farm, she needn't keep a room ready here.

Sigrun had emptied the bookcase in her bedroom and had just tucked her baby box into a carton of things to save when she heard the crunch of tires on the gravel driveway. She looked out the window; it was the Mustang. She glanced at her watch – a quarter past four – maybe Philip had time for a ride. She ran down the stairs and arrived on the front porch as he was getting out of the car. “How's the studying?”

Philip groaned. “I need a break before I can face any more. I thought I'd come see how you're doing.”

“Good timing – I've packed a box that I want to take back to school with me. Maybe you could carry it out to the truck.”

“Sure. So,” he said as he followed her back into the house, “am I right in thinking I could convince you to go for a ride?”

“You could.”

“Fabulous.”

“Hey,” she said as she joined Philip in the kitchen after closing the windows, “did you check on Arabella's leg this morning?”

“Yeah, it's worse, so I put her in a stall. I guess her training will have to wait.”

“So which one do you want me to ride then?”

“Do you mind taking Ellie out again? I've been neglecting her.”

“No, she's a sweet girl.”

“Yeah, but way too tame for you.”

“Oh, I'm out of practice.”

“Well, practice today and then tomorrow, after my final when we have more time, you can have Nolan.”

“Really! You are feeling generous.”

“Come off it, you've ridden him any number of times.”

“Well, maybe a countable number.”

“Hey, I'm man enough to admit that you're a better rider than I

am.”

Sigrun laughed. “Can I write that down and get you to sign it?”

“Okay, so it’s taken me some time to get there, but I think I still deserve points.”

“You do. But,” she tossed over her shoulder as she got into the pickup, “it won’t stop me beating you in a race – even on little Ellie.”



Late the following Monday afternoon, Sigrun stood up with a sigh and looked around the now barren room that had been her father’s. She pushed her hair away from her sweaty face. “Too bad it had to get hot today. Why don’t we take a break?”

“Just let me finish this box,” Philip said.

Sigrun went downstairs and paused in the shade of the front porch to catch a breeze. It was the first truly hot day of her visit. Fortunately, it had remained cool the day before for Philip’s graduation ceremony, which had gone flawlessly. She pulled two sodas from the cooler they had brought with them and headed inside. She heard Philip’s phone ring. He must have left it in the truck. She hurried back. It was Philip’s father. “Hi, it’s Sigrun,” she answered as she headed toward the house.

“How are you doing over there?”

“We’re getting lots done. Here’s Philip,” she added as Philip appeared at the front door. “It’s your dad.”

“How’s Estelle?” Philip asked into the phone.

Sigrun perched on the wide porch railing where she had both shade and a breeze. She leaned back against a post and took a long drink of her soda. She was tired because she and Philip had been up most of the previous night with Estelle, who had been due to foal a week earlier. Philip and his father were becoming concerned; this pregnancy had been troubled from the start, and Estelle had never been this late. After the family had returned home from a celebratory dinner out following graduation, they had checked on her and it appeared that she might give birth that night. So Philip had skipped his graduation parties to stay with her, and Sigrun had kept him company. Consequently, they hadn’t made it over to the Farmstead until after lunch. Between graduation events and helping at the markets, it was the first time Sigrun had managed to get back since the day she’d started on her room. Philip closed his phone, and Sigrun tossed him the other can of soda. “How is she?”

“Maybe tonight.”

“Do you want to head home?”

“Nope. Dad said she’s looking good, and there’s nothing I can do, so no reason to. Unless you’re tired.”

“No, I’d like to pack more.”

“Are you set on getting a renter?” Philip asked unexpectedly.

“Yeah ... I mean, what else can I do? I can’t live here – there are no jobs.”

“I guess you’re right.” He stared off into the distance, sipping his soda.

After several minutes of silence, Sigrun asked, “What are you contemplating?”

“The future. I’m wondering where we’ll both end up.”

“Well, you’ve got four years at Davis, so I’ve been thinking, I could try to get a job in San Francisco next summer and maybe after I graduate too.”

“Really? You never mentioned that.”

“I’ve been mulling it over. What do you think?”

“I like it ... for the short term anyway.”

“What’s troubling you?”

“Oh ... just the usual. I pushed Dad into investing in the horses, and he’s sunk a lot of time and money into it. I feel like I’m abandoning him.”

“I know,” she said with a sigh, “but you can’t stay here and go to vet school.”

“Right. So, I keep circling back to maybe I shouldn’t go to vet school.”

“Oh, but no steps backward – remember? You’ve worked so hard to get this far, and,” she added in a teasing tone, “maybe you just want to think you’re indispensable.”

He smiled wanly. “Maybe.” He finished his soda and crushed the can in his fist. “But ... did you ever think, maybe I won’t want to come back?”

Sigrun studied him sympathetically as he carefully examined the crushed can. “Yes,” she said gently, “I’ve thought of that.”

He looked up at her with a troubled expression. “It’s ... hard to live here.”

“I know, but, you know, I think Norm really wants the farm.”

“Yeah, I think so too.” He sighed, looking thoughtful. “Want to pack more?” he asked after a minute.

“You know,” she said slowly, “what you need to think about is whether you still want to go to vet school if you don’t want to live



here.”

“What?”

“Vet school started as a way to stay on the farm without being a farmer, right?”

“Yeah, but I ...”

“You’re a poet at heart, Philip, not a doctor.”

He shrugged. “So what? There’s no way I can even consider pursuing music. You know that.”

“Yeah. Okay, it was just a thought.” She paused. “So, here we are then – both being swept along in the wake of our fathers’ dreams.”

Philip got to his feet and dusted off his jeans. “Maybe – but you’re doing well.”

Sigrun slid off the railing. “So far.”



It was just after midnight when Sigrun slipped quietly back into Estelle’s stall, having taken a bathroom break, and re-joined Philip and his father.

“I don’t think it’s going to be tonight,” Mr. Schlichter said.

“Yeah, maybe you’re right,” said Philip. “But I want to stay with her just in case.”

“That’s probably a good idea. I’m off to bed, but call if anything changes. You have your cell phones?”

“Yeah,” they both responded. “But,” Philip added, “I’ll only wake you if I think she’s really going through with it.”

“Okay, I trust your judgment. Goodnight kids.” Mr. Schlichter hesitated at the stall door and turned back. “You know, you two should go off and do something fun while Sigrun is here – you both work hard, and you deserve some time off.”

“Oh,” Sigrun said, surprised, “we don’t ...”

“Thanks, Dad,” Philip said, “maybe we will.”

Mr. Schlichter let himself out of the stall. Sigrun stroked the white star on Estelle’s forehead before gently rubbing her ears. “How are you doing, girl?” she murmured as the horse shifted her weight restlessly. “Do you think she’s all right?”

“I think so – why?”

“I don’t know ... she seems ... tense.”

“Just uncomfortable, I imagine.”

“Maybe,” Sigrun said, unconvinced. She leaned against Estelle’s side and stroked her. She could feel Estelle’s taut muscles just beneath the surface as the horse continued to make small adjust-

ments with her hooves. “Come and see – she’s anxious.”

Philip looked skeptical, but exchanged places with Sigrun and gently stroked Estelle’s neck. He then carefully felt her extended belly. “I can feel the foal moving. She’s probably just tired of the long pregnancy.”

“Maybe you should get the vet to see her in the morning, if she hasn’t changed.”

“You think?”

“Yeah, I mean, I was here when Ellie was born, and Estelle was unfazed. This is what – her fourth foal?”

“Yes, but she’s never been late before.”

“Exactly. She’s late and she’s nervous.”

“Okay. Your instincts are good, so yeah, it won’t hurt to have the vet take a look at her. But come and sit down, we’ve a long night to get through first.”

“I hope the coffee’s still hot.” Sigrun sat in one of the folding chairs they had brought into the stall and pulled over the one that Mr. Schlichter had been using to put up her feet. She poured herself some coffee and sipped it carefully – it was adequately warm. “Good,” she said with satisfaction, “I do hate cold coffee. Want some?”

“Sure.”

“I’ve been thinking,” said Sigrun.

“Uh-oh.”

“Yeah, well, I think maybe it would be better if I just sold the Farmstead.”

“You don’t want to do that.”

“I don’t want to – but don’t you think it would be best for everyone?”

“No,” Philip said adamantly, “I don’t. Why would you sell?”

“Because it’s just a burden for you guys – I mean, when am I going to live there? After all, I really need to get a legal job next summer, the summer after that I have to study for the bar in California if I’m going to work there at all, and after that – well, who knows – but there aren’t any job prospects here.”

“So, we rent it.”

“But it’s still a burden for your folks.”

Philip shook his head. “No it’s not. Your father had it rented out all those years that he and your mother lived in Lancaster after his mother died. It wasn’t a problem. I mean, the property has been in your family for generations. My grandparents bought this place from them.”

“Yeah, I know, but ...”

“If you sell, you sever your only tie to your family.”

“No. Your family is my family. Your mother said I could take over the guest room and consider it my own, so I’ll always have a place to come back to.”

“That’s true – but ... family is important, and I just don’t think you should sell.”

“Okay, if you feel so strongly about it. But let’s work on getting it ready, and maybe we can get a renter in there before the end of the summer.”

“What about when you come home in August?”

“I’m perfectly happy here.”

“All right then. Donald probably has time to help – let’s see if we can get everything packed up before you leave.”

“Okay.” Sigrun settled back in her chair, sipping her coffee. She heard what sounded like tires on gravel. “Hey, isn’t that a car in the drive?”

They both listened intently. Philip shook his head. “I don’t hear anything.”

“Probably just someone hitting the shoulder of the road, I guess.”

Philip went over and checked out Estelle. “You are being stubborn,” he murmured to the horse. “How are you feeling?” She continued to shift restlessly. “Yeah, maybe getting the vet is a good idea – she does seem uncomfortable.”

Sigrun watched Estelle for a moment. “I think she’s worse.”

“But I don’t see anything wrong – the foal is where he should be and he’s moving.” Philip returned to his seat. “I think we should stay with her though.”

“Yeah, me too.” She sipped her coffee and shuddered; it had grown cold.

“Too bad the guitar bothers Estelle,” he said, “I’d love to spend time ...”

Sigrun heard the squeal of tires rapidly accelerating on gravel.

“What the hell?” Philip leapt to his feet. “I’d better check that out.”

“Wait,” she said, jumping up, “I want to come.” She latched the stall door behind them and hurried after him.

Sigrun was nearly thrown off her feet as a deafening percussive explosion passed through the barn. She stumbled, caught her balance, and took off at a run. Philip was several yards ahead of her. She emerged into the oddly bright yard and gasped in horror. The

side of the house closest to the barn was engulfed in flames. Philip was running toward the side door, but she could see that he wouldn't be able to get near.

"PHILIP," she shrieked, "THE FRONT!"

He either heard her or came to the same conclusion, because he changed course. By the time she got there, he was tugging on the front door, but it didn't move.

"It's locked!" Sigrun yelled into his ear.

Philip continued to wrench at the door handle. The long narrow window to the right of the door blew out, and they both were enclosed in a thick cloud of smoke that set them coughing. She clutched Philip's arm as he jumped toward the broken window and yanked back sharply. "NO! You won't make it!"

Philip hesitated briefly before he backed off, coughing hard. Then, lurching forward, he yelled, "I have to try."

"No – you can't!" Heart pounding, Sigrun hauled frantically on his arm. "We need help!" She tugged with all her strength, and he finally yielded. They stumbled a few steps off the porch. Sigrun fumbled in her pocket for her phone while watching Philip – worried he would dash forward again. She needed both of her shaking hands to get her phone open and punch in 911.

"Fire," she croaked to the operator who answered. "It's huge. The Schlichter farm – out on ..."

"I know it," the operator interrupted. "Stay on the line."

Sigrun waited, mesmerized by the flames. She coughed harshly.

"Where are you?" the operator asked urgently.

"In front." She gasped in disbelief as the flames shot still higher. "I can't see anything but flames."

"Back away," the operator said sharply. "Is anyone inside?"

"The whole family. Four ..." She was racked with coughs as the wind shifted and they were engulfed in smoke. "NO!"

Philip shot forward. Sigrun dropped the phone and grabbed his arm.

"The back," he cried, "maybe I can get in a window."

"NO!" she screamed, struggling with him. She heard the wail of approaching sirens. "They're almost here."

He dragged Sigrun a couple of steps closer, but stopped when he was overcome by violent coughing. "I can't ... just ... watch them die," he wheezed between coughs.

"Back up!" she yelled frantically. "COME ON!" She kept pulling until, still coughing, he took a few reluctant steps backwards.

She heard a truck in the driveway. “MOVE!” she screeched. “Out of the way!”

The first truck neared; a firefighter jumped out and ran over. He grabbed each of them by a shoulder and dragged them back before he gestured the truck forward. It crossed the yard and stopped in front of the house. “Do you live here?”

“I do,” Philip rasped.

“Who’s inside and where are they?” the firefighter demanded.

“My parents and my ... brothers ...” Philip gave a racking cough, “two brothers.”

“On the second floor,” Sigrun added quickly.

“Stay here.” He ran back to the trucks.

Sigrun watched in horror as the firefighters doused the house with water from numerous hoses. But the flames were already shooting through the roof, and she knew with a dreadful sinking certainty that no one could have survived. She looked at Philip – he was standing transfixed watching the flames, coughing sporadically. She hugged his arm close. He glanced down at her but didn’t say anything. They stood silent in the tumult for what seemed to Sigrun to be an eternity; she was lost in a sense of unreality, unable to comprehend the scene unfolding in front of her eyes.

A uniformed firefighter whom Sigrun recognized vaguely as having been a couple years ahead of her at school grabbed her arm and said something incomprehensible.

“The barn,” he shouted. “Are there horses in the barn?”

Sigrun blinked at him and then clasped her hand over her mouth as the meaning of his words sunk in. “My god! Yes. Yes.” She started toward the barn.

He clutched her shoulders. “NO! How many and where?”

“Uh ... Estelle – she’s in labor. That’s why, uh, in the large stall at the far end.” Sigrun gestured. “I should go ...” She tried to step around him.

“Stay here.” He held her firmly in place. “I’ll get help. Who else?”

“Arabella – on the left as you go in, part way down. She’s lame. And Nolan – same side, but further – he’s got his own paddock.”

“That’s all?”

Sigrun fought to focus. “I think so.”

“Okay. Don’t come closer – it’s too dangerous.” He turned and ran toward the barn. “Joe,” he hollered, “get on the radio and get us a vet pronto.”

Sigrun heard more vehicles arrive, but she didn’t pay any atten-

tion. Someone threw a blanket over each of them and thrust a cup of coffee at her. It immediately spilled in her shaking hand. She steadied the cup with her other hand and turned to give it to Philip, who had not taken his eyes off the burning house.

“Here,” she said to him, holding the cup toward him, “take this.” She saw his hands. “Oh no.” She gasped and looked around. A young woman was standing nearby who must have handed her the coffee. “His hands,” she shouted at the woman.

A few minutes later, a medic arrived carrying a bag and said to Philip, “Let me see your hands.” He ignored her. The medic picked up Philip’s hands one by one. He never acknowledged her presence. She turned to Sigrun and said, “He’s in shock. Stay with him while I get a doctor.”

Sigrun took Philip’s arm again. The fire was beginning to die down – the house was nothing more than a skeleton. The firefighters appeared to be concentrating on watering down the barn and nearby outbuildings. Sigrun felt someone touch her shoulder; she turned to find Amanda, tears streaming down her face, standing next to her with an older woman.

“My father heard – on his police radio. Is it true? Are they all ...”

Sigrun could only shake her head. The woman pulled Amanda close as she burst into uncontrollable sobs.

Someone else tapped Sigrun on the shoulder from behind, and the young firefighter beckoned her. She stepped away from the group. He leaned close and said, “I have more bad news – the dark bay mare in the side stall?”

“Arabella.” She suspected what was coming.

“Apparently she panicked, tried to kick her way out of the stall, and broke her leg badly – the vet says she needs to be put down right away. Will you tell Philip?”

She swallowed several times and managed to say, “What about the others?”

“We got them out – the vet thinks they’re okay. The foal hasn’t come yet.”

Sigrun looked at Philip and back at the firefighter helplessly. “He’s in shock.”

“The vet said it had to be now.”

“Okay,” she said heavily, “I’ll tell him.” She tugged on Philip’s arm. He looked blankly at her. “Philip?” He didn’t seem to hear and looked back at the house.

“Philip,” she repeated louder. He continued to watch the

house.

“Let me,” a voice said.

Sigrun turned to find a casually dressed man carrying a doctor’s bag standing next to her. She got out of his way. He stepped in front of Philip and said firmly. “Okay, Philip, I’m a doctor and I want to check you out. Come with me.”

Philip seemed to focus on the man. “I’m fine.”

“I’m afraid not,” the doctor said sternly. “I want to look at your burns. Step over here.” He took Philip’s arm and turned him around; Philip didn’t resist.

Sigrun watched them walk to an ambulance. “Could you get the vet to sedate her?” she asked the firefighter. “I don’t want to do anything without Philip knowing.”

Sigrun felt sick. She wanted to know for sure – but whom could she ask? She looked about in confusion for several minutes. The scene was still chaotic with people going in all directions. She retreated to the ambulance. Philip was standing next to the vehicle, still staring at the house. His hands were bandaged. The doctor was leaning on the hood, a few feet away, writing.

She approached the doctor. “Excuse me. Do you know – I mean, I assume ...” She looked back at the house.

He looked at her sympathetically. “The family?”

“I wanted to know ...”

“They haven’t found the bodies yet as far as I know,” he said too softly for Philip to hear, “but no one survived.”

She nodded and turned away; it wasn’t as if she hadn’t known that. A gentle hand was placed on her shoulder.

“How about you,” the doctor asked, “are you injured?”

“I didn’t touch anything. Just the smoke.”

“Okay. Keep your eyes on him; he refused to be sedated and he refused to leave. He doesn’t need any further treatment at the moment, so the medic’s going to take him to the Medical Center when he’s ready to leave. Why don’t you go with him and have someone look you over as well.”

“Okay,” she murmured. She went to join Philip.

“They’re gone,” he wheezed brokenly in utter disbelief. “They’re just gone ...”



**To continue reading *Untrodden: Book One of The Trails of Truth* by Hadleigh Garrard, please purchase a copy as follows:**

Until April 2012, *Untrodden* is available as an eBook exclusively through Amazon's Kindle Direct Publishing ("KDP") Select program. Beginning in April 2012, look for *Untrodden* most anywhere that eBooks are sold, including at [www.ProprioVigorePress.com](http://www.ProprioVigorePress.com).

A paperback version of *Untrodden* will be available beginning in February 2012.

Proprio Vigore Press thanks you for supporting the work of our authors by purchasing only authorized copies of our books.

**Coming in 2012:** *Unveiled: Book Two of The Trails of Truth*

A new moon has risen, and Sigrun's path, while revealed,  
remains as uncertain as it is unnerving.

A publication of Proprio Vigore Press  
[www.ProprioVigorePress.com](http://www.ProprioVigorePress.com)