

# The Tomkins Battery Case

## by Bud Sparhawk

Lawyer Arthur Coggins could tell that the small, middle-aged woman wanted a divorce when she walked through the door to his office.

"Mrs. Tomkins," he said graciously, waving one hand at the comfortable, overstuffed chair beside his desk. "Do have a seat." He noted the woman's clothing as she did so; it was adequate, not off the rack, but not very expensive either. She wore little adornment; small rings and a brooch. He couldn't tell if they were real or costume jewelry in the dim light. Small streaks of gray ran through her well-kept hair. Her makeup was subdued, almost negligible. There was a smell of money about her, a fat fee for sure.

"Thank you, Mr. Coggins," she said in a nervous voice, and perched on the edge of the chair with her two bird-like hands fluttering over her purse, which she held upright in her lap.

Arthur sat back in his chair and made a tent with his fingers. "Would you care for a drink?" he asked, trying to put her at ease. "Reefers are there near your elbow if you like."

"Oh no, I couldn't drink or smoke!" she whispered, throwing a longing glance at the ivory inlaid roach box. She drummed her purse with her fingers and licked her lips with quick darting motions of her pointed tongue.

Arthur realized that she was not going to take the initiative in the conversation. Some clients were like that, bursting with their problems but afraid to talk to a stranger, him, about them. He snorted; he hated drawing people out; it smacked of soliciting to his mind. Would be far better to have the British system, he thought. There the barrister lets his solicitors, the clerks, soften up the clients and draw out the facts of the case before either one was presented to him, sparing him the drab necessity of thinking about personal involvement, outside factors, or money.

The woman fidgeted in her chair. Arthur sighed, put on a look of moderate disdain and, in voice loaded with concern, spoke: "My secretary said you had some sort of problem with your husband?"

"Mr. Tomkins? Oh, yes. George. Well!" A look of concern grew on her face. She cast a glance around the room, sweeping her eyes over the shelves tightly packed with leather-bound books. Her glance took in the cut crystal, velvet drapes, aged wood paneling, and the thick Axminster on the floor. She was impressed, as the room was designed to make her feel.

"Come, come, Mrs. Tomkins. I can't help you if you won't tell me what's troubling you." Arthur interjected in his father-confessor tone, guaranteed to bring weeping widows and recalcitrant will-breakers to heel.

"Oh dear, I don't know where to start," she chirped. Her purse snapped open and she withdrew a small handkerchief. Arthur noted that it was Bruges lace and added an extra ten percent to his normal fee.

"Why don't you start at the beginning, dear lady," he said. He gave her a small smile, as if pleased that she should honor him with her story. He glanced at the clock on his desk; with luck he could still meet Frank for golf in an hour, if the crosstown traffic wasn't too bad and her problem was a small one.

The delicate lace hankie fluttered to her lips and then dropped to her lap. "The beginning? Oh dear, that's too far back. I mean, you know all about that! Er, are you sure that it's all right to talk here, Mr. Coggins?"

"Quite sure, dear lady. The only one who might hear us is my secretary, who is the soul of discretion." he assured her.

"Well, if you think it is all right." She looked questioningly at him. Arthur smiled again and nodded his head. "My husband is George Tomkins: George Alyoisous Grant Tomkins."

Arthur's pencil tip broke abruptly, the splintered point driving through the paper on which he was writing into the padded surface of his desk. He stared at her with wide eyes as his mind raced, dredging up the facts of the case from memory.

G.A.G. Tomkins, 95. Tomkins, Tomkins versus United States. Grundy 95 op cit.

George Tomkins had been a field engineer who, because of his wealthy father, had bribed and influenced his way to a government job. George had been neither more nor less competent than his co-workers and would never have become famous if it hadn't been for a fateful accident: one fine day a poorly designed bridge section had collapsed and crushed poor George's legs to a pulp.

The case resulting from the accident had become a cause celebre because George and his family had decided that the simple compensation and supportive care called for by his contract were not sufficient recompense. They had sued the federal government for full restitution.

Old Grundy, a young trial lawyer at the time, had himself worked on both sides of the case in the long process of trial, retrial, appeals, and rebuttals. Eventually, thanks to the family fortune, Tomkins et al had won.

"That's when George got his solid state legs," Mrs. Tomkins was saying, her narrative keeping pace with Coggin's racing mind.

George continued to work for another five years before he was involved in a second serious accident; a rocket crash. That one had crushed his torso and destroyed most of his internal organs, and one outside one.

The family had filed suit against the government even before George's heart had failed. By the time he was on a dialysis machine the courts had decided that the previous ruling on George's medical care still held. The government had dutifully given him artificial kidneys, bladder, pancreas, liver, and other items as good as, or better than, the originals.

"The worst accident he had was when the bomb went off during the riots. A big piece of metal came right through the wall of George's office and hit him in the back of the head," Tomkin's wife went on.

Arthur looked alert. "Oh yes, severed the medulla oblongata, didn't it? How long was he paralyzed?"

The woman wrinkled her face in thought. "About seven months. Then they made him that tiny computer thing for the back of his head to take care of breathing, heart rate, things like that. They put these little wires all through his body because his nerves wouldn't carry the load of that thing. George had to get batteries from the government to power himself. Oh, dear me." She pulled out the handkerchief and began dabbling at her eyes.

"Wasn't there something else? Something special about muscle control?" asked Arthur.

"Y-yes," she sobbed. "They made tapes to program that computer to take care of that. G-George even made some programs to take care of things such as dressing himself and all. One tape he made took him through the entire day without him having to think at all, although that was later. George used to say that he had a tape for everything that was boring in life. He kept them in his dresser drawer, right next to his

clean socks."

Arthur asked, puzzlement in his voice. "How could he be a field engineer, then?"

"Oh, the government decided that it was too dangerous to let George work outside where he'd be exposed to all sorts of dangerous things. They gave him an office, a small staff, and a big title. The most dangerous thing he faced was the daily traffic.

"There wasn't much to that job. George found out very early that it was superfluous; just a place for him to be kept safe and sound. He tried to make something out of it, but apparently the word was out. It was either that or the fact that they didn't like his ideas and projects. Others got promotions, but not George.

"It began to work on his mind, I believe. He'd become so depressed and sit around for days and days, not saying a word. It was all I could do to get him to sign the checks from the trust fund."

"Couldn't you do that yourself?" asked Arthur.

"Heavens, no! George's father made certain that only George could sign for the money. I think it was his way of protecting his little boy.

"Now, where was I? Oh yes, George began to, well, act strange. I started finding penlight batteries in the pockets of his suits. He told me they were for a quick charge when he got low. I believed him, even though the batteries weren't the ones the government sent each month.

"George also began to spend more and more time in private, especially in that old workshop of his, the one he kept locked. We didn't object because when he finally came out he'd be smiling and happy. He'd always have a joke or kind word for everyone. Oh, it was so nice to see the change in him.

"Then he began to get, well, forgetful is the only word to use. He'd come home late with no explanation whatsoever, and wouldn't be able to say where he'd been. Days would go by sometimes and he'd never notice."

Mrs. Tomkins leaned forward in her chair, her voice an intent whisper. "Sometimes, when he thought we weren't looking, he'd sneak a package wrapped in brown paper into that workshop of his. Oh, if we had only known . . ." She began to sob. She dabbed at her eyes with the scrap of lace.

"He changed, Mr. Coggins. His attitude toward work, his family -- everything -- began to change. Sometimes he'd go off for days and days, not at work and not at home. Delivery men would come at odd hours with parcels for George alone. He opened charge accounts at the local hardware stores and service stations. The end of every month would bring huge bills from them.

"I couldn't stand it long. One night I confronted him with the bills he had signed. I showed him the receipts of the checks he'd written, and I pleaded with him to let me help him.

"He turned violent, Mr. Coggins. He raged through the house, cursing and throwing things. He used the most vile language to everyone, even me, his own wife! He called me a . . . a . . ."

"Easy, easy, Mrs. Tomkins. Now, just compose yourself while I have a word with my secretary." Arthur stood and walked around the desk. He looked down at the crying woman. "Things aren't always so bad as they seem. The law has provisions for people like you, people in unhappy . . . er . . . Situations. You just go ahead and cry while I tell my secretary to hold calls." He walked to the door, stepped through, and closed it behind him. His cute blonde secretary looked up.

"Gwendolyn, call Frank and tell him to tee off without me." Arthur opened the top drawer of the file

cabinet, the drawer marked "Personal" and took out a tall bottle.

"I'll bet she's a weeper. I can always tell, you know," Gwendolyn said, picking up her address book.

Arthur unscrewed the top of the bottle of Black Label and poured a healthy swig into a water glass. "A weeper and a divorce case to boot. Lord, if I get rid of her in two hours I'll be lucky. Oh, call Judge Grundy and tell him that I'll meet him for dinner about seven." He took a long swallow.

"The medical center thing?"

"Yeah, with the elections coming up he's trying to steer clear of any case that might put him on one side of the issue or the other. With everybody in the state arguing about medical benefits he's not about to take a stand that might hurt his chances."

"Brave, isn't he? Was there anything else?" Gwendolyn smiled.

"Yes. Call me in half an hour and ask me to come out here. Be sure to have some ice ready, too. I hate these warm drinks." He placed the bottle back in the drawer and set the empty glass on top of the ice bucket, which was neatly disguised as a dictionary. He straightened his tie and opened the door.

Mrs. Tomkins had composed herself, as instructed. Arthur smiled at her as he settled into his place behind the desk. He patted her hand reassuringly; we have all the time in the world, dear lady. We won't be disturbed."

"Oh, I feel so bad about using up your time like this," she said.

At a hundred an hour, plus another fifty for ruining my golf date, I can bear it, Arthur thought. Aloud he said, "That's all right, madam. I'm here to serve all that need the law's protection."

"Thank you, Mr. Coggins. You don't know how it feels to talk about all this."

"You were saying that your husband became angry with you, I believe," he prompted.

"Not angry. He was a wild man. He screamed and broke up the house terribly. One night he put his foot through a beautiful old clock because the chimes were getting on his nerves.

"It was that way all of the time after that. On one evening he ran through the house screaming that there were huge green can openers after him. He kept yelling about wet grounds, or something along those lines. Oh, Mr. Coggins, he was in terrible shape!"

Arthur chewed his lip: Had something gone wrong medically? If that were true then this case would put Grundy on the spot -- his area of jurisdiction and all. Oh my!

"We put him in bed and tried to keep him quiet. But he was like a madman, thrashing and groaning around for hours and hours. Nobody could reason with him, or even talk to him for that matter."

"Did you call in the doctors?" Arthur asked.

"At first we did. They couldn't find anything wrong with him. Said it was obviously some nonmedical disability."

"I take it that they were the government doctors?" Arthur said dryly.

"Naturally. Of course we stopped asking after that. Now, where was I? Oh, yes! One night after a particularly bad episode I took his key and went into his workshop.

"It was a mess. Batteries were everywhere; all over the floor and workbenches. Some were cracked open and others were covered with green crystals. We checked them and found that every one of them was drained.

"It didn't take long to figure out that George was using them somehow to get himself all charged up. We couldn't imagine what those odd-sized batteries were doing to his body full of little silver wires."

"The poor man," nodded Arthur.

"Yes," sobbed Mrs. Tomkins. "We tried to help him, but he didn't want help, not really. I tried cutting off his supply but when he tried to use a wall socket for a quick one it nearly killed him. After that I let him have a ration of batteries. It was better than having him dead!

"We thought that therapy might work for a while, so we very discretely had a few electrical engineers come in and talk to him, to tell him about the dangers of fooling around with electricity. They even loaned him their books on batteries so George could find out how dangerous they were. I'm afraid that it all went for nothing. In reading the books, George discovered a new potential."

"Shameful," murmured Arthur.

"We even called in a common electrician, one that the engineers said was an expert on wiring. He talked to George for days, he even bought in vivid pictures of electrical fires started by overloaded wiring to show him where his life was leading.

"But it didn't work. Nothing worked! I'd find little things, like the penlights in his pockets for those quick pick-me-ups. I even found a huge battery hidden under his bed. He just laughed when I confronted him with it."

"So there was nothing you could do?" asked Arthur.

"No, nothing. I thought about leaving him, but there were the children, you see. I had to shield them from their father's vicious habit. Oh, and that was the most horrible part! He'd even bribe our little Tommy, his own son, to run out and buy flashlight batteries at the corner store."

"The filthy beggar," Coggins exclaimed.

"Mr. Coggins, you do know what it means to be a woman and alone in the world, with no one to turn to, to see your husband wasting away before you." She began to sob again.

Arthur took her hand in his, patting it lightly. "Oh, I do know, dear lady. I do." He also noticed that he stones on the rings were indeed real, and very expensive. He added another five percent to his fee.

"Excuse me, I must see my secretary again, Mrs. Tomkins." He gave her hand one last pat and walked into the reception room.

Gwendolyn looked up: "So soon? I haven't gotten the ice yet, if that's what you want."

Arthur put his finger to his lips and motioned at the door. "Quiet. Look sweetheart, this case is big, bee-eye-gee. I want you to get Judge Grundy on the phone and tell him to meet me here for dinner. Then call Jim, Ted, and Robby and tell them I want them to put together the best divorce team we can get. Tell Dick to start a survey of the Tomkins' estate: I want to know George Tomkins net worth, disposable income -- everything! Oh yes, one other thing; put in that order for the real fur coat for yourself. We, my dear, are going to be in clover."

Mrs. Tomkins was leaning back in her chair when he returned. She had the ivory inlaid box in her hands. She looked up at him. "Do you mind?" she said. "I'm so distraught I just have to calm myself."

Arthur flicked his gold lighter to life with practiced ease; it wouldn't hurt at this stage for her to loosen up a little. "Go ahead, my dear. May I call you Eleanor? And please call me Art, yes?" He crinkled his eyes in his sincere, confident smile, and added another two percent to his fee when she returned it.

Eleanor held the butt in one delicate hand and let the heavy smoke trickle from her nose. "Oh yes, that's much better," she said.

"The worse hadn't come at that time," she continued as if there had been no break at all. "In the late fall the children and I went out of town to visit some friends, the only ones I had left, really. The night we were to return I had a . . . Premonition, and decided to leave the children for a few more days and go home alone.

"The house was dark when I arrived, even though it was only early evening. I let myself in a side door, it had been left unlocked, and felt my way through the house to the living room, where I turned on the lights." She took another deep drag on the reefer, letting the sweet smoke fill her lungs. Arthur could see the care lines erasing off her face.

"The room was a shambles. Distilled water, jumper cables, and packs of sulfuric acid were all over the room. Holes had been eaten into my furniture and rug by the spilled acid. Empty battery cases were laying all over the place. In the hall they were so thick that you couldn't walk without stepping on one. I was so glad that the children weren't along to see it!

"I heard a noise from above; a low sort of moan. Being very quiet I picked my way up the stairs between the trash. The moan seemed to be coming from George's room." Eleanor leaned forward, her voice becoming more intense.

"I stood outside his door for a long while, afraid to open it and afraid not to. That's when I caught a whiff of ozone. Without pausing any longer I threw open the door and turned on the light.

"The room was upset from one end to the other with clothes laying about. I recall George's pants were oddly perched atop the floor lamp, where he had thrown them. In the middle of the room was George's bed and on it was . . . was," she trembled slightly.

Arthur took the roach from her fingers and stubbed it out. "Go on, go on," he urged.

Eleanor straightened, once more the proper lady. "As I said, George was lying in the middle of the bed. Beside him, with both arms around his neck was a . . . a . . . Bright blue battery-charging unit! It was plugged in and running high. I noticed that it was set on trickle charge before I turned away in disgust.

"That's when I saw the pliers lying there beside my foot. Without thinking I snatched them up, ran to the bed, and threw them at the machine. Everything went black after that."

"You poor dear," Arthur temporized, wondering what category the case would fall into -- alienation of induction, perhaps?

"When I came to it was morning and the room was strangely still. I reached out and touched George: he was cold and still, a smile on his lips. I'm afraid that the pliers had shorted out the battery charger and killed him."

Arthur stood in alarm. "Killed him! You mean that you're not here for a divorce? Oh God! No, don't say another word!" He shuffled his papers on the desk hurriedly, thinking hard.

"Just a moment. I'd better have my secretary cancel the rest of my appointments. Today. Just sit there. Have another smoke; take two or so. I'll be right back."

Arthur leaned heavily against the door to his office and took a deep breath.

Gwendolyn turned and stared at him. "What . . ." she began.

Arthur spoke. "Call Grundy, tell him to get right over here, now! Call Dick and tell him to look at probate as well on the Tomkins case: wills and such, you know. And tell him for God's sake to keep it quiet.

"After that call Jim, Ted, and Robby. Tell them to cancel the divorce team business, apologies and all that. See if you can find the number for Platt, Whitney, Burrows, and Klein; call them and put them on retainer."

"Aren't they the tax people?" Gwendolyn queried.

"Criminal. You're getting them confused with Whitt, Paisly, et al." He smashed the palm of one hand with his fist. "Bother! When you call Grundy ask him to bring along his volume of Blackburn, Bries for me.

"Let me know when you get all that done."

Gwendolyn finished writing on her shorthand pad with a flourish. "Sounds important. I take it the weeper's not a divorce."

"Heavens no, something far more lucrative, my dear. It looks like a crime of passion," Arthur mused, smirking.

"You mean sex, eternal triangles, drunken orgies, wild weekends, and all that?" Gwendolyn grinned as she started to dial Judge Grundy's number.

Arthur looked out the window, deep in thought. "Perhaps," he said. "If the fee is high enough . . ."

Gwendolyn blushed.

Eleanor was relaxed in her chair, a golden glass of Haig in her hand. She was swinging her head from one side to another in time with some distant drummer, unheard by all but herself.

Arthur sniffed: Didn't she realize what she had just told him? Was the woman insane, to admit killing her husband and then to become so relaxed? He listened for the sound of police knocking on his door.

"Say, this is good stuff," Eleanor said, holding up the glass. "I haven't felt this good in years, not since old George died."

Arthur fell back in his chair. "Years?" he said weakly. "I thought that you had just murdered him."

Eleanor's eyes widened. "Murder? Why Art, what makes you say that? MY husband's a successful government executive. Why, he got another promotion only last week."

"But I thought that you said . . ."

Arthur blustered.

"Oh, that!" She giggled. "When I found that George was dead from the pliers I was so distraught that I stumbled to the dresser. There, in a half-opened drawer, I saw the tape George had programmed to get him through the workday. I pulled it out and put it in him.

"George got off the bed, stretched, then walked into the bath to take his shower, got dressed, and went off to work.

"That was six years ago."

"To this day, George has had the same routine. It hardly ever varies. Every action at home is identical to the one on the tape. I assume that he is equally as repetitious at the office, but that can't be so bad because of all the promotions and all, could it?" She looked at Arthur.

Arthur shrugged numbly.

"George is so nice to our friends and children now. So long as we keep changing the tapes he does everything he's supposed to do. Why, do you know, he's even built a reputation as a sparkling party conversationalist?"

"How can you talk about me murdering George? No, what I came here to see you about was this." She fumbled in her purse, extracted a legal-sized envelope and laid it on the desk top. Arthur could see the caduceus of the Federal Medical Corps at one corner.

"That came yesterday," she went on. "George had a physical a few months ago and they found out that he was dead. The letter says that they're going to cut off the medical payments."

"Because he's dead," repeated Arthur.

Eleanor Tomkins smiled. "Yes, darling. That's why I need you to understand the whole story. I want to find out how we can fight this. George could lose his job, the trust fund -- everything we have if they make this stick.

"After all, since George is the perfect husband now and a real success in government, I see no reason why things should change over some minor medical point!"

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