

# **DEADLY ASSEMBLY**

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## **FOREWORD**

Elementary and secondary schools throughout the nation have become shooting galleries. From 1996 through 2006, twenty-nine school shootings involving handguns and rifles have occurred. The heart-breaking statistics are:

50 children killed, 113 wounded.

7 teachers killed, 3 wounded.

4 principals killed, 4 wounded.

1 security guard killed, 1 wounded.

1 guidance counselor killed.

The number of shooters and their range in age:

6 shooters, age 6 to 12.

29 shooters, age 13 to 17.

6 shooters, age 18 to 32.

The shootings raise several serious questions about teachers. To what lengths should a teacher go to protect children from an armed student terrorizing other students? If the teacher has immediate access to a gun, should he get it? Should he shoot the gun-wielding student? If the teacher kills the student, what then?

The intent of this novel is not strictly to entertain. More important, it attempts to answer those questions and ultimately motivate readers, students, parents, teachers, school administrators, and law enforcement personnel to come together, closely scrutinize each facility's security procedure, and ultimately create an impenetrable safe haven for all school children. Hopefully that can be implemented before the next shooting gallery opens and suddenly the events in this book become the fact.



## CHAPTER 1

John Delafield, Director of Ambulance Services for the eighty-four hundred residents of Pike River, began every work day at eight o'clock with the same routine, and that last Friday morning in May was no different.

With a mug of steaming black decaf coffee within easy reach and the insignia cap tight on his head where it would remain all day hiding his bald spot, he hunched at his desk studying unit responses logged by his EMTs covering yesterday's second and third shifts.

Though his eyes never wavered from page to page and his mind never strayed from absorbing every detail, periodically and robotically his right forearm would pivot, his fingers would magically find and curl around the handle, the mug would move to his lips, linger, then swing back and gently settle on the same spot. After eight years as director it really wasn't magic.

At 8:26 that routine abruptly ended. The small red circle identifying his private line on the phone base blinked. He had the receiver in hand before it could blink a second time. "Delafield."

"John--Burt here over at the Safety Building. Police dispatch got a nine-one-one. The caller identified himself as a teacher and reported a kid with a gun terrorizing everyone in the high school gym. I guess there's some kind of assembly going on. We're still trying to verify authenticity

of the call to make sure it's not some screwy kid playin' games on the last day of school. Thought you'd want to know. We'll keep you posted if we hear more."

Delafield's mind raged. *If* we hear more! That's bullshit. We don't *wait* to hear more. "Hold it, Burt!" he barked. "Give me the time on that call."

"Lemme check." Keyboard keys rattled. "Got it. 8:22."

"Hell, man--that's four minutes ago!" he snarled. "You can run there in two. What are they waiting for--a written invitation?" He slammed the receiver down.

John Delafield was one of those men dedicated to detail. He had the floor plan of all the industrial, commercial, and public buildings and apartment complexes branded on his brain. He could see inside them--every entrance, exit, stairway, and corridor.

A Class of '79 Pike River graduate himself, he knew the high school layout hadn't changed in all those years. Immediately he ordered three EMT units on standby alert for Entrance 2-the gym, 4-the staff parking lot, and 5-the kitchen.

Rushing out the door, he glanced at the digital wall clock synchronized with the Safety Building which housed both the sheriff and police departments--8:27. His watch was a match. Even though dressed in his gray EMT uniform, he took his own pickup truck rather than his conspicuous "official" car and broke the speed limit the three minutes it took him to get from the Fire and Ambulance Station to the high school.

Passing in front at school zone speed he noted the grounds were empty. He knew that didn't mean there hadn't been a "leak" however. Surely someone heard something and passed it on. With police scanners, CB radios, and cell phones everywhere including inside the schools and with the county full of overly inquisitive people, the rumor could



already be up to speed. That meant people were on their way with possibly hundreds following shortly. And why not? They were no different than he. They knew about the academic awards assembly that morning and knew their kids were in that gym just as he knew his son was seated with the junior class and his twin daughters with the sophomores. *Hell, yes, go there!* Every parent that could should.

He parked in back and appeared calm entering the kitchen. The casual glances from the cooks answered his unspoken question--No, they didn't know. He understood why. That part of the brick structure actually extended well beyond the gymnasium complex itself, and with their radio blaring country-western, pots and pans rattling and banging, voices trying to be heard over all of that racket plus the cafeteria serving windows being closed as would be the heavy doors leading into the gym, none of them would have heard any commotion or shooting from inside the gym if there were any.

"Sorry, ladies," he said. "Just checking."

But he never stopped walking. In a continuous motion he opened and closed the door into the cafeteria, ran its eighty-foot length, and peered into the gym through the half-inch crack between the double doors. Forty feet away with a view no more than two feet in width, he saw on stage from the back a sturdy young boy wearing a blue jogging suit. It struck him odd that all the onstage chairs were empty. But he didn't see a gun. Not at that moment. Not until a few seconds later when the boy moved his left arm upward and the long silver barrel glistened under the bright lights overhead.

He sucked in his breath and felt his blood pressure racing. Twenty years running ambulance calls had often pushed him to an emotional ledge, but not like this. Neither his wife nor his children had been involved. He knew that here he might be witnessing the beginnings of a blood bath.

In that restricted view, no one else was visible, but he noticed as the boy spoke he seemed to be looking down at a point very near the stage. Two voices were distinctly audible, the other also a man's. The boy addressed him as Mr. Steagle.

Delafield didn't need to see or hear any more. Quickly but quietly he backed away, ran halfway across the cafeteria toward the kitchen, then stopped and unhooked the cell phone from his belt. He pressed Memo 1.

"Ambulance," the voice responded.

"Pete," he said, breathing heavily into the phone, "roll the wagons. No sirens. I'll meet Unit One at the gym doors. Tell the others to station themselves inside the cafeteria near the gym doors and just inside the staff parking lot doors and wait for my signal. Strict silence. Again, Pete--no sirens. And no flashers either. You copy?"

"Got it, John. The motors are running."

"Call dispatch. Try to get Hutch but tell whoever answers that there's definitely a gun in the gym. Go, Pete."

Delafield glanced at his watch again--8:32. He took a deep breath, exhaled slowly, and appearing nonchalant walked back into the kitchen. "Ladies," he addressed over the noise. He had their attention. "We've got a situation in the gym." He didn't elaborate but told them to remain in the kitchen with the door and serving windows closed and expect to see EMTs come through there any minute.

He drove back around the building, eased the truck up over the curb onto the wide sidewalk, and parked just past the three sets of double doors leading into the gym lobby. He judged there were two dozen people gathered on the grounds now. For a moment he was angry that no one in authority was out there. Crowd control wasn't his job. With the absence of a school rep and no police in sight--*Christ, none of them even know what the hell is going on yet!*--he knew he couldn't just ignore these people. He had to give

them something.

As he opened the door and started to slide out, they edged closer--mostly women, undoubtedly mothers, and a few dads. They recognized him and were quiet. Even in the hot sun their faces paled with fear. Their eyes begged for reassurance.

"Can you tell us anything, John?" The anguish in the woman's voice was unmistakable. Her tone was pleading, not demanding.

Delafield hadn't spotted her at first, then saw her hand wave tentatively. His neighbor. "I can tell you the police and EMTs are on the way," he said without any hint of alarm. "A unit will park right there," he said, pointing to an area, "so keep back and allow plenty of room please. If you heard there's a boy with a gun in the gym, the only thing I can add is that he's calm and talking to one of the teachers, Mr. Steagle. I don't know who the boy is. Stay calm, folks, and try to keep others who arrive calm too. I'm going to get a school rep posted out here."

They didn't surge forward or press him for more. He hurried across to the high school entrance, ran up the two flights of stairs--unable to remember the last time he'd run anywhere--and heaving out of breath burst into the administrative outer office. "Where's Ben?" he gasped.

Startled, the two secretaries nodded toward the principal's office. "On the phone. Tied up about twenty minutes now," one said. "And our other lines are busy."

Delafield barged in and signaled with a "cut" gesture for the man to end his call.

"Just a minute, please," Ben Donovic said to the caller, then held his hand over the handset.

"Ben--you've got a kid with a gun in the gym." Delafield said, still gasping for breath. "He's talking to Ray Steagle. The police and my teams are on the way." He took a deep breath and exhaled with a *whoosh*, "There's a small

group congregating on the front lawn. Gonna get big fast. I'll take the gym lobby to let my team in."

He didn't wait for a response. He ran. He knew the entrance doors had solid exterior handles and the doors locked automatically when closed. He had to be there inside.

The Unit One ambulance was just backing into position. No siren, no flashing lights, and the driver had alertly disengaged the backup "ding-ding" bell. Holding the door open and one finger to his lips for quiet, Delafield admitted the team of two men and a woman, their portable defibrillator and two medical cases riding on the gurney. Easing the door shut he saw the principal exit the high school and approach the crowd now triple in size.

One minute later a police car drove over the curb and managed to park between the ambulance and the gym doors and be partially concealed from the crowd. Two officers in flak jackets and carrying M16 automatic rifles jumped out and hurried inside the lobby. Delafield explained what he knew and suggested the empty balconies might be their best approach. Both men hesitated, their expressions blank. He rolled his eyes and pointed to the unseen stairway alcoves at each end of the lobby. Quickly the officers separated and disappeared around the corners. Again he checked the time--8:36. He was fuming inside. *A kid with a gun gone wacko and it took them fourteen goddamn minutes to respond!*

He peered inside the gym through the crack between the middle set of doors. He could just glimpse the back half of the boy. Moving left to the next pair of doors, he could see both individuals clearly. He recognized the boy--Jacob Krier--and knew the parents well, especially his mother, a nurse at the hospital.

He couldn't believe his eyes. Jacob Krier standing there on that stage with a gun in his hand--it was impossible! Never would he have thought Jacob capable of anything like this.

Ray Steagle was standing in front of the stage looking up at Jacob, only a few feet separating them, *and Steagle had a gun pointed at Jacob!*

Three silent minutes passed. Even with his ear pressed to the crack, he couldn't hear what they were saying over the sounds of traffic and the volatile, demanding voices of the crowd outside. He could detect only a muffled mumbling from inside the gym. Maybe that was good--no shouting, no wild gesturing, nothing frantic. Maybe it was over, or close to over. They may have come to some agreement.

He could see the end of the balcony on his left but not the officer. Nor the other officer on the right. *Where the hell were they and what were they doing? What were they waiting for?* Well, they must know something he didn't!

Suddenly the boy awkwardly lunged forward. His gun exploded. The roar was deafening. Every head snapped back and every body jerked rigid from the shock.

Then another explosion--a different sound, loud but not as loud. Instantly the boy was hurled backward and completely off his feet, his arms and legs seeming disjointed as they flailed the air, his head lolling as if attached only by a thread, his whole body suspended like a puppet on strings until it slammed hard on the stage with a dull, sickening thud and didn't move.

The instant outburst of screams was excruciating. Over twelve hundred voices in unison vented their horror, their fear, their anger, and were not to be silenced, even though so clamorous it was painful. The wracked brain ached for relief. Separate voices stopped only long enough to steal a breath, but the screaming never ceased. The overhead light fixtures seemed to shake. The stage curtains appeared to flutter. Like a gentle lake swell, the heavy wooden bleachers began to undulate from the weight of so many writhing bodies.

One of the officers on the balcony yelled EMTs. No

one heard. Not even the man himself.

But in that same instant Delafield ran to the center doors, yanked them open, and the team rushed inside, their equipment in hand. As if from one voice, the screaming abruptly stopped--not a creak, a whisper, a whimper.

Delafield wanted to scan the bleachers on the right side and find his kids, just visually connect with them, but he didn't think it right, not at that time in that situation. He could feel their eyes on him however. So he did look, just a glance. His son--his face the only one looking at his dad--gave one quick nod when their eyes met. His daughters were huddled together, shaking, their arms tightly wrapped around each other, tears streaming down their faces. He hadn't seen them cry like that since they were little girls with "owies" that needed immediate attention. He would kiss their hurts to make them go away. He wanted to rush to them now, comfort them, hold them in his arms, but stayed on task instead. He knew these hurts would not be gone and forgotten by tomorrow.

He watched the officer on the left balcony slip under the railing, step down the bleachers through the faculty, and lead the teacher away. The officer on the right balcony stood with the barrel of his weapon resting in the crook of his arm and pointing at the ceiling, his finger no longer on the trigger.

Though the screaming and crying had stopped, sporadic whimpering could not be contained. Emotions had to release. On those hundreds of faces visible, harsh dark lines of anguish dug deep into their soft, tender skin, their youthful innocence suddenly gone. Of those faces unseen, the heads hung limp against the chest as if the neck had snapped.

Delafield wheeled the gurney up to the stage but stayed back a few steps. He didn't want to interrupt his technicians as they worked feverishly on the boy, but their silence and

grim expressions conveyed their feelings. The body lay motionless with not even a slight rising of the chest.

He motioned to his other teams and stationed them along the bleachers on both sides. They knew their assignment--watch for signs of both physical and mental distress among the students and faculty and be prepared to render aid.

Delafield hurried back and watched as the team positioned the boy on the gurney and began securing the straps. He whispered, "Make sure no one outside sees his face. They can't know yet."

He rushed ahead to open the door, glad that he was on the opposite side from his children. He wasn't sure he could have simply passed them by.

In the next clock tick his team and the boy were gone. The gym grew morgue silent. No one moved--just blank faces and blank stares. Eyes were either on the spot where Jacob had collapsed or on the door where they saw him disappear. Everyone was speechless, silently asking the same question...What do we do now?

Delafield started to close the doors, ready to stand guard, when he saw four police approaching the lobby entrance. An EMT had slipped them the word--No guns needed. He held the door and the officers took charge.

The crying began again--a quiet sobbing as they realized that what happened to Jacob could have happened to them. Shaken to the core but exhibiting no hysteria, they sat with their heads reverently bowed, feeling a gentle release from the shock and fear and heartbreak.

Delafield chose two of his EMTs, a man and a woman, to remain on the scene for as long as they judged necessary. He released the others and walked outside, letting the door lock behind him. But he stopped. *The kids! I should talk to them.* Would that be fair to the other kids and their parents waiting faithfully here on the lawn, he wondered. Besides--

everyone in there is a witness. They're probably going to be there awhile.

An uncontrollable frenzy among the crowd quickly developed from not knowing who had been taken away. Was it their son, their daughter? They had a right to know. Over two hundred people now, shouting and screaming, demanding to know. Angrily, fearfully, they surged forward, closing the distance between themselves and Principal Donovic.

Out of the corner of one eye Delafield caught a glimpse of an altercation. Ben Donovic was standing his ground, his arms outstretched, chest to chest with one man, two others and a woman pushing hard against his arms. Seeing Delafield approach, they stopped and waited in total silence.

Donovic turned his head, then moved to meet him several feet away from the crowd.

"It's Jacob Krier," Delafield said quietly. "It looks very bad, Ben, but we'll have to wait until we hear."

Donovic slowly shook his head, profoundly shaken. "It shouldn't have happened, John. Should never have happened. I don't understand. I can't believe it."

Delafield's face had that "who knew" look. "Too soon to know what really did happen in there, Ben. But you'll probably want to get a cleanup crew inside before everyone in there starts moving around. The clock and the scoreboard are blown off the wall. Hundreds of pieces. Chunks of cement block. Didn't hit anyone though. Well, Ben--take care."

Regaining some composure, Donovic swallowed hard and turned to face the crowd. "Ladies and gentlemen, I can't reveal the name of the boy just transported to the hospital, but I can assure you he is not related to any of you. Everyone inside is safe. No one hurt. But I'm told the police will detain them for awhile. You can wait as long as you want. Just know that everything's secure inside."



John Delafield backed his truck down the sidewalk and onto the street but didn't turn toward the station. He drove, instead, northwest the seven miles to the village of Bridger and down to the little park by Bridger Creek. He stepped out of the air-conditioned cab into the heat and stood in the shade of the nearest oak tree.

The grounds were pristine, not a scrap of paper or a bit of debris anywhere, and religiously kept that way. The grass was cut, neatly trimmed, and almost void of weeds. The six wooden picnic tables were old but like new as no one had gouged or carved their initials. Swings and teeter-totters had recently been painted and now awaited the crush of summer activity.

He could picture the Kriters there on an evening or a weekend. Jacob's first fishing lesson was probably right here. And no one could ever imagine how it would suddenly all end. How will the family get through this? How will anyone? What if this had been his Nate? His Abby or Ally?

Feeling his emotions surge and about to erupt, he hurried back to the truck, taking out his handkerchief as he climbed in and closed the door.

## CHAPTER 2

By nine o'clock the news of the shooting had already traveled beyond county lines, and TV reporters and cameramen in trucks and vans from Rhinelander and Wausau, both cities within an hour's drive of Pike River, started to appear inside the city shortly before ten-thirty. Aware that the longer a rumor circulated the wilder it would get, a press conference was hastily scheduled.

The Pike River Hospital didn't have a media room for the press corps. There had never been a need and none anticipated. To accommodate the doctor who had attended to the victim, an area in the fitness center was cleared and three rows of six chairs were positioned facing the tabletop podium.

At eleven-fifteen Chief of Police Andrew "Hutch" Hutchinson entered the room from a side doorway. He was an imposing figure well over six feet, a massive chest, and shoes 12EE. Nineteen years he had been a member of the force, eleven now as chief and the youngest ever in the state. A hometown boy remembered as a fine athlete, the position of chief would be his until he retired.

Though never a fashionable dresser and unimpressed by labels, still he believed it appropriate to wear a suit while on duty. At the outset of his appointment, he had declared, “No tie,” over the protests of Rita and their two daughters. He won that battle but not the next. “Fine, Hutch,” his wife countered, “but you will button your shirt to the very top. T-shirts are underwear, and no one needs to see yours!”

At the podium he looked drained, his normal outdoor ruddiness pale like skim milk. His sandy hair resembled a nest beyond repair, the result of wringing his head trying to understand why this tragedy had come to his city.

He ignored the microphone. Whether speaking in a large enclosed area or outside in a gale, never had anyone been unable to hear that powerful baritone voice of his.

He waited a moment as everyone took a chair. The room was silent. He introduced himself, then said, “I hope you realize that we don’t know very much yet. A boy who would have graduated on Sunday was shot and killed by a senior high teacher in the gym at an awards assembly. That’s what brought you here, and my main purpose right now is to correct any misinformation you might have heard. I also want you to know I have approval from the parents of the victim to hold this press conference. Before I state the facts as I know them, I’ll turn this over to Dr. Ramon Ruiz of the trauma center. That way he can readily return to his hospital duties. Dr. Ruiz.”

Dressed in surgical greens, the doctor had been standing just inside the doorway. The two men exchanged places.

Dr. Ruiz had that masculine look common among Latin men--dark wavy hair, deep brown eyes and skin--a very handsome man, but his usual flashing smile was not in evidence. Speaking with a slight accent, he had a flawless command of the English language.

“The victim arrived at the trauma center at 8:44 A.M. I understand the EMTs on the scene at the high school got to

him within seconds of the shooting. The boy took a bullet in the neck.” He pointed to a spot just under the jaw line on the left side, turning his head to expose the area. “The bullet traveled upward and lodged about in here,” he said, turning all the way around and marking a spot with his finger at the base of his skull. “X-rays confirm that the bullet shattered the brain stem.”

He paused a moment, lowered his head, then looked up, grasping the podium with both hands as if to steady himself. “I’m sorry,” he said, his tone softer. “I know I sound too clinical, as if I were talking about a mannequin instead of a very vital young man.”

He glanced upward momentarily, collecting himself further, then continued. “It is my opinion the boy was dead before he hit the floor. He was flatline when we got him. No pulse. No evidence of brain function. Death was instant. He took his last breath just as he’d taken all the other breaths in life, not knowing in the next instant he would be gone. He felt nothing. It was as if someone flipped the switch. That quick. And no pain. None. I can swear to that.”

He took a deep breath and exhaled slowly. The room was still. “We had performed a tracheotomy just in case we established a pulse and breathing. We injected. We defibrillated. Then we had the x-rays in hand. I did not open the chest and massage the heart. There simply was no evidence of need. Without reservation I can say to you that nothing medically could have been done to bring him back. When you hear of medical miracles--people being buried or underwater for abnormal periods of time and living to tell about it--that is only because the possibility existed for the individual to regain consciousness. This young man had no signs of life and the damage he suffered was irreversible.”

He paused once more, his eyes quickly scanning the audience of seven men and three women. “I will try to answer your questions. Raise your hand please.”

One man was eager and ready. “WBAY-TV out of Green Bay, Doctor. You spoke with the EMTs, did you?”

“Yes, I did. They had a portable defibrillator and worked on the boy throughout the three-minute ride here. They tried to the best of their ability. We tried here. It was a valiant effort by all--but not to be.”

On the word *valiant* the chief’s cell phone rang. He listened, then said quietly but still audible enough for all to hear, “Okay. Copy.” He nodded apologetically to Dr. Ruiz.

“WPKR-Radio, Dr. Ruiz. A piece of sophisticated medical apparatus doesn’t exist out there somewhere that could have provided a possibility of recovery, does it?”

“No, sir. There is nothing.”

“So flying him to a cardiac center would not have helped, would it?”

“No. The heart was not damaged. It’s the victim’s electrical circuit from the brain that was cut off. The boy’s brain stem was severed--like cutting an electrical cord. It’s often referred to as “Houston Control.” It’s a complex extension of the spinal cord, and without that connection we can’t live.”

He stopped then and waited a few seconds, scanning, giving them more time if they needed it. He nodded. “So, there being no other questions, I thank you for your attention.” He left the podium, exchanging handshakes as the two men passed each other again.

“I apologize for that cell phone interruption,” Hutchinson addressed the group. “I had left orders to be contacted, hoping that call would get to me in time for this conference. I wouldn’t release the names of those involved earlier this morning until we were able to contact the families and assure them adequate private time to make their necessary calls before we went public. Most of you here know how fast news travels in a small town, especially bad news.”

He gripped the podium with one hand. His inner anguish was obvious to everyone. He cleared his throat. "The names you heard through the rumor mill are probably accurate. Jacob Harry Krier, seventeen, residing in Bridger and attending Pike River High as a graduating senior, was shot at the academic awards assembly this morning at 8:40 in the gym. The man who shot him is Raymond James Steagle, thirty-nine, married, the father of two, and the Senior College-Prep English teacher. He lives here in Pike River. We have him in custody."

He pointed a finger. "Now, take note. I demand that you not release these names until 5:00 P.M. tonight. You can prepare your material; just don't release it early. Mr. and Mrs. Krier, parents of the victim, will drive to Madison this afternoon to inform their daughter. She must not hear about her brother's death from anyone but them."

He pulled a folded sheet of paper from his inside coat pocket and flattened it out on the podium. "You who know me know that I don't speculate," he said. "What I know to be the fact, I will tell you. We had two officers at the scene inside the gym prior to the shooting of the victim. I have their preliminary reports but not the official as yet. I haven't personally interviewed anyone. Not even my own men. What I have done is put as many officers as I can spare in positions to gather details and establish corroboration of those details."

He glanced at his notes and held a finger next to the first entry. "We got a nine-one-one call at 8:22 A.M. The voice identified himself as Raymond Steagle, high school teacher. This is the rest of the transcript of that call," he said, peering down at his sheet. 'I have observed a boy in the high school gym who has a gun and has fired it twice. I have no knowledge of any injuries. It is very quiet inside but I can not see anyone from where I am. Only him. I'm going to go in. I will hang up now.' Looking up, Hutch said, "Just like

that the call ended. The line went dead.”

Teeth clenched, Hutchinson took a deep breath, sighed, and said, “We had a problem. A response problem. We know the call came from a high school phone inside the building, but as yet we’re not sure where. School phones are off limits to students, but you can’t secure all fifty-one in the building. It’s the peak time of the year for pranks and the last chance for some seniors to act up. We didn’t know whether the call was genuine or not. The senior high administrators, namely the principal, his assistant, and the athletic director, know the code word we’ve established to authenticate any emergency calls from the school to us such as threats received, unidentified packages found, drugs on the premises, and possible explosives suspected. That code word was absent from the nine-one-one call. When dispatch tried to contact the administration, their lines were tied up.”

He moved his finger down to the next entry, then looked directly at them. “We had two armed men inside the building by 8:36. I find that time frame unacceptable. When I’ve spoken with all involved and have the clear picture, you’ll hear it from me. As I said, Mr. Steagle is in custody. He’s in a holding cell but hasn’t been charged with anything yet. He wasn’t confrontational in the gym and is totally cooperative. He’s held on a 72-hour weapons charge. I haven’t personally spoken with him as yet.”

He thrust both hands in his pants pockets and said, “Okay. I’ve got some other notes here that may or may not interest you, but I’m open to questions.”

“Chief Hutchinson, WSAW-TV Wausau here. Do you know how the boy got the gun into the school? Was there a security breach?”

“Seniors are done today following the assembly. They took their graduation robes home yesterday. Many had already cleaned out their lockers this morning and brought their backpacks with them to the assembly. The custom is to

take their yearbooks across the street to the stadium and pass them around for signing, which usually lasts the morning. Jacob was onstage, received his scholarship certificate, and withdrew the gun from his backpack. I can't comment about security until I have time to sit down with the administrators."

"Is there a security policy, Chief?" the reporter continued.

"Yes, there definitely is."

Another hand raised. "Wausau Daily Press, sir. Two questions. Do you know how Raymond Steagle got a gun or had a gun so readily available?"

Hutch compressed his lips and shook his head. "I have no idea. But I will definitely find out."

The reporter continued. "And can you tell us how many shots in all were fired?"

"At 8:17 the boy fired the first shot and blew the clock off the wall. At 8:20 the scoreboard exploded. At 8:40 he shot again, that bullet hitting the balcony bleacher well above and behind Mr. Steagle's head. It was then that Mr. Steagle fired his gun once."

A young woman raised her hand. "WAOW-TV Wausau, Chief Hutchinson. Those times you gave us place the boy on stage for twenty-three minutes after he fired the first shot. Do you know anything about his purpose?"

"Only that the boy believed something was unfair about the scholarship awards. Something about him making kids sign their scholarship over to other kids. I'm sorry I can't elaborate at this time." He scanned the group.

A hand went up. "Jim Bayshire of the *Pike River Herald*. Will there be an autopsy, Hutch?"

"I've spoken to the Kriters. Their son's body is on the way to the State Crime Lab in Madison as we speak. The bullet will be retrieved there and returned to us for a ballistics test."



“Do you know what kind of guns were involved?”

“We’re in possession of both. Jacob Kritter used a .357 Magnum with a 6-inch barrel. Raymond Steagle had a .38-caliber. Both are Smith & Wesson revolvers. We’re checking registrations to verify ownership.”

Another young woman journalist raised her hand.

“WFXS-TV Wausau, Chief Hutchinson. You spoke of other witnesses. There must be an overwhelming number.”

“Well put, miss. Excluding my two officers, the suspect, and the victim, there were twelve hundred seventy-five in attendance. All have been given writing materials and asked to describe what they heard and saw. They are urged to be as detailed and as accurate as possible and to express their personal feelings during the ordeal. They are taking their time. When we have them all and compile their statements, we should arrive at a very clear understanding of exactly what happened in there. I’m sure some of the respondents will be questioned further.”

“Can you break that number down, sir?”

He checked his notes and read, “Eleven hundred eighty students, eighty-seven faculty, seven female scholarship presenters, one male school board member.”

The local newspaper reporter waggled a finger in the air. “Hutch, when you and I were in school, the principal was always in charge of assemblies and graduation. Was Mr. Donovic there in that capacity this morning?”

“I understand at the beginning he was, Jim, but was called out.”

“Does it seem strange that he’s called out at that most inopportune time? Could that mean--”

“Don’t go there, Jim,” Hutchinson said sharply. “Let’s not muddy the waters. When I have the facts, you’ll get ’em.”

“So the assembly went on without him,” the man continued.

“It did. George Lyman, the school board president, took over.”

“Any parents present?”

“None that I’m aware of except John Delafield and those on the staff. I don’t have the numbers.”

The Rhinelander TV representative raised his notebook. “Chief, those EMTs on the scene--could they hear what was going on inside?”

“I have no confirmation of that as yet.”

“Were you there, Chief Hutchinson?”

“I was halfway to Shawano for a Tri-County Conference of sheriffs and police chiefs that we have about every three months. We compare notes to see if there’s a pattern to the types of crimes we’re experiencing. I got a call at 8:42 and headed on back. Got into town at 9:14.”

“That means you weren’t notified until twenty minutes after the nine-one-one call came in.”

Hutchinson bristled. “That’s right. That’s what it means.”

The man persisted. “Were you or anyone in contact with your two officers after they were inside at 8:36?”

“No. We have the means to communicate, but only those officers know what’s happening. Wouldn’t be smart for us to call and perhaps be a distraction. It’s their call if they feel they’re outmanned or outgunned and need backup.”

“WBAY, Chief Hutchinson. Do you know how the EMTs were alerted?”

Hutch studied the man a moment, then flashed a slight grin. “It’s Chuck, isn’t it? Chuck Davis? Ah, Class of--of ’83?”

The man smiled. “’82,” he corrected. “The year after you.”

“When I first spotted you, I knew I should know you. We get GB here on cable. I haven’t seen you.”

“Just moved up there a week ago from Milwaukee.”

“Do you mind, Chuck, if I ask how you heard about this in Green Bay so quickly?”

The man glanced over at Bayshire. “I usually check in with Jim once a week just to kinda keep in touch with the news here. He called me.”

“Okay. To answer your question--no, I don’t know how the EMTs got there before we did.”

“Then I guess you’re not aware of John Delafield’s involvement.”

“No, I’m not. I only know that he was there. But I’d be interested to hear. Do you know something and is it accurate?”

“When I heard the EMTs were on the scene, I checked with John. We were neighbors when I lived here. He got a call from police dispatch that the nine-one-one call was being verified. He didn’t wait. He has a son and twin daughters in the senior high. They were at the assembly. He went over to the school himself. He called for three teams, three ambulances. He was stationed in the lobby, let one team in there, and then the two police officers when they arrived.”

Puzzled, Hutchinson frowned. “I guess I’ll be talking to John when I leave here.” There being no further questions, he thanked them and turned to go but then stopped abruptly and faced them.

“A final word. What happened here this morning is a tragedy that should not have happened. I don’t know exactly what went wrong where, but I can assure you I will find out and measures will be taken to insure that nothing like this can ever happen here again. I was confident with the security procedure we had in place. Obviously I shouldn’t have been. I take responsibility for that. It’s my fault.” He departed.

The group didn’t hurry to disband however. They knew their jobs, knew there was always much to learn from the

locals. The woman from FOX asked over the talk of the others, “Jim of the *Herald*, can you tell us what you were probing when the chief cut you off?”

The room quieted. “Sure, Nance. I’m wondering was there an accomplice. Ben Donovic is a forceful principal. Not a man to mess with. But I’m thinking maybe some other kid made a call this morning just to get Donovic out of there. You heard what Hutch said about the fifty-one phones in school.”

“What about Ray Steagle, Jim?” Chuck Davis asked. “I don’t know anything about him. He came after I graduated.”

“He’s a very fine teacher. All three of my kids had him. He strikes a nerve with kids. It’s unbelievable how they produce for him.”

Another asked, “Do you know who the two police were?”

“I heard, but it’s not verified. But here’s what I see that I don’t like, and I mean absolutely don’t like. I don’t know how Ray got himself involved in this, but I know how he thinks. We go to the same church. I’m sure he saw a situation where someone had to come forward and diffuse it, but I think the reaction times were way too slow by the police. Hell, the EMTs beat them there. And when those two cops did get inside with their own firepower, I want to know what they did. I don’t know why or how they sat there for four minutes, but it shouldn’t have been Ray who shot that boy. Now he’s in jail and surely he’ll be charged with the shooting. It’s not right. I think somebody screwed up royally in there, and Ray Steagle’s going to pay one helluva price.”

He turned to Davis. “And Chuck--when you said Delafield and his EMTs were on the scene before the cops, you don’t have a time on that, do you?”

“No. I only had a couple minutes with John. I had to get over here.”

“Well, that’ll be interesting, won’t it?” Jim was breathing heavily now and knew he was red and dripping sweat. “But hey, folks--please, please don’t quote me on what I just said about screwing up. Pursue it, be professional about it just as I’m going to be, but don’t go spouting that Old Jim Bayshire said this or that. If you do, you’re gonna cut us all off here. We won’t be getting anything to report,” he warned.

## CHAPTER 3

Raymond Steagle didn't know if he were receiving special treatment or not. The officer who had taken him into custody in the gym had calmly and quietly asked that he lay the gun on the edge of the stage and slowly step away five or six feet. That done as requested, the officer then grasped the gun by the barrel, emptied the chamber of the one remaining bullet into a clear plastic bag, placed the gun inside, sealed it, and carried it in his left hand with his M16 rifle slung over the same shoulder, leaving his right hand free. "Now follow me, Mr. Steagle," he ordered, though not harshly. Without handcuffs and no siren blaring through downtown, he rode silently in the front seat.

At 8:55 A.M. in the interrogation room at the Safety Building, an old complex housing both the Badger County Sheriff's Department and the Pike River Police, Raymond sat alone. Not inside the "kennel" however, that chain link cubicle occupying one corner of the room. Still no handcuffs, and even though he'd been given a cordless phone to make one call, no one stayed to guard against his making more than one.

He stared at the phone, unable to make the call he had to make. Not yet. How was he going to tell Amy? How was he going to say it? How does a man call his wife and tell her that he won't be coming home at four o'clock--and maybe never? How does he tell her he just shot a boy, maybe killed him, and instead of coming home to her and the children, he was going to prison?

How does he do that? No warning. No way to prepare her. Does he just call her and say here's the deal, it's not a take-it-or-leave-it thing, you'll just have to learn to adjust?

He'd rather be dead. Be better if he were dead. Whether Jacob Kritter lives or dies--*and oh, God, please don't take him!*--his own life was over. Be better if Amy were a widow, his children fatherless. She can put her life, another life, together again. Put their marriage behind her, move away, start anew, and shield the children from the haunting memory of a dad who shot a young boy and was now in prison.

The horror of what he had done was filling him with despair. He was sweating now, his clothes sticking like a second skin. He had to keep a cool head however, had to know exactly how he was going to approach Amy, know exactly what he had to say. He would tell her to bury the ugly baggage right here in Pike River and move on. It wouldn't matter where they moved because the sun would still be shining there, flowers blooming there, the air fresh, and people laughing. Life would be good for them again. Never would Hannah have to set foot in that gym and be reminded of the shooting. She wouldn't see Jacob lying there. When Rich got to high school, no one could point and say, "See that spot. That's right where your old man shot that kid!"

He sat there shaking nervously, his elbows propped on the table, his hands holding and supporting his head. His stomach felt queasy. His eyes were wet and bleary. He

wiped and rubbed them dry. He couldn't see the redness.

How could it be? How could it have happened? At 8:39 his whole life--what had become a joyous adventure with Amy and the children and his career--all of that still lay ahead of him, still to be played out to its glorious end--and yet at 8:40 it ended with that ear-splitting sound of the gun when he pulled the trigger. *God, why me? Why anyone?*

At 9:42 another officer, a sergeant, entered the room, hesitantly it seemed, almost as if he were intruding.

Raymond recognized him and ordinarily would have smiled. It was always gratifying to reconnect with former students. "Mr. Morris," he said, addressing the officer as if still in class. Then, "David. Class of--the early nineties."

"A '93 grad. Hi, Mr. Steagle. I just came to see if you're done with the phone."

Ray shook his head. "No, Dave. Haven't made the call yet. It's--it's not an easy one to make."

"I understand, Mr. Steagle. I heard what happened at school. I just want you to know, sir, I know that what you did isn't something you would ever do without reason. It's just not in you to hurt anyone and certainly not shoot someone. I hope things work out for you, and if you need a character witness, I'd be proud to testify for you. Well, good luck, sir. And take all the time you need with the phone."

"Thank you, David. I appreciate that."

As the young officer turned and opened the door, Ray said, "David, do you know anything about the boy I shot? Have you heard anything?"

The man stopped abruptly, his eyes wide, his jaw frozen, but he didn't turn around. Quietly he said, "He died, Mr. Steagle." The door closed.

Ray's entire body sagged as if void of muscle and bone. He was sheet white. With closed eyes he would appear dead. The shaking began again. His body convulsed. He couldn't control it. Sweat oozed. His clothes soaked it up and stuck



to his clammy skin. He was sure he was going to pass out. He peeled off his coat, in his hurry struggled with his tie, and then opened his shirt. He sat for several minutes, heaving and gulping air.

As a physical calm began to settle over his body, his mind continued to swirl in torment. *Now how does he tell Amy?* The whole town must know by now, but nobody's going to call her and say, "Ray just shot a kid dead in school." *Can't wait any longer. Call her right now.*

Raymond picked up the phone and dialed. "Amy, are you in the Center or the house?"

A call from Ray during the day wasn't unusual, so there was no alarm. "The Center. Unusually quiet, isn't it? Today's wolf day. Real live pups from the Raptor Group. They were found abandoned--or something happened to the mother. God, they're cute. Ray, you can even pet them. The kids love it. Makes daycare fun for all of us. So, the assembly's over, the seniors are all gone, and you're a free man. Feels good, doesn't it?"

"Amy--are Paula and Melanie there?"

"Sure. Right now Paula's changing a diaper and Melanie's burping Chad. Boy, is he getting to be a load." There was a hesitancy in her voice then. "Of course, Ray. Why?"

"Have one of them take the phone, you go inside and pick up, and then she can hang up."

"Ray? What's going on?" The tremor in her voice was obvious. "Is there a problem?"

"Yeah," he sighed. "There is."

"Hang on."

Only a moment and he heard the click from the pick-up and then the hang-up.

"Amy, it's not about Hannah. She-she's fine. I should have told you that right away. But I want you to record this conversation on the answering machine, honey."

“Ray!”

“Just do it, Amy. Do it.” He wished he hadn’t spoken sharply.

“All right, Ray. It’s working.”

“Amy, I want you to sit down somewhere and just listen. You haven’t heard anything about what happened at school, have you?”

“N-no, Ray. Nothing. Should I have?” She couldn’t hold the phone still. There was something in his voice. She couldn’t say what, for she’d never heard it before, but she was suddenly afraid.

“There was an incident at the assembly. A boy pulled a gun and was pretty much holding everyone hostage. I was on the phone with a parent so I got there late. Coming through the hallway I heard a “pop” that sounded like a firecracker. But in the boys’ locker room I heard what I was sure was a gunshot. Kids screamed. I ran out to the car, got Art Detko’s gun, and went back inside. I called nine-one-one from the coaches’ room and reported what I knew. I waited, maybe not even a minute. Inside the boy was raging and screaming at the kids. I was sure I knew the voice, though I’d never heard him yell like that before. I took a quick peek. I was right. I stuck the gun in my belt, pulled my coat over it, and stepped into the doorway where he could see me. He spotted me right away. I asked if I could come in. He said I could. I walked to within maybe twelve feet when he told me that was far enough. He was up on the stage by the podium. He had the gun in his left hand but not pointing at me or anyone right then.”

He stopped, swallowed hard, trying to stay calm, trying to say everything at once without blubbering his way through. “I talked to him for awhile. I can’t say how long. It got really quiet. I was glad for that because I could sense the kids were terrified. I couldn’t see Hannah. She was far down the line on the bleachers, but I knew she could see

me.”

He heaved a sigh. “I couldn’t get him to give up the gun. I tried. God, I tried, Amy. I didn’t want to get angry and blow up at him. I didn’t want to be a threat to him. He started moving the gun around, pointing it at people, students, faculty, anyone and everyone. So I showed him I had a gun, just pulled my coat back. He did a funny thing, Amy. He smiled, almost as if the game just got better. Amy, it’s Jacob. Jacob Krier.”

“Jacob!” she shouted. “That really nice boy you’ve talked so much about--and Hannah has too? The lawyer’s son?”

“Yes, that Jacob. He said to me, ‘Well, Mr. Steagle--I think this is now just between you and me. One of us is going to checkmate. The other one loses.’ Amy, he actually grinned at me then.”

“Ray!” she interrupted, her tone frantic. “Can’t you just come home and tell me? Or I’ll come there. I know you don’t have any classes today.”

“No, hon. That won’t work. And I’m almost done.”

“Ray, no. Please. I don’t want to know like this. Just come home please.” She started to sob. “I can get away, Ray. I’ll be right there.”

Almost in a whisper he said, “No, Amy. I can’t do that. Just listen. Just a little more.”

The line was silent a moment. “All right,” she said softly.

“Amy, I tried to reason with him. He was really out of control, irrational, not himself at all--not like I’ve ever known him or imagined he could be. And I couldn’t imagine why the police hadn’t come. Where the hell were they? So I withdrew the gun I had under my coat, trying to buy some time, but I didn’t point it at him right away. We talked some more, then he was getting edgy again. I wasn’t holding the gun out like I was aiming, but I was sure I had it pointed at

his shoulder. And then two cops showed. I didn't see them come in, but Jacob did and motioned them in. I looked up and they were on the balcony, one on each side. They had rifles I guess, or shotguns, I don't know. But Jacob stopped them when they got about halfway toward the front."

He stopped a moment to catch his breath. "They both knelt down, rested the barrel of their guns on the railing, aimed right at him it looked like to me, and just stayed there. Never said a word. Jacob turned back to me. Again I tried to talk to him, reassure him that if he put the gun down we could work this out. He's always such a reasonable person, so cooperative and polite. I couldn't believe this was he, the Jacob Krier I got to know very well over his four years in high school.

"God, Amy--I didn't know what to do. He's left-handed, so that arm's closest to me. If I felt I had to shoot, I thought maybe I could cripple his arm and he'd drop his gun. Finally I said to him--Well, Jacob, what are we going to do? I've got work to do and you've got to graduate on Sunday."

"Ray, please!" she cried. "Please don't say anymore."

Ray was in a fog now, as if telling all was better than holding anything back. "You know, Amy--I really didn't know what I was doing or saying. I was just trying to buy some time until the police took over. But they didn't take over. I suppose I could have walked away. Maybe he'd have shot me in the back. Maybe not. Or maybe he'd have just started shooting anywhere. And maybe they'd have shot him. Any one of those scenarios would have been okay by me. At least I wasn't in charge that way, and maybe Jacob wouldn't have hit anyone really bad enough to kill them. Maybe nobody gets really hurt. But all the while, in the back of my mind, I know Hannah is sitting back there with her classmates. I have to protect her. I have to protect everyone. There's no one else. I kept thinking the police will take over any minute, but the minutes went on and on."

Ray pressed the back of his hand against his mouth but couldn't prevent the choking sound. "But--but here's what he did. He brought the gun up fast, without any warning, and he fired. It sounded just like this--BANG-BANG! That fast. His bullet missed me. But m-my bullet--Oh, God, Amy, this is bad--I shot him in the neck. Down he went. The EMTs came running in from the lobby, and one of the cops led me out of there. I never got to see or talk to Hannah, but I know she's okay, not hurt."

His breathing was rapid now, but he continued on, anxious to get it over. "A cop came in the room here at the jail--I don't know if I ever mentioned Dave Morris ten or so years ago but I had him in class--he told me Jacob died. I-I killed him, Amy. I killed that boy. I could go to prison for this. *I'm going to prison!* God, I don't know why me. Anyway, you should probably pick up Richie and tell him so he doesn't hear about this from someone else, and then go to the gym and wait for Hannie. She'll be all torn up about this. Take care of them, Amy. I know I don't have to tell you that, but just don't bother worrying about me here. Whatever happens now has to happen, and it's out of our hands. Oh, and tell Paula and Melanie too."

He took a deep breath. "And Amy, I am so sorry, honey. I don't know what I was thinking. Well, I guess I wasn't thinking. I know the odds of Hannah getting shot were slim, any one kid for that matter, but I just thought if I averted his attention until the police got there--well, what's done is done."

He knew he was rambling now. He had heard her crying through most of it, and now she was totally wracked. He waited.

It took a few minutes for her to collect herself, then, "Oh, Ray--my poor Ray. I'm so proud of you. You did the right thing. Yes, it's very sad that someone got shot, but it's on him, that boy, Ray. He came in there and threatened

everyone. Not just Hannah--everyone in that gym. Who knows how many people you saved, Ray? We'll never know, but maybe if they count how many bullets he came in there with, they'll have some idea of what he had planned." Quickly she added, "Ray, when can we come and see you?"

## CHAPTER 4

All five blocks of downtown Main Street in Bridger were still empty at noon. Not a soul in sight since the exodus earlier and those families still waited outside the school for their children. The only evidence that any life existed was the one pickup truck parked in front of the cafe. Nothing moved except a few scraps of paper rolling along the curb and the swaying sign hanging out over the sidewalk, its once bold black letters now gray on a weathered white square board: Kriter and Kriter Law Office.

The firm was established in the late '50's by Harry Kriter, now retired and residing in Panama City Beach but still active in an advisory capacity. Often the subject of discussion at the morning coffee, many old-time Bridgers still believed the office should be designated a state landmark. "Hey, maybe even national recognition. How many towns out there under five hundred people with no industry, no bank, no drug store, no bakery, no barber, not even a *weekly* newspaper--how many of them can boast having a law firm? None--that's how many. Only Bridger." Perhaps fearing the demise of their bragging rights however,

no one ever did the research to verify their claim. “Sometimes it’s better not to know than to know,” some were quick to exclaim.

Normally the village would have been busy that Friday morning with homemakers flocking to Linderman’s General Store, not only those intent on having “enough beer and brats on hand for the weekend” but especially those mothers hosting graduation parties on Sunday.

But incredibly, just one phone call to one home shortly before nine o’clock turned Bridger into a ghost town. Within minutes everybody knew--and within a few more a cavalcade of cars and vans and pickups sped out of town, their occupants being either the mothers and dads or other relatives of Bridger children in grades nine through twelve attending Pike River High.

Other residents stayed at home by the phone or huddled in small groups at a neighbor’s house. First they heard the word *shooter*, followed not long after with *victim* and *hospital*.

Someone caught a name--*Raymond Steagle*. “My niece who teaches third grade right here in Bridger knows that man. She says he’s a really fine teacher and a very nice person.”

Then the name--*Jacob Krieter*. “Oh, my, no! Oh, God! Len and Diane’s boy. They live right down the street from me. A very nice boy. He cuts my grass and shovels my snow and charges me so little. But I always give him a good tip. Oh, that’s awful. That poor family.”

Finally the most devastating news reached their ears--*died*. At first both names were mentioned. A rash of busy signals tied up the phone lines as rampant confusion erupted for several minutes. Then the definitive leak...the *true* word. Not surprisingly, everyone knew about Jacob’s death more than an hour before the announcement at the press conference.



They were stunned, in shock. They couldn't believe it was true. Some refused to believe. "Not here in Wisconsin, and certainly not in Pike River or Bridger. Other cities, other towns, maybe--where there's wildness and gangs and maybe more bad people than good, but not here! It just can't be."

If any of them had seen Len Krier walking from his house to the office after returning from the hospital, they would have believed. His heart shattered, his mind whirling in grief and disbelief that this could happen to his family, he could not manage his normal brisk pace the few short blocks. With shoulders sagging and his body hunched forward as if struggling uphill against a gale, wishing now he'd taken the car, each simple step became an agonizing, plodding journey. At any moment, the very next step, it seemed he would either collapse in a defeated heap on the sidewalk or quit and turn back. But neither was an option. He had to press on.

Breathing heavily, gasping at times, his whole body trembling and his eyes flooded with tears, he fumbled again and again trying to get the key in the lock. Feeling so inept, so helpless, he fought to keep from crying out right there in the doorway. Inside then, he left the "closed" sign on the door, the lights off, went into his inner office, and slumped in the chair behind his desk. He glanced at the clock, leaned his head back and closed his eyes, gripping the arms of the chair, hoping to stop the shaking.

Only four hours, he thought--four hours that seemed like four seconds since the sheriff's deputy blew into the office at 8:48 and rushed him away in the squad car, the speedometer needle slicing one hundred miles per hour and the siren screaming the seven miles to the hospital.

Now with the phone calls, the arrangements to be made, and all the little but necessary details, there was no time to grieve, no time to just sit and cry, and think, and remember, and cry and cry until the tear ducts run dry. It's like being in

an ugly brawl, he thought. You get hit, never saw it coming, get knocked down, can't think or see straight, but you have to bounce right back up as if nothing happened, as if you're insensitive to pain. How can life be so cruel?

He picked up the note lying on the desk.

Len,

It went well. All appointments contacted and rescheduled. Nothing until next Wednesday. Longer if you need. I can keep the office open too if you want. Just let me know. If I don't hear--well, I might just come in anyway and get caught up. Take care ...I'm thinking and praying for you and Diane and Jenn.

Mary

A true jewel, he knew. Twenty-two years his secretary and a consummate professional. Always leaves her problems and moods outside when she opens the door at eight. She deserves another bonus and raise. It's time, but with Jenn in college and now Jake going in the--

He caught himself but couldn't stop the tears. He had to wait minutes before he was calm enough to make the first call.

In a clear yet quiet voice, Harry Krier answered, "Hello."

Len could picture him sitting there in his deep blue recliner, the pure white wavy hair, the thin gold-framed bifocals, and both his good leg and the prosthesis propped up on the foot rest. The cordless phone was always within reach.

But his most vivid memories of him occurred in court. Not as a defense attorney. He was too young then. But in his teens when he'd decided to follow Harry into the law

profession, every chance he got he'd slip into court and observe, proud that his dad was the district attorney.

And of all the expert advice he'd received over the years, none ever tapped his brain more than the "peanut" lesson. "Len, if you can't digest peanuts, then eat raisins." Harry paused, smiling inside as he watched his son try to make some sense of the statement. "The point is, Len--don't ever dwell on what you don't have or what you can't do. Strengthen your strengths, son. Develop your inborn talents. Now take this leg of mine, for example. You'd think all the thumping it does on that plank floor in court would be a distraction, but you can look at the jury and see it isn't. That's because a better part of me is in command. You'll see, son. Someday it'll hit you."

Len smiled at the recollection, then shook his head as if to force his mind back to reality. "Hi, Dad."

Harry Krier knew in a blink that something was wrong. Never did Len call and just say hi. Usually, 'Hi, Dad. It's me, Len. Your son. Remember?' It was always laughable, for there wasn't another son. Daughter Emily. Just the two children.

"Should I sit down, son?"

"Is Mom there, Dad?" Already Len could feel his emotions rising out of control.

"No. Shopping for supper. I didn't catch anything this morning that we could eat."

"Dad, it--it's about Jake. He was shot this morning. He--he's gone, Dad. Our Jake--he's gone. I--" Len couldn't hold back the crying. He heard sobbing on the other end. "Dad, you're the first I've had to tell. I'll call you back in a few minutes. I just need a little more time."

He pushed himself up from the chair and paced the room in agony, his stomach muscles cramping as there seemed to be no end to the depth of his sobbing.

He reached in through the doorway of the half-bath for a

towel, wiped his eyes and face, and muffled his sobs in the balled-up terry.

A few minutes more and he laid the towel over his shoulder, dispensed a paper cup, drank four cold swallows, then crushed the cup and let it drop into the waste basket.

He sat down, lifted the receiver, and pressed the redial. “Me again, Dad. Sorry I lost it there. I guess I should have waited longer before I called.”

“Len, if you need more time--”

“I’m okay now. Well, for awhile I guess. I’m a little pressed for time. We’ll see.”

“Jacob’s dead, Len! How? How could such a terrible thing happen? Where?”

“Dad, I don’t really know much yet. It happened in the gym at the academic awards assembly around eight-thirty.” He paused, then blurted, “Oh, God--I can’t believe this. It just can’t be. My boy--here this morning, his last day of school, off to college in the fall--and now he’s gone forever. It just can’t--”

Harry hesitated, then quietly said, “Take your time, son.” The trembling in his own voice was obvious. “Maybe you want to take another break and call me back again.”

Len sighed. “No, Dad. I have to do this. You and Mom have to know. The ambulance was right outside the school waiting. There’d been a nine-one-one call about some trouble. They got to Jake in seconds after he got hit and had him in the trauma center in three minutes. They worked on him for almost an hour. They just couldn’t, Dad--just couldn’t bring him back. They didn’t want to give up, but--but it was futile. Jake was gone.”

Len paused again, took two deep breaths, and continued. “They didn’t give up, Dad. They did everything they could. It just--just wasn’t to be.”

“Oh, God, son--I don’t know how we’re going to get through this. I don’t know how I can tell your mother. I

don't know if she can handle it. Or any of us for that matter. But you know how worked up she gets over just little things. Something like this--Len, maybe it'll send her over the edge. We've still got some Librium for her anxiety attacks. We're having toaster waffles and applesauce for lunch when she gets back. I could crush one up and sneak it in her dish, then tell her about Jacob when I know she's at ease. What do you think?"

"Ever done that before, Dad?"

"Several times. Dr. Artienne said it was okay.

'Whatever it takes to keep her calm.' That's verbatim."

"Well, whatever, Dad. Maybe you better bring them with you too, just in case."

"Yes. Yes, I'll do that." His voice fell off to barely a whisper.

"Dad, I wish I could be there, but I can't. I can't leave Diane. And we haven't told Jenn yet. And there's so much to be done here."

"Oh, Len, I know. Don't worry about us. We'll manage. Always have. And we'll be there tomorrow. Are you going to call Jenn?"

"No. We're going down there. We don't want her driving back here alone. It'll be bad. You know how close Jenn and Jake were. She can be tough on the outside--you know that--but she's so soft on the inside."

"What about your sister, son? Want me to call her?"

Len sensed the anguish in his voice. He didn't want to make it any tougher on Harry. He knew the man was close to falling apart--and would when they hung up. "I'll call Emily, Dad. Right after we're done."

There was a noticeable pause, then Harry asked, "Len, how did you tell Diane?"

"Dad, you won't believe this. She was off yesterday and today but got called to fill in this morning. She was on duty. They brought Jake in and she was one of the trauma

team that got him. I don't know how she did it, how she could function. She said she knew right away there was really no hope. He was flatline on arrival."

"Oh, God, Len--how terrible. Is she there now? Where you calling from, son?"

"The office. When we got home, we cried together, and then I think we needed some private time to cry alone. She was curled up on the couch with his senior picture and letter jacket when I left for here."

"She'll be strong, Len. She may block it out for now, and then maybe after a few days, the funeral--well, Diane and Jenn and you, you'll be there for each other and get through this, son. But, Len--" He stopped a moment. "Len, can you tell me how it happened? You know your mother. I better have all the answers there are."

Len pulled the towel from his shoulder and wiped the sweat from his forehead. "Dad, this is so hard to believe. Impossible really. Jake was up on the stage. He had received his scholarship certificate and apparently asked if he could say a few words. Given permission, he stood at the podium and pulled a gun from somewhere."

"A gun!" Harry shouted. "A gun, Len? Jake hates guns. Always has. He doesn't know guns! Where would he ever get a gun?"

"I can't even imagine where, Dad. Diane and I--we started to ask each other so many questions and then realized how impossible it is right now. It's too soon. They say Jake pulled the gun and shot the clock off the wall at the far end of the gym, and it seemed maybe he didn't get the attention he wanted--like it was some kind of a joke--so he blew the scoreboard and part of the wall away and then started pointing the gun at the kids all over the gym. He cleared the stage of the presenters and the school board member. Told them to sit with the faculty. I don't know what was going on then, but Ray Steagle--he's an English teacher and Jake was

in his class--he came into the gym with a gun himself. I don't know anymore than that, Dad--other than he--he shot Jake."

Harry started to speak but the words caught in his throat. He coughed to clear it. "My, God, Len--Jake with a gun in school and a teacher with a gun--what the hell's going on up there?" he barked, then caught himself in the next breath. "I'm sorry, son. I'm sorry. It's just that--it's just too much, too much to believe. Hutch is in charge, isn't he?"

"Yes. I only spoke a few minutes with him. Diane and I were receptive to him calling a press conference pretty quick this morning. You know how the facts get stretched, but I don't know what he said. I'll record the local news and watch tonight when we get back from Madison. It just might be on the national news tonight too. Make sure you tell Mom before she sees it on the tube. I'm sure Hutch will contact me when he has the information he needs."

"And no one else was shot."

"No. Only Jake."

"So--so Jake didn't shoot anyone."

"That's right. Threatened, if I hear right, but didn't actually point and shoot at anyone. He did shoot first in the direction of Ray Steagle, but Hutch said the bullet hit four feet over the man's head into a balcony bleacher."

"Well, the wheels will turn fast on this one, Len. No need for a grand jury hearing. And Judge Bender won't let this drag on. He'll schedule a quick trial so that life for everyone can move on. But Len--about Jake. Did he seem different lately? Or troubled? Were there any signs of a problem? It just doesn't sound like Jake!"

Len leaned his head back, thinking of the changes in Jacob that were even more striking now. "About a month ago we noticed he seemed pensive. Just not the same jovial Jake like always. Wasn't smiling or kidding around much. Didn't even tease his mother--which he loved to do and she

loved it too. We called Jenn and asked if she noticed any changes in him when they talked. She said no but it could be graduation stress. She said you're so psyched the whole year to get out of there, and then when you realize you are out, it hits you. You suddenly know you have to be an adult whether you're ready or not. Well, we were sure if Jake had something really bothering him, something emotional, we believe he'd have told us. He wouldn't try to hide anything. Well, looking back now, obviously we were wrong."

Harry was quick to caution. "Now don't be hard on yourself, son. You and Diane are great parents. You raised great kids. Don't put any of this on you. Did you notice any physical changes in Jake, Len?"

"You know, Dad, about three weeks ago Jake and I went to the driving range to hit a bucket of balls. Twice Jake actually whiffed and fell down. Remember now, Dad, this is the number one guy on the golf team. It was funny for about one second; the next second it wasn't. I actually had to help him up because he said he felt so dizzy. Then it passed and he wanted to drive the whole bucket, but down he went again after maybe a dozen balls. That's when he said he'd been having some headaches lately--seeing a little fuzzy at times--none of which he'd ever had before, but he was sure it was just final exam frenzy coming on. And you know how serious he was about school."

"What'd Diane think?"

"She spoke with Dr. Meader and we could get all the x-rays, scans, the MRI, and carotid ultrasound done this week, but Jake said no. Said he didn't want to miss the finals. So everything was scheduled for next Tuesday. Meader didn't think waiting a week would be excessive."

Harry was quiet, but kept tapping his finger on the mouthpiece while thinking. "Well, Len, I think you have to find out if something physiologic was going on."

"We're on the same page, Dad. The paperwork on the



autopsy is already done and the State Crime Lab's been alerted."

"In Madison, Len?"

"Yes."

"Do you want me to call Rivera and see if he's still the CME down there? He's tops. He'll do the work himself and move things up the line if they're swamped."

Len thought a moment. "He wouldn't be offended, would he, Dad?"

"Len, if he caught the name Kritter coming through and found out he wasn't called in on it, he'd be calling me."

"Okay, Dad. The more we know and the sooner we know, the better. And thanks, Dad. I'll call and talk to Mom tonight after we get back. Then you can give me your Green Bay ETA for tomorrow and we'll be there."

He spent a quiet few minutes to collect himself before calling his sister, knowing it would be another gut-wrenching ordeal.

## CHAPTER 5

“Pike River Police,” the dispatcher responded on the first ring.

“Hoot--Bratzke here. Hutch in?”

“Yep. Better be important, Buck. After checking out the nine-one-one response time and the reports Larry and Reggie turned in, he is mad--like I’ve never seen him. So here you go,” he said, pressing the Line 1 button.

“Hutchinson.” Not his usual pleasant voice.

“Bratzke, Hutch--we’re still here in the gym--just thought I’d give you an update,” he said in one breath.

“Yes, Glenn. How goes it there?” he asked, his tone more agreeable.

Hutch never played favorites. He knew even his whiners and slackers were still very dependable men, as were all of his lady cops who followed the book to the letter and performed their duties well. Bratzke was unique however. Someone once remarked, “He looks so average. He doesn’t look aggressive even when he is!” But Hutch learned the man had a *feel*, a sixth sense, about situations, and at fifty-four with the longest tenure on the force he saw

him as the ideal role model.

"I'd say we're ninety percent done. These are the ones who write volumes. Maybe take an hour more. I'm just calling to see if you want us to continue screening all that are left."

"Well, yes, Glenn. Why wouldn't we?" Hutchinson asked, sounding more surprised than irritated.

"Hutch, you won't believe this. We got a video."

"A video!" Hutchinson said, his voice rising. He caught himself, lowering his tone to barely a whisper. "A tape, Glenn--of what happened? How?"

"This ninth grade boy was sitting up in the corner of the bleacher way down at the end. He recorded his sister getting an award. Then when the Kriter boy got on stage, he camouflaged the camera with his clothes and turned it on."

"The whole thing? Have you seen it?"

"He says he missed maybe the first twenty seconds or so. I just saw part of it. A very small part. No one else knows, and I didn't want to draw attention."

"How's it look?"

"Good, Hutch. Clear, what I saw. Man, I wanna tell ya, it's really eerie seeing a healthy kid on video just hours after he's dead. You start thinkin' about your own kids. Gets to ya, Hutch."

"Yes, it does. I know it does. Glenn, I'm curious. The fact that you heard Jacob died--that isn't all over the place there, is it?"

"No, it sure isn't. Max security here, thanks to advice from Ben Donovic. He locked the whole school down. After kids are done, they go straight to rooms with a faculty member in charge. All cell phones are off and out of sight. Other teachers are in the halls, and as soon as any kid comes out of a room to go to the can, a teacher escorts all the way inside the john--gender to gender of course."

"Good. And I'll make contact with Ben later. But right

now, Glenn--tell me, is there sound on the tape?"

"The boy says he knows there's some, but he doesn't know how much he picked up. He's sure the screaming and shouting and the gunshots are there, but he didn't replay the whole tape and not loud enough for anyone around him to hear."

"Is the tape now in your possession, Glenn?"

"Yes. He gave it up willingly."

Hutch tried to picture it in his mind. He couldn't imagine anyone not seeing the camera, especially Jacob Krier. "I'm surprised the Krier boy didn't notice him taking the video, Glenn. Light reflecting off the lens--or something."

"The boy said he was pretty scared he'd get caught. He thought maybe he'd get shot. Gutsy little guy. He's wearing a dark green hooded sweat jacket that zips. He put the camera inside, zipped it all the way up, just the lens sticking out, and cupped his hands over the top of the lens so it didn't reflect the overhead lights and wasn't so obvious. He could still operate the zoom that way too. He's positive not even the kids right around him know."

"Listen, Glenn--let everyone finish writing. Maybe we got good tape and audio, and maybe we don't. We better get everything we can while we can. Is the boy still there?"

"Yes. He just finished writing. When he turned his statement in, he whispered to me about the video. He doesn't want anyone to know."

"What's his name?"

"Colin Gartz."

"I'm coming over there, Glenn. The staff parking lot. Stay with him, then send him out with the tape when you see the Pathfinder. Tell him to get in the front seat with me. Glenn, be sure he understands that he's not in any trouble."

Hutchinson knew what the video meant. Irrefutable evidence. An open and shut case. Hundreds of man-hours

saved; thousands of department dollars saved. That's if--*if* the tape is clear and audible and provides an accurate account of what transpired with nothing missing.

And he wondered if the tape could even be used in court. If someone's actions are recorded on video without his knowledge, and technically not as a security installation or a sting operation, can that tape be used to send a man to prison? Is that legal?

But then again, with almost thirteen hundred eyewitnesses, does the video really matter? He thought a moment, then concluded, definitely it matters. None of those people can accurately restate word for word and sequence by sequence exactly what was said and occurred. Given the situation they were in, could they even remember everything objectively? Surely they've already formed an opinion and taken sides. Their accounts will be influenced by that. But of course they don't know everything yet, and that is a plus factor for objectivity.

Hutch smiled when he saw the boy in green come out of the building. Even for a ninth grader, he was small, just a little runt of a kid. Big ears too. But a cute kid, really cute, with bright blue eyes, red cheeks, and curly brown hair that begged for a comb. He had kind of a loosey-goosey walk as if he were trying to throw his arms and legs away. His camera case strap was looped around his neck and down over his shoulder so both hands were free.

"Hi, Chief," he said in a high-pitched yet confident voice as he jumped in the passenger side.

Hutch grinned. This boy wasn't shy. "How do you know I'm the chief?"

"Officer Blatzke told me."

The grin grew at hearing Bratzke mispronounced. He'd have to kid Glenn. Well, no--Glenn must have heard that one a thousand times. "Oh, I see. And you're Colin."

"Cole," the boy corrected abruptly.

Hutch glanced over. "You don't like Colin?"

"What's your first name?" the boy asked.

"Andy. Andrew."

"How'd you like a name that sounds like a body part? Liver Hutchinson? Spleen? Lung? See what I mean?"

Hutch hesitated a moment, wondering how this boy--having just spent what must be the worst morning of his life--how he could be so relaxed after what he'd experienced. Of course it could be a cover-up. The quick wit, the rush to chatter--maybe it was his way of pushing the gym scene to the back of his mind and keeping it there as long as he could. Well, whatever it was, he'd just let the boy lead the way until he started to waver. Besides, not often did he get to go one-on-one with a decent kid. He always thought it best, given the opportunity, to show the human side of cops. Well, he did have to admit--knowing Cole's mother from way back in grade school had something to do with that too.

"How about nicknames, Cole? You got those?"

"Guts is big. Guts Gartz. They like the sound of that. And Stine--short for intestine. Or simply Tine. Life could be better."

Hutch couldn't help but laugh on the inside. The boy was colorful and clever. "Well, let me tell you something about names, Cole. People often grow out of their high school nicknames. They move on in life and the names don't follow. Or they grow into them. They're not bothered by them anymore. They're just for fun. Kinda gives everyone a distinct identity. I'd say there are lots worse than Guts, Cole. Raggedy Andy and Andy Pandey come to mind, but I don't hear them anymore. Maybe rank does have its privileges."

"Like if I was that Secretary of State guy, Colin Powell."

Hutch laughed out loud. "Good point. Colin would probably stick in that case--and you'd never hear Guts." He

pulled into his reserved parking spot at the Safety Building and led the boy inside. He put his hand lightly on the boy's shoulder. "You hungry, Cole?"

"Yeah, I could eat," he said matter-of-factly.

"You didn't at school, huh?"

"I like PB but I'm not big on grape jelly. And there's no way to scrape it off."

"I suppose you tried."

"Long time ago. How else you going to learn something like that?"

Smiling, Hutch turned to the dispatcher. "Hoot, what're they serving the inmates today?"

"Dogs and chili."

"Whaddaya think, Cole?" he said, gently patting the boy's shoulder.

"Sounds good."

"Mustard, ketchup, relish, or any combo?"

"Yellow mustard."

"How many?"

The boy looked up at him, unsure if he should say what he was thinking. "Would three be too many--and hold the chili?"

"You got 'em, son," Hutch said, then turned back to Hoot. "Two for me. Tell Raines yellow on all five."

He led Cole into his office and pointed to the chair across from his desk. The boy's eyes quickly scanned the room, apparently discovered nothing of interest, and met Hutch's gaze. "I guess you don't hunt or fish," he said.

"What makes you think that?" Hutch asked, hiding his amusement.

"No trophies. I thought most men with an office had a buck head and a muskie on the wall."

"Cole, I'm going to level with you. This is my city, the only place I've ever lived, and my job is to keep it safe. Today is the worst day of my nineteen years as a cop. But

I've hunted drug dealers and users, robbers and crooks, the drunk and disorderly, abusers of wives and children, even an arsonist--and I've caught 'em all. I'd love to have their heads on these walls," he said, swinging his arm to encompass the whole cubicle. "And I'll tell you why, Cole. Because then I wouldn't have to track them down again and send them to court again and eventually see them back on the street again."

Hutch knew he had the boy pinned back in his chair now. He smiled to himself and said, "But Cole, you're right, my friend. I'm not a hunter. But I do fish, and I've caught a few that could decorate these walls, but I put 'em all back. I'll be honest though--I didn't want to clean 'em. But I've never been sorry, Cole. Maybe someone your age caught 'em, a young boy or girl just going fishing and staying out of trouble. And yet maybe they're still out there swimming free. I kinda like both those possibilities." Hutch knew it was time. "Cole, I have to ask you--is this camera yours?"

"It belongs to the family."

"Your parents then."

"No. The whole family. It was our big present one Christmas."

Hutch nodded. "Okay, here's the deal, Cole. If this tape is good, it could be the most important piece of evidence we have. I'm going to ask you to let me lock it up for safe keeping if it's good. Then I'll have to ask your parents too. Now, if you or anyone says no, I can get a court order from Judge Bender that demands the tape be in my custody. You'd still own it, but I'd have priority use of it. Do you have a problem with that?"

Cole's eyebrows raised, surprised that he was even asked. "No--and neither will my family. You won't have to get a warrant for anything or subpoena anyone."

Hutchinson smiled inwardly. Sharp kid. Too bad they aren't all as aware and interested--and interesting. He



unwrapped a hot dog, took a bite, and mustard squirted out the side onto his cheek.

“Gross!” Cole said, squirming as if to back away.

“Better here than at the White House.”

“Yeah, right,” Cole said, finishing his first dog and starting on the second, but the wheels were turning. “Do you really think they eat hot dogs at the White House? Even in the Oval Office?” he said. He shook his head then. “Naw, can’t be.”

Hutch plugged the audio and video cables into the VCR and powered up the equipment. Cole connected the cables to the camcorder, turned it on, rewound the tape to the beginning, and pressed the play button.

The senior high principal, Ben Donovic, was standing behind the podium. The camera zoomed, bringing him in close. He glanced at his list. “Sarah Gartz,” he announced. The picture blurred as it moved to capture the girl rising from her chair, then steadily followed her full-length up the steps and across the stage to the podium. The principal had the microphone turned on, and the tape audio was loud and clear.

The video zoomed wider as she returned to her seat and sat down, then stopped, then started again but jumping all over--the ceiling, floor, backs of heads, something all green, and the whirling ceiling again.

Cole pointed. “That’s where I turned the camera back on and was putting it inside my jacket. Mr. Donovic got called out. An old gent filled in. Jacob asked if he could say a few words. I thought it might be kinda cool to have the video and I could surprise Jacob with a copy if he wanted it or thought his parents might want it but I didn’t want anyone else to know because we were only on K in the alphabet and if other kids wanted to talk I didn’t want to sit there and shoot all of it--so that’s why I was hiding it. Never having done it this way, I didn’t know if I’d get anything anyway.”

As the camera still danced, a voice could be heard-- Jacob Krier's voice. "And as most of you know, we apply to these various organizations and colleges for these scholarships."

And there was Jacob Krier, full-length and centered on the screen, standing at the podium, his backpack slung lazily over one shoulder. "That's what you new seniors will be doing next year," he said, pointing at the junior class on the front bleachers to his left. "But I got something great in store for you today. Something I know you'll get a bang out of." He grinned. "Whoa--I apologize to Mr. Steagle for ending a sentence with a preposition."

He glanced over at the faculty section, then arched his eyebrows in surprise. "I guess Mr. Steagle skipped today," he said, his grin wider now.

The camera stayed solid on Jacob, but the whole gym was roaring with laughter at his remark.

Jacob raised his hand and restored quiet. "Today our graduating class is going to show you what real leadership is," he said, and the senior section cheered. "Okay, so I told you we filled out applications for these awards. You can apply for as many as you want. That's why some get more scholarships than others."

He held his certificate high in the air and waved it. "See this one I got today? Eight thousand dollars over four years. But if I hadn't gotten this, I'd still be going to the U in the fall. So I don't really need this. Do you know who does? I'll tell you who. It's Dorie Powell. Is she a great artist or what? Ever see some of her watercolors? Beautiful. Her oil paintings? Fantastic. And you've seen her comic strip, *Pike River Dude*, in the school paper. Now I don't mean to embarrass Dorie, but she's not going to art school like she'd always planned. Tuition turned out to be a little steep."

He reached in his pocket, pulled out a bold black marker, crossed out his name on the certificate, and printed

in huge letters DORIE POWELL. He held it steady for all to see.

Led by the seniors the entire student body hooted. Long, hard, laughter. Gently elbowing each other. The whole gym rocked.

“Hold it!” Jacob shouted, waving the certificate. “Hold it!” he yelled again but couldn’t get their attention. He set the backpack down, reached inside, pulled out a .357 Magnum revolver and waved it overhead.

They pointed, howling now, and someone started a chant that quickly grew in volume--Ja-cob--Ja-cob.

Jacob stopped waving the gun, extended his arm and fired. A deafening roar, louder than anything ever heard or imagined in the gym, resounded off the walls. The camera shook violently, the scene resembling an earthquake, then held still on the back wall where the clock had been. Only a hole remained in the cement block. The video blurred, then showed chunks of cement and small clock pieces littering the floor in a wide area.

The camera swung to Jacob and zoomed in. His left hand held the gun pointed at the ceiling. His face was contorted, his eyes ablaze. He glared at the senior section, his eyes traveling along the rows. He leveled the gun at his classmates and moved it slowly from one to another.

Everyone froze. Without a sound, not even a murmur, they waited. “That’s better,” he shouted. “And that’s the way it’s going to be now. I give the orders. You jump.”

“C’m on, Krite,” one senior boy objected. “Game over.”

The gun leaped to the right and stopped on the speaker in the back row. “I call the shots here, Welch,” Jacob shouted. His eyes then focused on Dorie Powell. “This,” he said, waving the certificate, “is yours, Dorie. You’re going to the Art Institute.”

The camera blurred again as it shifted to the back of a girl’s head. She made no move to rise, just turned her head a

little left and right, looking at her classmates.

“Dorie--don’t be shy,” Jacob called. “This is our big day. Arlene Archer comes up here next. Her scholarship goes to Wendy Sholter who’s now going to the Bellin School of Nursing in Green Bay. Amanda Baker’s going to sign hers over to Fred Lang who’s going to the tech for metal fab. He’ll have his own shop in a couple years.”

There were rumblings. Kids started crying. Kids started talking to one another. They were scared. They grew more boisterous. Jacob shouted. He swore. He pointed the gun and fired again. The scoreboard blew apart and crashed in thousands of pieces onto the floor.

Chief Hutchinson raised a hand and said, “Cole, stop it there please.”

The screen went blue.

“With all that stuff flying off the walls,” the boy said, “it’s a good thing that whole half of the gym floor was empty or alotta kids would have gotten hurt.”

“Good point. I didn’t realize it was going to be this hard to watch. If you don’t want to, Cole, I can have a car take you home.”

“I’ll watch,” Cole said. “Not really to see it again. Just to see how I did filming from the hip. But you’re right, Chief Hutchinson. It’s hard. Krite was such a great guy to everyone. Even to little ninth grade nerds like me. He never tried to impress anyone or tried to be the big man. And he never turned away as if to say *Beat it punk!* But something weird happened to Krite. You can’t be the kid you are every day and then *bang*--one day you’re someone else. Those were two different people inside Jacob today. Pretty weird stuff. It’s hard to believe he’s not still here and still being nice to everyone.”

Chief Hutchinson and Cole Gartz finished lunch with their eyes glued to the screen, but very near the end the boy got up, saying he’d wait in the lobby, then left the room.

Hutch could see the tears.

## CHAPTER 6

Raymond Steagle was Mirandized, he signed an affidavit to that effect, was formally charged with carrying a loaded concealed weapon into a public building and discharging that weapon, and was then fingerprinted, given orange jail garb, and photographed.

For the last three hours since he had phoned Amy and been processed, he sat alone in a cell on the thinly padded bottom bunk. Within inches was the toilet, which by its close proximity and the lid down could function as a night stand.

Always quick of wit, what struck him first about the whole arrest procedure was that he suddenly had another hat to wear: husband, father, teacher, and now *felon*. The word was so sobering, especially in juxtaposition to the other three. It stung like priest/pedophile--inconceivable, yet real and repulsive.

He told himself not to dwell on it. Let it go, Ray. Don't waste your time. There's nothing to be gained by torturing yourself. As a matter of fact, you can forget about yourself. Your life is over, pal. You shot and killed Jacob Krier.

You're a murderer--and murderers go to prison. There were over twelve hundred witnesses. It's a no-brainer. You went out and unlocked the car, unlocked the glove box, got the gun, loaded it, came back inside, made the nine-one-one call, walked into the gym armed, showed the gun, and then used it.

At any time up to the very last, you could have simply turned your back and walked away. Sure, maybe you get shot in the back. Then again, maybe you don't. Maybe the cops on the balcony take him out. Either way, dead or alive, you're a hero. You tried, you lost, but overnight you're a man to be admired in everyone's eyes.

Unfortunately for you, Ray--you pushed Jacob Krier to the edge. Do you remember that little grin he flashed when you opened your coat and showed your piece? You backed him right against the wall, Ray boy. You forced his hand.

What hand? That's the problem, isn't it? You don't know what hand. What was he going to do? How was he going to end it? No one knows because you ended it before it played out. He may have felt he accomplished his purpose--albeit through the use of scare tactics--and then simply walked away. No one gets hurt--nothing more than a scary display of humanitarianism, on his part and yours. Some kids got more award money than they needed. Sure--why not have them share the wealth? For one last hurrah, Jacob certainly planned a bigger show than that kid who climbed the city water tower and painted KAZ '77.

What of Amy and the children? Three hours and not a word from them, and yet whatever was happening had to be bad--couldn't possibly be anything good. Don't think about that either, Ray. It won't help. You don't have a voice in their lives anymore. You can't help them. You can't do anything for them. So don't waste your time imagining what they might be doing. Yes, you're the center of attention now, but face it, Ray--you're out of the loop, no longer a

useful member of the family. Flush your ego, swallow your pride, and fade to black. The show's over for you, pal. You're now history. Ray Steagle was somebody once. He's nobody now.

The cell block wasn't without its distractions however. Often the conduct of the other prisoners was so loud, so bizarre and degrading, that Ray's thoughts were diverted several times, which in a way at first was a healthy reprieve for him until some comments by inmates became a personal attack.

The block could hold forty prisoners, but Ray's brief glance when he was escorted to his cell registered only nine other orange suits. Three prisoners appeared to be of Mexican descent, men probably employed at the veneer mill but had started their TGIF celebration too early. Their two cells were directly across from the other occupied three, and the men spoke Spanish in low tones among themselves.

The other six prisoners were white, most in their twenties but two or three perhaps in their thirties. Ray's cell was actually isolated from all those, there being four empty cells in between, but he had stolen enough looks that negated one of his concerns. None were former Pike River students, indicating they were probably arrested and brought in by sheriff's deputies covering the outlying areas in the county too distant to be in this school district.

They caught him looking once. He couldn't help it. His curiosity bested his better judgment. He'd been sitting on the bunk, leaning back against the cement block wall with the flimsy pillow bunched behind his head, eyes closed, when a quiet chant started and quickly increased to a shouting cheer--"Go, go, go!"

Ray opened his eyes and turned his head in time to see a young man urinating through the bars onto the walkway.

The shouting ebbed then to oohs and aahs, some sounding wondrously impressed at the distance his stream



attained and others delightedly surprised. One man yelled at the Mexicans, taunting them, challenging them to outshoot his comrade.

“No hablo Ingles” and “No comprendo,” they responded, their frowns grim and rigid.

The young man that caught Ray looking shouted, “Hey, man--what about you? Think you can outshoot Billy? Or afraid to try? Whaddya say, man?”

Ray turned away, ignoring him.

But another chimed in. “Or maybe you’re a faggot.” He looked at his buddies. They all howled.

“Hey, prissass--we’re talkin’ to you,” one of the older said.

Ray faced them, opened his mouth, pointed at it and shook his head repeatedly back and forth, then made a series of hand movements as if signing, all the while still shaking his head.

“The bastard can’t talk,” one man said.

“Must be one of them deaf moots,” another added.

“Yeah--I heard o’ them. Can’t hear or talk.”

“Wish that bitch o’ mine was like that,” one of the younger said.

Their laughter again resounded throughout the cell block.

Ray smiled to himself. It worked. Ignore and exclude must be synonymous with deaf and mute. The Mexicans grinned at one another. They were spared now too.

When the quiet time set in for Ray again, the inner torment returned. He could picture Amy and Hannah and Richie, their eyes dulled by doubt, their faces frozen with fear.

*Get off it, Ray!* Quit berating and beating up on yourself. Change channels. Take a trip back in time. Look where you came from. You always tell people you were born with a plastic spoon in your mouth. And you know it

turned to silver, Ray. Think about that because when Amy and the kids walk in with hope in their hearts, you sure as hell can't just blow them off. Check out some of the hurdles you've overcome, some of the crises you've confronted and conquered, Ray--alone and with them.

\* \* \*

Raymond James Steagle was born to Hannah and August "Gus" Steagle in a weathered farmhouse built halfway down the south side of a gradual slope overlooking the Tamarack River in the far northwest corner of Wisconsin. Christened ten days later in the Mt. Calvary Lutheran Church, Raymond was raised with his brother, Richard, nine years older, in the village of Dilsey, population one eighty-four. He grew up in what could best be described as a meager existence, never wanting for more than he had but unaware of what the family lacked monetarily and materially compared to most families.

Not that the parents weren't hard workers. They were. Right out of high school Gus had started work as a logger and within two years became an independent, selling popple to the paper mills, the closest a few miles downstream at the junction with the St. Croix River but often farther away depending on the market. Hannah took in sewing and made quilts by order, the front hall never without its rack of clothing tagged and waiting to be picked up. Six days a week the chain saw roared in the woods and the Singer clackety-clacked in the dining room where the light was best without burning a bulb.

Sunday was routine. Go to church, take the kids to Gus's county league baseball game, picnic with the other families after, and in the winter get together with a few close neighbors for the Packer game and a dish-to-pass supper.

Richard, so much like his father in walk, talk, and features, definitely wasn't a reader in school but was

obviously gifted with the mechanics gene. If something chugged, hummed, or ticked, he learned how to repair it by watching his father so that when it sputtered, wheezed, or quit completely, he knew how to fix it. “Main-tain-ance, Richard,” August would tell him. “That’s the key. Oil and grease. Clean and regap plugs. Check and change filters. Check belts and hoses. Fluid levels to the mark. Keep a record, son, so you always know what you did when. And your tools. Keep a film of oil on ‘em so they don’t rust. On wooden handles too so they don’t dry and split and soak up moisture. And all blades, son--keep ‘em sharp so they’re ready to use when you need ‘em. And one more thing, Richard. When the job calls for a hammer, use a hammer and not a wrench. And don’t use the handle as a pry bar--ever. Lots of people need new stuff simply because they didn’t take care of the old. They waste awful sums of money that way.”

Richard never tired of watching his dad, obeyed his bidding, and learned quickly and well. By the time he was thirteen he maintained every mechanical piece of equipment on the property including the tractor which was used strictly for plowing snow from the turnaround and down the lane to the county road, the pickup truck his father used for work, and the family ’77 Cutlass station wagon.

Just as Richard wasn’t a student in grade school, he wasn’t one in high school either, though his grades in the vocational courses--auto mechanics, farm equipment, small engines, and industrial drawing--kept his overall grade average respectable. That June, just two weeks after graduation, he enlisted in the army, not for any idealistic reasons connected to the war in Viet Nam but as the recruiter had said, “There’ll be jobs aplenty for helicopter mechanics all over the country when this is over and you’ll be able to pick your spot, Richard. And even though you won’t be in combat, you’ll still be doing an important job for our

country.”

What the recruiter didn't mention, or perhaps didn't know, was that volunteers for other assignments were always in demand in a combat zone. Richard had hunted with his dad beginning at the age of eight and never missed an opportunity to be in the woods shooting squirrels, rabbits, ruffed grouse, deer with both gun and bow, and pheasant when he grew taller than the corn stalks. He became a crack shot which he also displayed on the gunnery range with an M16, so when he'd shipped out and eventually the call came for a volunteer gunner on a search and rescue helicopter, he went. Seventeen missions he flew and returned to base safely. The eighteenth killed him on March 5th, two days after he wrote his last letter home. The Jolly Green Giant had set down on the fringe of a rice paddy to pick up a downed pilot, had the man aboard, and was forty feet airborne when enemy fire brought the crew down in a cloud of flames. None of the bodies were ever recovered.

On the day the official notice arrived, Raymond said “so long” to his neighbor friend and classmate, having walked the three-quarters of a mile from school. Usually they got a ride with one of the parents both ways, but when no one was outside the school waiting, they knew to just start walking. The instant Raymond opened the back door and stepped inside the mud room, he knew something wasn't right. He could see through the window that the light wasn't on in the kitchen.

He hung his coat on his hook next to Richard's coat, sat down on the bench to remove his boots, then put on his house shoes. Inside the kitchen an eerie feeling swept over him. There was nothing on the stove cooking, no big kettle, no pot with potatoes boiling or waiting to be boiled, nor did the red baking light indicate the oven was on. Where was Mom? The radio wasn't turned on, which she often did when hand-sewing, nor was the sewing machine chattering.

Rarely did she ever have to go somewhere, but if she did he knew she would either call the neighbor and have him stay there or she'd leave a note on the kitchen door window that he would spot right away and just go on over to play with Conrad until she phoned that she was home. There being no note, he had to believe she was there.

He usually called "Mom" when he got inside the kitchen and he'd hear the sewing machine stop and she'd say, "In here, Raymond." If she were sewing by hand, she'd be in her rocking chair which squeaked with every rocking motion, not the chair itself but the floor, and there was no other place to move it where the light was as good. The only sound he heard was the grandfather clock.

From the archway leading into the living room he saw her in the corner, asleep in her recliner though she hadn't tilted it back. On the floor was a small sheet of note paper, open but with fold creases. He recognized it.

He tiptoed the few steps over to her, a somewhat circuitous route to avoid the floor creaking and awaken her. Her mouth was open, emitting soft wheezes. Her hands were folded across her lap, resting protectively upon a letter. She looked calm. He turned his head and swiveled his body just enough to read the letterhead: Office of the United States Army.

He didn't read the whole letter, only enough to know it was about Richard's courage and his willingness to sacrifice his life to make the world a better place. He could feel his mouth making those squiggly little movements when trying to control emotions. The sobs came quietly and the tears flowed silently.

He picked up the letter from the floor, the one from Richard. He tiptoed back into the kitchen, sat down, and read the letter again, though after so many readings it was almost committed to memory.

3 March 1972

Dear Mom and Dad and Raymond,

I miss you all alot. And I probably write the same stuff every time but I never can remember what I did and didn't. I even miss Dilsey and I never thought that could ever happen but now I know how nice it really is to be in a quiet little town with nothing much bad going on.

Its bad over here, and I know I told you that before, and its getting worse every day. But I feel real good about what I do here. We got another pilot out of the jungle and back to the base today without having to set the chopper down. That's always the best way.

You can't imagine what its like to grab a mans hand and help him aboard. He knows and we know that if we don't get him the VC do. I can't imagine a celebration as great, not even the Packers winning another Super Bowl, which may never happen again. Ha-ha.

I'm getting pretty good with the machine gun. The pilots and rescue crews seem to like me on board. They always have good things to say to me. I never thought I could do something like this, shoot at someone, but when you see what the VC do to the innocent people who live in little brush huts out in the middle of nowhere, just a harmless bunch of women with little kids and old people almost like one big family, its really sick. I figure if I can wipe out some of the VC I can maybe save some of the helpless people who would be slaughtered not because they can hurt anyone but just because they're there in the wrong place at the wrong time. Its pretty simple when you think about it. Take out one VC and you can save alot of innocent people. Well I say it again. I sure miss you all and especially moms cooking. I think of

you all every day. Dad I wish you could see inside one of these choppers. Alot of it is basic but alot of it is darn uneeek. Raymond you have to go to college. I learned over here its really a great feeling when you can make a difference in someones life and have an impact on what somebody does with their life. Study hard in school Ray cuz then you'll have alotta choices in what you want to do. I thought all I ever wanted to do was work on cars but now I'm not so sure. Well it looks like we'll be here for a long while so I have plenty of time to think about it.

Take care all of you. Love,

Richard

PS Your letters are the best thing that happens to me over here. I really like it when you all write a little note.

## CHAPTER 7

Andy Hutchinson turned off the camcorder and the VCR, leaned his head back with his eyes closed, and sat motionless at his desk for several minutes. He couldn't accept what he had seen. A conflict of wills, each backed by a gun, and ending in a senseless tragedy--he couldn't accept that it had to be. A young man's life ended, a decent man's life ruined--there had to be a way. There *was* a way--a different approach, different personnel, more time.

But he saw something else, something that not only troubled him but angered him the more he thought about it. The tape revealed a complete breakdown in police procedure for that type of encounter. Two experienced police on the scene but reduced to nonentities by a simple two-word command--"Far enough." It was inexcusable!

His mental agenda was now worthless also. He opened his eyes, reached for the phone, and pressed Memo 2--Bender.

Bender was Judge Warren Bender, a withering man of seventy-two years but with incomparable courtroom expertise and a mind so sharp, the likes of which Badger



County wouldn't see for a long time after he was gone--and maybe never.

The call was answered on the first ring. Hutch was surprised to hear the judge's voice. "Judge Bender here."

"It's Hutch, Judge. Did Betsy run off or did you fire her?"

"She had to hurry and take mail to the post office. The price of stamps goes up three cents on Monday, she thinks. There are some taxpayers out there who'd bitch plenty if they caught me wasting their hard-earned money. Right now those concerned citizens are at various watering holes spending all that money on Happy Hour, cigarettes, poker machines, lottery tickets, and some babe they hope to score with tonight."

"I hear you, Warren."

"So--we've got a bad day at Black Rock, Hutch."

"They don't get any badder, Judge."

"I agree. I was thinking about it over a tuna salad sandwich at lunch. I can name the seven worst felonies in the last twenty years and none compare to this. How can I help?"

"I need some advice, Warren. And I need it before I make another move."

"Well, come right on over, Hutch."

"Right now? Really?"

"Andy, this door's always open to you."

"Fifteen minutes, Judge. I've got to run a young witness home first."

Pike River had only three stop lights, two downtown and one on the north side a mile out. Unlike most communities where lights are synchronized to permit a steady traffic flow for several blocks, anyone traveling east or west through this city would hit both lights red--and only a block apart. Some drivers slammed the heel of their hand on the steering wheel, some drummed on the wheel or the

dashboard, some watched the time and temperature on the corner bank building, and almost all glared at the north/south green light, ready to gun the motor after two ticks on yellow.

"You're pretty calm here," Cole Gartz said as the Pathfinder idled at the red light. "My dad goes ballistic sitting like this."

"Gets to me sometimes too," Hutch said.

"If we were in a squad car, could you go on through?"

"I could, but I'd be breaking the law."

"How come?"

"Not an emergency. When we're on duty, we're not allowed to play with the toys. Cars, sirens, guns, or our badges. It's called unprofessional behavior."

The boy grew quiet then until they turned onto his street and went a few blocks. "That's where Mr. Steagle lives," he said, pointing at a modest house with a manicured lawn and shrubbery.

"Uh-huh," Hutch responded.

Cole glanced over at him. "You knew that?"

"Yep. Know just about everyone in town who's lived here at least five years."

"What's going to happen to Mr. Steagle?"

"Too soon to say, Cole."

"I-I had to leave before the video ended. When you see someone get shot, the picture sticks. Has with me anyway. I didn't need to see it again. Did I get it all?"

"Yes. All of it. Both of them in the same frame even at the very end."

"How is Jacob? He's going to be all right, isn't he?"

Hutch had forgotten the boy didn't know. He thought a moment, wondering if he should be the one to tell him, then realized Cole might be the only one in town who didn't know. School had already been out awhile, certainly long enough for the word to be everywhere.

"Jacob never regained consciousness, Cole. He was

pronounced dead at the hospital.”

The boy didn’t respond, but Hutch could hear him swallowing hard, trying to keep his feelings in check.

Cole pointed. Hutch turned into the driveway and saw a car in the two-car garage. “Is your mom home, Cole?”

“Yes,” he sighed softly. “That’s her wheels.”

“You want me to talk to her, Cole?”

“Naw,” he said hastily.

“I think I should. So she knows where you’ve been. She might be worried.”

“Okay.” He was out and running.

The woman met Hutch at the door. “Hi, Andy. Come in. Sara’s in her room crying. Cole probably too now. One of your men called and said Cole was with you. I appreciate the thoughtfulness.”

“I knew you’d be worried, Debbie, if you didn’t know where Cole was and why he wasn’t home. He’s been through a lot this morning. More than the others I’d say except for Jacob, Ray, and his daughter. Cole got the whole thing on video, Deb. He was up in the corner, an unobstructed view, and got Sara getting her award. Jacob Krier received his and then pulled a gun from his backpack. Cole--” He smiled. “He corrected me about Colin.”

“Spleen Hutchinson. Did he do that one? And Liver too?”

His smile broadened. “Yeah, that too.”

She laughed a little. “And I’m sure he’s got some special body part names for his friends.”

Hutch shrugged. “I couldn’t imagine, ma’am.”

“Oh, Andy. You are so sweet. Always have been.”

“Thanks, but I could introduce you to hundreds who think different and don’t hesitate to empty their small minds.”

“But you’re so good at your job, Andy.”

“Marge tells me that every time she gets another sale

catalog.”

A frown replaced her smile. “I’m sorry, Andy. I shouldn’t have derailed us.”

“Well, Cole thought it would be nice if Jacob had a copy of himself getting an award. He hid the camera inside his coat. He got it all, Deb, including both guns firing and Jacob getting hit and collapsing on the stage. Ray Steagle wasn’t hit.”

“Ray is really a good person, Andy. They’re a nice family. Sarah was in his class and practically worshiped him. Still thinks he’s the greatest. What happens now?”

“Cole asked me that too. He’s a troubled boy right now, Deb. He’s seen more than a boy his age should and then watched the video with me, but he left the room just before the final shooting. He told me on the way here that he didn’t need to see it again. The image is stuck in his mind. He might have a problem erasing it. He’s a neat kid. Sharp. Witty. Clever. Fun to talk to. I hope he comes out of this okay.” He glanced at his watch. He was already fifteen minutes late for his meeting with Judge Bender.

“I’m sorry, Debbie. I really have to run.”

“It’s okay, Andy. I understand.”

“Keep me posted on Cole.”

“I’ll do that. And don’t forget--another class reunion next year.”

He shook his head, his expression disbelief. “Didn’t we just have one?” He didn’t sound enthused.

“This one’s grade school--eighth grade.”

“Do we do those?” he said surprised.

“We’re gonna.”

## CHAPTER 8

Len Kriter found that walking home from the office was much easier than dragging himself there, not because the conversation with his dad had gone better than expected--more substantive than emotional--but because he didn't have to speak with his mother.

Norma Kriter had arrived at an age where she was no longer a listener. Not that she was hearing impaired. She could hear very well, but very little registered. She always seemed more eager to respond to some small part of a dialogue and was already mentally phrasing what she'd say. Of course, having missed so many of the parts, the whole of the conversation probably made no sense to her. And she seemed bent on retracing history as if to prove her memory was indeed intact and not threatened by Alzheimer's. Her two favorite leads were, "Do you remember?" and "Don't you remember?"

Over and over Len swore he would cut her some slack--he just had to allow her time to prattle--but somehow with all the demands of family and work, he knew he failed that mental pledge miserably. There was always so much to get

done in a day, and reliving mundane family history--well, there just wasn't time. He knew if he didn't start forcing himself to take the time, someday he'd be sorry.

He mounted the four steps to the porch, opened the front door, and stepped inside. The eerie silence smacked him in the face and jarred his brain. No country-western music--Reba and Pam, Alan and Randy--coming from the kitchen as Diane shredded, chopped, and whipped to the rhythm of the music. No *noise* from CD's playing in Jenn's and Jacob's bedrooms upstairs either. No clash of sound from their distinctly different types of music that certainly could be annoying at times, and yet he relished the cacophony as evidence that individuals did have rights in this house, that people were busy living in this house and did so in harmony despite the discordance of sounds in the background.

Just inside the door the narrow oak board mounted horizontally on the wall with the four old metal double hooks--a long one that stuck out straight and a curly one underneath--caught his eye. One hook was empty, waiting for Jennifer to come home. Jacob's jacket would be--would be what, he wondered. Taken down probably, but then what? What would they do with it--drape it over the chair in Jacob's bedroom where he usually kept it? Or pack it away in a storage box under his bed? Or give it to the needy, the Salvation Army? One thing for certain--nothing would ever hang on his hook again, not as long as they lived there.

He looked at the stairway. He could see Jacob at the age of two learning to climb, one hand on the banister, take one step at a time, turn and smile proudly, and then up another. And then as a teenager taking two steps at a time going up and only one at a time coming down but twice as fast.

The tears were running again. He wiped both eyes with his fingers, smearing streaks down his cheeks where they might dry quicker--if he could get them stopped.

He glanced through the living room into the den. The big screen wasn't visible, but usually Jenn or Jake and friends were in there and color reflected off the glass fireplace doors. Not now. Nothing. No sound and no one. He closed his eyes and pictured the room in fall and winter on Sunday afternoons and Monday and Thursday nights when the Packers played. Cheers and jubilant high five's. Groans and agonizing oh-no's. *Never the same again!*

"Diane," he called, yet sounding more like a question..

"Up here, Len," she answered, her tone tired and weak.

He knew where. She was sitting on Jacob's bed, her hand on the pillow, her fingers lightly caressing the depression from his head. "I don't think we can do this," she said, her head down and lolling back and forth. "I don't see how we can go on without him." She looked up then.

"You've been crying," she said, not sounding surprised exactly, more unexpected. "Before today I don't think I've seen you like this since the doctor said, 'It's a boy.'"

"You know--I look around, I see something, it reminds me of Jake, and I can't turn it off," he said. "But we'll get through this, Diane." He held out both hands to help her up from the bed. "We have Jenn to think of--and ourselves. We'll gain strength from each other and from our memories. We'll make Jacob proud of us as a family. He'll watch us and smile and say to the other angels, maybe elbowing them a bit to insure their attention, 'That's my mom and dad and sister right down there. Watch them for awhile. Ours is a great family.'"

She started to cry again, hard, pressing heavily against him. He hugged her, tried to reassure her, console her, in no hurry until she finally stopped and looked up at him. "We have to go. It'll be rush hour when we get to Madison. We don't want to miss Jenn when her anatomy lab lets out," she said, and led the way.

In the car and just outside the city limits of Bridger, she

opened the file folder on her lap. "Hoot Reynolds called. Hutch told him to find out if we wanted to read some of the eyewitness accounts of what happened--he'd send some copies. I said yes. Do you want me to read them out loud? Hoot said they're only the first page. Some accounts are four and five pages long and on both sides, and they couldn't take the time now to copy everything." She looked over at him. "Maybe this isn't the best time for you."

"We can try it."

"Len, if it's not working for either of us right now, we'll just wait until later."

\* \* \*

Steffani Wilson, Ninth Grade

This was the first academic assembly I ever went to in the senior high. Everything happened so fast and, and so unexpected. I mean, you don't expect something like this in your school. I was like I don't know what's happening. This boy got up there and started yelling and then he had a gun. I didn't see where he got it. But he swore alot and he shot the gun twice and this man came in and he had a gun and the boy shot and the man shot and the boy fell over and a policeman in the balcony ran to the man and then these people came in and they carried the boy out.

Diane could feel the tears coming. She looked out her window, wiping her cheeks. Everything was a blur. She dabbed the corners of her eyes with a tissue. Collected, she turned toward Len. "Should I continue, Len?"

"I know it has to be sometime. We can try some more."

James Gregg, Tenth Grade



I was sitting with my sophomore class in our assigned section of the bleachers and I had just glanced up at the clock on the back wall. It was 8:17. And in the next second the clock was gone. I mean gone! Right while I was looking at it. Shattered, exploded, like it blew up. Parts and junk flew everywhere and all over the floor below. It's a good thing people weren't sitting under it. Little bits and pieces and bigger pieces, black and white and some brassy stuff. And chunks of the wall behind the clock, the cement block, blew out too and smashed hard on the floor and some broke up in puffs of dust into smaller chunks. It was like something you might read in Stephen King only real, and really scary. You can't see something like that and not be scared. And, and that was only the beginning. It really got scary when Jacob Krier...

Cynthia Mason, Twelfth Grade

It was so bizarre. I mean--Jacob Krier. No I thought. It can't be. Him and me went all through Bridger Grade School together. He's so brainy. But he's great. Always nice. A real class guy, ya know. A guy you can trust. He's honest. Well I thought he was. No-no. I never knew him not to be honest. He was always Jake, a sweet guy. I don't know what happened. We've known each other for twelve years and been in so many classes together. Not Mr. Steagles class though. I'm not real brainy in English. And us riding the bus together from Bridger and back, I never believed this was possible. Not here in Pike River High and never Jake Krier. Jacob was clean. I mean he didn't smoke or chew or do any drugs or drink beer or grab at the girls or mess around and screw up. Some kids have to do that to get attention and fit in somewhere I think, but Jacob didn't have to. He had a smile and a good word for everyone and you couldn't help but like a guy that treated you like you were...

Charles Polk, Ninth Grade

The gym lights reflected off the gun barrel like a flash camera. That's what caught my eye right away. It was really a blur. His hand came up from behind the podium, his arm shot straight out, I thought he was aiming at the senior class section, and he fired. He shot the clock. It was so loud, like a M80 firecracker, and it just kept ringing in my ears. I could see kids were screaming but I couldn't hear them at first. And then that's all I could hear, the screaming, and he fired the gun again. He blasted the scoreboard right off the wall and parts of it blew all over. I thought right away--hey this guy can hit whatever he wants. He's good. That told me if he wants to take someone out, anyone in the gym, he can do it. So when he started pointing the gun at us I'm looking for a way out there but I'm boxed in on all sides. I'm thinking if I even stand up I could be dead. I decided the best thing was to...

Tom Bradle, Eleventh Grade

I thought it was a joke, you know, like a skit the seniors were putting on. And I thought it was a blank he fired until kids started pointing and I turned and saw the clock was gone and there was a hole in the wall. I didn't know what to do then. Try to run or dive on the floor or just sit there. I was afraid to look at him. I'm thinking if I look at him wrong what will he do? Will he shoot me? I don't really know Jacob. I know who he is and to say hi, but he was really off the wall up there on the stage. He looked like some psycho, spooky like that Harry Connick Jr guy in the movie. His face was all screwed up, and man, I was in a place I didn't want to be. Then Mr. Steagle came in and he had a gun. CAN YOU BELIEVE THAT! I felt better then.

I signed up for his class next year. And then two cops came in and you thought okay it'll be over in a second now but the thing just went on between Mr. Steagle and Jacob and I kept waiting for the cops to do something but...

Wendy Kelso, Twelfth Grade

Jacob usually smiled at everyone. A happy guy, you know. He was smiling when he got his award. But then right away he wasn't. He said a few words about our senior class and that got cheered, but then he kinda lost control of everything. He wasn't smiling. I never saw him look like that before, like he was really mad, and it turned out he really was. I was in the second row and saw the smoke from the gun and could smell it and he was glaring at us, like I never saw him look before or knew he could. Then I could hardly see him because I was crying and my friends next to me were crying. I looked over where the teachers were sitting and no one moved. They looked like they were in shock and I guess they were so I sat there trying not to cry out loud because I was afraid he'd shoot me. I'm thinking this is not the Jacob I know. There's something wrong, and so I think maybe it's a senior prank and we weren't all let in on it and it's really kinda great because you'd never expect this from Jacob. He's the last guy you'd ever be afraid of. But then Mr. Steagle came in and Jacob didn't put the gun away. He just laughed or sorta grinned kinda creepy like. Then I knew...

Diane stopped a moment and stared out at the road ahead--blacktop and short white lines flying at them and disappearing under the hood. She could picture the gym, the seating arrangement, the stage and podium and Jacob in his blue jogging suit he wore to school that morning, but she

wouldn't let her mind go beyond that. She wouldn't see him with a gun in his hand. And she wouldn't replay the trauma scene.

"Want me to read more?" she asked

He didn't hesitate. "Yes, definitely. So much of what you've read we didn't know, didn't have a clue. Well, yes--maybe we did. Maybe the tests next week would have revealed something. Maybe the autopsy--" He stopped. He wished he hadn't gone there.

"The kids loved him, didn't they? His classmates and just about everyone? They speak so highly of him. That's nice to hear. You really don't read much blame. They recognize right away it's not the real Jacob Krier. That's something, isn't it, Len? Something important we have to find out about? It is. I know it is." She turned to the next paper. "This next one's by Roger Whitley."

"Jenn and Jake liked him. Said he really made history come alive and every kid could really see a teacher who loved what he was doing."

Roger Whitley, History Teacher

Any teacher who had Jacob Krier in class would tell you he'd be the last person on this planet to make trouble. Just a great kid. That's the kind of kid we saw day in and day out. Totally predictable behavior. Give him an assignment, he'd do it to the best of his ability which was outstanding. No whining ever. Complete cooperation and competence. What happened to Jake I don't know, but that wasn't him today--not the real Jake Krier. That was somebody else. I really thought it was a senior stunt at first. I thought the gun was a toy. When that gun fired and blew the clock away, this was no stunt. I looked at the guys next to me. I learned after that we were all thinking the same thing--*Columbine, Red Lake, Jacksboro*. We had to do

something. And then in walked Ray Steagle, and Ray has a quiet, reassuring way about him that can bring a room to order in the moment. And that happened. It was mesmerizing because the chaos just shut down. When Jacob told him he could come in, I thought we had a chance of getting out of there without...

Laura Celeske, Twelfth Grade

I couldn't turn around and look. I saw him raise the gun and I saw him shoot. But you know, maybe he didn't aim. It was so fast. And it was so loud. My ears were ringing, and I sat there afraid to look at him and afraid to look away. I didn't know what the bullets hit, but I was afraid to turn around because I was afraid of what I'd see. His hand lowered and I know the gun was pointed right at me. I thought he was going to shoot me, and I thought of my family, how I'd never see them and be with them again. It was the worst moment of my life, and I just can't believe it was Jacob. We got our share of weirds and loonies around school but Jake sure wasn't ever one of them. And now it's like he's the worst of all ever. But I don't believe that. I know Jacob wasn't on something, unless someone slipped him something. You know, like doped something he drank right before school. But that wasn't Krite up there. I'll tell you something. If Jacob had been sitting with all of us and someone else was up there with a gun and screwing off, and if Mr. Steagle or someone hadn't come in like that, Jacob would have stood up and tried to talk him down. I know that for...

Ronald Backner, Twelfth Grade

I'll tell you what. I don't know what would have happened to us if Mr. Steagle hadn't walked in when he did.

None of the other teachers ever moved. Maybe at some point they would have, maybe someone or a couple would have done something like those guys that helped crash that plane in Pennsylvania so the terrorists couldn't hit the White House and kill more people. But I know we all felt a lot better when Mr. Steagle stepped in. I think that really took guts. He must have come through the boys' locker room because he came out the door the basketball team uses. Why he had a gun on him I sure don't know, but you didn't know he did at first, and I'm sitting right in the front row. He walked across the floor in front of us, right below the stage, all the time talking to Krite friendly-like, really cool and calm and trying to get him to put the gun down. But Krite wouldn't do it. I didn't hear Jake really say no, but he shook his head slow back and forth. So Mr. Steagle pulled his sport coat open and showed Krite the gun he was packing in his belt. Probably only us up front could see it, but man what a surprise. He didn't draw it though. Just let the coat close over it again. He was really calm. He didn't shout or get all hyper but Jacob would get...

Frank Bentiere, Science Teacher

I have never been that terrified or felt that helpless. Should I yell at him. Should I try to rush him. He fired the gun once and then kept moving it around, pointed all around the gym, and there was so much screaming until he fired again. Everyone jumped, but the screaming stopped, just a few sobs, then total silence. He just stood there moving the gun around, holding everyone's attention. No one moved. We all just sat there frozen and looked at him. He could have killed us at will. Who knows how many? He could have had his pockets full of bullets and just keep loading the cylinder, maybe always keeping one or two shots left in case someone did try to jump him. Do you see what I mean, how

frustrated we were? A kid out of whack in his head and with a gun in his hand and not afraid to pull the trigger had forty-six adult males welded to those bleachers. We had nothing to equalize the gun. I'm sure we were all thinking the same--we got to get to him somehow. If at least seven of us go for him, one or more of us gets him. But what if he starts shooting kids the first move we make? I was afraid to take the chance. I think we all were. We just didn't dare jeopardize the kids more than what we were already dealing with. We had to hope the incident would run its course, that Jacob would make his point, come to his senses, and no one would get hurt. And then Ray Steagle...

Diane briefly glanced up at the road, then turned to the next account and sucked in her breath. "Oh, my God, Len--this one. It's Hannah, Ray's daughter."

"God, I never thought about that. How terrible for her. This is hard, Diane. I thought Jake was a little edgy this morning, but this--this is off the charts. Our Jake terrorized all those people. How sad for them--and for us. Oh, God, Diane--and for Jake." He squeezed the steering wheel. "Go ahead and read it."

Hannah Steagle, Ninth Grade

My dad never yells and he wasn't yelling at Jacob. I know he addresses his students in class and in the halls by their last name and Miss or Mister. I had looked down at the teachers' section a couple times and didn't see him. I really wasn't paying close attention to everything until the gun fired and the clock blew off the wall. I didn't really know Jacob, he being a senior, but I knew who he was. I looked and saw him holding the gun. I tried to stretch my neck to see my dad down with the other teachers. I couldn't spot

him and I thought he'd be looking down toward me. I just sat there real still, and I knew I could sit back and hide behind the boy next to me, but I didn't think that was fair because that would expose the girl next to me more. But I wanted to. So I sat there scared like everyone else, wondering what was going to happen next when I heard my dad's voice. I knew it right away even though I couldn't see him. He simply asked if he could come in, and Jacob invited him in. I wanted to yell at him to go back. Jacob turned and pointed the gun right at him. I was terrified but I thought if I screamed or ran to my dad I could make things worse because dad would have more to worry about with me being close. Ever since I was a little girl, I learned to trust my dad that he knew what he was doing, but I knew this time he didn't know for sure what to do next or how it would all turn out, and I was so afraid for him. Then I saw a gun in my dad's hand. I couldn't believe it. I've never seen that, and never even heard of him having a gun or ever shooting one. I got a real sick feeling. I knew this wasn't good, and I didn't like seeing my dad in that situation, but then I thought...

Diane slapped her hands on the papers in her lap. "Oh, Len, that poor child. How could she sit there and watch? And yet what else could she do? She was right not to run up there. God, what a scene! I just can't believe our Jacob was a part of it."

"Not just a part. The *instigator*, Diane. That's what's so troubling. Absolutely unthinkable. I just can't imagine how Jake got a gun or why he felt he needed one and had to take it to school. None of what happened today--God, it just doesn't add up." He sighed. "Well, read some more."



Randy Falco, Twelfth Grade

Can you believe it? It's our last day of school. All we gotta do is go to the big show, the academic awards assembly, and we're done--gone--sprung. Man, it got tight in there you know. Krite shoots the clock off the wall and then drills the scoreboard. I couldn't tell exactly what the gun was, but I'm thinking only a .357 Magnum can do that much damage. Part of the cement block wall got shot away. But hey--that's a lotta gun, man. Then Mr. Steagle shows with a gun. CAN YOU BELIEVE THAT--RAY WITH A GUN!!! Man I sure couldn't. No way. Can't be. I'm on a different planet. I'll tell you this--Krite did make sense what he was ragging about. And yeah, he did threaten. It got touchy-touchy in there, no question. But Krite got tight when Steagle drew his gun. Now it's a level playing field. So whose gonna be the man standing tall, you know what I mean? It's time--you either put up or shut up. They both talked the talk, so who walks the walk? That's how I saw it. But never did I ever believe it could end like it did. Especially when the cops came in. We're saved, right? But they don't do nothin'. They move along the balcony, crouching like maybe to be a smaller target, and then down on one knee, and I don't know--they either aimed their rifles or just pointed them, but they sure didn't do anything. You'd expect...

Diane laid that account aside, and the name on the next jumped off the page. "Len! You won't believe this either. Ted's account."

"No! Really? How many in that file? Maybe a dozen or so? And Ted's happens to be in that pile out of twelve hundred. Amazing."

"It's longer than the others. He writes really small. I can't believe he could get so much on one page. But given

their relationship, I guess we would have expected him to really speak his mind.”

#### Ted Weatherby, Twelfth Grade

I saw everything everyone else saw. Now I'll tell you how I feel about it. Krite and I have been best buddies since kindergarten. It would have probably been sooner if we'd known we just lived around the corner and a few houses down the street from each other. But from the very day we met we were joined at the hip. That's how close we've been all these years. I was at his house; he was at mine. He went somewhere--I went with. I went--he came along. I don't have a brother. Two sisters. But I think Jake and I were as close as brothers are.

We were always on the same page. We liked the same things--movies, TV, the books on Mr. Steagle's list that had to be read outside of class, sports, music, food, Hollywood hot babes, you name it and we were in tune. Everything.

And we never disagreed. I think we liked and respected each other too much to hurt the other's feelings. But there was a change in Jake. About three months ago I'd say it started. Little changes. Probably unnoticed to most--maybe even fooled his parents. I know he tried to hide it, but I saw it. He just wasn't exactly the same. Most of the time, yeah, he was Krite. But different at times. Not really Jake. He was never a moody guy. Never--but he got moody. Sulked. Was irritable. Cranky (my grandmother's word). And he didn't have the fire and interest he usually showed. One of us would come up with some idea or project and he'd dive in, couldn't wait to get started, and would really become focused. “Teddy, Teddy--c'mon man, we can do this. You and me, you and I--whatever!” I haven't seen that for weeks.

He complained of headaches. He said some pounded and some just ached. But then he might go for days okay. I

remember once he was reading me something funny in SI that Shaq said, but he had to quit. Said the print got fuzzy. We put new line on our casting reels one night, and he was having all kinds of trouble threading the line through the guides. And the guides are about half-inch in diameter.

Krite was really a clever guy. Funny like you can't believe, and yet so smart you wouldn't maybe expect him to be so funny too. Sometimes the brainy ones are just that--not really very creative. Krite never told jokes or talked dirty, but some of the stuff he'd say ripped us...

Diane was crying at the end, and Len was squinting through his tears to keep the car on the road.

"Len, we should have--"

"Don't, Diane. Forget the *should have*'s. Don't start second-guessing us. We can agonize over the choices, like maybe we should have done this or that, but we didn't and that can't be changed. Granted, there was something wrong with Jake. We didn't realize how wrong. We'll just wait until we have all the answers. Agreed?"

"Yes," she said softly. "You're right." She glanced down and counted the remaining statements. "Two more. Do you want to hear them?"

"I wish we had them all."

## CHAPTER 9

Judge Warren Bender referred to his chambers on the second floor of the courthouse as “the menagerie of my life’s travels.”

The room resembled a photo layout in a 1930’s office furniture catalog. A large glass-topped desk and a high-backed leather chair, both dark mahogany, were prominently positioned in line with the doorway. Facing the desk were two identical wooden chairs with arms but unpadded seats. Two more matching chairs stood along one wall next to an oak file cabinet. With the door closed, visible in the corner was the lone peg for his outerwear. The only items on the desk were a daily calendar with lines for notes, a pen, a gold Seiko clock, and a phone. Law books consumed one entire wall. “Not mine,” Judge Bender would say. “They came with the place.” A woman who vacuumed and dusted on Saturdays swore that never was a book out of line.

That was the office--all of it and nothing more. It was that *nothing* that caught the eye of every person entering his chambers for the first time. Not one picture graced the gray walls, no deer heads, no fish dead or alive, no family

photographs, no “little treasures” to warm the room, and no zinger mementos from friends or memorabilia from far-flung ports of call. The sparseness was haunting. “I guess it says I’ve never been anywhere,” Judge Bender would laugh.

He had however. He and Grace, his wife of fifty-two years--had traveled extensively throughout sixteen European countries, all after first raising their five children. As testimony to their journeys, almost every square inch of horizontal surface and vertical wall in their home displayed their treasures.

And quickly after his laugh line about never having been anywhere, he would add, “Here’s the deal on the nakedness of this office. When I come to work, I don’t want to look around and be reminded of everything I’m missing out there.” And again he would laugh, even more heartily this time and punctuate “out there” with a grandiose gesture of his arm.

Contrary to the stark coldness of his office, Judge Bender was a very warm and patient man--accessible, approachable, and accommodating to all those on the side of the law. Never was he in a hurry to rush a colleague or friend in and out. In court however, he wasn’t always warm and patient. When the brow furrowed, the dark eyes glared, and the deep angry voice thundered at the newly convicted offender standing before him, that was usually the final moment before that individual--male or female--would be led from the courtroom. The judge’s take on that--“It’s my court and I have the last word. I want to brand that word on the scum’s brain just before departure. I’m not in the kind of business where you stand up, shake hands, and say have a nice day.”

With his secretary gone for the rest of the afternoon and no one in the outer office, his door to chambers remained open. Andy Hutchinson filled the doorway and was instantly waved in.

"I'm sorry, Judge," he huffed from hurrying up the stairs. "I'm running behind. I should have called but--"

"Nonsense, Hutch," the judge said sincerely, cutting him off and motioning to one of the chairs. "I know you're up to your ears in it today. Ray Steagle killing Jacob Krier just can't happen. Even a teacher and a student with guns in the school is a stretch. A heart-breaking day for two fine families and all of Pike River and Bridger. We joined the infamous list of school tragedies today, Andy."

"I hear you, Warren," Hutch said, nodding emphatically. "I never thought it possible. I've kept a file on school shootings and threats since '96. The numbers are twenty schools, forty-seven dead, not including the two killers who gunned themselves at Columbine and the one at Red Lake, and over a hundred wounded. Today we add one more dead. I read about the kids involved, the kind of kids they are, and they're all troubled for whatever reason. They're aggressive, retaliatory, secretive, plotting, the parents are uninvolved or too trusting, and guns are easily accessible. Could be one of those factors, a combination, or all of the above that warps their brains. Nowhere does Jacob Krier fit the profile."

With his hands spread in a gesture of doubt, the judge responded, "Exactly the problem, Hutch. We don't know who to trust anymore. It used to be organized crime, the have-nots, and the dumbheads that made all the trouble. Now it can be the middle class guy next door with the white picket fence and no weeds in his yard. It seems that anyone's capable of going berserk. Like today--who knew? So, Andy, what can you tell me that I haven't already heard?"

Hutch leaned a little closer to the desk. "I can do better than tell you, Warren. I can show you," he said, pulling a VHS cassette out of his pocket and laying it on the desk.

Puzzled, giving the tape a mere glance, the judge frowned and looked at Hutchinson, waiting.

“It’s why I was late, Warren. A ninth grade boy shot a video of the whole scene this morning--everything, including everything said. The podium mike was on the whole time, and Ray and Jake weren’t more than ten or twelve feet apart. And get this--the only ones other than the boy who know about this video are you, me, the boy’s mother, and Bratzke. The boy kept the camcorder hidden inside his clothing with just the lens out and he encircled that with his hands. This is a copy I made. I’ve got the original locked up. I took the boy home and spoke with his mother about it. It’s ours for as long as we need it.”

The judge stared at the tape, then began shaking his head in disbelief. “Incredible, Hutch. Absolutely incredible. Like the Zapruder film of JFK getting shot. If the media knew about this,” he said, pointing to the tape, “you can imagine the frenzy to get a copy. But you sense a problem and that’s why you’re here.”

“Warren, the way we handled the situation this morning was pure shit from the start. I was halfway to Shawano, dispatch caught me, I wheeled around, and it was all over by the time I got back. A nine-one-one came in from Ray Steagle using one of the school phones but without the code word. Dispatch screwed around trying to verify the authenticity, but Ray had identified himself, said there was shooting in the gym, and he was going in there. Hell, Warren--one of my men *on foot* could have been inside that gym in two minutes, but it took fourteen minutes. *Fourteen goddamn minutes* for them to get there! Can you believe it? So, what I’d like to do, Warren, is run the video. I’d like your opinion on something, but it’s maybe a sticky situation for you. You’ll probably be the trial judge, and some sleaze defense attorney might jump on judicial prejudice if he knows you’ve seen the tape prior to open court. What do you think? It’s your call.”

Bender didn’t have to think about it. He led the way

down the hall to the audio/visual room, grabbed the remote, and settled into a chair he knew was comfortable. They watched in silence. At the end the judge rewound the last six minutes and watched again--and again in silence. Finished, he rewound to the very beginning, watched for three minutes, ejected the tape, and led the way back to chambers, this time closing the door.

Seated, the judge said, "I'm amazed, Andy. It is graphic and spectacular. From the camera's angle you never see Ray's face, but there's nothing in his tone that ever changes. His voice is so calm, Andy. He never sounds alarmed or unsure or angry--and this is a man facing a gun pointed at him from just a few feet away. The way he talks to Jacob you know he has the utmost respect for the boy and genuinely cares. You can't miss those vibes. It is so apparent."

Frowning, he wheeled his chair back a few feet and crossed his legs. "But you can sure see Jacob's eyes. Those times the camera zooms in for close-ups--my God, it's incredible, Andy. You can see and feel Jacob's stress, the confusion he's battling. He knows he's wavering. He knows that Ray almost has him talked out of it, and then you can see his body jerk like we do when we're falling asleep and try not to. He jerks and the eyes turn steely again."

He pointed a finger at Hutch. "And there's a little catch in Ray's voice. He knows he almost had him, then lost him, but he comes right back, quiet and steady, reassuring Jacob they can easily walk out of there together, no harm done, and no consequences. And Ray assures the boy that his effort to help his needy classmates is noble and that something good will come of that as a result. Andy, it's the most emotional and compelling thing I think I've ever seen."

He stopped, wheeled forward, and leaned slightly across his desk as if others who shouldn't hear might be near. "Andy, I'll tell you my gut feeling right now, just based on



the video and nothing else. When that tape is played in court--if it's played--I see a quick trial and Ray Steagle is acquitted. He's almost an absolute cinch to walk. Unanimous. No hung jury. No mistrial. And--no appeal. That's my take. What's yours?"

"Exactly the same."

"But I sense you've got a problem, Hutch."

"What'd you think of Larry Dixon and Reggie Bates?"

Judge Bender's eyes locked on Hutchinson's. "In a word--useless. Not ineffective, Andy. To be ineffective, you have to first make an effort. They didn't. They were totally useless. If Jacob shoots Ray, then they take the kid out. But notice, once the boy with the camera captures them coming in and taking their positions, you never see them again. That's why I went back, Andy. They have Jacob cornered. He can't cover them both. He can't even see Bates. If Larry forces the issue, and the boy reacts aggressively, then Reggie gets him. *And they don't have to kill him!* My God, they've got the boy in their sights from fifteen yards. A stationary target. Simply pick the part of the body you want to hit that'll disable him but not jeopardize his life. For chrissake, shoot the hand holding the gun. Shoot the arm! The shoulder! Jesus!"

Hutch was nodding in agreement. "I know, Warren. You watch that tape and you can't believe cops are even there. You keep waiting, expecting. I've read their reports. They've gotten together on their story. Larry states he held off shooting because he was afraid if he just wounded Jacob, reflex might pull the trigger and either hit Ray or some of the other faculty and people on the bleachers near Ray. Reggie says essentially the same. One says Ray's effort was commendable. The other uses admirable. I say it's all bull shit. They're trying to cover their asses for what they didn't do and as cops know they should have."

"And that would be?" Judge Bender asked.

“Going up in the balcony was good,” Hutch said. “Puts them higher than everyone else. If Jacob starts shooting at one, he won’t hit anyone else. But they should have kept right on going to the end of the balcony. Sure, Jacob told them to stop, but they should have taken control, put him on the defensive. They’d have been right in line with Jacob. One in front, one in back, both looking down. They’re in command. Jacob either gives up the gun or they shoot him. They have no choice. It’s their job to make sure he doesn’t pull that trigger again. They’re there to protect, not take a wait-and-see stance. Jacob held that whole place captive for twenty-three minutes. He has to be stopped. That’s our book on a situation like this. My cops threw the book away. That is horse shit law enforcement.”

Judge Warren smiled half-heartedly, knowingly. “You want to suspend them, and you have that authority. The DA has no jurisdiction over that. But if you do, then you prejudice his case. Knowing Brad, he’ll definitely try to hang Ray Steagle. And--he has justification. Ray made the nine-one-one call. He should have waited for the police. But of course as you know, that would have been an eternity for everyone in there. It could have really turned bloody. Maybe Ray shouldn’t have shown his gun, but I think that did buy some time. But then when he felt the stalemate and the Keystone Kops had arrived, he probably should have just backed out of there. If you suspend them now, it definitely swings the pendulum in Ray’s favor. He’s innocent until proven guilty, but the inaction of your men tilts the game board his way. It’s a question of justice, Andy. I can’t see how the jury can render a just verdict if the prosecution’s case is handicapped at the outset. And here’s a question for you. What happens to Ray Steagle if the tape isn’t revealed?”

“No chance of an acquittal,” Hutch said, shaking his head vigorously. “He’ll do time. I don’t see any defense

attorney preventing that. Even the very best could only shave the time he'll serve."

"And you feel he walks if it's shown to the jury. But you know you have to give Brad the tape and he has to use it."

"How so?"

"Because other than you and me and Buck Bratzke, the boy and his mother know about the tape. They will tell the dad and maybe the rest of the family. The leak, the existence of that tape, will emanate from one of them. I know that's accusatory, but you can't take the chance I'm wrong. Picture this--there's no tape on the prosecution's discovery list, Brad rests his case, and the defense attorney stands up and waves the tape for all to see. How did he get it? Somehow he got wind of it, then came to me, and I had to issue a court order that you release it to him. Then he comes to you and gets it. And that, Andy--that would be messy, very messy, for the prosecution and for you."

Hutchinson thought awhile, then said, "You're right, of course. It's evidence and it can't be concealed. So I give the tape to Brad. That forces him to list it as evidence. The defense attorney gets a copy. During the trial we let the defense hang two cops' asses, and then after the trial I deal with them."

Bender leaned back in his chair, his hands folded against his chest. Hutch knew to wait. "You know, Andy, that video is a damn powerful exhibit, but the more I think about it, there's something else afoot here, something very weighty that I shouldn't dismiss. It could very well neutralize the tape's impact and level the playing field. Everyone in this school district either knows Ray Steagle or knows of him. They see him as a hero. He faced a gunman and protected their kids. There'll be a wave of support for him. People want him back in the classroom. They want their kids to have him for a teacher."

Hutchinson nodded. "I can relate to that. My Sue raved about him. The two younger boys aren't the student she was, but she says he's such a great motivator. Kids that have learned to hate English class over the years suddenly learn to like it. It's the man and his method."

"And don't forget school board members and administrators. They hear plenty about the best and the worst on that faculty. Believe me, their heads aren't stuck in the sand when it comes to personnel. They'd hate to lose Ray."

Hutch added, "And the guys on the force who had him for a teacher--they're lined up solid behind him."

"Ah, and then we have the Kriter factor," the judge continued. "Great support for that family too. First, there's Jacob to consider. Surely he didn't have to die in that gym this morning, Andy. If I can come up with all kinds of scenarios other than Ray killing him, the Kriter group will too. Granted, Jacob had a screw loose this morning. Well, for chrissake, then let's tighten the screw. And who best can do that? How about his mother? She's at the hospital. Call her and she's in that gym in two minutes. What does Jacob do then if she walks in? Is he going to hold her captive too, threaten her? Hell no!"

Judge Bender was breathing heavier, his frustration obvious. "And how about his dad? What if Len joins her? What if Jacob is handed a cell phone and it's his sister on the other end? Or get Harry Kriter on the phone and tell Jacob his grandpa wants to talk to him. What then?" Bender paused and made a simple relaxing gesture with his hands. "Andy, of course this is all after the fact, but that's exactly what the Kriter supporters are going to do--get vocal and raise all the questions about what if and why didn't they. I admit, Ray shouldn't have been there, but somebody had to be. Your men should have taken over, but they passed on this one. Bottom line--who suffers the most? The Steagles

or the Kriters? Jacob lost his life. Ray has to lose something. It has to be his freedom.”

Hutchinson asked, “Warren, this isn’t going to split the town into two camps and create a stinko mess like some we’ve seen in the past, is it? Man, we don’t want to go through one of those ordeals again.”

“I don’t see that happening, Andy. Vocal, yes. Ugly, no. People admire Ray and Amy Steagle, and they admire Len and Diane. His reputation as an attorney is impeccable. Hers as a compassionate and competent nurse is equally flawless. The sentiment for them has to be overwhelming.” The judge smiled and waved a cautioning finger. “And no one in these parts forgets Harry. A great district attorney he was, but also a fine human being. It’s too bad he came before your time, Andy. He had a whole different way of coping with bad asses, and I couldn’t begin to count the ones I think he *saved* over the years. People would be headed down the wrong road and he managed to detour so many of them onto a straight highway. A totally different breed of DA than Brad Rodell, and that’s why Brad’s hardass approach didn’t set well in the beginning when Badger County discovered what they’d hired. I wasn’t sure about him then either, but given the crime we see here now compared to a decade ago--and who can attest to that better than you?--I think he’s the right man for the job.”

He folded his hands and rocked a bit, his mind working, then continued. “So, to get back, Len Krier has always admirably represented due process and justice. Now the family must be granted the same. They’ve lost their son, their brother, their grandson, and the last male Krier. Ray kills Jacob and ends the Krier line. He has to pay in some way for that.” The judge tilted his head to one side, grinned a bit, and said, “My God, Andy--listen to me. I sound like I’m giving a closing address. Sorry. I know you have more important things to do than listen to me ramble.”

On the way back to the station, Hutch had to chuckle at the judge's last remark. Yes, he does ramble at times, and everyone knows that, but everyone also knows the reason the law books in his chambers are never out of line--Judge Bender has them in his head. The Constitution, Amendments, Supreme Court decisions, State Statutes and State Court decisions--it's all right there, ready to quote verbatim or an accurate paraphrase.

## CHAPTER 10

With a jingle of keys the guard approached Ray Steagle's cell a few minutes after six that evening. "Visitors, Ray. Amy and the kids. Man, it's been awhile since I've seen them. That Hannah sure is a cutie. And Rich--hey, he's going to be a big guy. Look, Ray--since there's no one in the attorney/client room upstairs, I put your family in there. It's not plush, but nicer than what's down here. It'll be private too. We don't see attorneys here on weekends." Unlocking the door, he said, "Follow me," and started to lead the way.

"Dan," Ray said sharply, stopping the guard on the spot. "The cuffs."

Turning on his heels, the man smiled sheepishly. "Oh, man, yeah. Just don't seem right, Ray--you bein' in here. But thanks. Policy's the law here and supposed to become habit." With the cuffs locked on Ray's wrists in front, he shook his head. "Just don't seem right."

They walked up the steps and down the corridor, the guard holding the keys quiet against his hip. At the door he removed the handcuffs and said, "I'll be right across the hall, Ray. You're not locked in so just tap on the door when

you're ready. Take all the time you need. There's no hurry. Well, visiting hours are over at nine, but that can be stretched."

Ray thanked him, then hesitated a moment, wondering what face to wear. Do I grin as if this isn't all that serious? Do I smile to show how happy I am to see them? Or do I look how I feel? He opened the door.

The sound of the knob turning had riveted their attention-- then shock etched their faces. Eyes widened. Jaws dropped. He just stood there, frozen, looking so defeated. Never had they seen that look. Nor had they anticipated him dressed in jailhouse orange. Her husband, their dad, in jail, dressed like a criminal, being *treated* like a criminal--it can't be happening.

His eyes were dull. His cheeks, hollow, and what Amy normally called his "twinkle lines" at the corners of his eyes were deep, dark strokes of exhaustion. His hair was mussed, something it never was, but maybe he didn't have a mirror, she thought. *No--he doesn't have a comb!* Amy blinked once. In that split-second of darkness, his image resembled a disheveled cadaver.

Then suddenly they were all in each others arms, holding tight and crying together, unabashed. They were in no hurry to let go, couldn't for the moment, just four people unable to get enough of one another. Their entire world had exploded the first time Ray ever pulled the trigger of a gun. And now what? They didn't want to let go of the moment. That meant facing the next.

Life had always been so steady, so comfortable. Even though Amy worked, she was always home. Hannah and Rich could call at any time and knew they'd connect. Occasionally when they were sick and missed a day of school, still she was there, checking on them frequently, ready to satisfy their needs. And after school, though she wasn't at the door waiting with cookies and milk, they knew



they'd find her in the center with the daycare kids. Immediately they would check in, just to let her know. Well, yes, that--and often there were treats left from baking in the "little oven" with the help of the "wee" ones.

As for Ray, unless he had to make a stop somewhere, he walked into the house and set his briefcase on the bench at 3:55 every school day. Never did he stop for coffee with the "boys." Not that he deliberately shunned their invitations, but he always had a mental agenda of "projects," some simple, others more complex. Seldom was a technician called to the house. With so many skilled people on the faculty, expert advice and hands-on help were available for the asking. At times his list underwent "reprioritizing" as he called it, due to immediate repairs required or Hannah and Rich needing help with school or scouting projects, but always there were jobs that needed his attention.

They had worked together, they had played together, and now they were lost together.

Words didn't come easily. They tried. Amy started, uttered a few words, began crying, and then couldn't stop. Hannah tried, the sudden lump in her throat prevented a voice, and the tears flowed. In a huddled group they moved to one of the small tables, sat down, put their hands together in the center, and held onto each other.

Still no one spoke, though Amy and the children knew exactly what they wanted to say. They had talked about it at home and all the way to the jail. "Nothing negative. Sound confident. *Be* confident. Remain positive throughout, no matter what." They couldn't get it started.

Ray cut the tight silence, not with his voice but with a very slight and hidden movement of his right hand under Hannah's left. Slowly, ever so slowly, just a twitch, he started to move his hand. She felt it. Then another twitch. She watched, staring intently at his hand like a cat with a cornered mouse. She waited, knowing exactly what came

next. She could feel herself starting to cry inside. Only her dad would think of something like this at a time like this-- and do it! It was perfect, she thought. No one else knew yet. Her eyes flitted to his and back, just enough to catch his glance and see the hint of a curl at the corner of his mouth and that glint he gets in his eye when he's being cute.

In the next instant his hand was out from under and slapped on top of hers and just as quickly she reversed the positions and they laughed uproariously at each other as they played whatever it's called. Then Amy and Rich did the same, and all four had knocked the fear barrier aside and were together again like the normal family they always were.

"Okay," Ray said finally, his eyes and expression soft, "we're us again. And now we have to talk." He maintained that softness, in no way wanting to jeopardize the closeness they'd regained. "So--let's just do that, just talk a little about what we know, and when we're done, then we'll tackle what we don't know and how we might want to handle certain things. Does anyone want to start?"

"I do, Dad," Hannah said. "I'm so proud of what you did this morning. I know that shooting Jacob was an accident. And, Dad, *everyone* knows that. All the kids I talked to, and they came up to me, Dad--from all the grades and lots and lots of seniors, kids I don't even really know--they came and told me they know it was an accident, that you didn't mean to kill Jacob, that you didn't even mean to shoot at him. That's how they all feel, Dad, and they're not afraid to say it. Lucy Banks was sitting to my left, blocking my view a little. She saw you before I did, and she turned and said, 'There's your dad, Hannah. We'll be okay now.' And we are okay, all of us because of you. We all believe that."

She was still lightly holding one of his hands with hers and now she squeezed it tightly. "I didn't know what that was about when Jacob said you can and you may--one of

your seniors told me after--but did you see the difference in Jacob right away? He was screaming and swearing at us and shot the gun twice and we were all so scared and he looked so--so weird. Really, Dad--you should have seen the way he looked at us, and then when he saw you it was like he was Jacob Krier again, the real Jacob.”

She encircled his hand with both of hers and shook them. “And we’re all safe. Jacob threatened everyone there, and it was a nightmare we’ll never forget, but we all walked out of there. None of us got hurt. You did that, Dad. You saved us. Everyone there believes that, and everyone who wasn’t there is going to know and realize that, Dad. Nothing real bad is going to happen to you or to us. We’re going to be together and we’re going to be okay.”

Rich spoke up. “When Mom came and got me from school, none of us knew anything. But when it got out and around, Kenny and Boone and Mark came over after school and told me you’re a hero, Dad. That’s what everyone’s saying, so they should let you out of here--shouldn’t they, Dad?”

“Well, Richie,” he began, looking just slightly doubtful, “Jacob did something wrong, and I did something wrong. So we have to wait and see.” He glanced at Amy and Hannah. “I did break several laws. We have to remember that. When I got the gun and loaded it and stuck it in my belt and hid it under my coat, I was carrying a loaded, concealed weapon. That was illegal even out in the parking lot. And I don’t have a permit to carry a gun. I broke that law.”

He paused, and Richie saw the silence as a time to comment. “But nobody goes to prison for that, Dad!”

“You’re right, Rich, but when I walked back inside the school with the gun, I broke another law. Do you know where I should have been all that time? In the gym with everyone else. I was supposed to be there at eight o’clock sitting with the staff. And if I’m where I’m supposed to be,

then I don't have a gun and I don't kill Jacob Krier."

"But Dad--" Hannah interrupted.

Ray's free hand raised a fraction, a signal not unclear to the children. "Wait, honey. I do want to hear what you have to say. Let's just imagine this is a trial. You and Richie and Mom are the defense--if there is a defense. I'm the district attorney, the prosecutor. I'm laying out the bad side of this." He smiled and patted her hand. "And the prosecution always goes first. Okay with you?"

He glanced at each. They were in agreement.

"I do have a legitimate excuse for being late," Ray said. "I was on the phone to a very concerned parent. When I got off, I didn't want to walk the length of the gym to the faculty section and be a distraction, so I was taking the hallway route to the boys' locker room when I heard a *pop*. I thought it was a firecracker. When I got inside the locker room, I heard Jacob's voice in the microphone. He was loud but I couldn't make out what he was yelling about. I really didn't think that much about it because sometimes these assemblies do get loud with yelling and cheering. And then the second shot. And the screams. I peeked around the corner and saw Jacob pointing the gun. I don't know how the first thing that hit me was the gun in the car, but I didn't think about anything else. I went out, got it, came back inside, called nine-one-one from the coaches' room, identified myself, and told the dispatcher someone was in the gym with a gun and that I was going in. I hung up. I stood in the doorway in full view only a moment and Jacob spotted me." Ray looked at Hannah. "Honey, could you hear us back there?"

She shook her head yes. "You asked could you come in. You called him Mister Krier and you were very polite. We heard everything."

"Amazing," Ray said. "The mike must have been turned up really high."

"It was, Dad," Hannah said. "When the first lady

presenter started, you couldn't hear her, so Mr. Donovic turned it up."

"Okay. So--back to the law. You have to understand I had no right to point a loaded gun at Jacob. When I took out the gun, I suddenly became a gunfighter. I wasn't thinking about that at the time, of course, but I've had most of the day to sit in my cell and try to reconstruct. I took the law into my own hands. I shouldn't have. Jacob fired his gun in my direction. When I fired my gun, I broke the law. And when Jacob died, that meant I broke the most sacred of our laws. Over and over this morning I broke so many laws. I have to pay a price for that. I have to. It all depends on how aggressive the district attorney wants to be and can be. He decides the charge. But you have to realize this--in no way will I just be walking away from this. I won't be getting out of here. There may not be a trial. I will go to prison. We have to prepare ourselves for that."

Amy shook her head. "I--I don't want to believe that, Ray. I can't. I just can't. I can't accept that you've deliberately done anything wrong. Ray, you became a victim of circumstances. Someone had to do something. You did. And what you did was right. Doesn't Jacob trying to kill you prove that? And when you're dead, who's next?"

Ray found it hard to get past the anguish in her voice and the hopelessness in her expression. Her lips were still quivering. He looked at Hannah and Richie. They were the image of their mother. As difficult as it was to be the hardhead, he just couldn't bring himself to soften his approach, to raise any false hopes.

"Rich, Hannah--you want some soda?" he asked in a sprightly tone as if he knew something about jails that they didn't.

They glanced at each other, knowing they really weren't in the mood, but also knowing when Dad suggested something it was usually what he really wanted for them.

“Sure,” Hannah said.

“Amy?” Ray asked.

“A little I guess,” she said half-heartedly. She reached inside her purse and handed him three dollars.

It was an exchange that felt odd to both of them. Every month after the bills were paid on the tenth--and those bills were tightly budgeted--they gave the children their money for chores, then each drew equal sums for house money and personal expenses. Rarely did either run out and need money from the other.

Ray laughed then. “Do you realize when the police inventoried my personal items and gave me a receipt, I had \$4.02 in my pocket.” He laughed harder. “Why carry it? What can you do with it? I guess a man should carry at least fifteen or twenty dollars in his pocket, shouldn’t he?”

Ray tapped the door, and within two minutes the guard returned with two cans and four plastic glasses. “All we have is diet caffeine-free,” he said apologetically. “Chief says we’re supposed to set an example of a healthy lifestyle. Guys on surveillance really have it tough though. You can’t read and be observant at the same time, so they eat and drink. Anyway, no charge,” he said, holding out the three ones. “It was payday today and we restocked our refrigerator.”

Amy poured. Ray held his glass up and said, “A toast.” They held up their glasses. “To the Steagles--a family that’s together even when they’re apart.”

Hannah and Rich looked at each other and rolled their eyes, knowing they had to participate in the rest of the “geeky” ritual. They all touched glasses and said in unison, “Clink.”

They sipped, but there was no savoring. Amy’s spark of light-heartedness lasted only that moment. The jaws locked. The skin tightened. The grimness was back. “Ray, I made four calls,” she said, “and I can’t find an attorney. And we

don't have to try to protect Hannah and Richie from any of this. They understand."

"We can't afford one anyway," he said.

"Ray," she said, raising her tone to just short of sharp but definitely edgy, "you *will* have an attorney. We're--the kids and I--we figured we can empty out the family room, remove the door connecting the center, and expand daycare. I already talked to Paula and Melanie. They believe we can double the number of clients. We don't add staff, just be more efficient. They agree. And the three of us," she said, nodding to the children to include them, "we'll run daycare on a limited basis on Saturday and Sunday too." She held up a hand to quell his response. "Ray, I know what you're going to say. But it's done, Ray. The girls already called the waiting list. An ad will appear in the *Herald* tomorrow. You're truck is already in Paula's tractor shed. Yes, we covered it with some tarps. Your side of the garage is filled with the family room furniture. The entertainment center stays. We'll have SpongeBob SquarePants on in both rooms."

Ray was speechless. He could picture the changes but couldn't imagine so much had been accomplished in so little time. He was also stunned. Maybe they had a quick fix for now, he thought, but they couldn't sustain it--for a few months perhaps, but certainly not years.

"I'm amazed," he said, "but Amy, you and Hannah and Rich can't maintain a schedule like that. It's too hard, just too much work for you. I'll be gone a long time."

Instantly he knew it was too blunt. Their faces paled. Amy stared at him. The children kept their heads down, their hands folded on the table but twitching nervously.

"I'm sorry," he said. "I didn't mean to sound harsh or unappreciative. I wasn't thinking. Well, yes, I was. I've thought about it all day. I'm going to jail, probably without bail. I'm going to prison. We have to face that. I killed

Jacob. I couldn't win a court trial. Even if we had the money, it'd be a waste to pay an attorney. I think I should plead guilty or no contest. That way there's no trial. The judge decides, and you can get on with your lives. And the school board too. They have to hire a new teacher for the fall."

Ray remained silent a moment, thinking, picturing it. He knew how tired Amy could be by the end of the day. The physical work, the mental part of managing the business and worrying about him--it would take its toll, and be so tough on the kids. They'd pitch in and be a great help, but they'd all pay a heavy price.

Amy looked straight at Ray. "You'll be home." She was adamant--*as she could be*. "You can take that to the bank, Bucko. You will be home. Twelve hundred kids went home today and told their parents what you did. That many kids because none of them got shot. Parents of next year's seniors are going to call the school board and the DA and Judge Bender, all of them urging that a trial be scheduled and get it over with pronto. They want you in that school and in your classroom. If the court's already jammed for the whole summer, people are going to call the attorneys and ask they request a-a delay. What's it called?"

"A continuance."

"Exactly. Make time for you. They're going to do it, Ray. The wheels are already turning. Puala and Melanie are pit bulls on this."

Covering her hands again with his and shaking his head in disbelief, he said, "That's really hard to imagine, but it's nice to hear, and I'm proud of what you and Hannah and Richie are doing, Amy, and what others are doing. It's certainly special. I didn't expect that of others. I'm not sure I deserve it."

His lips compressed and he shook his head again. "You won't find an attorney here, Amy, and they're not going to



delay their clients' time in court either. Lawyer loyalty--just like teachers protecting teachers. No attorney in this town can defend me because that's spitting on the Kriters. They can't betray Len Krier or his wife. Diane is the resident saint at the hospital, and rightly so. The Kriters are hurt. No one wants to hurt them more. You say there's support for me out there. Wait until you see and hear the support for Len and Diane and Jennifer. They're hurting just like we are. Even more. Just imagine us losing Hannah or Rich like that. What would we be screaming for? *Justice*. Whoever harms one of ours has to pay. No slap on the wrist. Oh, no. Maximum penalty under the law. That's what the Krier family and their supporters will want and expect."

Amy pulled her hands away. "I'll call the State Legal Referral Agency on Monday. I'll find you an attorney, Ray. You are going to mount a defense."

Hannah tapped the table. "Dad, you can't just give in," she said. "You did what you knew had to be done. If the police had gotten there within a couple minutes after you called--and that's when they should have--it wouldn't have been up to you to protect all of us. Jacob was out of whack, Dad. How could you walk in and face him like that? How could you put your own life in danger like that? It's because you believed someone had to and no one else would. That counts, Dad. You have to defend what you did. And you have to do that for us. You were afraid for everyone there and that includes me. You were afraid for us more than for yourself. People believe in you, Dad. You can't quit on them."

Richie had been listening intently all the while but appeared more relaxed, his arms spread in front of him on the table and his chin resting on his hands. His eyes came up from the empty can in front of him, and he waggled his forefinger like a worm on a hook. "Dad, you always say our family is like a circle of chain, all linked together. That's

what you always tell us. If you're not with us, then you break the chain and--and there goes the family. Right, Dad? Isn't that what you've always said and what you mean?"

Ray tossed his head back, squeezed his eyes shut and smiled. How many times had he said that? Hundreds? Well, twenty or thirty at least. He opened his eyes, reached over and lightly tousled Richie's hair. "You're right, Rich. Right on. Okay--okay!" He turned to Amy. "An attorney, honey. You might get some calls. Out-of-town rejects looking to get their name in the media. Just hang up on them. Don't even waste a word. Look--we can easily prove that mortgage-wise we're in pretty deep. We have a balloon payment for the center due in October. If we can't make it or can't refinance--and felons don't get financing--the bank can foreclose. We lose everything. I think it's embarrassing, but I probably qualify for a public defender. The judge will appoint one at the hearing--probably Monday or Tuesday. We can't expect much of a defense I wouldn't think, not from someone who's being forced into something uncomfortable. We'll talk about a defense ourselves--all of us here together, and then with the PD--and then determine how we want to plead at the arraignment. But--don't expect that I'll be released on bail. It's not fair to the Kriters. I can't kill their son and then walk around town like a free man. That's ridiculous. I really don't want to have to face anyone. I don't want to see anyone until there's a trial. I don't want bail. I won't request it. I stay right here until it's over. Okay with you?"

They looked at one another, thinking, no one speaking, looked around the table again, then together nodded their approval.

## CHAPTER 11

Brad Rodell, the man, was a quiet gentleman, a very large quiet gentleman with a blond crewcut, round red face, no neck it seemed, huge arms with a heavy growth of blond curls, and a solid massive body. His vivid blue eyes could twinkle in an instant, but in the next they could be the lasers of Brad Rodell, the Badger County District Attorney. That man was not a gentle man--not even close. As a prosecutor he was tenacious, uncompromising, and demanding. With two distinctly different personalities, depending on who he was at the time, it was always wise to know which hat he was wearing.

There was Rodell the Christian, a steady churchgoer, lector, council member, handyman, and wholly committed to every project and improvement on the council's agenda.

Rodell the Scout Leader was one of two assistants who rarely missed a meeting and tried to spend at least one night at the occasional weekend camping trips. Customarily he used two of his vacation days for the week of summer camp. Helping the Girl Scouts was a common practice also, his wife Melissa being an assistant.

When he had time for himself, he was Rodell the Sportsman, an avid fisherman and a fan of most sports, pro wrestling and women boxing excepted. “You don’t grow up on an Iowa farm without being a Hawkeye fan, and I got this crooked nose at Camp Randall Stadium in Madison my senior year. We’re not winning but it’s close, so we’re trying to control the ball and not get fancy. Your middle linebacker introduced himself to me. A great hit. It was a tough game that we eventually lost. Both teams played good hard football and we gave the fans a good show.”

Tom Blake, sports editor for the *Pike River Herald*, offered a more precise account however. “I was there. I saw it. When Brad came here as the new DA, I didn’t know it was the same kid, but he took a vicious hit on that play. His right guard got buried and our middle linebacker met Brad square in the hole, both at full speed. Brad got knocked back about three yards and his helmet flew ten, but the LB didn’t have Brad down, was just kind of holding him up, and the free safety teed off on him. Flat on his back he went and out cold. You could see the blood gushing from his nose. Ugly it was, even from up in the stands. Eventually they got him up and he wobbled off the field. The fans gave him a great ovation. Iowa punted, and the next time they got the ball, here comes Rodell back in the game. They got the ball into our territory, and then he broke three tackles inside the thirty yard line and steamrolled in for a score. One tough kid, I can tell ya. I understand he showed promise as a wrestler too but his shoulder kept popping out and he had to give it up. You couldn’t help but like the kid. He wasn’t a grandstander. When he scored, he just spiraled the ball underhand over to the official like Hornung and Taylor and all the old pros did. No end zone dance. He came to play and he played it straight.”

Rodell vowed he’d always been a Packer fan. “I was eight years old, 1980, when my dad took me to see a pro

game. We drove up to Bloomington, and the Packers beat the Vikings 25-13. I might have been the only Packer fan in the whole state of Iowa after that. It sure seemed like it anyway!”

Last, there was Rodell the Speaker. Anytime, anywhere, just name it--he'd be there. Though not part of his official duties as the DA, he deemed face-to-face contact with youths one of his most important endeavors in crime prevention. Elementary schools, secondary schools, parochial and public, history classes and assemblies, any place throughout the county's twelve hundred square miles--he'd gladly appear and address the students.

“You gotta talk to the kids,” he would say, almost pleading, “and you gotta keep talking. You gotta speak their language, meet ‘em on their turf. Cops do, deputies do, wardens do, and I do. It's not about respect for me--it's respect for the law, and a kid's first time in court might be too late. That first misdemeanor could just be the beginning. You gotta turn on their lights, make sure someone's home upstairs, and then you gotta hammer the word home and clap your hands over their ears so it doesn't all spurt right out. And I tell ‘em flat out--I like to come and see you, but you really don't want to come and see me if it's the cops bringing you cuz that means we're in court. You won't like me there at all. I'm gonna smack your ass hard, as hard as the law allows, and you will feel it!”

He would smile then. “Some of the teachers don't like it when I talk rough, butcher the language, and get a little crude--that is until they realize it's part of the show. Well, some not even then either, but I'm not talking to them. I'm trying to reach kids. My high school coach was our history teacher. He spoke so well in class, was so passionate about the subject, but when he put on his spikes and cap and hit the practice field with us, he became a grunt right along with us. These kids today, they have to know and understand that *I*

*am the bad guy. Me, and not the cops. Cops investigate, catch, and arrest. Me--I'm the one who delivers the blow that shakes their whole being, the hardest they've ever been hit. They will know and they will remember when they ran into Brad Rodell, that badass DA."*

His smile would spread across his face. "And while you got me going, let me explain something to you. We have a majority of really fine kids--the *creme de la creme*. I wish I could pay them for being so good. And then we have this small minority of bad kids. Little asspipes. Little scumshits. The *creme de la crap*. We're not talking rich man's crime and high IQ perps here in Badger County. We're talking idiots, no-minds who think they're smarter than every cop, deputy, and warden we've got. They think they can't get caught, that their plan is perfect, foolproof.

"You have to remember this. Cops bring me the evidence of a crime. My job is to prove that those guys and gals got it right. And believe me--that's not a slam dunk in any courtroom anywhere in the country today. Every defense lawyer is out to prove that the whole system got it wrong. You don't believe me? Go check the work of Cochran, Shapiro, Bailey, and Scheck. I call them the Four Horsemen of Ugly Justice. The jury believed those four guys had it right and all the cops, detectives, CSIs, MEs, lab techs, DNA specialists, the prosecutors, and all those prosecution witnesses--they all had it wrong. And even though every word was transcribed and every piece of evidence recorded and available for further review by the jury, just a few choice words decided the whole case. You don't believe me? How about this--'If the glove don't fit, you gotta acquit.' Eight words. A great RAP line. You could dance to the beat. And OJ is!"

\* \* \*

Brad Rodell unlocked the rear entrance to his office building shortly after seven that evening, trudged down the

dark, windowless hallway, and turned the key in his office lock.

He checked his answering machine, labored through three messages, and found what he'd hoped on the fourth: "Brad, still Friday about five. I'm either at home or the office. Been a bitch of a day. Anytime you get in. Hutch."

He dialed the Safety Building and interrupted the dispatcher's three-word response with his own four: "Rodell here. Hutch in?"

"Negative, Brad. Gone about an hour now."

"Thanks, Jay."

He dialed the house and identified himself to Boyd, Hutch's eleven-year-old.

"No, Dad's not here, Mr. Rodell. I'm supposed to say we don't know where, but I'll check with Mom." The phone clanked as he set it down. He was back in seconds. "Sorry, Mr. Rodell. But I'll leave a note you called."

"No need, Boyd. I'll catch him tomorrow. Thanks."

"Mr. Rodell," the boy said hurriedly, "you heard about this morning, didn't you?"

"Yes, I surely did, Boyd. You can tell your dad that for me."

He dialed the station again, this time politely waiting until after "Pike River Police."

"Jay, you don't know where Hutch is, do you?"

"Well, you know with so much going on today we're not exactly updated on a timely basis, but I think he was going to check out the results of the two gun registrations we ran. I don't know who they are though, Brad, and when we're not told, I guess we're not supposed to know yet."

"Business as usual, eh?" Brad chortled. "Thanks, Jay."

He dialed home. "Wanna grab a beer and fish fry and catch some scuttlebutt? With the kids sleeping over we can stay out late."

"Should I bring money?" Melissa asked with just the

hint of a laugh.

“Naw. We’ll start a tab for you. Talked to anyone since we been home?”

“Yes. It sounds like two camps are circling the wagons.” She hesitated, then, “Brad, just come home, okay? Bring us a couple cheeseburgers. It’s cool in the basement. We can drink right out of the fridge. I think we should talk about this. I know what side you have to be on legally. Everyone understands that. But I don’t think we can really hate Ray Steagle. Have you heard what the police did in the gym this morning?”

“No. I couldn’t connect with Hutch.”

“You better come on home, honey.”

“On my way.”

He called the station back. “Jay--anything you want to tell me about the police in the gym this morning?”

“I can tell you we’re not to discuss the subject with anyone. Strict orders, Brad. I know Hutch’ll fill you in, but we’re throttled here. Case closed.”

“Gotcha, Jay.”



## CHAPTER 12

Going straight to the Safety Building from his meeting with Judge Bender, Chief Hutchinson had hurried into his office seconds before five o'clock and switched on the 13-inch TV to catch the news on one of the local channels, knowing Pike River would be the top story of the day. With just clips of the press conference, a generic statement from Principal Ben Donovic, and a long list of what was still unknown, the report contained little substance other than the names: Jacob Krier and Raymond Steagle.

He doubted the networks would have much more but knew there had to be a frenzy for information going on out there. After all, there were over twelve hundred eyewitnesses. Ask any high school teenager, and even though all had been advised to remain silent until the official investigation was complete and apparently most had, Hutch knew it couldn't last and the leaks would complicate his job. Instead of just updating the media with solid information, he'd be spending considerable time negating rumors, gossip, and ridiculous misinformation.

On his desk lay an unmarked clasp envelope, fastened

but not sealed. Inside, he found documentation on the two gun registrations.

The .38-caliber used by Ray Steagle belonged to Art Detko of Pike River.

The .357 Magnum used by Jacob Krier was owned by Leland Weatherby of Bridger.

Hutch knew Detko worked the day shift at the veneer mill, and being a Friday night the man might already be out on the town. He looked up the home phone, dialed the first three digits, then cradled the phone. Better he just take a run over there and see.

He spotted a red pickup parked in the garage and turning into the driveway saw Detko standing over a bench grinder at the far end. Rather than distract him, he waited for the moment sparks stopped flying, then called out over the continuing whir of the wheels, "Art."

Casually the man turned his head, glanced back to turn off the grinder, then facing his visitor he switched the lawnmower blade from his right hand to his left and extended the right as Hutch approached.

"You're Chief Hutchinson, I know. Just saw you on the TV too," he said, nodding at the small black and white screen high in one corner. They shook hands. "I kinda been expecting you--or someone. I thought about calling, but I wasn't sure, you know. Could have been anyone's gun I guess. I know Ray don't own no guns, but he has one of mine. Do you want to see my bill of sale and registration? I got 'em handy. No problem."

Hutch hid his amusement. Totally innocent people with absolutely nothing to hide are always nervous about being questioned. Then they try to hide that fact by overflowing with their willingness to talk. Hutch knew if he just listened and let the man run on, he'd get all the information he needed--but also much more that he didn't need.

Shaking his head and at the same time extracting his

hand, Hutch replied, "No, Mr. Detko. That's really not necessary. I already have verification."

"Everybody calls me Art, Chief."

"All right. And I'm Andy. Just a couple questions, Art, and I'll be on my way. Why did Ray Steagle have your .38?"

"Ray knows someone--Ray's got tools and I got tools and sometimes we borrow from each other what we don't have and he comes over here and sharpens his blades," he said, holding the blade higher and jiggling it. "Anyway, this teacher guy he knows works on guns and rifles as kind of a hobby. One of the pistol grips on the .38 cracked. The guy said he'd put on a match if he could locate one or else a whole new set. Charge only for the grips. No labor."

"Do you know his name?"

"Yeah. I don't remember it, Bill something, but I got it written down right here." He picked up a small spiral notebook off the workbench, licked his thumb, that area of skin becoming cleaner than the rest of his hand, and started flipping up pages. "Ray gave it to me in case I wanted to check with the guy. I didn't because I'm not in any hurry. Here," he said, holding out the pad to the open page. "Bill Wolinski. That's him and his number. You can tear it out if you want. Nothing else on it."

"Thanks. I'll do that. Art--you won't be getting your gun back for quite awhile. I can't say how long. Could be several months."

"No problem. I don't--"

Hutch gently waved him off. "I'm curious, Art. Did you supply the bullets too?"

"Yeah. Ray said this Bill guy said he'd test fire it to check the firing pin and the sight and then clean it too."

"How many bullets, Art?"

"Ah--six. Yeah, six. But loose. Not in the chambers."

"You're sure of the number?"

“Yeah. I know cuz--”

Hutch interrupted with a smile. “I trust you, Art. Did you give Ray the gun and the six bullets in a plastic bag?”

“I did. Printed in black marker the bag says weed whip line.”

“Well, that’s all I need to know right now, Art. If there’s more, I’ll get in touch. Thanks,” he said, holding out his hand. He held the man’s grip then. “Art, this doesn’t have to get out. You don’t want media snoops coming around here with cameras and questions. Look, Art--I can’t guarantee there won’t be a leak on my end, but I’m trying to keep the lid on. I’d prefer our little visit doesn’t escape from your end here either. I’ll catch some media heat then too if it does. I just don’t need the hassle. Lots of loose ends to tie up yet.” He withdrew his hand.

“Whatever you say is good with me. I’m sure my wife saw you drive in. I don’t know if she knows you, but she’ll ask me. I have to be honest with her.”

“Absolutely, Art. Just tell her what I told you about keeping it quiet. Thanks again.” He turned and took a few steps, aware Art was following. “Sure is hard to cut the grass with all the rain we’ve been having.”

“Not bad, Andy, if you keep the blade sharp. Bring yours over if you want. I always kinda putter in here right after work. Bobbie don’t like me coming in the house with whatever I’m mad about from work. This garage is my therapy room. Leave the blade on the bench and it’ll be ready the next day. The service door’s only locked when we’re both gone.”

Hutch backed out of the drive and caught a glimpse of someone behind the curtain at the corner of the front window. He felt confident Art wouldn’t tell anyone, although he also knew some people revel at being the center of attention in their little groups, especially if they have even the remotest connection. Often their account undergoes

escalating degrees of embellishment however.

The Detko call had gone well. He wasn't sure the Weatherby check would. Somehow, Jacob Krier got the man's gun. Was the man to blame in any way? It could get messy.

When he got to the corner of Main Avenue and School Street in Bridger, he suddenly realized that as many times as he'd been there over the years and as small as the village was, he still didn't know the layout. But since Main ran east-west, streets must run north/south. And he knew where Len Krier lived on Elm Street, so he turned right on Main a couple blocks and north on Elm, then hit Church Avenue, Peach, and Cherry. Kriers' house was the second up on the right. He turned east on Cherry and guessed the numbering right. Weatherby's was the third house from the corner on the left--not much more than a minute's walk from Kriers'. Maybe only half that time diagonally across back yards.

He parked across the street. No lights from inside, though it really wasn't dark yet. No car in the double garage. He checked his notepad, grabbed the cell phone, and dialed the house. Eight rings--no answer. From the passenger seat he picked up the DMV report: 1999 Ford Taurus, white, four-door, personalized plate: WETHRB.

While eating out in Bridger presented only two choices, the cafe and the bar and grill, on a Friday night the cafe offered little competition. Always there were some who didn't need a beer before and after their deep-fried haddock, coleslaw, and fries--but not many.

Seeing no white cars on Main near either restaurant, he turned into the grill's parking lot and spotted one. It was a match.

In his glove box he carried the area telephone directory covering all of Badger County. A short search and he had the grill's number.

"Bridger Bar and Grill," a woman's voice raised in tone

over those in the background.

Hutch noticed it didn't seem as noisy as most Fridays. Well, this wasn't just any other Friday either. "Is Lee Weatherby there?"

"Lee? Sure is. Hold on." He could hear her yell, "Webee, phone."

Shortly the man answered, "Hel-lo," his voice a casual high and low note.

"Lee, this is Chief Hutchinson of the Pike River Police. This is not an emergency, Lee, but I need some information. You might be able to help me. I'm parked right outside in the lot. Don't be alarmed, Lee. Act as natural as you can. Don't do anything different that would attract attention. Are you with me on this so far, Lee?"

"Yes, I am," he said quietly. "But it's not something about my children, is it?"

"No, Lee, it isn't. Is your wife there with you?"

"She is."

"Anyone else with you, people that you came in with or you arranged to meet there?"

"No."

"Have you eaten yet?"

"Yes, we have."

"Okay. I want you to tell your wife to be casual too, but I need you to calmly leave and go home. Is anyone at home?"

"No. The kids went to the movie in Pike."

"I'll be across the street from your home in a green SUV. I'll pull in behind you when you're in the garage. Take your time, Lee--not too long I hope--but stay cool. I just need to get some information from you."

It wasn't ten minutes when the Taurus appeared in his rear view mirror and swung into the driveway and the left stall in the garage. Hutch parked close behind, waited until they were out, and then joined them. "Let's go right inside,"

he said.

It was awkward, Hutch knew. The man seemed at ease, but his wife looked drawn and was fidgety. “There’s nothing to worry about, ma’am. No one’s in trouble here. It’s been a bad day for all of us, and I know it’s not a good time, but I just need some answers to a few questions.”

She acted more relaxed. “Coffee, Mr. Hutchinson?” she asked.

“No thank you, ma’am. Can we keep this to Andy and--”

“Lee and Vera,” she said. “It’s not something with the children, is it? Lee said it isn’t.”

“No, Vera. Your children aren’t involved.”

The man and woman looked at each other, skeptical, cautious, then at Hutch. “We’re not *involved*,” she said rather sharply, then added in a softer tone, “are we?”

“Do we want to sit down?” Lee asked.

“Ah--I don’t know,” Hutch responded. “We might just have to get up again, Lee. The gun that was used by Jacob Krieter in the school shooting this morning is registered to Leland David Weatherby.”

The man’s eyes bulged. “What? My gun? Jacob had *my* gun? That can’t be.”

“A .357 Magnum. You still own the gun, Lee--right?”

“Yes. Yes, I do. I keep it locked in my gun cabinet.”

“Can we have a look?”

“Well, sure. Out in the garage. Does Vera need to come?”

“No. We can just check it out.”

Lee led the way and started to reach for the light switch.

“Lee, let’s close the door before turning on the lights. We don’t want to draw attention.”

The gun cabinet stood about six feet high in one corner. “Made it out of 3/4-inch plywood,” Lee said. “Heavy but sturdy. The full-length door hides the drawer under the rifle

rack. That way I only needed the one lock.” He reached up under the workbench and produced a key. “I keep it on a nail in the leg.”

Hutch frowned. “Lee, other than you, who else knows about the key being there?”

“Well, Vera knows, and my son, Ted. I don’t think my girls do. They’re nine and eleven.”

“Does Ted know Jacob? Well, of course he does, both being from Bridger. But were they friends, Lee? Close?”

“Ever since they were just little guys. Like brothers practically.”

“Does it seem odd to you that Ted would go to a movie tonight? You know--given that his best friend died today.”

The man frowned. “He didn’t go,” he said, sounding offended. “He drove Mandy and Cassy. He’s hanging out with some of his Pike classmates until the movie’s out. They’re lighting some candles and just being together. There’s another car of kids from Bridger there too.”

He unlocked the cabinet. Four rifles and two shotguns stood vertically in separate padded slots. “I keep all the shells down here in the drawer. But I only have the one handgun, the .357.”

He drew the drawer and stared at an empty felt-padded box. Abruptly, he turned his head, looking up. “It’s not here--in this box. I can’t believe it. I don’t know how or when or--or--”

Hutch gripped the man’s shoulder lightly. “It’s okay, Lee. I’m not accusing you of anything. We just have to figure out how Jacob got it. You didn’t loan it to him, did you?”

“No, I surely didn’t. Andy, I know how parents always swear they know their kids, and I also know what peer pressure can do. But Ted would never open this cabinet if I didn’t tell him to, like if we were going out to the range. He wouldn’t do it without me and he wouldn’t tell anyone where



the key is kept.”

“Then we have to figure out how someone, presumably Jacob, got in here and got it. Was Jacob a shooter? Did you ever take him out to the range with you and your son?”

He thought a moment. “Yeah, I did. Once. No, he wasn’t familiar with guns. But we picked him up at his house and then dropped him off on the way home.”

“At the range, did he shoot the gun, Lee?”

“Oh, yeah. Half a dozen times probably. He surprised us. After his first two, he was really on target. I’m not saying bull’s-eyes. But inside the ring. It’s a pretty hefty gun, you know, but he could handle it. That could have been last summer, but I’m not sure. Ted would know.”

“So at thirty yards or so, he could blow a clock and a scoreboard off a wall.”

“No doubt about it--if he shot the way he did that day with us.”

“Could he hit someone at twelve feet?”

“He couldn’t miss. Who could? Only someone who couldn’t pull the trigger on another human being.”

“So, you say the cabinet’s heavy. It looks it. I’d like to see the back.”

“Let’s pull the drawer out first. It’s heavy with all these boxes of shells, but it slides easily. I’ll pull it all the way out and off the rails to get a look inside.”

He grabbed a flashlight from the bench, got down on his knees, slid the drawer out slowly, and suddenly saw that the back of the drawer was missing.”

“What the hell!” Weatherby blurted, his shock obvious. He flashed the beam into the opening and at the back of the cabinet. “I’ll be damned. Have a look, Andy.”

Hutch peered inside, picturing in his mind what had been done. “Lee, you can see the pieces of wood against the wall. He had to pull the cabinet out to get back there, so let’s do that. I’m glad it’s on wheels.”

“I admit it’s not pretty, but it’s functional.”

Out away from the corner where they could get behind the cabinet, they examined the pieces of plywood.

“Lee, I bet he cut this small rectangle--you can see he drilled four holes, then used a sabre saw--and when he stuck his hand in, he grabbed the drawer by the end piece and it came off. That might have blocked the drawer from sliding back far enough. So he cut a larger opening and got what he wanted. No way he could put it back together, but this is curious,” he said, pointing at the floor. “He cleaned up the saw dust. It’s probably in that shop vac you have over there.”

He looked hard at Weatherby then. “Lee, here’s one problem. Why this line of screws here?” he said, running his finger across the back a foot up from the floor.

“They secure the back to the rifle section floor.”

“And Jacob cuts below that. He had to believe the Magnum was kept there, somewhere in the bottom of the cabinet. Why? What do you suppose would make him think that?”

“We’ll ask Ted. Maybe just in conversation he said something.”

“Must have really been a surprise when the drawer end came off.”

“I didn’t glue and screw it like everywhere else. Just tacked it. That’s all it really needed to hold it.”

Hutch glanced at his watch. “I might have to hang here until Ted gets home, Lee.”

“He’ll come right after the movie lets out. Probably get here about 7:20.”

“Lee, were you and your family gone recently?”

“Opening weekend of fishing and then the last two. We’ve got a camper parked up at Lake Tomahawk. We leave Friday after work and get back early Sunday evening.”

“Jacob ever go with you?”

“Oh, yeah. He and Ted were inseparable. And often through the years when Len and Diane went somewhere and took Jenn and Jake, Ted went with them.”

“Did Jacob go with you this month?”

“Opening day. Then my Ted went with his folks the next two. But not last weekend. We went. Jacob didn’t.”

“Do you know why he didn’t?”

“No. Ted might though.”

“Lee, it looks like Jacob did this last weekend. How long since you used that shop vac?”

He smiled. “Last year.”

“What about Ted?”

“He wouldn’t clean up. Well, yeah--he’ll sweep the dirt.”

“And what about your drill and sabre saw hanging up there? Used them recently?”

“No.”

“Lee, I need to pack up those three things and have them checked for Jacob’s fingerprints. I could send a man out, but we don’t want to alert your neighbors. I expect to find some fresh sawdust inside the vac too. And that should wrap up the mystery of the gun.”

After moving the cabinet back and carefully placing the tools in a large plastic bag and then in his vehicle, Hutch agreed to some coffee and sat down in the kitchen to wait.

Lee hit it right. At 7:17 they heard the garage door raise and the small pickup drive in the other stall. All three children were surprised, but only Ted knew who Hutch was.

Vera introduced Mandy and Cassy and Ted, then directed the girls to go watch TV. “Ted, Chief Hutchinson would like a few words with you.”

The boy reacted nervously, his eyes flitting from dad to mother. The lower lip quivered. “O-okay,” he said. “It’s hard--hard to talk about Jake. There were fourteen of us. We thought the words would come so easily, all about what

a great guy Krite was to all of us. But every time someone started to say something, he couldn't finish. Maybe we tried too hard too soon. We just loved the guy so much. I'll try to tell you whatever, but maybe I can't right now. We'll see--if that's okay with you, sir."

"Sure, Ted. We'll go slow and as far as you can take us." Hutch said. He pulled a small cassette recorder from his hip pocket and set it on the table between Ted and himself. "Ted, I have to ask you a few questions. I'll probably have a lot more at another time--and maybe the district attorney too--but I'd like to record our conversation. I can't do that without your approval however."

"Sure. Okay," Ted agreed casually, but his apprehension was evident. In quick jerks he glanced from his dad to his mother, then to Hutch. "I-I didn't know!" he stammered, his tone pleading for belief. "All the guys thought I was in on it, that I knew what Krite was going to do. I told them I didn't. And that's the honest truth. He never said a word and never let on." He glanced at them all again. "I swear I didn't know."

"We believe you, Ted," Hutch said in a reassuring tone. "What I need to know is really pretty simple. It's just possible that if I record this little session, maybe I can keep you out of testifying to the judge or in court." He activated the recorder. "This is Chief Andrew Hutchinson of the Pike River Police. I'm at the Vera and Lee Weatherby home in Bridger, Wisconsin. What follows will be a deposition of an eyewitness. State your name please."

"Ted Weatherby."

"Is it Theodore?"

"Yes."

"You live with your parents."

"Yes."

"And you agree to answer my questions, aware that they are related to the Jacob Krite incident. Do you agree, Ted?"

“Yes, I do.”

“You and Jacob were best friends since grade school here in Bridger. Is that correct?”

“Yes.”

“Did Jacob know where the key is kept to your dad’s gun cabinet?”

The boy’s eyes popped. He shot a quick glance at his dad, shaking his head repeatedly. “No. No, he didn’t.”

“Did he know a .357 Magnum was kept in the gun cabinet?”

“He knew Dad keeps guns there, and he fired the Magnum at the range one time with us, but he never saw the cabinet open.”

“Did he ask you anything at all about the guns or the cabinet recently?”

“No.”

“Think hard now Ted. Can you recall ever mentioning the Magnum in the drawer inside the cabinet?” He held up a hand. “Think about it. At anytime, just in passing, a casual remark, anything that might indicate the gun was in the drawer?”

“I never did. And Krite never asked about it.”

“Did you have any inkling, any idea, what Jacob had planned for this morning?”

“No. He never said a word, never hinted. Nothing. It was a total surprise this morning.”

“Do you think anyone knew?”

“No. None of us.”

“Did you recognize the gun?”

“I was in the back row. I knew it was a Magnum, but that’s all. Never crossed my mind it was Dad’s.”

“People seem surprised that Jacob would do something like that at the assembly. Are you?”

“It was so totally unJacob that even now we still can’t believe it happened. No one would ever even think he

could--or would.”

“So this wasn’t normal behavior for him.”

“It was so off the planet. A total shock to everyone.”

“Had you noticed any changes in Jacob recently?”

He nodded. “Yes. Definitely. He was edgy.

Something was bothering him, I know, but he wouldn’t talk about it.”

“So you tried to get him to talk about it?”

“Yeah. But a guy has to have a private side too. Krite and I respected each other. I wouldn’t pry. And he wouldn’t either.”

“Do you suspect anything--what it might have been?”

“I just know there had to be something going on in his head because Krite was a super brainy guy and he was having some problems that brainy guys just don’t have. He kinda talked strange at times, slurred his words, and sometimes it seemed he couldn’t think of a word. That was just lately though--the speech thing, I mean. But this morning proved that something was really wrong with Jake’s brain. That wasn’t him up there. Oh, yeah, the good part about helping others, but he was really out of touch all the other time.”

“Ted, do you think maybe he confided in someone else? A girl perhaps?”

“No way. Girls are out for fun just like guys are. Krite was going through some kind of inner crisis I think. Most people don’t want someone else’s weight on them. Free and easy--that’s the life. But I wish Krite would have talked to me. Maybe he’d still be here.”

Hutch turned the recorder off, thanked them all, and left.

## CHAPTER 13

After Diane Krier had read all of the eyewitness accounts aloud, she and Len selected a few to reread. Finished, they commented briefly, then rode in silence for several miles wrestling with their private thoughts--Jacob's actions, Raymond Steagle's entrance and involvement, and the inaction of the police. The more they thought, the more convinced they became--Jacob did not have to die for what he did. There were options, other ways. Wasn't anyone there thinking? Were they all just reacting to a boy who was obviously out of touch with reality? Jacob knew you don't just cross out a name and someone else gets the scholarship. What he did was symbolic. Why didn't someone call us?

It was Diane who broke the silence. She turned her head slightly, just enough to observe Len. He was the type of driver who always knew what was around him, continually checking both mirrors, left side first, then the road ahead, the rear view next, and back to the road again. She chose that last moment. "So, how do we tell her, Len?"

His eyes remained focused ahead. "I've been asking myself that same question. I don't know. And I don't know

where we should tell her? We surely don't want a public display."

She understood his meaning. Jennifer had become a challenge for them from the day she graduated from the eighth grade. Until then she had always been their sweet lovable little girl whose main interest in life was to please everyone--parents, teachers, playmates, whoever. Suddenly, even throughout that entire summer and before setting one foot in the high school, she saw herself as a ninth grader and so much more worldly than all those younger "little" kids. Then actually being part of the high school scene in the fall, she discovered the older boys who weren't attached were suddenly showing great interest in the new crop of young girls, especially those like herself whose physical development was obviously well advanced.

Never had she been *boy crazy* however. She did enjoy the attention, and she liked boys, liked to be around them, kid and laugh with them, but she didn't *need* a steady boy like some girls. To Jennifer, boys were still just little kids who loved to strut, act *macho*, play rough boy games, and chase girls. They quickly learned that none of them would catch Jennifer Krier.

And she changed inwardly. All of her little girl softness, her delight at seeing new babies and puppies and kittens, cuddling a new stuffed animal and finding a special place for it among her collection, happy for others who were happy--all of that tenderness and sensitivity vanished as she became sharp-edged, self-centered, and downright incorrigible.

Len and Diane had found themselves raising a child who had gone from unconditional love and obedience to a rebellious juvenile who had to be delicately "handled," one whose reactions they tried to anticipate before offering a suggestion or issuing a mandate. A simple "Why don't you?" would generate some smart lip service and she would



still go her own way. A commanding “You will!” always ignited a volatile response punctuated repeatedly with “You just don’t trust me! You *never* trust me!”

Restless nights for Len and Diane mounted, naturally more for her due to the mother/daughter relationship, but finally the end of the rope had slapped Diane once too often. “Len, I’ve had it. She’s worn me out. She thinks she’s going to get her way about everything, and we can’t take the time to fight her on everything either. We have to choose our battles. Relax on some issues but really--and I mean *really*--clamp down hard on others.”

For awhile, short term usually, Jennifer had succeeded in her effort to control her temper and stop the wrangling, but then something would trigger another outburst and she’d be throttled again, sorely lectured and punished by grounding her to the confines of her room, confines of the house, or absolute denial of anything she wanted to do. Since Jennifer wasn’t ever shy in her assessment of unfair treatment or tactful in her response, from tenth grade to graduation crude language--from the profane to the obscene--could be expected.

Certainly that wasn’t something she’d acquired at home. She brought it home, much to the distress of all but her. Of course she had to be disciplined again. One thing Diane and Len were thankful for however--she made no trouble at school. They hadn’t figured that one out, but weren’t about to ask.

Throughout all those difficult times at home, Jacob, though three years younger, could talk to her. He would tap lightly on her bedroom door, say “Sis,” and never did she turn him away, knowing his advice would probably be another repeat, but she loved him for trying. Seldom did he change her mind, but he did calm her, even more it seemed when almost overnight he was two inches taller than her.

“Jenn, I know how you feel. You want to go where you

want, do what you want, dress the way you want, and see and be with whomever you want. You just want to hang loose. But you have to let Mom and Dad be parents too. It's not that they don't trust us, Jenn. They're afraid for us. Wild kids do wild things, and a lot of it you have to admit is pretty darn stupid, but I can see where just doing stuff on a whim can be kind of exciting. It's like trying something for the first time and it turns out great and it feels great. I wish I could be that way sometimes, kind of live on the edge of what's right and what's a little risky. But I can't. I'm too timid, Jenn. But look--your ticket out of here is college. It's not that far away. Just hold on. You'll be free. The "Where are you going?" everyday will be history. You'll answer only to yourself. It'll be great fun, Jenn. But you have to cut some slack here at home. We're lucky, Jenn. We got great parents, parents who care and are only trying to protect us from something bad happening. If they didn't care--like some parents we know--we wouldn't like that either. So try to hang in there, Jenn. If you don't make as many waves, the time will go so much faster for you. Anyway, think about it, Sis."

She would smile then and hug him. "Krite, you're my rock, you know. You just know me so good. And Jacob--we can always talk. I'll always listen. You know where I'm coming from."

She did listen, even when she was finally free and they spoke by phone, and college did improve her disposition. The independence of being in Madison--a city and a campus that swings among the best in the country--had actually matured her. Perhaps being face to face with total responsibility and away from home where the only one to help and guide her was herself, she may have discovered that no one would tolerate her attitude, short fuse, tantrums, and verbal attacks. To fit in somewhere she would have to mellow--just plain grow up.

Len noticed both southbound lanes were moving faster. He reset the cruise. "God, Diane--I've got a hundred questions and answers to none. The more I think, the more I don't know. This is such a ticklish situation. I just don't feel confident to say here's what we should do."

"I feel the same," she said. "Len, do you realize this walking on eggs, afraid of saying the wrong thing, has been going on almost eight years? Eight years we've been on edge with her. I think we have to draw the line. Maybe this is the wrong time--or the worst possible time--but trying to deal with her just ties us into knots. I say we flat out tell her, and if she blows we read her the final riot act. We make it clear this isn't about her. This is about Jacob and about all of us. We all hurt. And if she can't feel for us--only for herself--then we take her back from wherever we are and let her cry and mourn by herself."

He didn't hesitate. "Well put. I agree. Tough, but justified. I like that approach. Telling her about Jacob isn't something we can ease into. We can't say there's been some trouble."

"Exactly. This is beyond that. It's the end. Jacob's gone. We've lost him. Only our memories, photographs and videos, and the warm hearts of the people he touched are left. But still the question, Len. How do we begin a nightmare?"

"I don't know. We just will. Remember how great Letterman was his first show back after September eleventh? Going in he didn't know how it'd go. He just did what he hoped was right. That's all we can do. And we won't know either until we do it. Have you thought about where we're going to tell her?"

"No," she sighed. "I couldn't get past how. If you've got an idea, I'll just follow your lead."

"But we're going to be strong, and get stronger if we have to."

"Yes. Len, so much has happened to us today, we just

can't take anymore."

With the second semester just ending and Jennifer's third summer on campus approaching, again enrolled for eight credits and enabling her to graduate a semester early, it was testimony to her maturity, her commitment, and her diligence. One lesson she had learned her freshman year and religiously obeyed thereafter involved scheduling however. "Kid," an upperclassman advised, "never take a class that meets Friday afternoon. A lab's okay, Jenn, but not a lecture. You can't stay awake, and Docs don't go for sleepers. Skip a class now and then--that's okay. But sleep in class--no way."

She didn't exactly come bouncing out of the "morgue," as the building housing the cadaver lab was called, but she did step lightly, squinting in the sudden brightness. She stopped, rummaged in her tote bag by feeling rather than searching, and found her sunglasses. With the two huge and ornately carved doors being nineteen steps and two wide landings up from street level, descending did require some degree of concentration, so she wasn't looking ahead and didn't notice the '98 silver Bonneville parked at the curb.

At twenty-one she was a beautiful young woman. She could be stunning but made no attempt to enhance her beauty with any alluring cosmetics or accessories. She wore her auburn hair long and straight--fine, it was, and blowing wildly across her face and encircling her neck. Indoors and out of the wind it would simply hang. Most girls continually fuss, trying to keep it back out of their eyes. Not Jennifer. How it was and where it was she didn't care.

She had sea-blue eyes, a flawlessly smooth complexion, an unobtrusive nose, and inviting lips glistening with a touch of pink. She didn't do nails. She wore a loose-fitting white pullover with a small red W on the pocket, red shorts displaying long tanned legs, no socks, and red canvas shoes with thick white soles.

On the very last step she looked up, saw them, her face beamed in surprise, and then just as quickly sobered. Never had they just appeared--never. Visited, attended a game with her, out to dinner after, with Jacob along often stayed overnight and went to the IHOP the next morning, but never were they suddenly just there. She wondered if they realized how ominous it looked.

She saw them smiling, a half-smile actually, and Jacob wasn't with them. Well, it's a big day for her little bro and his graduating class. Let the three-day celebration begin. She turned on the smile again. She'd play it their way.

She wagged her fingers as her mother lowered the window. "Hi, you two," she said excitedly. "What a surprise. I was coming home tomorrow. We talked about it you know, but this is great. After graduation I'll catch a ride back with someone. Takes me almost a tank of gas both ways. Over twenty bucks. So--what's new?" she asked, getting in back.

Len and Diane exchanged brief glances. *She didn't know, hadn't heard about the shooting!* They had found the news on three radio stations coming down. They listened to only one--no names were mentioned. There wasn't anything they didn't already know. Odd that someone didn't say something to Jennifer however. Even though no one was identified, surely someone who knew she was from Pike River would have mentioned the shooting. Maybe it was because she wasn't living in a dorm. But in class or the lab or just in the halls, wouldn't someone have said something?

They knew they had one more hurdle. They would drive her over to the lot where she parked her car, then follow to her apartment. They had to pray they'd get in and out of there without running into anyone. So far it hadn't been a good day for prayers however.

"Dad, you don't want to come up," Jenn said lightly in front of the apartment. "With our schedules, Wendy and I

can only clean on Saturday, and she'll do it alone tomorrow. It's okay. We trade off lots of times. She owes me two. But right now it's prime grime time up there. Not garbage. We dump that quick. No bugs. But it's messy, Dad. Maybe you can tune in Reba or Trisha."

It was a difficult twenty minutes in the apartment. Not the scene. That was immaterial. It was the strain--Diane trying to be Diane but failing, and Jennifer wise enough to recognize an act but remaining silent.

The route from campus to interstate always involved some congestion, and rather than tell Jenn right away, they had agreed to wait until the first rest area just a few miles out of the city, a rather large area that usually offered some isolated parking spots close to the exit ramp.

The rush hour traffic crawled to the I-90-94 on-ramp and then became *Hello Daytona* three wide. Len stayed in the slow lane and just kept pace, five miles over the speed limit. "I need to stop at the rest area, girls" he said. "Either of you?"

Both declined.

Washing his hands in the rest room, he glanced in the mirror. He was tired and he looked it. At forty-seven he wasn't old, but he looked older than he ever had, completely worn out. *You look like you've been dragged through Dodge!* He ran the cold water and doused his face, then discovered the towel dispenser empty. When the person in front of him was done, he swiveled the blower nozzle so it pointed at the ceiling, pressed his forehead against the ceramic wall, let the air dry his face, and then pressed the button again to do his hands. He realized then there were two men waiting behind him. Normally he would care. On this day he didn't.

Back in the car with the door closed, safety belt fastened, and the key in the ignition, Jennifer's demanding voice stopped him from turning the key. "All right, you two.

There's something wrong. I know there is, and you're going to tell me right now before we leave here. Is it grandma--or grandpa? It has to be about one of them. I know you're not getting a divorce, but you're so tight, both of you. Let it out. Say it so we can move on. You can't get a word out without looking at each other first, like you're afraid you'll say the wrong thing. It's stupid. I am an adult now you know."

Len and Diane glanced at each other.

"See!" Jenn said loudly, leaning over the back of the seat, her head in between theirs. "What the hell is going on? Dad, you're the famed orator in the family, the man with the eloquent openings, razor-edged cross-exams, and heart-rending closings. For God's sake--tell me! Or else I'm getting the hell out of here. All I gotta do is walk down there to that exit, drop my shorts and flash these little pink Jockeys I'm wearing. The studs will be lined up blowing horns to give me a ride back."

"Your brother took a gun into the school this morning, waved it around in the gym, and he was shot and killed. Jacob's dead."

It was Len who spoke, though not the sharp, cracking voice that snaps the head back and presses the body against the witness chair under a cross-examination. It was Len's soft yet compelling tone that the ear readily accepts, the unsuspecting mind freely absorbs, and suddenly the message drives a lightning bolt into the heart.

He and Diane had turned sideways to face her, an attempt to be able to make eye contact with her, speak directly, and in effect reduce the separation between them, but their position became a contortion. Unable to physically reassure and comfort Jennifer with a tender touch, it seemed more like a triangular prison visitation but without the glass separation.

Jenn didn't react outwardly at first. *Jacob's dead--Jacob's dead* resonated over and over as if an echo without

end. She didn't fight it, nor did she dispel the pounding with a rush of questions. She just sat there, slumped back against the seat, staring at the rear view mirror which at that angle didn't stare back.

The tears began like a slow faucet drip, each tear strangely following the trail left by the previous, but then the eyes filled and overflowed, a swath of wetness glistening both cheeks. When she put her head back against the seat, barely able to make out the fuzzy gray ceiling, she made no attempt to stem the flow.

She sat very still, very quiet, no sound even of breathing. Just thoughts swimming wildly through her head. My Jacob's dead. My dear sweet brother's dead. Nothing could be worse. Not grandma or grandpa. Not mom or dad. Not me. But sweet, loving Jacob. Even when I was a real bitch--still he loved me. He never stopped loving me. And he never gave up on me. All the times in life I'd be mean to him--jealous of the attention he got--he never turned away, never deserted me. Yes, he was frustrated with me, especially in high school when I thought I was hot stuff and went through that wild stage. He was just into his teens, and I was unmerciful, telling him he was just a stupid kid. He would disappear, hurt, reappear in two minutes, and say something so kind that I just couldn't help but love him. He understood. How does a boy so young understand his older sister so well? He just did, that's how. And now he's gone.

"And now he's gone," she repeated aloud, tilting her head forward and looking straight ahead, the mirror refocused. "My dear sweet brother is gone and I never told him how sweet he is, how I love him, how proud I am of him, how proud I am to be his sister."

She began sniffing and swallowing hard, trying to control the outburst just on the edge. "I'll be okay in just a minute," she said. She was quiet a few moments, then she wanted to know everything, and they told what they knew



and gave her the pages of eyewitness accounts.

Len started to drive, and when she began to cry so hard and couldn't get control, he pulled off on the shoulder of an exit ramp, Diane crawled in back with her, and they held each other and sobbed together. Len drove them home that way. Hard, it was, to see through his own tears. He was sure he would cry again when he got home, when he talked to his mother on the phone.

## CHAPTER 14

Late Tuesday morning just after court had adjourned for lunch, Judge Bender, still in his judicial black robe, sat at his desk in chambers facing from left to right District Attorney Brad Rodell, Chief of Police Andy Hutchinson, Raymond Steagle, and Amy Steagle.

“Before we begin,” the judge said, “I want to commend Mrs. Steagle and our two public servants here for their part in keeping the lid on this matter. I know you’re being hounded by the media, but it seems the investigation has rapidly moved forward with little interference. That’s a tribute to Hutch and his people. You’ve accomplished so much in a short period of time, Andy.”

Hutch squirmed and reddened as always when praised, causing the wooden chair to creak noticeably. He wondered if he’d ever pick one that didn’t. “I wish those two kids hadn’t talked to that TV reporter. I’m sure it makes them feel important, but some of what they said is so screwed up. I asked Ben Donovic about them. This is off the record understand, but with some kids the dumber they are the more they think they know. His words. But yes, you’re right,

Judge. It hasn't become a circus."

"And I do want to remind Mr. and Mrs. Steagle," Judge Bender continued, "that the arraignment held in the courtroom will be public. The court docket is a matter of public record and open to anyone, as are the proceedings. Since this case doesn't require a hearing because of the incontrovertible evidence, our meeting here is simply to gather some information to help us proceed. I will record it however. Any questions before we begin?"

"Will bail be discussed here, Judge?" Rodell asked.

"No, Brad. Not until the arraignment. Anything else-- anyone?"

No response. He activated the tape recorder set in the middle of his desk, then stated the date, time, place, and names of those present. He leaned back in his chair, clasped his hands, and looked directly at Raymond. "Mr. Steagle, the general purpose of a hearing is to establish that there is sufficient evidence to send the matter to trial. Do you deny you shot Jacob Kritter?"

"No. I don't deny that, Judge."

"Do you know what evidence there is against you?"

"Those students and adults in the high school gym at the time of the shooting were not permitted to leave until they wrote what they saw and signed their name."

"And how do you know this?"

"My daughter, Hannah, was seated with her ninth grade class at the time."

"She told you then?"

"Yes."

"I'm curious, Mr. Steagle. At any time did you see your daughter there?"

"As I was being escorted out by the police, I didn't turn my head and look but out of the corner of my eye I saw her."

"Did you and your daughter make eye contact?"

"Yes, but barely more than a blink."

“And how did she look?”

“Terrified and speechless. She pursed her lips...sending me a kiss.”

“You’re aware two police officers were present and we have the gun you used.”

“Yes, Your Honor. I was able to read our local newspaper in jail.”

Judge Bender turned to Rodell. “Has the district attorney determined the charge?”

“Murder, Your Honor. That’s all I can say at this time.”

“You don’t know to what degree then.”

“No, Judge. I have a few things to check yet.”

“When might you be ready?”

“Tomorrow perhaps. Thursday positive. I was expecting the medical examiner’s report today, but I understand it’s generated some interest down there. And of course Monday being Memorial Day.”

“Oh? Can you comment about the interest?”

“Not at this time, I can’t.”

The judge turned to address the Steagles. “Mr. Steagle, you were informed you could have an attorney present with you here today. Is that correct?”

“Yes.”

“Did you choose not to have one?”

“I had no choice, Your Honor. My wife spoke with four from here in Pike River. None are interested. Three others have not returned her calls. She contacted the state referral agency this morning. She got an e-mail from one in Milwaukee. He charges two hundred an hour.”

“You couldn’t pay that.” It wasn’t a question.

“I could for a couple hours.”

“Do you want an attorney, Mr. Steagle?”

“I never expected I’d need one, but everything I’ve ever heard and read advises never to go into court without one. I’d be a fool if I did.”

“Mr. Steagle, if you enter a guilty plea or plead no contest, there’s no need for a trial and an attorney. Are you aware of that?”

“I am aware. Your Honor, I mean no disrespect, but there are several degrees of murder. Shouldn’t I know the exact charge before I decide if I need an attorney?”

Judge Bender smiled. “That’s a valid question, Mr. Steagle.” He glanced at the DA. “Brad, can you enlighten us?”

“If Mr. Steagle believes there is a direct correlation between the severity of the charge and the severity of the punishment, then yes, he should definitely come to trial with an attorney. I’m not dancing around here, Judge. I just haven’t studied and analyzed everything yet.”

“I understand, Brad. And you’re right. Better to have the whole picture than just some of its parts.”

He turned to Amy. “Mrs. Steagle, are you finding that no one wants to defend your husband?”

She shook her head. “I’m not passing judgment of anyone, Your Honor. The Kriters are fine people. I know they’re suffering terribly as we are. People don’t want to see them hurt. People don’t want to see us hurt. Some would say that any attorney who defends Ray is hurting the Kriters more.”

Ray held up one hand just a bit. “May I speak, Judge?”

“Absolutely,” the judge nodded.

“We don’t look upon the district attorney as a villain. We voted for him. He has a job to do. He also has a reputation as a tough prosecutor. We wouldn’t have it any other way. When he decides the extent of the crime and the extent of the law, all I seek is due process. I am guilty of a crime. It remains to be seen if I’m guilty of the crime as Mr. Rodell sees it. Yes, I do need a defense attorney.”

Judge Bender tapped three fingers in a rolling motion on the edge of his desk. His captive audience waited. He

stopped drumming and leaned forward. "Mr. Steagle, I know you're a proud man. I do want to appoint a public defender. It is not intended as humiliation, sir. It is one of the great tools we have in American justice. PDs have agreed to participate in the program and well they should. It's the humanitarian thing to do. Lawyers can't just represent people with money because they want a share of it. And, Mr. Steagle, it's tax dollars you paid out of your pocket now coming back to you. Again, I don't mean to embarrass you, but I know what teachers' salaries are in this district. I recently paid sixty-five dollars an hour for a plumber. Fifty for an electrician. Have you ever calculated your salary on an hourly basis, Mr. Steagle?"

"One hundred and eighty-seven contract days equals fourteen hundred and two hours of work in the building. That doesn't count correcting papers evenings and weekends at home. I make \$29.25 an hour before deducting federal and state withholding, social security, pension, medical insurance, and salary protection insurance, the latter being invalid when absence from work is in any way connected to committing a crime."

"And you, Mrs. Steagle," the judge said turning to Amy, "you operate a daycare center. How many clients?"

"Ten at present. We've emptied a connecting room and hope to double that number by the end of the week."

"How many employees?"

"Two. We won't add any."

"Do you feed the children?"

"Two snack breaks a day and lunch. Milk and cereal for babies. Formula is the responsibility of parents but we feed."

"After your overhead I doubt you make ten dollars an hour. Am I in the ballpark?"

"Unfortunately, yes."

"Together you don't make as much as my electrician."

It's one of the great injustices of the civilized world."

He faced Ray. "I will arrange for a PD to contact you, Mr. Steagle. We may be able to set the arraignment for Thursday. I'll have the recording of this session transcribed and your attorney will receive a copy. A final word. I do not permit cameras or sketch artists in my courtroom unless I consider the felon is a menace to society. That is, if a defendant were to escape our custody or that of a prison, then we have an opportunity, an obligation, to aid in the recapture of that felon with recent photos and video. You, sir, are not a menace. However, the courthouse itself is a public building, and I can't bar the media from being in the halls, unless of course they become interruptive or aggressive. That hasn't been the case in the past, but we haven't had national media attention either. Media giants track people like hounds, Mrs. Steagle. Family members and friends often become prey of the overzealous. Your children are young, and I know you and your family will be here through everything to the very end, ma'am, so I just want to caution you. And you don't have to ever acknowledge the media in any way either, not even a *no comment*."

He nodded to the others. "Thank you all for your cooperation."

\* \* \*

Thursday morning at nine, Judge Bender was on the bench. The prim young court stenographer sat centered below in front, her back as straight as an I-beam. To the judge's left Brad Rodell occupied the only chair at the prosecution table. Never was there another chair placed next to him for an assistant. He prosecuted alone. At the defense table to the right were the public defender, Patrick Sweeny, and Raymond Steagle dressed in jailhouse orange but not handcuffed.

Seated behind the district attorney on folding chairs

directly in front of the rail denoting the spectator section were Chief Hutchinson and Officers Larry Dixon and Reggie Bates.

Along the far right wall were four tables set end to end with media reporters, six women and fourteen men, squeezed together, each claiming some small part of the table surface.

The spectator area was packed. Scrunched together shoulder to shoulder on the benches, seated on the floor of the two outer aisles, and standing two-deep along the back wall, a conservative estimate circulated that two hundred high school students and perhaps fifty parents were present. On the very first bench just behind Ray Steagle sat Amy, Hannah, and Richard. No members of the Krier family were present. The center aisle remained clear.

Judge Bender tapped his gavel, then for the benefit of the court and especially as a lesson for the students, he explained exactly the purpose of an arraignment. He concluded with, "Mr. Brad Rodell, our district attorney, may now proceed."

Separately, both officers were called to the witness stand and both testified they were in the gym at the time of the shooting, sent there by the dispatcher as a result of the nine-one-one call, and they identified Ray Steagle as the man who shot Jacob Krier.

Chief Hutchinson was then sworn and seated.

"Chief, I know you have the gun Raymond Steagle used to shoot Jacob Krier. Do you have on record that his prints are on it?"

"Yes."

"On the morning of the shooting, how and where did the defendant get that gun?"

"From his car in the high school faculty parking lot."

"Other than law enforcement personnel, bringing a gun into the school building is against the law, isn't it?"

"Yes, it is."



“Did Raymond Steagle have a permit to carry a gun?”

“No.”

“Was it his gun?”

“No. Ray just carried it from his neighbor friend to a teacher who does gunsmith work, and then he got it back but hadn’t returned it yet.”

“Raymond Steagle made the nine-one-one call, didn’t he?”

“Yes.”

“And when your men arrived at the school in response, according to their report what did they find?”

“Ray and Jacob Krier were facing each other about twelve feet apart, and each had his gun pointed at the other.”

“Mr. Steagle went out and got the gun from his car, entered the school building, called nine-one-one, and confronted Jacob Krier. Correct?”

“Yes, although Ray kept his gun hidden for awhile.”

“Hidden how?”

“He stuck it in his belt. His blazer hid it.”

“Did you get the autopsy report from the state crime lab?”

“Yes.”

“Tell the court the official cause of death, please.”

“A bullet fired from a .38-caliber revolver destroyed Jacob Krier’s brain stem.”

“Did he die instantly?”

“The attending doctor at the hospital stated he was probably dead before he hit the floor.”

“You have quite a number of eyewitness statements, don’t you, Chief?”

“Over twelve hundred. I can be exact if I check my notes,” he said, patting his shirt pocket.

“That’s close enough. Have you read them?”

“Yes, all of them.”

“What conclusion do you draw from what was written?”

“Ah, well--I have ideas and opinions, but I don’t draw conclusions. Raymond Steagle shot and killed Jacob Krier. I investigated and arrested him for that crime. That concludes my responsibility. No conjecture. Just facts.”

“Very good. Thank you, Chief Hutchinson.”

Judge Bender turned to the public defender. “Mr. Sweeny, do you have questions for any of the police before I release them?”

The PD remained seated. “No, Your Honor.”

Bender nodded to the three, they departed, and with the two great doors to the courtroom closed again, Rodell stood. “Your Honor, in the matter of the offense, the State charges Raymond Steagle, a high school teacher, with the shooting death of Jacob Krier, a seventeen-year-old student. The charge is first-degree reckless homicide.”

Judge Bender had his hand on the gavel, prepared to still any commotion, but surprisingly there was no reaction. The spectators knew *homicide*, but the rest they didn’t really understand, nor did they know the penalty--imprisonment not to exceed sixty years.

Amy Steagle knew however. She squeezed her hands together in her lap. She bit her lower lip. She fought and held back the gasp and tears.

Rodell continued. “The People request bail be denied. Not that the defendant is a risk to depart the state. We don’t believe that. What we do believe is that Jacob Krier should be alive, but Raymond Steagle took his life. It doesn’t seem right that Mr. Steagle should enjoy any freedom.”

“You can remain standing, Mr. Rodell,” Judge Bender said. He eyed the defense. “Stand please.” They did. “Mr. Steagle, you’ve been charged with the crime of first-degree reckless homicide. Chapter 940, Paragraph 2, of the State Statutes defines the charge as follows, and I quote: ‘Whoever recklessly causes the death of another human being under circumstances which show utter disregard for human life is

guilty of a Class B felony.’ Unquote.” The judge looked down, directly at the defendant. “Raymond Steagle, how do you plead to the charge?”

“Not guilty, Your Honor,” Ray replied clearly.

“So recorded. I have my schedule before me. Mr. Rodell, how long would you estimate it will take you to present your case?”

“Opening statement, witness testimony, and closing-- three hours max, Judge,” Rodell said.

Bender’s eyebrows rose as he cocked his head to one side. “Really?”

“Yes. It’s not a complicated case.”

“Mr. Sweeny,” said the judge turning to the PD, “I know you were just contacted Tuesday. Have you even had time to discuss the case with your client?”

“No, Your Honor. We’ve had ten minutes to introduce ourselves. We discussed his plea. That’s it. I met his family also.”

“So you couldn’t estimate the court time you would require.”

“When the district attorney believes he can convict my client in three hours, I would think I’d need at least three to four days in defense.”

Judge Bender scanned the docket, made a notation, then looked up and informed them of four consecutive days in July and four in August, both beginning on a Monday. “If Mr. Sweeny can not be ready by either of those time frames--and I realize this is unprecedented short notice for a criminal trial--he can then cancel on short notice and we’ll look at the calendar again. What say you, Mr. Sweeny?”

“Very tight but very fair with the options you provide me. As you know it’s primarily the out-of-town specialists coming to testify who have the scheduling problems. While I have the floor, Your Honor, the district attorney has raised the subject of bail. We don’t contest his rationale. Raymond

seeks no release from confinement. He wishes to remain in custody until he is cleared of the charge.”

“Mr. Sweeny, I don’t question that decision by the defendant, but I think the court would like to hear it from him.”

Ray nodded, rising. “Certainly, Your Honor. My reasons are the same as Mr. Rodell cited. Jacob can’t walk free upon this planet. I wouldn’t feel right if I did. That would be like twisting the knife in the Krier family. I prefer to let a jury decide my future.”

Judge Bender ended the arraignment, briefly addressed the assemblage, then emptied the courtroom.

\* \* \*

The media never created the expected turmoil at the arraignment. They couldn’t get close. The crush of spectators had arrived at the courthouse so early, clogged the entrance until the doors opened, then stood three and four deep throughout the halls and stairway, preventing reporters, TV journalists, and cameramen from operating. No one would consent to an interview, and if it appeared someone was weakening, several others would simply put a forefinger to their lips.

When the media set up outside, they found that only a few would agree to speak, then discovered all they would say was, “We’re here for Jacob and Mr. Steagle.”

Was it a media boycott? Was it staged? Obviously someone got the idea of a “demonstration of silence” as the media later termed it, and an estimated five hundred students turned out. They weren’t just high schoolers but little grade school sisters and brothers too who came with their parents.

Immediately following the court proceedings, the throng filed out and quickly dispersed without a word, a total absence of shouting, cheering, chants, gestures, and interviews.

The local stations for their evening coverage introduced the segment with a view of the stately courthouse taken from a distance on an earlier day, then zoomed to the crush of people formed outside the door, then half of them entering the building, and finally all leaving. The station reporter then presented an unemotional account of the arraignment proceedings.

But it was Jim Bayshire and the *Pike River Herald* that evening that set the world straight with an editorial headlined--A LITTLE CITY SHOUTS SOFTLY...

The nation saw the heart of small-town America today when five hundred members of the Pike River School District student body and their parents barred the media from turning a quiet courtroom arraignment of a high school teacher into a frenzy of video outrage, distrust, and hate.

The Pike River citizenry see their city as the center of attention nationwide, but they also realize that two respected families, each dealing with their heartache and personal crisis, don't need their privacy invaded by outsiders bent on "scoops and firsts."

The houses they live in, the cars they drive, sketchy background information, a senior boy's yearbook picture, a ninth grade girl's face enlarged from a photograph of all twelve members of the student council, a teacher's yearbook photograph and one of his empty classroom, and a law office sign that hangs out over the sidewalk and has swung in the wind for the past fifty years--is this really of importance to the world? Is it really NEWS? Do we need to dig-dig-dig for all the nitty-gritty, for every last morsel of an individual's existence? Does it have to be this way? Today Pike River answered these questions with a resounding, "NO!"

We have a man and a boy, a teacher and his student who for 180 classroom days, the entire school year, had been on the best of terms. They came face to face with destiny last

Friday morning. One was making a statement, punctuated with gun shots. The other sought to bring the statement to a close, impacted also by the presence of a gun. Ultimately, both guns fired. Bang-bang! Just like that. That fast. In two clock ticks. The man stood unhurt. The boy lay critical.

Now--isn't that enough for the world to know until the investigative authorities know all there is to know and then the People decide? Do we really need outsiders coming into our midst and turning every rock and everything that isn't locked down to uncover every possible tidbit about every member of each family--mates and marriage details, children and school, siblings, grandparents, family pets, church affiliation and attendance, employments, avocations, incomes and ownership, volunteerism, traffic citations, and police records for prior violations? Bloomers or thongs? Boxers or briefs? Does the world really need to know? It's like the "Unknown Citizen" penned by an unknown poet. The man is a model of normalcy, the perfect individual whose life is untouched by any human crisis. How do we know? Well, "Had anything been wrong, we certainly would have heard."

Do you see the problem? Jacob Kritter and Raymond Steagle were models of normalcy. The only ones who cared about them were we. We care. No one came from anywhere to move rocks, to poke and dig into their lives. They were just ordinary people living ordinary lives. They weren't NEWS! That's because ordinary, normal, moral people aren't newsworthy! When a dear child or an adult is mysteriously missing, when a rapist is still free to rape again, when a stalker or killer is still free to harass and kill, when an escaped prisoner is free to create havoc again and again--then yes, the media must join the search to find the missing and to capture the criminal. But no search of the Kritter and Steagle families is warranted. It is totally unwarranted.

That is what the Pike River student body at the

courthouse this morning told the nation, the world. And remember--they are all eyewitnesses. Their message--Stay away...Leave us alone. Leave us to grieve in peace. And that's how their little sisters and brothers and their parents feel. When you come to our quiet city at a time like this, don't expect a welcoming hand and a marching band. Judge Warren Bender stated it so eloquently this morning. "This city, this county, and particularly this school district can't function normally until we put this matter to rest. A court decision may not resolve all differences of opinion, but when the jury of twelve speaks on everyone's behalf, the closing of the wound and the healing will begin. We will move on."

Tomorrow morning we will all gather quietly together again, this time to say our final goodbye to Jacob Krier. We'll do just fine praying alone, thank you.

## CHAPTER 15

The temperature outside was eighty-two degrees at eight o'clock in the morning on the second Monday in July. There being no air conditioning in any part of the Badger County Courthouse, the heavy maroon drapes on the east windows of the courtroom remained closed. During the lunch break at noon they would be opened, and the drapes on the west side would be drawn. The six four-bladed fans that hung three feet down from the twelve-foot high ceiling whirled slowly and silently, their mechanisms set to suck hot air up during the summer season. The opposite setting would occur in late fall. In truth, the fans were neither functionally efficient nor psychologically effective.

Brad Rodell stood directly in front of the jury, his immense hands cradling the light oak railing, making it look like a broom handle extending from under his palms.

With just the hint of a smile, he politely nodded left and right, insuring brief but equal eye contact with each juror. They had all dressed coolly. Nothing formal--nothing lavish. Loose-fitting blouses. Short-sleeved shirts. No heavy jewelry. One man chewed a toothpick.



Rodell liked what he saw. These were his kind of people--hard-working stay-at-homers. The seven women and five men ranged in age from twenty-three to sixty-one. Five were mothers and four had teenagers. Three of the men were fathers of sons--two teens, three in college, and two beyond.

Brad always thought of himself as a blue collar DA, a man serving the innocent and unfortunate, the meek and weak, by locking up the dregs of humanity. He viewed the courtroom as his arena and came dressed for a heated battle. Shunning frills, he wore a summer shirt, washable tan Haggard slacks, clean white socks, and just slightly soiled white Nikes. His rationale: "It's a dirty business. Why spruce up for it? Suits are for church doings." That didn't mean he wore one every Sunday however. His solid bare arms and flat stomach were a testament to his physical fitness, and anyone who had never seen him work inside a courtroom would soon discover he was mentally sharp as well.

He scanned the twelve again, not "fixing" their eyes but connecting. "I want you to imagine you've never driven a car in your entire life, but you think you know a little how it's done. You've watched. You know where the key goes, and you know that if you turn it the car will start. Now I'll make it easier for you. It's an automatic transmission. No clutch. You know that to put it in gear you have to pull the handle that's either on the steering column or sticking up from the floor." He eyed some of the jurors. "Now I want you to imagine you're in the Lambeau Field parking lot right after the Packers won. I give you the keys to my car and say drive it off the lot and onto the street while I get us some autographs."

He moved along the railing a few steps. "What do you do? How do you feel? You're afraid, aren't you? You don't want the keys. The lot is packed, people hurrying, cars

already on the move. You know it's risky. You could hit something or someone. You could hurt someone and hurt yourself. You could push too hard on the accelerator and rocket the car forward or backward. Do you really know which gear you're in, which way the car's going to go? Do you know how delicate power steering really is? You can actually steer with one finger, but both of your hands are squeezing the steering wheel."

He moved back along the rail and this time met their eyes, lingering just a moment with each juror. "So--what do you do? Do you drive or do you hand the keys back to me and shake your head?" He paused a few seconds, then flashed that little smile again. "You hold out the keys to me," he said, pretending to reach for them. "You won't risk it. You don't know what you're doing. It's flat out dangerous. Good word--dangerous. Do you have another word for it? How about foolish? And scary? Both apply, don't they?. But here's a better word. *Reckless*. Yes--that's it, isn't it? It's reckless. If you drive the car, you endanger yourself and others. You have never driven a car. You're not licensed to drive. If you start that car and shift into gear and push the accelerator with your foot, you are certainly acting recklessly, aren't you?"

He gave them time to think. "Now, if you kill someone with the car, you will surely end up in court, won't you? You know that for a fact. And so what are *we* to do with *you*? You've acted recklessly--you've killed someone. What are we to do?"

He held out both arms, palms up. "Should we all just go on with our lives? Should we pat you on the head, say we know you're sorry, say that we know you didn't mean it, and tell you it's all right? Just tell you to go on home and take up your life where you left off? Oh, you want to know about the person you hit and killed? Well, he was just some young kid, a high school boy."

Without turning to look, he motioned with his thumb pointing back over his shoulder, indicating the defendant. "Raymond Steagle never held a real gun in his hand in his entire life until that fateful Friday morning in the high school gym. He knew how it worked. He put bullets in the cylinders. You could have put the key in the ignition, couldn't you? Raymond Steagle pulled the trigger. You could have started and driven the car, couldn't you? Ray Steagle killed Jacob Kriter. Yes, one of the bullets Raymond Steagle loaded into that gun killed that young man who just two days later would have received his high school diploma with the rest of his classmates, many of whom are here in this courtroom. And you could have killed someone in that parking lot, couldn't you? Raymond Steagle acted recklessly. But not you. You wouldn't touch the keys or the car. You wouldn't act recklessly."

He waved a finger at the jury. "Now, let me explain to you the charge of first-degree reckless homicide. Judge Bender will refresh your memory when he's ready to release you to begin deliberation, but we need to know where we're going before we can get there." He moved along the railing a few feet. "As written in State Statute 940, Paragraph 2-- and I will quote verbatim from memory and either the judge or the defense attorney can correct me if I'm less than accurate--it defines the charge as follows--'Whoever recklessly causes the death--of another human being--under circumstances--which show utter disregard for human life--is guilty of a Class B felony.'"

He moved a few steps to his left, giving time for the words to sink in. "Now, ladies and gentlemen, the key word we have to consider in that definition is the word *utter*. Do you know what *utter* means? It means absolute, complete, total. It's used here as an adjective. The defendant would tell you that it modifies a noun, the word *disregard*. Language is his area of expertise. We would trust him if we

had a question about the English language.”

He spread his arms wide to engulf the entire jury. “But we surely can’t trust him with a gun, can we? You see, folks, when he picks up a gun and loads it and points it at someone, it means he has utter disregard for that human life. Absolute, complete, and total disregard for that human life.”

Rodell pointed to a man and then to a woman juror. “Had you driven my car, you would have shown absolute disregard for human life. Never having used a firearm in his life, the defendant displayed a total disregard for human life when he pointed that gun at Jacob Krier.”

He lowered his head a silent moment, then scanned the jurors again, connecting again. “Jacob pointed his gun too, didn’t he? Yes, he did. Was that utter disregard? No, it wasn’t. He shot a clock the size of the one on the wall behind Judge Bender--shot it right off the wall from a hundred feet away. He pointed the gun at his classmates. They weren’t in danger however. He wouldn’t be trying to help some go on to college--as was his motive--and then turn and kill others. He wouldn’t do that. Shooting the clock was a scare tactic. He shot the scoreboard also. A big easy target for him--four feet by five feet. And no one in that gym got a scratch. A bad scare, yes--but not a scratch because no one was sitting in that area of the gym. Did Jacob try to kill Raymond Steagle? He fired the gun in the direction of the man, didn’t he? From a mere twelve feet away he fired. But he wasn’t trying to hit him. He shot over Raymond Steagle’s head. *Four feet* over his head!”

Rodell pulled a yellow steel tape measure from his pocket, extended it four feet, locked it in place, and then held it vertical on top of his head. “See the tip of this tape? That’s how high over Raymond Steagle’s head the bullet went. Not even close to hitting the man. Jacob wasn’t guilty of utter disregard for human life. He knew exactly what he was doing. Another scare tactic. But Raymond Steagle

didn't know that. Nor did Raymond Steagle have any idea what he himself was going to do when he walked into that gym packing a loaded .38-caliber revolver. He was totally out of his element. Notice now, people--it is common knowledge that in his classroom the defendant is a fine teacher and a no-nonsense disciplinarian. That's because he's educated in teaching language and literature and has seventeen years experience. But in that gym he had no effect on Jacob Krier. Jacob stood there, Jacob listened, but never did Jacob comply."

Rodell rubbed his chin, his head cocked a bit to one side, then asked a juror to hold the end of the tape. He walked backward, releasing tape to the twelve feet mark. "You see this, folks? You and I are twelve feet apart." He raised his hand and pointed his finger like a gun. "I'm in line with juror number two. I point my finger at the man. Sir, can you tell us exactly what I'm pointing at?"

"My head," he said.

"Now I move the barrel up to juror number eight." He pretended he was sighting the gun on the target. "And miss, can you tell us exactly where I'm aiming?"

"My neck," she responded.

He stepped closer, retracting the tape measure, and grabbed the railing. "This wasn't another gunfight at the OK Corral where lawmen lined up against the bad guys. What we had facing each other that morning in the gym were two armed and experienced police officers, a boy who knew how to handle a gun, and a man who knew absolutely nothing about guns, who knew nothing about facing another armed person, and who apparently couldn't even judge where Jacob's gun was pointed. And when Jacob pulled the trigger for the last time, Raymond Steagle was scared as all hell and fired back. Think about this, people--the only time in his life Raymond Steagle ever fired a gun, he killed a young boy. When he looked at Jacob Krier, a seventeen-year-old boy,

not yet an adult, and when he pulled the trigger that sent a bullet into Jacob's brain, whatever in the bright mind of that man was he thinking?"

Quickly he glanced left and right, scanning both rows. "The truth is, people--he wasn't thinking. Was--not--thinking! He fired a loaded gun without thinking of the consequences. And you know what that's called. You know exactly what the law calls that. It's first-degree reckless homicide. Raymond Steagle recklessly caused the death of Jacob Krier--under circumstances which show--utter disregard--for human life."

He extended both arms and said, "Now look, folks--I don't have to prove beyond a reasonable doubt that Raymond Steagle killed Jacob Krier. We have twelve hundred seventy-five people in the gym that morning who not only saw it all but wrote and signed statements to that fact, and we have two police officers who witnessed the shooting. But what I do have to prove to you beyond any doubt is Raymond Steagle's recklessness and his utter disregard for human life. I guarantee you, ladies and gentlemen--that won't be a problem."

He backed away a few steps, his arms straight at his sides. "Probably at the end of this trial, Raymond Steagle will sit in that witness chair and swear to you that he is profoundly sorry. Well, I'm sorry too. I'm sorry he didn't put his brain ahead of his trigger finger. Had he done that, we wouldn't be here this morning. Had he done that, right now Jacob Krier might just be out on some lake fishing."

## CHAPTER 16

A South Carolinian by birth and a practicing attorney for thirty years in Charleston, Patrick Sweeny, now in his seventies, was truly the most unique transplant Pike River ever had. Drafted by the army in May of 1951 for duty in Korea, interrupting his college studies at SC State between his junior and senior years, he ultimately pronounced that intrusion “the first greatest day of my life. If I don’t go, I don’t meet Elaine. That means somebody else gets her. And who knows what I’d ended up with? Probably somebody called Bitchella!”

Elaine Sibly, the same age as Pat, was born and raised in Pike River, got her nursing degree in June of ‘52, joined the Army Nurses Corps, and by September was on general duty at the military hospital in Osaka, Japan. Early her first day she quickly discovered that most of the boys fell in love with their nurses, any and all, a fact her training regimen omitted. Oddly however, the main attraction wasn’t the female form, though obviously it wasn’t totally dismissed either. Primarily what melted every staunch male ego was his nurse’s soft voice, her tender touch, the comforting words,

and the compassionate care she rendered.

Patrick Sweeny needed all of that when he arrived in late October from the battle at Jackson Heights, and yet as bad as his wounds were from enemy machine gun fire, he didn't whine. Not one complaining word was ever heard from him. He could look around the ward and see worse cases than his, he could close his eyes and be a part of his own horror all over again, see five or six enemy dead for every American dead, and he knew but for the grace of God and perhaps a little luck of the Irish any of those dead could have been he. So as long as the morphine kept him hovering just on the edge between cognizant and semiconscious, he could manage his own roller coaster emotions and present himself as one who needed less care so that others could receive more. It wasn't a false display of bravado as some young men attempted. His was an honest effort to not be a burden and to actually make one moment of every staff member's day a bit lighter and brighter.

He joked, he flattered, and he teased all the nurses throughout his four months' recovery, but not Miss Sibly. Well, he did at first, but less and less after the second week. The chemistry was right. They both felt it. They both knew, and when he was able to begin physical rehab and get his body into a wheelchair, she would take him outside for a stroll as was the practice for all the patients, but always she took Pat just a bit farther from the others for a little more privacy.

Their conversations progressed from family, school, and youthful dreams--to the war and how long could it last--and finally to their future together, for now they knew the hand-holding and light kisses were the real deal and only the army and time could keep them apart.

When the departure came, "It was the stuff of movies," Pat would later relate with a smile. "Oh, yeah--Bergman and Bogart at the airport in Casablanca. Tears and inner torment.



And that first moment out of sight of each other--heartache and heartbreak. I was going stateside, medically and honorably discharged. The Silver Star and Purple Heart would follow, but I tried to stay. Couldn't they use another orderly? I work cheap. A floor mopper? Whatever? I even thought about going AWOL. I could hide in town like Private Robert E. Lee Prewitt did until the dive bombers hit Pearl in *From Here To Eternity*. But I went. She stayed. We wrote. She called once a week, Wednesday evening, her time. Middle of the night for me--I could hardly wait."

They married in '54, lived in Charleston in a white three-bedroom house with a white picket fence but no pillars, raised three children, and in his late fifties Pat came home one day and said, "Honey, I'm tired of fishing bass. I'd really like to fish some walleye and muskie."

Never before that moment had either of them ever mentioned leaving South Carolina, the children, the grandchildren, everything, but two months later they uprooted. Pat wasn't looking for work in Pike River--just fish--but when a call came from Judge Bender within two months of their arrival, he agreed to listen. The two men immediately hit it off, perhaps because they were the same age and discussed fishing at considerable length first.

"I've got a whole box full of crank baits at home, Pat," the judge said. "You name it; I got it. But I've caught more muskie on a bucktail than any other lure. Admittedly, that's all I ever use now, but I kept track for awhile early on and eventually was convinced." He smiled warmly. "It sure makes the tackle box a lot lighter to carry too."

And then his smile vanished. "Okay, my friend--here's the deal. I asked around--I hope you don't mind--but I know you're not attached to any one law firm here yet. Will you be?"

"Don't plan to, Judge," he said.

"Pat--let's do first names out of court and titles in court.

All right with you, Counselor?" he asked with a playful grin.

"Fine with me. No, I'm not locked in with any specific firm and won't be, Warren. I don't have to work, but I do have to keep busy. I don't tinker and I don't putter. I thought I just might do some freelance work. But see, if you get too attached to a staff, then you have to coo over all the new babies and celebrate when they're potty trained and then attend and pretend you're having fun at the office Christmas party. Been there--done that--don't want anymore of that."

"Well, Pat--Badger County really needs an objective public defender--someone I can count on when no one on the PD list wants a specific case. Hasn't happened more than once or twice in my tenure, and yes I have the power to force--I can twist an arm if necessary--but that's not the best of all possible worlds. Not for the attorney or the defendant. I'm sure you've had some experiences in the South during those turbulent years, and I believe someone with another perspective like yourself would be a fine public defender here, Pat."

That was almost twenty years ago. Their professional relationship and friendship had withstood the test of time, and once again he found himself in Judge Bender's chambers.

"You know why I called, Pat."

"You're looking for an objective PD to defend Ray Steagle. Truth is, you can't find anyone. No one wants to oppose the Kriters and cause them more pain. And that's perfectly understandable."

"And I know you wouldn't touch this case without being totally committed to Ray."

"You're right. If I'm his man, he's my man."

"It is a touchy case. No question about that. Loyalties run deep on both sides. But I do have to ask you, Pat. Would Elaine have a problem with you taking this case? Anyone who grows up in Bridger and Pike River, and even

in Badger County, becomes connected in some way to the Kriters, first Harry and Norma and now Len and Diane. And a few even go back to Harry's folks. It's not that the roots go so deep. It's that Harry and Len, being defense attorneys and even district attorney, have favorably touched so many families in this county. Possibly even Elaine and the Sibly family."

"We haven't discussed that possibility, Judge. But we've certainly discussed the case. I sense she's like the majority. They may be leaning one way or the other, but they haven't drawn a trench in the sand. They haven't closed their minds. They'll listen. Elaine knows I'm a hundred percent defense attorney and I give a hundred percent, no matter who and what I'm defending. She doesn't ever expect less of me and wouldn't accept less now. When I commit to a case, she commits to me. It's always been that way with us."

"Might you be interested in a change of venue, Pat?"

"Not a chance Warren. Nowhere can Ray Steagle get a trial as fair as the one he'd get right here. There's a wave of sympathy for him here. No one really has it in for Ray. Well, except Brad Rodell, that is. I see he's already got his game face on."

Judge Bender tactfully handled the remark by ignoring it. "You'll take the case then, Pat?"

"You've never asked before, Judge," he smiled.

"You've always appointed."

"Is that what you want?"

"It's the best way, Warren. That way anyone you pass over who privately might have wanted the case for the headlines can bitch about it behind your back and you'll never know who you've slighted. And I didn't have anything to do with this decision remember. My number just happened to come up. But I won't let it be a surprise to Elaine."

They shook hands and the judge said, "Pat, I'm almost done on the bench. When it happens, maybe we could do some fishing together."

"Sure, Judge. I show you all my hot spots and you've got yourself a whole new career--guiding tourists at two hundred smackers a day." They both laughed.

Similar to Judge Bender however, Patrick Sweeny knew that he'd been in the twilight of his career for the last decade and that his days in court were numbered. His catlike courtroom skill had slowed. Mentally he wasn't as quick or as sharp. But still he dreamed. He saw the defense of Ray Steagle as an opportunity, a chance--maybe his last--to exit the courtroom one more time with a solid acquittal. It was the ideal case, meaningful yet delicate--a case of the heart where the lives of two exceedingly fine people get locked for one bad moment, each in his own way contributing to a violent scene that leaves one dead and the other fighting for his life in court. The stuff of books, he mused. Grisham could do it!

Though the ratio of convictions to acquittals in the cases he'd defended was roughly thirty or forty to one, still he was considered the best PD in the county. His defendants were always the lowlife, hardened people, and because of who they were, often repeat offenders, and what they had done, once again exhibiting poor judgment ("sheer stupidity," Pat admitted privately), the outcome of their appearance in court was hardly ever in doubt.

Still the misfits wanted him. Even requested Mr. Sweeny at their first appearance on a new charge. They trusted him.

Carrying much more weight than was healthy, it was the combination of his rotundness and his jolly, often fatherly, manner that these pseudo-streetwise characters learned to accept as their best chance against the odds. They saw him as a gentle Santa Claus. Of course in addition to his size, the

long but neatly trimmed white beard and the round red cheeks, actually his whole pink face, complemented his image.

He found the evidence against Ray staggering. Even though the video was secretly filmed, cameras of any kind weren't outlawed at school functions. There was no way to keep the tape out of court. The concealed gun, the fact that Ray had loaded it in the car, the fact he brought it inside the school, the fact he called nine-one-one but then went into the gym armed and on his own--it all added up to years in prison. The video alone, probably without even one word from Brad Rodell or himself, could put Ray in prison for at least forty or fifty years.

Pat eventually reasoned that if Ray Steagle had any chance of avoiding imprisonment, it would be the eyewitness written statements that would save him. Every word of every account came straight from the heart of each person. It was the immediacy with which they wrote that was so compelling. No time to reflect, to reconstruct, to second guess. No conjecture. They wrote only the facts as they saw them and only the emotions they felt. They simply let their minds flow. They opened the pressure valve and let everything inside rush out, every last ounce of feeling and fear. Write, write, write--what they saw and how it affected them.

He had taken every eyewitness account, all twelve hundred seventy-five, given each a number, dissected the video into thirty-seven separate actions, i.e. JACOB WITHDRAWS THE GUN, JACOB SHOOTS THE SCOREBOARD, RAY APPEARS IN THE DOORWAY. Then he copied numerous verbatim witness reactions to each...

“Jacob looked right at me, pointed the gun, and I knew I was going to die. I would never go home again.”

“Jacob looked so mean and he was screaming and swearing at us, at me. I was sure he was going to shoot as many of us as he could.”

And the most telling action and reaction to RAY  
SHOOTS JACOB...

“When Jacob collapsed, we all knew we would live.”

“When Jacob went down, I was sad for him but I was glad he couldn’t threaten us anymore and maybe shoot us.”

But they did ask questions:

“Where were the cops? I saw a fender bender once with four cops on the scene right away.”

“What took the cops so long? How can it take that long to go those few blocks? Wasn’t this a real emergency?”

“Why didn’t the police do something? Other than just stand there and watch?”

And one of the many overwhelming revelations...

“Someone had to stop Jacob. Mr. Steagle prevented Jacob from hurting anyone. If the police had taken over, Jacob might still have died, but it wouldn’t have been Mr. Steagle who shot him. Even when Jacob fired that last shot, why didn’t the police react? Weren’t they ready?”

\* \* \*

Patrick had on a white shirt, paisley tie, summer-weight tan suit, and polished brown wingtips. He knew that a man his size and shape would never be approached to model a suit--the jacket bulged and the pants bagged--and in the heat he would have preferred shorts and sandals, but being a member of the Old School of Law, the profession demanded the professional look.

His step was kind of a shuffle, as if once he got the

weight moving it started to take on a track of its own. He stopped six feet from the jury, hands down and clasped behind his back, and nodded once. "Good morning to you, ladies and gentlemen. I see some of you have notebooks. Feel free to use them as a fan too. Maybe even fan your neighbor because I can promise you it will definitely get hotter in here. When you put a district attorney and a defense attorney at issue over a criminal charge as serious as this, the courtroom becomes an arena where war is waged. Most of Mr. Rodell's witnesses and most of mine will foster a battle. And when all the accusations, all the innuendo, and all the shouting have ended, you will deliberate and declare the winner. If you choose to believe Mr. Rodell's argument, Raymond Steagle will go to prison, probably for all the remaining years of his life. If you agree with my reasoning, Ray and his family--Amy and Hannah and Richie sitting over there--they will all go home together."

He moved a little closer. "It will be a difficult decision for you. Let me explain why. You are going to meet two distinctly different men with the same name. To the DA, Raymond Steagle is a vicious killer, a reckless man who exhibited absolutely no regard for human life. And throughout this trial you must always remember it's the DA's job to *portray*--yes, folks, to *portray*--Ray as a vicious killer. In any county in the land a district attorney will meet a man like Ray at the absolute worst moment of the man's entire life, and because of what happened in that very narrow span of time he then decides the charge and attempts to convict the man of that charge. That's what DAs do."

He stepped to the rail and grasped it firmly. "Now then--I will introduce you to the Raymond Steagle that the people knew *before* the shooting, knew *during* the shooting, and knew *immediately after* the shooting. And where the DA proves to you beyond a reasonable doubt exactly what Ray did, I and the people who know him will tell you why he did

what he did. Contrary to the district attorney's depiction of Ray Steagle, you will learn that Ray did nothing reckless, and you will learn that Ray has the utmost regard for human life."

With a slight grin he scanned the jury. "That really sounds pretty simple, doesn't it? That's because it is, ladies and gentlemen. Yes, Ray Steagle killed, and in the mind of the DA that makes Ray a killer. But Ray Steagle saved countless people from injury and death. *Not might have saved*, ladies and gentlemen. *Did save!* You don't have to take my word for that however. That's what the people who sat through the ordeal are going to tell you. *He saved them!* In my mind that makes him a protector. And when all the cards are faceup on the table, I think in your minds you'll see him as a protector also."



## CHAPTER 17

In finalizing a strategy for any trial, Brad Rodell's last order of business was to examine the testimony he would elicit from each prosecution witness and scrutinize every piece of physical evidence he would present in court.

There was nothing unique in that of course, but Rodell went a step further. Anything he defined as mandatory yet somewhat weak and highly vulnerable to attack would be the first material presented at trial. Naturally that would promote early objections which he was prepared to counter, but even if the defense scored a few minor points, better he let it happen in the first quarter and then run up his own score thereafter.

None of this would catch Patrick Sweeny off guard he knew. Over his ten-year tenure as district attorney they had clashed so many times in court, and he had the greatest respect for the man and his skill. Nothing ever got by Sweeny. He could be seated at the defense table with eyes closed, actually teetering and on the verge of collapsing in a thunderous heap, when suddenly the eyes would open, the body would launch vertical, and Sweeny would be raging his

objection.

One snag Rodell found in preparing his case was the delay in police response to the nine-one-one call. Yes, they should have been in that gymnasium in a finger snap. The video tape even indicated Raymond Steagle did not show his gun until seven minutes after he had appeared in the doorway and then another two minutes before he actually withdrew the weapon from his belt. The only way to minimize the delay was to admit it and then stress that at no time is anyone supposed to call the police and then become the police as Ray Steagle had done. The man's actions even clouded the situation when the police did arrive.

The major hitch was the reaction--better stated, the lack of reaction--by Dixon and Bates when they finally got inside. To arrive and then do nothing, even let the perpetrator dictate their position and continue to control the scene--there was no way to justify it. He decided to keep their names off the witness list. He'd let Hutchinson diffuse the gaffe. In cross-examination Sweeny might probe and magnify the two officers' ineffectiveness, but he wouldn't trash Hutch, perhaps not any chief of police. He certainly wouldn't include the names of Dixon and Bates on his list. No sane attorney invites hostile witnesses.

Following his opening statement, Rodell hadn't bothered to survey the courtroom. Now he turned his head just enough to see one half of the spectator section behind him to the left, and that told him the other half must be fully packed also. Parents, grandparents, and a great mass of students, eyewitnesses whose names obviously weren't on either witness list.

His curiosity got to him however. He just had to know if any of the Krier family were there. He would expect they'd be in the first pew behind him. He turned but hid his surprise. Spectators had left enough empty space for three people. While he didn't really believe Len and Diane would

show, he fully expected to see Harry there, even though he chose not to contact him as a witness, invite him to assist, or ask him for advice. Obviously the Kriters had decided to stay out of it.

He called Hutchinson to the stand as his first witness.

No stranger to giving testimony, Hutch sat down, shifted slightly, then looked directly at the prosecutor.

Small notebook in hand, the district attorney rose and approached with that assured swagger of his. Brad Rodell never believed he could lose a case. He knew he was human, did lose three cases over the years on technicalities, but never did he enter the courtroom thinking that his case was shaky or that anyone could best him.

“Chief Hutchinson, at the time of the shooting on that Friday morning you weren’t in Pike River, were you?”

“No. I was about thirty miles out of town on my way to a conference when a call from the dispatcher turned me around.”

“So when you did arrive, where did you go?”

“I kept getting updates from dispatch on the way back. I knew the victim was already at the hospital and the shooter was in custody. I went to the gym.”

“What was the scene when you got there?”

“Four of my officers were supervising the eyewitnesses in the gym and cafeteria. Two other officers were still in the lobby.”

“Were any of those six officers inside the gym at the time of the shooting?”

“Officer Bates was still inside where he’d been since his arrival with Officer Dixon.”

“Do you know where Officer Dixon was?”

“He had transported the defendant to the jail.”

“And the two in the lobby. What were they doing?”

“They were discussing securing the building with the principal. It was chaotic with two or three hundred parents

trying to get inside after the shooting. We couldn't let them in and we wouldn't release any witness until we had all their statements."

"In your press conference later that morning you said Jacob Kriter shot the clock at 8:17 and the scoreboard at 8:20. Correct?"

"Yes."

"Are these times accurate?"

"Yes."

"The nine-one-one call made by the defendant was received by the dispatcher at 8:22. Yes or no."

"Yes."

"And your two point men, Officers Dixon and Bates, are inside the gym at 8:36. Is that correct?"

"Yes."

"Chief Hutchinson, how long should it take for the Pike River Police to get from the Safety Building to the high school?"

"Under two minutes with the siren on and running the stop light."

"I'm going to read part of your statement at the press conference about the fourteen minutes it took for them to arrive. Quote--'We had a problem here. A response problem. While school phones are off limits to students, you can't secure all fifty-one in the building. It's the peak time of the year for pranks and the last chance for some seniors to act up. And here's why we didn't know whether the call was genuine or not. The senior high administrators know the code word we've established to authenticate any emergency calls from the school to us such as threats they receive, unidentified packages found, drugs on the premises, and possible explosives suspected. That code word was absent from the nine-one-one call we received. When dispatch tried to contact the administration, their lines were tied up.' End of quote. Is that still an accurate appraisal of the delay in

response time, Chief Hutchinson?”

“Yes, it is.”

“You weren’t satisfied, were you?”

“No. The equipment has been replaced and the procedure revised.”

“And the response time now would be what?”

“Less than two and no more than two. We have a secure call system that only authorized personnel can access--no students, and we have a fail-safe response system in place. We’ve tested and retested. It works.”

“Guaranteed?”

“As long as someone doesn’t run a stop sign or the traffic light and crash the squad car en route.”

“Your two officers first on the scene didn’t know what to expect, did they?”

“No.”

“Why not?”

“The nine-one-one call was very brief.”

Rodell walked to the table. “Your Honor, I have a recording of the nine-one-one call. I’d like it entered as Prosecution Exhibit 1 please.” He activated the recorder--“This is Raymond Steagle calling. I’m a Pike River High School teacher. I have observed a boy in the high school gym who has a gun and has fired it twice. I have no knowledge of any injuries. It is very quiet but I can not see anyone from where I am. Only him. I’m going to go in. I will hang up now.”

“Chief--you said it’s very brief. What’s missing?”

“The caller can see the boy. Okay--where exactly is the boy standing and where is Mr. Steagle that he’s able to see him? That would have helped immensely. Does he see the gun? Is it a handgun? A revolver or clip? A rifle or shotgun? An assault weapon--like an Uzi or AK-47? Does it look like the boy is wearing any kind of protective gear--bullet proof, like a flak jacket or vest? Does his upper

torso appear puffy as if the protective gear is underneath his outerwear? Is the boy physically holding anyone as a shield or hostage? Are there people close to the boy, blocking part of the view of him from certain angles? Does he have anything that could contain other weapons, ammunition, grenades? Is there anyone else involved in the takeover--an accomplice? Anything that answers any of those questions would have helped tremendously."

"Are you saying the defendant complicated the situation?"

"Not at the time he entered the gym and confronted the boy. He spent fourteen minutes with the boy before my men arrived. No one got hurt. No shots were fired. But we have to look at why the defendant called nine-one-one. It was to summon the police. It's our job to face the criminal, stand in his way, and subdue him. Had the defendant left the gym when my men arrived, Jacob Kritter would have been--as he should have been--our responsibility. The defendant wouldn't have killed Jacob Kritter and he wouldn't be on trial. And maybe, just maybe, Jacob would still be alive."

"When Jacob Kritter fired the third shot, his last, what did he hit?"

"The bullet hit the riser of the bottom bleacher on the balcony just above the doorway where the defendant had entered."

"Was that shot close to the defendant?"

"It measured four feet over his head. Not even close, really."

"And he was standing only twelve feet from the defendant."

"Yes."

"Jacob Kritter from one hundred feet away shot a twelve-inch diameter clock off the wall. And yet just twelve feet away he misses the man by four feet. How do you explain that, Chief?"

“I can’t presume to know what Jacob was thinking, but the only conclusion I can draw is that he aimed at one target and not the other.”

“You’re saying--”

“Objection!” Patrick Sweeny thundered, pushing his bulk to a standing position. “Let me remind our esteemed district attorney that his witness is not an eyewitness. He wasn’t there. Over twelve hundred people were however. They *experienced* twenty-three minutes of pure hell. They didn’t know if they were going to live or die. Your Honor, if you want to allow conjecture in testimony, then let’s hear it from eyewitnesses. Chief Hutchinson conducted the investigation. He can only testify to what *he knows* as a result of that investigation. Facts, Your Honor, facts--not guesswork please.”

Rodell was ready to respond but Judge Bender’s extended palm stopped him. “Objection sustained,” he said firmly.

Rodell thought a moment. “Chief, when Jacob Kriter missed his target--”

Sweeny knocked on the table with his knuckles. “Objection. Your Honor, I mean you no disrespect, but I’m not going to rise this time. If Mr. Rodell can refer to my client as a target, then I should be allowed to refer to Mr. Rodell as that troublemaker. I don’t believe either is appropriate.”

“Sustained, Counselor,” Bender said, then tilted his head and looked straight at Rodell. “Question your witness. Don’t refer, infer, or imply.”

Rodell nodded. “Chief Hutchinson, when Jacob Kriter fired his gun and missed by a wide margin, that’s the moment that Raymond Steagle fired his .38-caliber revolver. Right away. Correct?”

“Yes.”

“Why do you think he shot Jacob Kriter?”

“Objection,” Sweeny said, rising and supporting his bulk with arms extended and both palms flat on the table. “Your Honor,” his tone one of exasperation, “the DA knows better. The defendant sits right here. He will testify. He will tell the court exactly why he fired the gun. The court doesn’t need to know what Chief Hutchinson *thinks* motivated my client. The court is only interested in exactly what the chief *knows*.”

Rodell quickly responded. “The Chief of Police is an expert in his field, Your Honor. I value his opinion. I believe this court does also. We have no guarantee the defendant will testify and tell this court why he shot Jacob Krier.”

Sweeny straightened and glared at Rodell, then faced Judge Bender. “Your Honor, the district attorney has a reputation of never plea bargaining. I approached him, we talked, he refused to lessen the charge. The evidence clearly proves my client shot Jacob Krier. Why wouldn’t Ray testify? He has nothing to lose. The DA wants him behind bars for sixty years. Ray has nothing to lose by getting on the stand and telling his side. And let me inform the court that at the arraignment, Mr. Rodell asked for Chief Hutchinson’s opinion and his response was, ‘I investigated and arrested him for the crime. That concludes my responsibility. No conjecture. Just facts.’ Judge Bender--I can call twelve hundred seventy-five witnesses, subpoena if I have to, and I could ask each one what he or she thinks about why Ray Steagle shot Jacob Krier, and Mr. Rodell would scream objection every time I asked. I don’t mean to be picky, Your Honor, or make a mountain out of a mole hill, but I don’t want a parade of prosecution witnesses offering their opinions on why my client did what he did when he did it.”

“I don’t either, Mr. Sweeny,” Judge Bender agreed, scowling at Rodell. “Objection sustained. Move on, Mr.



Rodell.”

“Chief Hutchinson, why didn’t your office call the boy’s parents?”

“We didn’t know who the boy with the gun was until my men got inside the gym. Mr. Steagle called the boy Mr. Krier. They figured he must be Len’s son, but now that they were inside, they weren’t going to leave. Again, had we been supplied with that information on the nine-one-one call, we definitely would have contacted both parents. Who better, really, to talk to their son in this situation? Not providing the name was probably the defendant’s gravest mistake. Other than the shooting...”

Rodell briefly glanced at his notebook. “When Dixon and Bates went inside the gym, they separated and went up onto the balconies on each side. They walked about halfway to the front and then Jacob Krier told them, ‘Far enough.’ They stopped and never moved. Why didn’t they take over?”

“No one expected the end to come so suddenly or be so violent. To his credit, Mr. Steagle verbally had the boy stalemated. I don’t mean under control, but in a position of negotiation. The officers thought it was going--”

“Hold on, Chief,” Rodell jumped in. “Your Honor,” he said, rushing to the prosecution table and returning quickly, “Prosecution Exhibit 2--the official police reports of Officers Dixon and Bates. I’m sure Mr. Sweeney has read them and won’t object.” Turning to Hutch and waving the reports, he said, “Now, Chief, as stated in their reports, the officers thought it was going to end quietly. Knowing how it did end, should they have been more forceful?”

“That’s hindsight. We don’t go there. We do analyze our procedures, but not to affix blame. Never do we say so-and-so *should have done* this. You want people on your force to believe in one another. Without that, you don’t have a force.”

“Your men carried M16 automatic rifles with a muzzle velocity capable of killing a man two miles away. Wasn’t that excessive firepower?”

“You recall in February of ’97 that bank robbery by two gunmen in North Hollywood where the police were actually outgunned. The criminals had assault rifles. They emptied a 100-round drum before they even left the bank. The police first on the scene had only handguns. Eventually both robbers were killed, but sixteen people were injured, ten of them police. So, a shotgun is the choice if we can get close to the individual and he’s primarily isolated from others in the area. We didn’t know what we were facing in the gym. The M16 or a carbine is the choice for that scene.”

“Chief, will any of your men who were directly involved in this matter be reprimanded after this trial?”

“I don’t anticipate any action against anyone. Let me say this--police work is dangerous work. With alcohol and drug use so prevalent, a simple traffic stop puts an officer’s life in danger. Cops have been victims of drive-by shootings. They get called to a domestic disturbance and find guns involved. That’s more than a disturbance. Whenever a cop is summoned today, it can be big trouble. And if he’s the first on the scene, he never knows what he’s walking into. Then when he sees what it is, he might have a number of choices, but he has to make one in the blink of an eye, less than a second. Dixon and Bates didn’t have a clue what they were walking into. Jacob Krier spotted them immediately when they stood in the balcony doorways. In that instant the officers saw a gymnasium packed with people, a boy and a man each with a gun drawn, and they saw the evidence of the first two shots fired. They could still smell gunpowder. So they didn’t want to rush. They wanted time to size up the situation. When they began to move forward, they did in unison, and when the boy said stop, they did. And one whole minute had just passed. And then in

just three more minutes the two handguns fired and the conflict was over. No warning. The .357 fires--the .38 fires. Done. I don't fault my men."

"Thank you, Chief Hutchinson. No further questions of the witness, Your Honor."

Sweeny was already half out of his chair. "I will cross, Your Honor."

Hutch froze his facial muscles and his smile. Sweeny always waddled. Playfully, Hutch would call him Waddy at times. But he could do that. They were friends, not socially but he liked and respected the man. Sweeny had saved a lot of lowlife, helped them get jobs, get them a clean start. Not all stayed straight, but the ones who did--they were products of Sweeny's efforts.

"Chief, would you have wanted to be there--with or in place of Dixon or Bates?"

Hutch looked at him. The perfect question. *Yes* would sound like he could have and would have done more than they did, that for all of the support he'd just given them, there was still a better way and he knew the way. As for no--not the right response for any chief of police. Certainly he wished he'd been there. He couldn't conceive it ending the way it did.

"Yes," he replied clearly.

"And why, especially after all the support you've just voiced for your two inside officers?"

"I just should have been there."

"That's lame, Chief. You know you can't be everywhere. Your position dictates you instruct and manage."

"Yes, but it's like a quarterback coach. Very often he wishes he were on the field."

"Because he could make a difference?"

"You have to believe that. You always have to be confident of your own abilities."

“And so tell the court how you might have made a difference.”

“I know Jacob’s parents well and his grandfather also, and I knew Jacob. He came to my office last year and interviewed me for the school newspaper. Given that, I might have been able to reach him, jar his senses, retrack his mind.”

“That’s exactly what the defendant was doing. Right? Trying to reach him? Trying to lead him back to center instead of him being way out there in left field? Isn’t that right?”

“Yes.”

“And from what you learned, Ray Steagle did bring him back at times, didn’t he?”

“He seemed to--yes.”

Sweeny wondered if the jury, if the entire court, were wondering about that remark--he *seemed* to. It sounded as if the two of them knew something no one else did, and that was the fact. During all those weeks since the shooting, the lid had remained on the existence of the video tape. But it wouldn’t be long now. Hutchinson was the only witness on the district attorney’s list. Rodell’s only remaining evidence would be the tape, and that would be next.

“So you might have done better than Ray. Where he may have failed, you may have succeeded. Right?”

“It’s possible.”

“So what we have is one police officer--you--who didn’t get there. We have two police officers who did get there but did nothing. And we have one man, the defendant, who was not only there but also worked miracles at times. Right?”

Hutchinson frowned. “Miracles?” he questioned, intoning doubt. “I’m not very familiar with miracles.”

“You used the word *stalemate*. Ray Steagle confronted Jacob Kritter, a boy who has lost his way, a boy wielding an extremely powerful handgun which he fired twice and blew

two fixtures off the gymnasium wall. Ray walked in at 8:22, held Jacob in check, had him moving toward giving up, dominated his attention, and diverted that attention from everyone else there. He did that for fourteen minutes. Then your men arrived. Surely they must have had faith in Ray from what they observed in their four minutes on the balconies, or we assume they would have been more assertive. No, not *more* assertive. You can't be more until you've been *some*, and they had been totally *unassertive*. My point, Chief Hutchinson--from 8:22 until 8:40, which includes the four minutes your men were there kneeling on the balcony exactly on the spot Jacob Krieter ordered, Jacob in those eighteen minutes never fired that gun and never again threatened anyone there. This boy was obviously troubled, dangerous in his actions. Ray Steagle leveled the playing field by flashing his gun, and Jacob changed. Did Jacob try to kill Ray Steagle? Absolutely not. He never physically hurt anyone. And who prevented that? Who was able to control that very troubled boy for eighteen minutes? Ray Steagle, that's who. Now, considering the circumstances, Chief--if that isn't a miracle, then I'll listen to your word for it."

"I don't think I have a word," Hutchinson responded, sounding annoyed but not defiant.

"How about *luck*? Was it luck, Chief?"

"It wasn't luck."

"Objection!" Rodell shouted, slamming the table with his fist.

Judge Bender cracked the oak block with his gavel, a *crack* that resounded throughout the courtroom, straightening everyone's back. "Enough rage, Mr. Rodell. I'll not have it in my court and you know it. State your objection."

"It's all fluff, Judge. Counselor's whole line of questioning. It's a bunch of--of hollow verbiage--none of it going anywhere."

The judge looked at Sweeny.

"If Mr. Rodell is in a hurry to get out of here," Sweeny began, "then he shouldn't be trying for sixty years of imprisonment. No matter how I might fumble around and anger Mr. Rodell, it's a few more minutes of freedom for my client, and as long as he's free, I'll fight for him. He is innocent until Mr. Rodell proves him guilty. But with the court's permission, I'll do the defending in my own bumbling way."

"Objection overruled. Proceed, Counselor."

"Then what about *astute*, Chief Hutchinson? Would you say Ray was astute?"

"Yes."

Compassionate?"

"Yes."

"Respectful?"

"Yes."

"Fatherly?"

"Yes."

"And if I named twenty more words of similar meaning and implication, you would agree. Correct?"

"Yes."

"So then, here's what we've established. I could name twenty-five admirable traits that Ray Steagle exhibited in stalemating Jacob Krier for eighteen minutes. Wouldn't you agree that the ideal person to diffuse Jacob Krier in that gym on that Friday morning would have to be an astute, calm, compassionate, understanding, fatherly individual and the fact that Ray Steagle happened to walk in and just happened to possess all those traits required of a man in that situation-- wouldn't you agree it truly was a miracle, Chief Hutchinson?"

Hutch smiled. He'd played these word games before with Sweeny. He knew they were coming, he knew he had no defense, and he knew he always lost. "I would agree.

That was a miracle.”

“You’re agreeing then that having a man of Ray’s demeanor and communicative skills on the scene was a miracle. Yes?”

Not a sound echoed in the courtroom. Breaths were either held or not inhaled.

“Yes,” Hutchinson said quietly.

“Consequently, Ray Steagle was the right man for that job. The only thing he lacked was a police badge. Correct?”

“Yes.”

“Thank you. Nothing further, Your Honor.”

Judge Bender glanced at Rodell. “Redirect, Counselor?”

“No, Your Honor.”

“Court will recess for fifteen minutes. The jury will retire to its room.” Judge Bender tapped his gavel and quickly added, “Hold, please. This is off the record. Now, you folks and students who have come to view this trial, I commend you for your interest. However, now I must caution you. The next piece of evidence the district attorney will present to the court is a video tape which begins with Jacob Krier receiving a scholarship award and ends with him being shot. Twenty-six minutes of video and sound. You will hear and see everything. It is extremely graphic, people. Very disturbing. Only those of you who can prove you’re eighteen will be permitted back inside this courtroom to view the video now or at any future viewing during this trial. A minor accompanied by a parent or an adult relative may return, but I strongly advise against it, even though the student may have been an eyewitness.” He nodded and left the bench.

## CHAPTER 18

With Judge Bender and the jury gone from the courtroom, a very quiet but anxious unrest developed. Many of the students had been in Ray Steagle's English classes, were eyewitnesses, and were now graduated but not yet eighteen. They didn't want to leave.

A ninth grade girl and close friend of Hannah Steagle... "But Mom, we're here for Mr. Steagle. I saw it all live. I know it'll be hard to see all over again on the video, but we have to stay to show our support for him. And for Hannah too. Please, Mom."

A tenth grade boy... "Grampa, it's okay for me to stay. The judge said I could as long as I'm here with a relative. It's not like I want to see the video, Grampa, but I really want to see the trial. I think I might like to be a lawyer and I want to be in Mr. Steagle's class when I'm a senior. If we leave, we lose our seats."



A graduate under eighteen...“Mom, if the video shows everything like the judge said, you have to see this. It’s the best thing that could happen for Mr. Steagle in this trial. This way everyone’ll know what it was really like in there for us and how he changed everything. It’ll be hard, Mom, but you really should stay. And yeah--I don’t want to have to go.”

“Mark, I think it’s disrespectful. If something like that happened to you, I wouldn’t want the world to see it. I don’t know why they don’t just have a private viewing for the jury. I’ll stay because you want me to, but I don’t know if I can watch it all or keep from crying. You’ll be embarrassed, Mark. Don’t say I didn’t warn you.”

Two eleventh grade boys...“This sucks. I lived through it. Why can’t I watch what I lived through? Don’t make no sense. I wasn’t in Steagle’s class, but I feel for the guy, and it ain’t gonna hurt me to watch it.”

“Hey, Kurt--if we don’t leave, if we just stay right here, then how they gonna check us out? They’re not gonna run around the whole courtroom checkin’ IDs. If we sit tight, I think we’re okay.”

“And maybe we’re not. You know what people’ll say--those rotten high school kids. That’s what they’ll think. We don’t wanna make no trouble here.”

“Tell you what. Let’s go out, get close to some old guy comin’ in, and hang on him like we’re family. If we’re caught, we’re caught. No harm done. I say we do it.”

Two recent graduates...“Stacy, look--you heard what the judge said. A parent or adult relative. I’m old enough to be

here, so you just pretend you're my sister. We'll just stay right here."

"But, Pam--Mr. Steagle will know."

"Maybe yes; maybe no. If we get caught, at least he'll know we wanted to be here for him."

An underage graduate with her mother..."I'm glad the Krier family isn't here, Mom. I can't see any of our family sitting and watching one of us get shot and die. And if I hadn't been there, I don't think I'd want to see it--and I really don't now--but I don't want to leave either. I wish I were going to testify for Mr. Steagle. And I'm not forgetting Jacob or being disloyal to him, but no one can change what happened to him, Mom. But we have to help make a change for Mr. Steagle."

Most everyone who had been in court before recess was still there when the bailiff closed the doors. The two boys looking for a new grandfather must not have found him however. Two new students occupied their seats.

Absent now, but not surprisingly, were the Steagle children, Hannah and Richard. Unlike their parents who had agonized over four viewings of the video, they were protected from the ordeal and probably always would be. Their places were left vacant. Sweeny thought it better they not return until closing statements.

Everyone quietly rose when Judge Bender entered, and they remained standing until the jury was seated. The judge glanced around the room, eyeing the students, and still there were many who weren't with an adult. He could read the guilt on the faces of two young girls, and when he held his gaze on the smaller of the two, her face grew red and she dropped her eyes.

He smiled inside. *That innocent little angel sits there blatantly defying and trying to deceive a judge, he thought. Who would ever believe it?* The idea of removing her never entered his mind. He had seen her graduation picture with all the others in the newspaper supplement, recognized her last name at the time, and learned she was the daughter of the new county clerk downstairs, a single mother in her early forties who, he'd been told, was quite vocal in her endorsement for Ray Steagle being acquitted: "He's the only teacher up there who sets the bar high, gets the most out of a kid by pushing him, and the kid doesn't hate him for it. You don't want to lose a man like him." Bender knew she'd be there if she could and would wholly approve of her daughter being there, underage or not. *A judgment call*, he told himself.

"Court will come to order," he said. "Mr. Rodell, you may proceed."

"Your Honor, I introduce Prosecution Exhibit 3, a video tape of the shooting. With your permission I'd like to explain its existence to the court without revealing the name of the individual who filmed it."

"That's advisable, Counselor."

Rodell walked over to the jury. "A video camera similar to the one I'm holding," he said, raising a camcorder to shoulder level, "was used to secretly film the entire episode at the academic awards assembly that morning. Cameras of any kind are not banned at school functions. Actually, their use is encouraged. It preserves precious moments in a student's life. *Intended* to preserve precious moments I should say. But I did say *secretly* filmed. Sometimes when kids get to be seniors, they think they're pretty hot stuff--cool foxes and hard dudes. Adults often find their antics childish, and Jacob wasn't like that. He was very mature for his age and yet very friendly with everyone, including the younger students in the lower grades. The

student brought the camera in to film a sibling, and because Jacob had always been nice to that individual, the student thought maybe Jacob or his parents would like a video of him receiving a scholarship certificate. The student didn't want anyone to know about the filming because several others might want that also. The camera was tucked inside the clothing with just the lens sticking out and turned on to run continuously. You'll notice the zoom lens was still operable. I should tell you also that the podium microphone was left on the whole time, and with six speakers positioned throughout the gym the camera picked up all the sounds and conversation as well. Now, Mr. Sweeny and I agreed that a few profane words should be deleted from the video; however, the tape you will receive in the jury room has not been edited."

He walked back to the table, sat down, and held the remote control. "The principal, Mr. Donovic, is gone at this time. His secretary had appeared at a lobby door and motioned for him. He left the gym to take a phone call. As most of you know, the school offices are in the old part of the school and two floors up. The sounds of the shooting never reached there."

The three TV screens situated so all could see and showing a vivid blue came alive.

The picture was a blur as the camera danced, but Jacob Kriter's voice could be heard. "And as most of you know, we apply to these various organizations and colleges for these scholarships."

Suddenly, Jacob Kriter filled the screen, a handsome young man, tall and of sturdy build, gazing out at the audience. Casually he stood at the podium, his backpack slung over one shoulder.

"That's what you new seniors will be doing next year," he said, pointing to his left at the junior class, sweeping his hand back and forth to include them all. "But I got

something great in store for you today, something I know you'll get a bang out of." He flashed a devilish grin.

"Whoa--I apologize to Mr. Steagle for ending a sentence with a preposition."

The senior section laughed uproariously.

He surveyed the faculty, squinted a bit as he scanned the men, then frowned, spreading his arms in a gesture of uncertainty. "I guess Mr. Steagle skipped today," he said, now with a pronounced grin.

The remark generated laughter throughout the gym, the seniors even more animated than before.

Jacob nonchalantly raised his hand and everyone quieted. "Today our graduating class is going to show you what real leadership is." The seniors cheered, applauded, and pierced the air with shrill whistles.

A raised hand again silenced them. "Okay, so I told you we filled out applications for these awards. You can apply for as many as you want. That's why some get more scholarships than others."

He took his own certificate and waved it high overhead. "See this one I got today? Eight thousand dollars over four years. But if I hadn't gotten this, I'd still be going to the U in the fall. So I don't really need this. Do you know who does? I'll tell you who. It's Dorie Powell. Is she a great artist or what? Ever see some of her watercolors? Beautiful. Her oil paintings? Fantastic. And you've seen her comic strip, Pike River Dude, in the school paper. Now I don't mean to embarrass Dorie, but she's not going to art school like she'd always planned. Tuition turned out to be a little too steep."

From his jacket pocket he pulled out a black marker, ran a line through his name, and printed DORIE POWELL in large bold letters. With both hands he held his certificate firmly overhead.

The entire student body howled their approval, laughing

and playfully elbowing each other and slapping high-fives. The gym became a frenzy of which class could shout the loudest.

“Hold it!” Jacob yelled, grinning and still waving the certificate. “Hold it!” he yelled again, still smiling. But the celebration continued, ignoring his command, now beyond reach. He laid the certificate on the podium. Keeping his eyes focused on them, he set the backpack down, reached inside, and suddenly stepping around in front of the podium he thrust a .357 Magnum revolver into the air and waved it, the gym lights reflecting off the barrel like so many dancing silver flashes.

They pointed fingers at him, at the toy gun, howling even louder now, and then a few seniors began to chant: “Jacob! Ja-cob!”

A number of seniors, both girls and boys, began a rhythmic clapping over their heads, swaying their bodies left and right, and the chant thundered in volume as everyone became involved: “JA-COB...JA-COB!”

Jacob brought his hand down, extended his arm, holding the gun steady, and pulled the trigger. The explosion was deafening, seemed to shake the walls and the very foundation. Some students on the bleachers had just turned that way and saw the clock disintegrate into a cloud of flying pieces. Some heads turned just after. The clock was gone. The video blurred and then caught the effects of the bullet--a gaping hole in the cement block wall and chunks of cement scattered on the floor below.

The video blurred again, locked on Jacob, then zoomed in. His left arm was bent at the elbow, the smoking gun pointing straight at the ceiling. His face was contorted in anger, his eyes ablaze. He glared menacingly at the senior class, his eyes moving slowly across the rows. Then the gun followed his gaze, pointed directly at some students in passing and stopping momentarily on others as if he were

targeting them as he sighted down the barrel.

No sound now. Not a murmur. "That's better," he shouted. "And that's the way it's going to be now. I give the orders. You jump."

"C'mon, Krite," one senior boy's voice objected from somewhere. "Game over."

In a blur Jacob swung the gun and sighted down the barrel at the speaker in the back row. Students close to him ducked or jerked sideways, sure that the gun would explode again, this time in their direction--and kill someone.

"I call the shots here, Welch," Jacob yelled defiantly. And then, as if someone passed a wand across his face, his eyes softened and smiled at Dorie Powell. "This," he said, nodding to her and waving the certificate, "is yours, Dorie. You're going to the Art Institute." He sounded so pleased, so sincere.

The camera danced out of focus again as it pivoted to the back of a girl's head. She made no move to rise, just turned her head a little left and right, looking at her classmates.

"Dorie--don't be shy," Jacob called, his tone almost pleading. "This is our big day. Arlene Archer comes up here next. Her scholarship goes to Wendy Sholter who's now going to the Bellin School of Nursing in Green Bay. Amanda Baker's going to sign hers over to Fred Lang who's going to the tech for metal fab. He'll have his own shop in a couple years." His face was all smiles; his tone, proud and unthreatening.

But there was unrest. Some of all ages started crying. Some began talking quietly among themselves. All were frightened as never before. Then some of the bigger boys became outraged, their voices venting their anger, and from all sections of the gym others joined the shouting.

Jacob yelled, his face red, his anger obvious. "Shut up! Everyone--you and you and you--" He pointed the gun at a

different you each time. "All of you shut up--RIGHT NOW!"

In one swift motion he pointed the gun and fired again. The scoreboard blew apart and crashed in hundreds of pieces onto the floor.

It was suddenly quiet again except for the sporadic sobbing.

Jacob appeared calmer. "That's better," he said. "Much better. Now keep it that way." He turned back to the girl. "Okay, Dorie babe--get your buns up here." His tone was playful, undemanding.

But he turned suddenly, looking to his right. All of the heads visible in the lower part of the screen turned to their left.

A voice. "May I come in, Mr. Kriter?" Raymond Steagle appeared a few steps inside the doorway, hands down and clasped in front of him.

"You can and you may," Jacob replied calmly, making a little reverent bow and a welcoming gesture with his right arm.

Ray walked very slowly forward, looking up at him, staying a few feet out from the stage.

"Right about there is fine, Mr. Steagle." Jacob pointed the gun, not at the man but at a spot.

Ray stopped, never taking his eyes from Jacob. "What are we doing, Mr. Kriter?" he asked in a casual tone, void of any condemnation.

"We, meaning all of us here, or we, meaning you and I?" Jacob responded smiling, apparently pleased he had discerned two possible interpretations.

"Point taken," Ray said, sounding proud. "The first we, Jacob."

"We have changed the format of the academic awards assembly. This year the truly needy students get the scholarships and the monetary awards. Dorie Powell was



just about to come up and get mine worth eight thousand. She's going to the Art Institute. Great, huh, Mr. Steagle?"

"A noble gesture, Mr. Krier. Very noble." He sounded sincere.

Jacob smiled. "Like those two noble savages-- Chingachgook and Queequeg. Right, professor?" He grinned down at his mentor, either pleased that he remembered the two fictional characters or pleased in calling him *professor*, something no one ever did directly.

"Something like them perhaps, but you'll recall they weren't Christians as we are, Jacob."

Jacob waved the gun at the back wall. "That damage I did--that's pretty savage, wouldn't you say?" He appeared and sounded extremely self-satisfied.

Ray looked at the back wall, hiding his surprise. "I would say that--yes."

"This gun makes me a savage." His voice seemed childlike.

"No, Jacob. The gun doesn't make you anything. You are what you want to be." He spoke slowly, clearly, showing no intent to hurry. "Right now, for whatever reason, you are not the Jacob Krier I have known. You are someone else. But the someone you are this morning is the someone you want to be right now. A gun is used only as the one holding it chooses. You used the gun, Jacob. The gun didn't use you. You've just destroyed a part of your high school. I would never have expected that of you. You've done so much good for your school over the years."

"Peanuts, Mr. Steagle. I made a mark for myself. Check the list of activities next to my picture in the yearbook." He sounded proud again, bragging. "That was for me. Looks good on my resume. But what I'm doing this morning is for my fellow man--and woman. These people are my friends. They all deserve a chance. I'm giving them that chance."

“Not at gunpoint, Jacob. Perhaps some don’t want the help you’re giving them. Dorie Powell is a very talented young lady. You two weren’t in the same class. She was in first hour, but perhaps you noticed the sensitivity in her writings that got posted on the bulletin board in the room from time to time. If Dorie had a burning desire right now to go to the Art Institute, nothing could stand in her way. She would find a way.” He maintained an even tone. “Maybe she has more immediate plans and art study will come later. But you see, Jacob--you are forcing her. You’re holding a gun to her head. And that is savagery without nobility, Jacob. Maybe you want to rethink your mission, Jacob. Perhaps you might take a step back and look at a broader view.”

Jacob’s left hand slowly lowered to an angle where the gun was pointing down, almost at Ray Steagle’s feet. At the same time, Jacob’s head tilted back slightly. He wasn’t aiming at him. He wasn’t eyeing him. Was it a sign of submission?

Then abruptly both the gun and his eyes were locked on Ray again. “The wider view, Mr. Steagle? No-no. We want to narrow the view, hone in on the precise point of purpose. If we can make this happen here, Mr. Steagle, others will follow and make it happen in their schools. Don’t you see the beauty of it? It’s a copycat crime with a just ending. It’s sharing the wealth. It’s the end justifying the means!” His eyes were bright. His face beamed. He seemed genuinely enthused.

“It’s not sharing, Jacob,” Ray corrected him but again without sounding overly critical. “Not even redistributing. It’s redirecting wealth. You give your scholarship to Dorie. That helps Dorie. No one else benefits from your generosity. If you get to the end of your mission today, would everyone here be served and satisfied or would there still be needy students who benefited nothing?”

“It doesn’t have to be the perfect plan here today,” Jacob said reassuringly. “It’s a beginning. Like the Constitution. We can write amendments as we go along.”

Ray Steagle nodded agreeably. “All right. Then let’s back up a little. Let’s put the gun away, continue the awards, and then form a committee like the Founding Fathers to discuss and revise the process. Perhaps put a limit on the number of applications a student can submit--or a limit on the number of awards a student can receive--or a limit on the dollar value a student can receive. This would all have to be at the local level of course. We can’t tell universities what to do. What say you to that, Jacob? Can we finish here as we planned and then go plan for next year? We could meet following the assembly right away in my room. Perhaps even get the lady presenters to join and advise us.”

“No, Mr. Steagle,” he responded, sounding apologetic. “I don’t think that’ll work for me. There’s another bridge I have to cross. I think I can get done here quickly however.”

“Without the gun, Jacob?”

Jacob smiled, looking out at the crowd, then back. “The numbers are against me, Mr. Steagle. This balances the scale,” he said, holding up the gun and waving it a few times.

Ray Steagle opened the right half of his sport coat, exposing the gun, and held it open.

“Hello!” Jacob said, both surprised and pleased. He stood motionless, staring at the gun, silent for several seconds. Slowly then, he turned and surveyed his classmates again. “My English teacher is armed.” He flashed a broad grin. “It’s Billy Clanton and Wyatt Earp at the Pike River Corral.” His eyes turned back to Ray.

“Who’s who here, Jacob?”

“*Whom?*” Jacob corrected. “Who is whom? No-no. Strike that. Of course you’re right. It is who. Well, I’ve done some damage here, so you must be the good guy in the white hat.”

“If I’m Wyatt, you do know what happened to the Clantons, don’t you? We don’t want that here, Jacob.” Ray let the coat close over the gun. “We’re not enemies. We’re friends, Jacob. Right now we’re just trying to find some common ground.”

Jacob’s head leaned back. “Common ground, Mr. Steagle?” The wheels were turning inside. A frown appeared as if he were struggling, trying now to determine what to do, what to say, and the answers weren’t forthcoming. His head came forward with a jerk. “I think not. I think I’ve crossed the line.”

“No, not yet you haven’t, Jacob. No one’s closed the door on you or given up on you.”

Jacob hesitated for several more silent moments. He shook his head ever so slowly. “I’ve closed the door, Mr. Steagle. It’s locked.” He made a clicking sound. “The key is gone. Can’t change it.”

Ray Steagle slowly pulled back his coat again, held it open, touched the gun, and this time removed the gun from his belt. He pointed the gun at the floor. “I can shoot the lock, Jacob. That’ll open the door. Now can we go somewhere and talk?”

Jacob didn’t answer directly. He turned away and scanned the rows of seniors, lingering on certain individuals, then turned to the faculty and the other classes on the bleachers. He looked at Ray Steagle. His hand holding the gun dropped slightly as he looked at the gun in Ray’s hand, still pointed at the floor.

“I’m really getting tired of talking, Mr. Steagle.”

“Jacob, did the gun help you control this packed house?”

“Two shots did it. That’s a definite yes.”

Ray raised the gun. He didn’t extend his arm. His finger wasn’t on the trigger. The gun was pointed at Jacob.

“Jacob, would my gun help convince you that we should

go somewhere, just you and I, sit down with something cold and wet and nonalcoholic, and see if we can't come to a meeting of the minds?"

Jacob looked at the gun, then at Ray Steagle.

"Aw, c'mon, Mr. Steagle. You can't pull that trigger," he scoffed, smiling. "No way. Not you. Face it, Mr. Steagle. You're not scary. We know you so well. You don't have any meanness in you. You don't have it in you to do the bad thing." He stood there, smiling confidently down at the man.

"I can say the same about you, Jacob. You're a little off center right now, but this isn't the real you." Again, there was nothing critical in his tone. "I think you and I together can find the real Jacob. Both of us lay our guns on the stage and walk out of here. What do you say?"

Jacob's head turned suddenly. His eyes locked somewhere at the back of the gym. The gun pointed where his eyes were fixed. The camera didn't turn that way, all the way around. Instead, it swung to the balcony door on the opposite side. A police officer stood there with an automatic rifle at the *ready*.

The camera swung back to Jacob who motioned for both officers to come forward. The camera followed the one on the other side. The man got almost halfway. "Far enough." It was Jacob's voice. The officer stopped, kneeled, and rested his rifle on the bottom rail. It was aimed at Jacob.

Jacob turned to Ray Steagle. "The plot thickens, professor. Three guns to one."

"No-no, Jacob!" he corrected emphatically. "I'm on your side. I know the real you. I'm just using whatever's at hand to get through to the real Jacob Krieter that I know is somewhere inside that head. We can walk, Jacob. We can walk away from this impasse." He sounded convinced. "You and I together, Jacob. We can."

Jacob appeared to be thinking about that. His head

would slightly nod affirmatively, but then he was very still, deeper within himself again. He raised his gun, pointing it straight at Ray. “There’s no going back, Mr. Steagle.”

Ray raised his gun, his finger on the trigger, and pointed it at Jacob. “Jacob, you and I are in control here. We decide. One fine young mind and one old tired mind. We can put our heads together, Jacob.” His tone was pleading. “We can find our way. We walk out of here with heads high, proud that we proved mind over matter.”

Jacob was silent, then showed just the hint of a smile. “Nice thought, Mr. Steagle. But to me--it just doesn’t matter.” He sounded lost, defeated. “I know you can’t just take a scholarship certificate and change the name. There’s nothing valid about that. But it’s a symbolic gesture. They thought it was funny, a joke.” He looked at his classmates, his eyes moving back and forth as if connecting with each row, but appearing to be so disappointed. He looked at Ray. “I couldn’t allow that to continue.”

“They don’t think that now, Jacob. Take a look out there again. These are your people, your friends. And they understand you. They’re all on your side, Jacob. Not against you.”

Jacob turned. His eyes were wide but they didn’t move. His head was still. He stared. Seconds later, slowly he turned back.

“They really are a great group, aren’t they? None better. I’ll miss them.”

Suddenly, without any warning, so unexpectedly, Jacob’s hand came up and he pulled the trigger. The gun exploded. The sound was instantly followed by another roar as Ray Steagle pulled the trigger.

Jacob Krieter’s head violently snapped back, the shock and impact hurling his body several feet backward. He landed hard. He lay sprawled on his back near the podium. He didn’t move. His left hand still held the gun, pointed at

the empty doorway.

Raymond Steagle stood motionless. His gun still pointed where Jacob had stood. The hand began to shake. His head dropped to his chest. His whole body trembled.

The screaming was intense.

Over the chaos a voice shouted, “EMTs!”

The sound of a door crashing open was heard.

The screen blurred, then caught three EMTs, equipment in hand, running toward the stage.

The screen wavered again and centered on the officer on the balcony closest to Ray Steagle. He ran almost to the end of the balcony, then slid under the railing and deftly picked his way down the bleachers through the faculty.

Ray Steagle stooped, put the gun on the floor, stood, and raised both hands on his head in surrender. He stepped back a few feet.

The officer picked up Ray’s gun by the barrel and dropped it into a plastic bag. Holding the bag and his rifle in his left hand, he lightly grabbed Ray’s left forearm and led him through the doorway and out of sight.

The EMTs were kneeling, working on Jacob.

A man in a gray uniform and cap came in from the lobby pushing a gurney up to the stage. He summoned more men in gray and positioned them along the bleachers on both sides. Jacob’s body was lifted and strapped on the gurney. The man whispered something to the EMTs, then hurried ahead and opened the lobby doors.

The gym erupted in anguish. Hundreds screaming. Hundreds shouting, “Oh, God, no!”

More police entered the gym.

The three screens went blue.

## CHAPTER 19

Judge Bender had originally been skeptical of videos in the courtroom, not just his but any courtroom. Only when he heard the experiences of other judges and then initiated a trial period of his own did he realize their value and heartily endorse their use. Rather than a series of photographs, he found video to be especially effective in clearly showing the actual and overall damage to property, be it house, vehicle, land, cemetery plots, and grave markers. He did restrict graphic evidence of personal injury from physical abuse and accident to those photographs taken by law enforcement and medical personnel. Never had anything, photographs or videos, approached the violence of the Krier-Steagle tape however. Experiencing the roar of the guns and seeing the boy's head snap back, the impact fully lifting his entire body off the floor and hurling him backward several feet, and then seeing him collapse with such force his head snaps back again and strikes the floor of the stage with a resounding thud distinctly audible--there simply had never been anything that horrendous presented to the court as evidence for viewing.



He could not foresee the total impact upon the jury and everyone else in court either. There were predictable emotional reactions of course, and he felt he'd already encountered all of them over the years, but how individually tormenting those reactions might be was an unknown. Might some faint, might others throw up, might their emotions be so totally uncontrollable that they would have to leave the courtroom, and might any or several jury members be so shaken they would be unable to continue without some time for calm and recovery?

He had known he might run into a wall, especially there being so many people attached in some way to the Kriters and Steagles, but after viewing the tape with Andy Hutchinson that day of the shooting, he knew without even a second thought the right and fairest move was to allow the tape into court. Without actually being in that gymnasium that morning and seeing exactly what Ray Steagle did to try and talk and reason with the boy, he could sense that any defense attorney would be at a tremendous disadvantage compared to the prosecutor, no matter how experienced and how successful in gaining acquittals in criminal court that attorney had been. No amount of written accounts and verbal testimony by eyewitnesses could remedy the imbalance. Nothing written or spoken could change or diminish the facts of the case, namely that Raymond Steagle did shoot and kill Jacob Krieter, that the crime of murder in whatever degree determined by the jury is a felony, and that a felony demands imprisonment and fine upon conviction. Only the video, and perhaps some well chosen thoughts by a friendly Irishman, could save the defendant from the maximum punishment allowed by law.

Now Judge Bender looked at his jury and saw twelve individuals who resembled wax museum inhabitants. The blood had drained from their faces, their heads met their chests, their eyes were glazed, fixed and unseeing.

The young girls in the courtroom openly and uncontrollably cried, as did a few mothers, some wailing like the mothers of the Middle East seen on TV burying their sons. The Adam's apple of the young boys rose and plummeted like a yo-yo as they gulped and fought to suppress their emotions. The men swallowed hard, staring at the back of the bench in front of them.

Even the press corps sank. Their hands were empty of pens, pencils, and notepads. The women wiped their eyes with their hands, their hankies, their wadded tissues. Men bowed their heads, absently staring at their folded hands or the floor.

Amy Steagle, with that small area of vacant bench on either side of her where the children had sat, appeared to be all by herself on a deserted island, no one to cry with, no one to offer a comforting word or a caring touch. Head down, she had not watched the video--but she heard.

Raymond Steagle, his gaze throughout the ordeal riveted only on his clasped hands resting on the table, was ashen and trembling. The overwhelming shame he had felt, an agony he'd eventually been able to push to the back of his mind only with the repeated encouragement of Amy and the kids and Patrick Sweeny, thereby enabling him to mentally function on a level approaching normalcy--that disgrace had suddenly leaped to the forefront of his mind all over again. He clasped his hands tighter, squeezing the knuckles and fingertips white to keep from shaking more violently. Not once had he looked up at the screen, but his body noticeably convulsed at the sound of the last two shots.

Patrick Sweeny sat there, his entire upper body heaving as he quickly gulped great drafts of air. He hoped the emotional display that engulfed the court represented to the greater extent the people's heartfelt feelings for his client, for if they weren't predominately for Ray, then it would be a very swift deliberation, ultimately needing only minutes

rather than hours to arrive at a verdict.

Brad Rodell momentarily stared at the blue screen in front of the bench, then using the remote turned off the power to all the monitors including the judge's small screen out of sight on the bench.

"Mr. Rodell, will you require more use of this video?" Judge Bender asked.

"I will, Your Honor, but only brief portions to reinforce certain points."

"Mr. Sweeny, will you be using the tape?"

"Yes, Judge. I definitely will."

"Ladies and gentlemen--both young and older--normally we would carry on, but this court has never experienced such graphic and emotional evidence. We will adjourn until one o'clock. I know you stood in line for a long time to gain admittance. The bailiff will issue you a dated pass to enable your return this afternoon. Should you not return, do not give the pass to anyone. That would be unfair to those still waiting in line in the hallway." He turned directly to the jury. "You will be sequestered in your jury room and served lunch there."

Briefly he swirled the air with his gavel.

## CHAPTER 20

Eighteen minutes before Judge Bender's one o'clock deadline--and that did not mean plus or minus a few seconds--the spectators were crammed into their sections on both sides of the center aisle, all of the same faces in the same places. Their eyes were dry, a healthy pink skin color had returned, and they sat calmly, often turning to whisper to one another but nothing heated. Any divisiveness among them did not surface.

As always, Amy and Ray Steagle and Patrick Sweeny came up into the courtroom using the stairway from the basement corridor two floors below that led to the cell block. Those already in the court were forewarned by the creaky wooden steps, and all eyes quickly lowered or turned away until the three were seated in an effort to make them feel less conspicuous. Even thereafter, onlookers only stole glances rather than be caught gawking.

Judge Bender entered, called for the jury, and softly tapped his gavel. "Mr. Rodell," he said.

"The prosecution calls Chief of Police Hutchinson again, Your Honor."

Hutch was ushered in, the judge stated he was still under oath, and Rodell approached with the remote control in hand.

“Chief, the court viewed the video of the shooting this morning. How many times have you seen it?”

“Five.”

“Five times for what reason?”

“I wanted to have the shooting incident firmly in my mind before I came to testify.”

“Chief Hutchinson, I have two parts of the video involving the police that I’d like to question you about. I should inform the court I have the sound muted.”

He turned on the monitors, pressed PLAY and then PAUSE. The screen displayed Officer Bates standing in the balcony doorway, rifle in hand.

“Chief, I know that’s an M16, a semiautomatic weapon your men are carrying. Tell the court what that means, please.”

“When the trigger is pulled, the gun fires, and it instantly ejects the spent shell and loads another live round. Pull the trigger again, same thing. It’s fast.”

“But it doesn’t spray a hail of bullets, does it?”

“The model we use is capable of only firing a burst of three bullets. We haven’t encountered a situation where that mode was used.”

“So you’re saying from where Officer Bates is standing and the way he’s standing, within two seconds he can fire his gun, one shot. Is that correct?”

“Yes. And probably in between one and two seconds.”

“And hit the target, Chief.”

“If you’re asking hit the boy--yes. If you’re asking hit a specific part of the body--no. Another second for that, presuming the target remains stationary, or reasonably so as opposed to jogging or running.”

Rodell advanced the tape to Officer Bates kneeling with his rifle resting on the balcony lower railing. “Is Officer

Bates prepared to shoot in that position?”

“Yes.”

“How?”

“He’s holding the rifle on target. Throughout the entirety of the tape, Jacob doesn’t move any closer to Mr. Steagle once he’s stopped him. Only once or twice does he take a step sideways or back.”

“So the officer isn’t aiming to kill him, is he?”

“His aim is to hit the target area--from shoulder to hips. He’ll hit him. He might or might not kill him.”

“The boy stands at an angle which is almost exactly sideways to Officer Bates. That’s a slim target for him, isn’t it?”

“Yes. Slimmer than frontal, but not difficult. Officer Dixon on the other balcony has a larger target area. About a three-quarter view.”

“If either of them had shot, what would have happened?”

“As I said, they’ll hit the target. But what happens next we don’t know.”

“Explain please.”

“Maybe the shot isn’t instantly fatal, or even fatal. Jacob might still fire his gun. He could hit someone--even in reflex. But what if he’s not that badly hit? What then? Does he just start pulling the trigger, aiming anywhere, or not aiming at all but hitting members of the student body at will? Or faculty members? Or does he try to take out an officer and they absolutely riddle his body? What you see on the video is ugly enough, but any return fire by Jacob would have made it uglier.”

Rodell found another scene in the video showing Ray Steagle and Jacob Krier facing each other. “And what problem did the defendant present here for your officers?”

“Objection,” Sweeny said, half rising. “The prosecutor has taken it upon himself to tell Chief Hutchinson that my

client created a problem at this point. I question Mr. Rodell's audacity, Your Honor."

"Sustained," the judge ruled, then glowered at Rodell. "Would the district attorney like to start again or abandon the area completely?"

"I'll rephrase, Judge." He turned to Hutchinson. "Does the proximity of the teacher and the boy create a problem for your officers, Chief?"

"As close as they are to each other, if we hit Jacob and he gets a shot off, Mr. Steagle will likely get shot himself. And if he gets hit, does reflex fire his gun? And who might he hit? It's one of those scenarios where any stray bullet is likely to hit someone. It was a very difficult and very delicate situation."

"And as you testified this morning, had Mr. Steagle simply laid his gun down and backed away, it would have been a different outcome. Correct?"

Hutchinson frowned and looked hard at Rodell. "Did I say that? I hope I didn't. If you have four people with guns and one of them walks away, certainly the outcome is still in question," he said, obviously exasperated.

"My error, Chief. I'm sorry."

"I believe I said Jacob Krier was our responsibility. That's why people call us. That's why the defendant called us. With Raymond Steagle in charge, Jacob died. With the police in charge, Jacob Krier might be alive today. Might be. I can't guarantee that it wouldn't have ended the same way with my men having to shoot him."

"Thank you, Chief Hutchinson. No further questions, Judge."

"Mr. Sweeny," the judge said.

"On my way, Judge," he said, picking up a video cassette. "Your Honor, I've taken the copy of the video I received from the prosecution and then selected two parts to question Chief Hutchinson about."

Bender nodded approval.

“Chief, we know the military has its sharpshooters. Are Officers Dixon and Bates that competent?”

“I don’t know how the military calculates levels of marksmanship, but I do know there is usually one member in a unit who’s the best. Officer Dixon is our best.”

“I want you to watch this piece of video and the time strip on the actual tape, Chief.”

The monitors showed Ray Steagle and Jacob Krier facing each other. Ray’s gun is pointed down--Jacob’s is pointed at him. The screen went blue.

“How much time transpired in that segment, Chief Hutchinson?”

“Four seconds.”

Sweeny rewound the tape, pushed PLAY then PAUSE. The image froze. He looked up at Judge Bender. “Your Honor, I have three yardsticks on my table and three students prepared to come forward and assist me. Is that acceptable to the court? They have no speaking parts and probably don’t need to be sworn.”

“You may proceed, Counselor.”

Sweeny turned and nodded. Two girls and a boy came forward, each picked up a yardstick from the defense table, and each carefully positioned one against the image on the three large TV screens.”

“Perfect,” Sweeny said, and turned back to address the witness.

“Notice, Chief, the yardstick follows the exact line of the barrel of Jacob’s gun and is on a direct line with Ray’s right hip. That’s the line or call it the path of the bullet that you see also, isn’t it?”

“Yes.”

“And with the image being one dimensional, we really can’t tell if the bullet would strike him in the hip, can we? It could be on a line across his lower torso. Correct?”



“Yes. Right hip, abdomen, left hip.”

“But the hand is steady, isn’t it? Watch, please.” He activated PLAY for the four seconds. “Steady for four seconds. Neither gun moves. Stays on the same line. Correct?”

“Yes.”

“Your best shooter on the force, Larry Dixon, could have shot the gun out of Jacob’s hand, couldn’t he?”

“I’m sure he could.”

“Why didn’t he?”

“You’d have to ask him, Mr. Sweeny.”

“Chief, you testified that you analyze police procedure following serious encounters. You spoke with Dixon and Bates, didn’t you?”

“Yes.”

“And you’re telling the court you didn’t ask your men why they didn’t attempt to shoot the boy’s gun out of his hand. Is that correct?”

“Yes.”

Sweeny smiled, shaking his head in doubt. “I just don’t understand why you wouldn’t, Chief. Or is your analysis still ongoing?”

“No, it isn’t.”

“But, Chief--don’t you want to know? Isn’t your analysis incomplete if you don’t know?”

“If my officer had fired his weapon, I would want to know why. I don’t probe all the what ifs. What’s done is done, and that can’t be changed.”

“You’re aware the district attorney apparently didn’t want your two officers on the stand, aren’t you?”

“I’m aware their names aren’t on his witness list. I’m not privy to his rationale.”

“But we’ve established that you’re confident Larry Dixon could have shot Jacob’s hand and gun. Now, watch this part of the tape please, and note the time element again.”

He motioned for the students to step back.

The screens showed Ray and Jacob still facing each other. Ray's gun was now pointed at Jacob. Jacob turned his head, looked out at his classmates, then turned back. The tape stopped.

"How long, Chief?"

"Five seconds."

Sweeny proceeded as before with the screen in PAUSE mode and the students repositioning the yardsticks against the screen. "Now, tell us where Ray's gun is aimed please."

"The gun is aimed at Jacob's shoulder."

"Are there any students in that line of fire?"

"No."

"And as we said before, where the gun is pointing it could actually be anywhere across his chest. Yes?"

"Yes. Either shoulder or upper chest."

"All right now. When Jacob turns toward his classmates, his gun is pointed up, up enough it appears to possibly be pointing at the empty balcony bleachers. Would you agree with that?"

"I would admit to up somewhere, but I'm not sure where."

"But up is definitely away from anyone seated in that gym, correct, Chief?"

"I would say yes, but still we can't be positive."

"Chief Hutchinson, it does me no good to ask you why Dixon didn't shoot Jacob Krier right then and there. That's because you don't know. You chose not to ask him. But you've testified his gun is aimed at Jacob. Your man can easily hit him, blow the gun right out of his hand. We've covered that ground. But, Chief Hutchinson, I have to ask you. Would you have shot Jacob's gun hand in either of those scenarios?"

Hutch adjusted his position, taking his time. "It's easy to sit here and dissect a video and say I would have done this

or that, and there are just so many variables in this situation where others may be hurt. It's really a tough call."

"You're the chief. You testified you wish you had been there. Make the call."

Hutch tightened his lips, taking another moment. "If I don't shoot that first chance I got, then I do shoot now. The dialogue between them is breaking down fast. Ray Steagle is becoming less effective, or stated another way, Jacob is becoming more impatient. Yes, I pull the trigger."

Sweeny's four-second silence held the moment. Then he said, "Once again, please, Chief Hutchinson."

"I said yes--I pull the trigger."

Sweeny turned fully around, glanced at the jury to include them, then faced the court. "I'd like to introduce my assistants as they take their seats, ladies and gentlemen. All are recent Pike River graduates. You might recognize their names." He pointed at each as he spoke. "Dorie Powell. Wendy Sholter. Fred Lang."

He waited until they were seated. "I know their names ring a bell. And school bells are going to be ringing again for them in September. The Art Institute, the Bellin School of Nursing, and the North Central Technical College. And the seven others on Jacob's list are going on. I have permission to state that the Kriter family has established a fund in Jacob's name. And--the student council, including the graduated senior members, have already met--"

Rodell exploded from his chair but Bender was ready. The gavel cracked hard--his expression, riveting. "Cease, Mr. Rodell," he barked, then turned to Sweeny. You may finish, Mr. Sweeny," he said, never taking his eyes from the district attorney's.

"Thank you, Your Honor. The council met with Mr. Donovic and a new application procedure for the local scholarship awards is being drafted."

Led by all of the students, the courtroom erupted in

applause...only loud clapping of hands however--no deep-voice *yeahs* or high-pitched *woos*.

Sweeny turned back to face the witness, but oddly his great bulk seemed to wobble. Then he muttered something unintelligible--“Cheeve, Hudgin,” it sounded like. And then he suddenly grimaced, obviously in agony, a look that only Judge Bender and Hutch could see. They saw the blood drain away and his skin turn gray. He grunted once, bent slightly holding his chest, then groaned loudly in excruciating pain as his entire face contorted into a mask of tragedy. He opened his mouth as if to speak, but nothing came except another rasping grunt. Hutch could see he was going to go down. He vaulted the witness stand railing. Too late. Sweeny crashed to the floor.

Hutch pulled out his walkie-talkie. “Clint. Get EMTs on the double to the courtroom. Man down. Could be heart.”

Judge Bender shouted, “CPR! Anyone!”

Amy and Ray Steagle were out of their seats in the instant and kneeling over Sweeny. Lying face up, his pupils were dilated. He grunted once. Ray grabbed his shoulders and shook hard. Unresponsive. He shouted. “Pat! Pat!” Unresponsive.

Amy grabbed Sweeny’s head with both hands, tilted it back so the airway was completely open, checked to make sure he hadn’t swallowed his tongue, and glanced at Ray. “Ready?” she asked. Ray nodded. She pinched Sweeny’s nose, inhaled deeply, covered his open mouth with hers, and blew once for two seconds, inhaled, and blew again for two seconds. Sweeny’s chest heaved. Ray pushed on the chest with both hands--down, down, down--fifteen times in about ten seconds. Amy blew twice again. Ray compressed. Amy again. Ray. Amy. Ray--and Sweeny gasped. He gurgled, then another raspy breath, and started to gulp air, laboring but on his own. He tried to sit up. “No, Pat,” Ray said.

“Not yet.”

Two EMTs burst in. Another was right behind with a gurney. Remarkably, they had him onboard and out of there in thirty seconds.

Ray stood, held his hand out and helped Amy up. They held each other for a brief moment.

The courtroom erupted once again, applauding and now cheering also.

Judge Bender made no move for his gavel. He just sat back, stunned, but thankful it hadn't been worse.

After two hours with Ray, contemplating what the immediate future might hold for them now that Judge Bender had announced the trial would be postponed indefinitely, Amy Steagle exited the Safety Building in back where her car was parked in the visitors' lot. She couldn't remember ever feeling that alone.

## CHAPTER 21

When Len Krier left Bridger that morning for Wausau, ironically the first day of the trial, he was apprehensive. Unusual for him, but he just didn't have a good feeling about delivering his four-hour lecture series, "Justice and You," to the Police Science classes at the tech college.

The school had approached him to develop a series two years ago following the favorable media attention he'd received defending a young doctor in a Pike River criminal trial. His contract for each semester and the summer session was to run for three more years, but so many times in the past six weeks since Jacob's death he felt he wouldn't be able to discuss the subject matter without breaking down. Even if he could keep it together, how could he be objective anymore? He didn't believe he could. Wouldn't everything about justice be negated by the injustice of Jacob's death? The bitterness within him was too raw and too deep. Nothing had healed. Friends told him it would take time. Wrong. This wasn't ever going to heal.

What also stung deeply was the wave of Ray Steagle sentiment that verbally swirled everywhere. Everywhere

except in Bridger. But it was like turning the knife. The idea of the man being some kind of a savior was insane. Anyone who believed that Jacob could kill someone was insane.

His son wouldn't harm anyone. Not him. Not possible. Not even in self-defense could he see Jacob killing someone. How could people turn against him so quickly? He stole a gun. That was wrong. He destroyed property. That was wrong, but replaceable. It was all a stunt. Stupid? All right--stupid. But the motive, the message--that was commendable.

If Steagle hadn't walked in and drawn a gun, how would it have ended? It would have been over when the police came in. Jacob would have laid his gun down and given up. No one hurt. Scared? Hell yes, everyone was scared. But in another minute they wouldn't have been, not when the kids got tuned in to Jacob's idea. Then they would have loved being a part of it. Jacob would have stolen the day. The assembly would have ended peacefully, *never forgotten*. It was such a great idea. They would relive every minute of it at every class reunion and howl their heads off. Maybe something positive would come of it. Maybe the whole award procedure would be redefined and changes made for the better. And it would be Jacob who started it all.

Steagle knew Jacob was a good kid. Hell--a great kid! He knew that. They say Steagle knew it was Jacob *before* he made the nine-one-one call and *before* he got the gun. Why the hell would a teacher facing a bright kid like Jacob think he needed a gun? Steagle never should have gotten the gun. He had to know Jacob wasn't the kind of kid that can shoot someone. Even if he were some loony with a gun and Steagle wanted to be a hero, still he should have walked in unarmed, tried to talk the kid down, keep him occupied as long as he could, and then when the cops came, get the hell out of there.

How anyone could think some trigger-happy teacher was the right person there at the right time is absolute lunacy. If a guy thinks about his own hide before he gets involved in a sticky situation, for damn sure he's not the man for the job.

Take Steagle away, out of the picture completely, and Jake is still alive today. Why? Because Jacob would never shoot at a cop. Or shoot at anyone. But especially not a cop. He couldn't do it. He'd have given up. As a matter of fact, if left alone Jacob would have been done with his little game in another couple of minutes. He'd have finished, put the gun away, and turned himself over to the principal or the faculty even before the police arrived. And that's a fact also because they found his list. Six names total. Six seniors he was going to call up to sign their award over to six deserving classmates. All he wanted to do was make his point, and six was enough to state his case. What would have been a simple exercise in how and why the awards program could be improved, Steagle turned it into a gun battle. When he got in there and saw a gun barrel turn and point at him, he wimped out. He probably thought about his wife and his kids and his own ass and told himself he was going to have to shoot his way out. Stupid! He was a stupid man, totally out of his element. He's the last person you'd want to see with a gun in his hand--*because he has no control*. When someone shoots at you from twelve feet away and misses you by four feet, that someone sure as hell wasn't shooting at you. All he was trying to do was scare you into putting your gun down and letting him finish.

Steagle was like a no-mind in the woods who shoots at a sound he hears and kills another hunter. *Sound shot* they call it. And that's what Steagle did. He heard the sound of Jacob's gun. It never registered on his brain that he wasn't hit, that he wasn't a target. It never registered that no one could miss at that close range. It never registered that Jacob



wasn't trying to hit him. At the sound of gunfire, Steagle's mind totally shut down, and he pulled the trigger. It's another example of Steagle totally out of his element. Stick a piece of chalk in the man's hand but for God's sake not a gun!

How can anyone defend that? How can people consciously line up behind Ray Steagle? He killed a high school student. It was a senseless killing. The police had arrived. Why was he trying to be a hero? Is he that insecure that he thinks he has to prove himself? And prove what? His manliness? It's insane. Absolutely insane. Talk about your loose cannon! Steagle's a prime example.

What about Sweeny? Okay, Pat can't be faulted. He's a PD. They should call them DP's--due processors, primarily in court to make sure the defendant isn't railroaded. The PD doesn't have to get mentally involved. Just go through the motions as so many do. Can you really expect a PD to throw his whole heart into a defense when the accused has no redeeming qualities whatsoever? No. And when a teacher guns down a student, kills the boy, do you run around digging up character witnesses to testify to all of the man's redeeming qualities? No, you don't, because no amount of human attributes can balance the heinous act he's committed. You don't defend him. You let him hang. That's justice.

Len reached for the radio knob, then realized he was only a few miles from I-39. Alone, he generally drove a little faster, and on the interstate he didn't want any distractions. He knew the two-hour lecture before lunch and the one-hour after wouldn't be a problem. That was simply dispensing information. He spoke--they wrote. If his emotions were to unravel however, it would likely occur in the Q & A period. Hypothetical situations raised by the students could get personal, whether they intended that or not, but it could strike a nerve. They certainly knew who he

was.

As expected, the one question always asked came from a man in his late twenties. “Don’t we have too many laws? It seems there’s a law for something, and then there’s a law against that something. Am I right or wrong or just overstating the facts?”

“You’re definitely not overstating,” Len said. “That happens all the time in court, and much of the problem stems from the judges themselves. One judge will rule one way in his county and another judge on virtually the same incident will rule differently in his. And so when a prosecutor quotes a previous trial judgment to support his case, the defense attorney then quotes the opposite judgment. I can give you a Badger County example of that. The previous judge would not permit a defendant’s credit report be introduced in a criminal trial. Only in a civil trial. Judge Bender will. The result--irrelevant in one court and relevant in another.

“It would be so easy if we could write all the laws we’ll ever need and just go to the book where the punishment for that specific crime is stated. But let’s go back to the past and see where some of this started. There was a biblical time when murder could be avenged, but there was also no distinction between murder and manslaughter. So we started to define *kill* as it exists in our world. You can say a rose is a rose, but you can’t say a kill is a kill is a kill. We agreed that killing is bad, but then discovered that some killings are worse and some killings are the very worst. So we devised a hierarchy of degrees. And you know what happened then. We had to get a judge, a prosecutor, a defense attorney, and a jury together to *interpret* what degree of killing it was, and then let the judge *interpret* from the limits of punishment established relative to the *degree* of the crime just what sentence to impose. And then when the judge presents his decree to the court, higher courts can be pursued on appeal and the interpretation process begins all

over again. And don't forget, from one state to another the laws aren't uniform. You can move to a state and commit a crime you didn't know was a crime because in your home state it isn't. So--that's how we end up with these conflicts of the law." He smiled. "I hope that wasn't an oversimplification."

Len held that smile as he looked at the man who had posed the question. "Did I answer your question?"

The student nodded. "Yes, and a few more I had in mind," he said sheepishly.

Len scanned the group. "Anyone else?"

A young woman raised her hand. "No offense intended, Mr. Kriter, but why do attorneys write so much, use words no one else does, and talk so long?"

Len laughed. "Because, young lady, we get paid handsomely for doing just that and we charge by the minute. I've come to believe that lawyers don't have the mindset to work for nothing. Maybe they'll offer a no-fee thirty-minute consultation, but then comes the retainer. Once that's in hand, it only takes a few minutes to make up for that free half-hour. Remember now--every time you arrest somebody, that somebody needs defending, and there's a whole line of us waiting at the trough to get a piece of the action."

Driving home, he felt good, relieved, better than he had in weeks. The classroom had been a complete distraction, a healthy distraction from the events in May. He turned on the radio to his favorite station out of Rhinelander that played the *oldies*. He sat there humming along with Ray Charles and "Georgia on My Mind." It wasn't all that long ago, however, that he discovered he couldn't hum along with Michael Bolton's version.

His dash-mounted cell phone rang. He turned Ray down and the phone on. "Hello."

"Are both hands on the wheel?"

"Hi, hon. Is this like *Are you sitting down?*"

“Exactly. You won’t believe it. Happened a little over an hour ago and I figured you were still tied up with your captive audience.”

“Serious?”

“Extremely.”

“I’m ready.”

“Pat Sweeny keeled over in court. Diagnosis here--stroke. He’s over there by now or he’ll pass you on the way. He’s conscious. That’s a good sign. Amy and Ray Steagle were on him with CPR in ten seconds. Really did a super job.”

“My God, Diane--that’s unbelievable. How long do you suppose he’ll be out? Probably looking at bypass surgery, right?”

“Probably. That or at least angioplasty I would think. He won’t be back though.”

“He won’t?” he said surprised, knowing others who were shortly back on their feet and seemed to be doing just fine.

“Seventy-some years old, Len. Too old for stress. And with all that weight he carries--some of which he’ll now lose, although he’s probably the type who’ll put it right back on--he could have serious heart damage. No, Len--I think his doctor will tell him his trial days are over.”

“I wonder what Judge Bender will do now.”

“What can he do?”

“I suppose he’ll study his PD list and talk to some. I know he wants to put this behind him as soon as he can and get the county back on track. Better that the people argue with the city council and the county board over issues than have two camps dividing the town over the shooting.”

“Aren’t you glad you took your name off the list?”

“I am, Diane. I’ve heard some of the other guys talk. They say it’s really tough defending anyone these days. You end up just being a part of the swinging door. The perp pays

a fine and walks. Jails are overcrowded and all the cruds know it. And if the judge does order jail time, then the PD is the fall guy. In principle it's a good program, but too often in practice it's a waste."

"What if your name were still on the list?"

"What do you mean?" he said, his voice able to hide only part of his puzzlement.

"Well, say you're on the list and Judge Bender talks to you."

"To *me*?" he said, utterly shocked that she would ask. "Talks to me!" His voice rose. "To defend Steagle? Are you kidding? He wouldn't do that, Diane. No way."

"But why not, Len?"

"Diane," he said, more sharply than intended, "c'mon now. Get serious. How could any attorney defend the person who killed his son? Conversely, how could a murderer get a fair trial if the person he killed is his defense attorney's son? I doubt the accused would even get due process. The attorney would just sit, listen to the prosecution, and offer nothing in rebuttal. Case closed."

"You call those attorneys slime bags."

"Among other things, yes."

"And you're not a slime bag, Len Krier. And you couldn't be a slime bag because your conscience would grab you by the jewels and wouldn't let go, not until you gave your last ounce of blood to see that the defendant got fair treatment in a court of law."

Len was quiet. Strong words from a mother whose son was the victim of a shooting, he thought. But he also knew Diane wasn't one to dance around a subject. And she wasn't prone to hypotheses--if this, then this. She was fishing. He was sure of that--and right now only mildly disturbed by it. "Well, anyway," Len said, "thankfully I'm not a part of it."

"So what happens if Judge Bender gets no takers? He can't just pick someone and say you're it, can he?"

“He can and he has, but not in a situation like this. Even if some bastard is on Steagle’s side, getting involved could really hurt the guy’s practice. And if he’s with a firm as a partner, he sure as hell better be on the same page as the other partners.”

“Well, okay. So--you’ll be home by?”

“Four o’clock probably. I’m not going to stop at the office. I want to cut the grass. Supposed to rain tonight or tomorrow. I’ll be done by the time you get home. We’ll have some wine.”

“I put another bottle in the fridge this morning. Another bottle. Sounds like we got us a bit of a problem, doesn’t it. Well, you get home and sweat awhile. Do you good.”

If Diane were coming home with a load of groceries, she would stop right at the back door. Otherwise, it was straight into the garage a car length away. She saw Len sitting on the back steps the instant the front wheels hit the cement driveway, but she didn’t really see him, not until she’d parked and with only her small purse in hand started walking toward him.

Suddenly she stopped, threw both arms into the air, and burst out laughing. “I can’t believe I married that man sitting there and then kept him around,” she said, laughing even harder.

He was wearing a ratty gray T-shirt, the chest and pits dark with sweat, grass-stained tennies, and white socks spattered with fine grass from weed whipping. He looked like a lost soul hoping for a handout.

It wasn’t his seediness that struck her. He always looked that way when working around the house. It was the red Badger cap he was wearing. He had it pulled down over both ears, the bill resting on the bridge of his nose, hiding his eyebrows and half his eye lids. He tilted his head back, his eyes peering out at her, and then screwed up his face in his hilarious Frankie Fontaine look-alike.

“You’re implying, my dear, that you could have done better? Is that what I’m hearing?” he asked, grinning, and at that moment wishing he had a toothless grin.

“Doing nothing would’ve been better,” she scoffed.

“I’ve got something to show you,” he said, standing and pushing the cap back at a jaunty angle.

“You’ve used that line before.”

“I know. And it always piqued your interest.”

“I guess you haven’t noticed. My interest peaked years ago.”

“Oh, I see. So you’re telling me you’ve been pulling that Meg Ryan diner act on me.”

“Impressive performances, eh? Deserving of an Oscar I’d say.”

Then, as if someone threw the switch, they both sobered, the glint in their eyes gone, the skin taut.

She reached up and lightly touched his cheek. “You had a good day. I’m glad. We haven’t loosened up like this since--”

“I know. It’s like we’ve both been strung so tight. One more twitch on the thumbscrew and all the strings are going to snap. The body can’t relax. The mind can’t relax.” He removed the cap and wiggled it a bit. “And now this. It’s Jake’s. I discovered something. I don’t know what, but I think I know. But I don’t know if I want to know. C’mon, I’ll show you.”

The door opened into what had once been a back porch the full length of the house but had been glass-enclosed and furnished with blue-cushioned white wicker rockers and a matching sofa appointed with small matching tables and a coffee table, all arranged on blue indoor-outdoor carpeting. Ten feet of the floor beginning at the door was a patterned vinyl with a long dark runner to hopefully absorb the dirt and wet before entering the kitchen. A white wardrobe for outdoor work clothes stood in the near corner against the

wall, and next to it were two cap racks.

“You know how every once in a while I want to wear something of Jake’s? You know--get a feeling of being close to him? I thought I’d just put on one of his caps for a minute after I’d finished. Not to wear it and get it all sweaty, but just be close for a little while. Kinda feel his presence.”

“Oh, Len--I do that sometimes too. I miss Jenn and Jake so much that I just go up into each of their bedrooms and sit on the bed for awhile, rub my hand over the quilt and pillow. And yes--it’s like their presence is still there. It was always their space. We didn’t intrude. And I suppose--I suppose sometime we’re going to have to undo his room, but I’m not ready for that now. Not yet.”

“We’re in no hurry, Diane. We just take it a day at a time. It’s hard because each day is a step farther away from Jake, and we don’t want that. We don’t want to move on. We want him right here with us.”

He turned toward her, a sudden anger contorting his face. “And do you know what really burns my ass. Anyone out there who’s crying for the Steagles doesn’t have a clue--not a goddamn clue--what we go through every day we’re in this house with Jake all around but knowing he’s not here. They should walk in our shoes, Diane. Envision the memories we have of our wonderful son. Maybe they’d come to their senses then. They’d have to--unless they’re mindless--which I think most of them are.”

He walked over to the cap racks. “But look here,” he said, lifting an identical red Badger cap from another peg and turning it over. “This is mine. It’s adjusted to my size.” He lifted another. “This is the one Jake’s buddy Weatherby gave him. See the adjustment. Same as mine. Our cap size was the same. Now, you haven’t seen him wear this one for a long time. What’s he been wearing lately?”

“The Packer, that red Badger, and his PRHS cap.”

Len showed her the other two were adjusted larger also.



“I measured the distance between these adjustment holes. Three-eighths of an inch. Why did Jake need his cap size bigger?”

She stared at the cap a moment, then up at him. “And Len--why did he start wearing them backwards? Remember when kids started that craze and he couldn’t understand why anyone would want to look stupid? And yet just recently he gave in to it. When I asked why, he laughed and said, ‘Just to be *dorky*.’ So what happened?” She paused, then said quietly, her voice shaking, “He-he was hiding--hiding something, Len. His head had either gotten bigger and he was hiding that, or it hurt somewhere and he had to loosen it. Or both.”

“A tumor?” Len asked softly.

“That’s possible. Or blood pooling and creating pressure.”

“When he was brought into the hospital, you didn’t notice anything, did you?”

“No. He was on his back. There was no need to turn him. He was gone.”

“Did you see the x-rays?”

“I looked at them later. I can’t say I saw anything other than the damage. But I didn’t really want to look. I just looked at the brain stem. Did you read the autopsy report?”

“Hutch sent me a copy. Cause of Death was brain damage from a .38-caliber bullet. That’s it.”

She lifted another cap from its peg and examined the adjustment. “Len, do you recall something about the autopsy being held up or delayed or something?”

“Vaguely--but yes, something like that.”

Diane looked at him anxiously, her breathing more rapid. “So--do we do something--and if so--what do we do?”

“I’ll give Dad a call right away. He’ll call his buddy Rivera, the CME, to see if he knows anything about a delay. When the man was just starting out as a rookie medical

examiner, Dad was the DA then and liked him right away. Said he was meticulous in everything--from the ugly to the paper work. His words.”

The return call from Harry Krier was prompt. Rivera would fax them something sometime after eight o'clock. Len and Diane were in the office by seven-thirty. At eight-twenty the fax machine started to grind. Four pages with a hand-written note on the cover...

Mr. and Mrs. Len Krier,

These neurology and pathology reports were to be sent directly to you. They are not part of the autopsy and not public domain. One of the MEs had them attached to the autopsy, but I said no. Your son's condition prior to the shooting is your business and no one else need know unless you choose. It's unforgivable. This should not have happened. My sincere apology.

HR

Len didn't need to read it all at the moment. He knew where to look. Six words jumped off the neurology report: "Brain stem destroyed. Occipital lobe mass." Two words on the pathology report: "Cancerous tumor."

He went over and sat down in the chair next to Diane, pointed to the words, and they took turns reading each report completely.

Len broke the silence. "You saw what neurology said," "Inoperable," she read aloud. "Impossible to excise completely. Risk: Extreme. Visual and motor skills compromised. Extent of impairment unknown but severe probable." She looked at him, her eyes tearing. "It's all

negative, Len. You can always find someone who'll operate, but if this doctor had examined Jacob, he'd have advised against it. He'd say take Jacob home and enjoy him while you still have him."

Len lowered his eyes, partly to hide his pain but more to avoid seeing hers. "That's saying that on the day he was shot, his life was already doomed." He brought his eyes up to hers.

"Let's go home, Len," she said, her voice quivering. "We'll talk there."

It was quiet except for the hum of the refrigerator. They sat cross-corner at the kitchen table with two mugs of reheated coffee and talked at length about why.

Why didn't we see the signs? No--we did see the signs. We just couldn't read them. But who could have known by just looking, by watching? No one. No one could have interpreted Jacob's problem was due to an inoperable brain tumor and at seventeen was terminal and very close to death.

Why didn't Jake say something? Why didn't he come to us, tell us what was happening to him? But he couldn't know. How could he? No way could he look in the mirror and see death.

Len took a cold sip. "Diane--do you think any kind of cancer treatment would have been an option?" he asked.

"That'd be the oncologist's call, but when a neurosurgeon says it's inoperable, the tumor is already so large that it's invasive to the point where it's pressing outward against the skull which then forces its growth inward and is ultimately pressing on other nerves and..." She stopped, bit her lower lip, then, "Len, you realize as a county hospital nurse I'm just a short step above the layman when it comes to this heavy stuff. I suppose if I were down in hospice I'd know more."

"And that's why people trust you, Diane. You never come across as a know-it-all trying to impress someone."

It was well past midnight when they decided they should have a sandwich for supper. They never opened the wine.

## CHAPTER 22

Len Kritter was sure the court docket for the day would be open at least the first part of the morning. With the Steagle trial now postponed, Judge Bender would probably be busy rearranging his schedule as much as possible rather than waste the court days that were set for the trial.

Knowing the judge normally got to the courthouse at seven-thirty, whether he was to be in court at eight or not, Len was there on the antiquated wooden bench in the corridor outside chambers at seven-fifteen. A few minutes later he heard the man's heavy steps slowly mounting the stairway, increasingly slower near the top.

Bender was breathing heavily, taking in huge drafts of air and exhaling loudly. When he turned the corner and saw his visitor, his face beamed. "Well, Len," he said jovially, breathing more easily. "How nice to see you. How long has it been?" He held out his hand.

"Eight months since we worked together, Judge. That Greedy versus Poorboy divorce."

"Oh, hell, Len--I call that one the Bitch-Bastard case. I thought those two losers were made for each other. The sad

part is--they'll probably both marry again and ruin two more lives. Man, what an ugly memory that is to start out the work day," he chuckled, unlocking the door. "Come in, come in." They walked through the outer office into his stark confines. "That's the best chair, Len," he pointed.

"I'm not interrupting, am I, Judge? We could maybe do this later or another day."

"No-no. There's nowhere I have to be all morning."

Len smiled to himself. With Judge Bender being windy, this might take all morning!

"You know, Len, it's a pretty good sign when an attorney isn't in court all the time. It means he's bringing the two sides together on his own. Does that explain your absence?"

"I guess that about sums it up," Len said.

"Good. You sure got a lot of your dad in you, Len. That's how Harry operated. Settle disputes at the lowest possible level."

"I see you still disdain the nice elevator we taxpayers had installed for you at catastrophic expense."

"See," he said, pointing a finger, "that's Harry. As soon as a word of praise came his way, he'd change the subject. But the steps--they're my only exercise. In court I sit on my ass all day. In here the same. And I don't walk the golf course anymore. But the hell with me. What do you hear from your dad?"

"Talked to him last night. He and the matriarch are doing okay, given what we've all been through. They've slowed some of course, but holding up."

"I wanted to talk to them more at the funeral. It just wasn't the time. Only enough for a few words of condolence and a handshake. It hit all of you so hard. Aw, Len--it hit everyone hard. It's the biggest tragedy this town has experienced in fifty years. And still it's not over. I thought we might get the trial done in a few days and begin to heal

this week, but now with Sweeny--well, you know what I'm saying. Harry didn't know Sweeny, did he?"

"No. Met him once, but never got to work together."

"You know--I've always dreaded someone having a gran mal seizure in court or someone vomiting all over someone else, but when you see death that close, it really jerks a body's chain pretty good." He caught himself then and with an open hand slapped his forehead hard. "I'm sorry, Len. Sometimes I revert to my teen days when I was an absolute freaky idiot. Let's talk about what brings you here."

"Warren, did you know the autopsy report on Jacob was delayed getting here?"

"I recall at the preliminary hearing Brad said something about that. He couldn't arrive at a specific charge against Ray Steagle until he got it."

"But you don't know why it was held up down there."

"No. No I don't."

"The CME and Dad go way back. His name's Rivera. He hasn't ever testified here for the State, has he?"

"Thankfully, no. When a DA puts the State's Chief ME on the stand, you know it's heavy."

"Well, he could be coming here," Len said.

Judge Bender leaned a little closer to his desk. "I can see you know something I don't, Len. It's written all over you."

Len withdrew the neurology and pathology reports from his briefcase and slid them across the desk. "These will bring you up to speed, Warren."

Judge Bender took his time, reading every entry beyond the name and address. He'd been leaning over the neurology page, his palms and elbows on the desk, when suddenly his head snapped, his eyes widened, and the hands noticeably trembled. He made fists, and the fists shook. The report rattled in his hand as he set it aside and picked up the other.

He shook his head slowly back and forth as he read the lab report.

His head sank lower as if he were falling asleep reading, but looking up then, the eyes were wide and misty. "Len, I am so sorry. You know this thing about God never gives you more than you can shoulder? Sometimes I just can't buy it--and this is one of those times. You and your family have been through so much, and now this. It opens the wound again. It's unbelievable, Len. Just unbelievable. You want to say it can't be, it's a mistake. You just can't look at a strapping young man like that and believe what these reports reveal. And you had no idea, Len? My God, what a stupid question," he said, tossing his head back in disgust. "Of course you didn't."

"I guess we did and we didn't, Warren," Len said flatly.

The judge frowned and cocked his head a little. "I-I don't understand, Len. But maybe I'm going where I shouldn't."

"No, Warren--it's okay. Actually I've never talked to anyone about any of this outside the family. On the Tuesday after graduation Jacob was scheduled for a battery of tests. He hadn't been quite the same for maybe seven or eight weeks. Nothing really alarming, we didn't believe. A little dizziness. An occasional headache. But the Weatherby boy, Jake's good buddy, revealed in his eyewitness account other changes we weren't aware of--blurred vision, speech problems, memory lapse--all symptoms of a brain disorder. Dr. Meader could have had him in for tests a week before, but Jake gave us a valid excuse about final exams, and we accepted it. Well, now we know. Diane and I talked about it into the wee hours last night. If he hadn't died that day, maybe he wouldn't have had all that many more days left either. His time was up--either then or very soon."

Judge Bender pointed at the reports. "I noticed the time of delivery these reports were faxed last night. You haven't



had time to speak with a neurosurgeon then. Will you be doing that, Len?"

"We're not sure yet. I know one thing--the inevitable can really change your mindset. We wonder if we really need to know more? That's about where we are right now. Do we want to know?"

"I hear you. You might want to pursue it from a family history angle however. You know--was there anything congenital in the past on either side? You might need to know for Jenn's sake and any children she might one day have."

"Excellent point, Warren."

A lull descended. They looked at each other, each waiting for the other. It was Judge Warren. "Well, Len, let's get to it--the reason you're here even before I am and right after receiving these reports. I know you've got something major on your mind."

"Warren--Diane and I did a lot of soul-searching last night. Jacob was a wonderful son, and Patrick Sweeny is such a decent man, stepping in when no one else would. We think Jacob would want us to defend Ray Steagle."

Judge Bender's expression never changed--not a blink, not a twitch. The only noticeable reaction was his silence. After a few moments his body shifted slightly in his chair, his hands remained clasped across his chest, but now he formed a steeple with his index fingers. His chin rested on the point, forcing the flesh upward and compressing his lips. He sat that way through several unheard ticks of the quartz clock on his desk. His eyes remained riveted on Len's throughout the silence.

He leaned forward then, the steeple collapsed, and he said, "When we were young, Len, we often played with life. We took chances. We were immortal. Then one day we grew up, and with that maturity came the great burden of responsibility. The arms of our wives and our children

encircled our necks, and we literally lived for our family. We would die for them. Now you've lost a pair of those arms, Len, and yet the burden is suddenly heavier. You find yourself struggling to maintain your own sanity while trying to ensure the emotional stability of Diane and Jennifer and your folks. You know you must be the pillar of strength for everyone. It's an awesome responsibility. Sometimes you'd just like to let go, just give in and say I can't do this anymore. And yet, here you are. You want to right your world, get it on balance. You need to feel the joy of life again, and you think one more great step might do it. Get the trial behind you so that you can truly move on. You want to do the right thing. I understand that because that's who you are."

He placed the fingers of both hands on the edge of the desk and played invisible keys. "Look, Len--you know that by law there's nothing that prevents you from defending anyone, including Ray Steagle, and you really don't need my permission. But you come to me because it is my court, and you wouldn't want to infringe on my domain. But by convention, Len, you know it would be highly irregular for you to defend the man. Of course you also know from experience in my court that I often ignore convention and go with my gut feeling."

Another period of silence ensued as the judge leaned back in his chair again, eyes closed, the steeple rebuilt and resting on his rising and falling chest. Then nodding to himself, the eyes opened and leveled on Len. "I get some good vibes and some bad vibes about this, Len, and right now the bad outweigh the good. But you know me, and you know this old mind isn't closed. It's an interesting request, and there is some wiggle room. But I am concerned. And I have to be concerned. I'm not sure your proposal isn't a knee-jerk reaction as a result of the reports. You may be moving too fast. Don't misunderstand, Len. I know you and

Diane don't make rash decisions, but let's kick a few things around. For example, yesterday morning you hated Ray Steagle, didn't you?"

"Yes."

"And you've hated him now for what--six weeks?"

"Yes."

And because of what you discovered yesterday, last night actually, less than twelve hours ago, you don't hate him today. Is that right?"

"Yes. That's right."

"Sounds to me like a major decision that could easily become a disastrous decision. I'm thinking that tomorrow, or twelve hours from now, you could learn something else you consider despicable about Ray Steagle and hate him all over again. I can't chance that. The man has the right to an honest trial and a fair defense. I don't see that you can bring that to the table, Len. I believe your own baggage is far too heavy for you to dismiss that easily what the man did. What do you know about the trial proceedings yesterday?"

"Nothing. Only about Pat. Diane called me."

He leaned almost halfway across his desk, his eyes fixed, his expression puzzled. "Are you telling me you haven't read last night's paper or watched any local news on TV?"

"Yesterday afternoon I discovered that Jacob had adjusted his cap size a notch larger. We started talking about it when Diane got home shortly after five. The paper's still on the front porch. We never turned on the TV."

"And you haven't talked to anyone about the trial at any time before yesterday? Not Hutch or Brad or Pat?"

"No. I called Hutch early on and said I didn't need updates. We've really tried to stay uninformed. We figured this is one of those times when the less we know the better we'll be. Actually, we've been recluses since it happened. Didn't want to run into a lot of people or hear what they

were saying. But people have been careful. Nobody ever said anything other than expressing their support for us, and no one gossiped in Diane's presence at work."

Judge Bender sagged back into his chair. "So you don't know there's a twenty-six minute video tape of the whole incident at the awards assembly, including every word spoken by Jacob and Ray Steagle and every gunshot--right to the very end when the EMTs come rushing in and then rush Jacob out."

Len's body stiffened, his eyes bulged then quickly narrowed to a glare. "A video?" he repeated, unbelieving. "Of Jacob getting killed?" he gasped.

Bender nodded.

"And everyone in court saw that tape yesterday? Not just the jury but everyone?" he raged, his eyes wide and on fire.

"In the morning," Bender said. "We recessed for two hours after. It is, without question, the most shocking evidence I've ever seen introduced in court."

Len sat there, looking off in one corner, trying to imagine what it must be like to watch something that you know ends so horribly. How do you watch it? It's not actors acting. It's real. A real murder. A vital young man will fall over dead, his life gone in a flash. How do you sit and watch and wait for it to happen?

He turned his attention to the judge. "I-I don't know what to say, Warren," he stammered softly. "I'm shocked."

"And everyone is when they see it. For you to defend Ray you'd have to watch it, examine it, scrutinize it, and I don't want you to see it, Len. You could never erase it from your mind. Better that you live with all the pleasant memories of Jacob. I thought you might have heard about the tape's existence awhile back. Hutch and Brad had hoped there wouldn't be a leak. Len, if you did watch it, you'd want to kill Steagle. No way could you defend him."

Len thought about last night, how Diane and he had rationalized for several hours, finally agreeing it's the right thing to do, even accepting the fact that Ray's actions actually protected Jacob from the agony of an impending slow death, protected him from knowing that none of his dreams for the future would ever be fulfilled. "Yes, I can, Warren. And I can watch that video. It's what an attorney must do. If I'm in your court, I'm not there as Jacob's dad. I'm Ray Steagle's defense attorney."

His lips tight, Bender nodded approval several times. "Exactly what I needed to hear. And you haven't told anyone about this--right?"

"Not a soul. I was hoping I wouldn't even be seen here. Someone might start thinking something, and you know how dangerous that can be around here."

"Len, my gut feeling tells me it could be good for Ray Steagle and it would be nice for Pat Sweeny, knowing you would finish what he started. And it could even be good for you and your entire family--if, and this is a big if, Len--if all of the family members are in agreement. Solid, unwavering agreement, Len. If there were any adverse reaction to the idea, you couldn't just ignore it. They've all suffered too much already. You don't want to cause anymore. And even if they all sign on, I'm not sure you can really know their true feelings. It could be a big can of worms, Len. Something you never intended. We've got two camps in town right now. You sure don't want to see your family divided too."

"You're right of course, Warren. We're certain that Dad will approve, and that means Mom will. But Jenn could be a test. She might think we've all lost our minds. And as you say, even if she agreed now, down the road her true feelings might surface and it'd be another bad scene."

"Right. We're sheathed in hide when it comes to a lot of things we endure, Len, but we're very thin-skinned

regarding our family. We bruise so easily. If one in the family hurts, the whole family hurts. It would be very hard on your folks if there were trouble with you and Diane on one side and Jennifer on the other. By the way, from what you've told me about yesterday and last night, Ray Steagle doesn't know anything about this, does he?"

"No. I thought that would be premature."

"It would--definitely. Now, here's something else to consider. Are you telling me that yesterday Ray was wrong for shooting your son but today he isn't?"

"I'm not saying that, Warren. What Jacob did was wrong. That started it. But from the witness statements we read, no one did anything right after that. No one. And in my mind the list is long. But Ray pulled the trigger, so he's the only one to blame for everything that went wrong. He's the fall guy, Warren. He was the one with the least authority there, and he becomes the sacrificial lamb. I can't get him acquitted, but I believe I can salvage a lot of years of freedom for him. He has to live with what he did. He'll bleed inside for the rest of his life."

The corners of Judge Bender's mouth curled slightly. "You've been thinking about this trial long before last night, Len," he said calmly.

"Yes, I have. It's that obvious, huh?"

Bender smiled, then quickly sobered. "One more question I have, Len. If you defend Ray, doesn't that demean your son?"

"Warren, Rivera's note stresses that the medical reports belong to us personally and are not part of public domain. In court, could I pull those reports out of a hat like a rabbit, not list them as evidence?"

Bender's smile broadened. "Definitely you can. As you say, they're personal. You have the right to withhold or release that material as you please when you please. Is that how you would defend Ray without damaging the character

and memory of your son?”

“Yes. The reports spell it out. The Jacob we saw the last few weeks wasn’t the real Jacob. His actions were so incongruous. Leland Weatherby and I are good friends. He told me it was his gun that Jacob had. My boy had a lot more going on in his mind than final exams.”

“A good approach, Len. His brain deterioration sabotaged his logic. Anything else you want to ask?”

“Yes. Could I submit my own list of witnesses that would supersede Pat’s list?”

“Yes.”

“Has Hutchinson testified?”

“Yes.”

“Been cross-examined?”

“Yes.”

“Can I recall him?”

“Yes.”

“The officers on the scene at the time of the shooting-- did they testify?”

“No. They’re not on Brad’s list.”

“They’d be on mine.”

“That’s your prerogative.”

Len smiled. “I rest my case, Your Honor.”

Bender made a fist and lightly pounded his desk.

“Damn, this is good, Len. I’ll be frank with you. Ray Steagle’s best chance for real justice is you. Anyone else dedicated to the case might shave some years, but no one could impact this jury like you could. And you know what that’ll do to Brad. He’ll go ballistic. And hey, it’s me that’ll catch the heat then, but it’s still my kitchen. There’s no precedence for this, and he may scream judicial prejudice or favoritism or whatever, but it’s not illegal. And that’s what matters to the court. Anything else you can think of, Len?”

“When would the trial begin?”

“I know you’ve already got a defense mapped out. You

probably thought all night about it. I originally scheduled the trial for two different time spans. Two weeks from yesterday is still open.”

“I can do that, Warren. Do I have access to Pat’s work?”

“Absolutely. And I’ll talk to him if and when I hear from you. Then will you be talking to him also?”

“If he’s up to it. I’d even bring him in as assistant if he wanted and you approved.”

“With a doctor’s clearance I’d be fine with that.”

“The same jury?”

“Yes.”

“So, where are we?”

“You clear the idea with your family and then the Steagles. Then get back to me. I’ll alert Brad then. And this is hush-hush until we’re all on the same page. If you need more time, we’ll reschedule.”

“Good. And thanks, Warren.”

“If it flies, I owe you, Len. But there’s one more hurdle you’ll have to face.”

“And that is?”

“All of the people who’ve been on your side, really adamant in their support for you and your family--and I assume that’s all of Bridger--they might not take kindly to your new stance on this. They might feel betrayed.”

“I suppose some will. But I think when we all know the truth about Jake, there’ll be a wave of forgiveness--for everyone involved.”

They shook hands.



## CHAPTER 23

Len found Diane on her half-hour lunch in the hospital cafeteria at eleven. Few were there at that time, and she was alone at a small table by the windows overlooking the colorful flowering walkway developed especially for the terminal patients in hospice. He caught her attention with a little wave, drew a cup of coffee, put two quarters in the dish on the counter near the unattended cash register, and wove his way through mostly empty tables over to hers.

She smiled inside. She could tell by the way he walked that he was pleased. When he was on top of his game, he had spring in his stride. She hadn't seen that in weeks.

Actually she hadn't seen anything of the Old Len. Not that he was moody or irritable. He was just so rigidly reserved, strung so tight. But she was also well aware she hadn't been his "sparkling gem" either. Together they were floundering in a quagmire of disconsolation, struggling to keep a clear mind above the bottomless depth of their pain. They were close, and yet not as close. The spontaneous levity in their life was gone. They felt guilty about enjoying anything, about teasing each other, about laughing together,

so they didn't. They went nowhere socially, not even to church, knowing they'd have to wear a face that didn't fit their mood. To smile still seemed sacrilege.

They visited Jenn the weekend after Jacob's funeral. Nothing gelled. They couldn't capture the good life. Everything they said and did felt forced, intolerably unnatural, which they knew but couldn't undo. They vowed to work on it. This trip would be a test.

Diane half-smiled. "It went well. I can tell," she said lightly, pushing some of the limp lettuce to the edge of her salad bowl.

"That obvious, huh?" He grinned slightly. "Warren started at no, raised some hurdles, I cleared them, and it's a go. Diane, he is so laid-back and yet so astute. His brain never ages. Do you know what his major concern is? Us. He hopes everyone in the family is on board a hundred percent so there's no division now or fallout later, and he's worried that some people who've been so vocal and supportive might abandon us."

"Maybe so, but not for long I wouldn't think. Not when they know." She speared a radish slice. "Do we have our reservation?"

"All set. The Concourse as planned. And I caught Dr. Meader in the staff room and showed him both reports. He concurs with our thinking."

She hesitated, not sure she wanted to ask, but then did. "Any mention how long he thought Jacob might have had?"

"He didn't want to commit without seeing the CT scans and x-rays, but he did say he could contact the neurologist on our behalf. I thanked him. We'll need all the information we can get. I'll probably go to Madison to get a deposition rather than try to schedule him for court testimony. So--are we able to get away early?"

"Not a problem. One o'clock. I called Jenn. She's happy we're coming. She'll connect with us at the hotel,

probably around five, and said she'd stay the night and do the Waffle House in the morning. She'll miss a lab but said she can easily make it up later in the week."

"Good. We could be up late tonight."

"Yes, and then again she might not even stay--like at the funeral."

That had been a tense moment, one they didn't need especially at that time. They were mounting the steps to the church when Jennifer quietly but forcefully informed, "I'm leaving for Madison right after the church service. I can't go out there and see Jacob suspended over a big hole in the ground with bright green indoor-outdoor carpet hiding the pile of dirt that's going to be shoveled in on top of him. Or do they use a bulldozer? Whatever--I can't do it--and I won't."

They didn't argue with her. They were disappointed but respected her reasoning. Jennifer never had to fabricate, never made shallow excuses, for she had no fear of speaking her mind. She could get ugly about it.

Responding to Jennifer's light tap on the suite door, they greeted her with hugs and kisses. The reunion was warm and genuine. Len opened the cooler and lifted the sixer of Leinenkugel.

"Leinie!" she squealed. "Oh, you guys--you're great. What a treat."

An hour later they walked the five blocks down State Street to Mario's for Chianti, ravioli, Italian bread, and black coffee. The wine and beer had softened the edge, and the dinner went well without major lapses in conversation. On their way back, they casually looked in the shop windows, checked the movie promo pics, and avoided eye contact with the small groups of oddly-dressed young people crowded around the small sidewalk tables and benches.

Jennifer knew many of them were students at the U like herself, living off campus and not part of the frat and sister

scene, but none were of her circle of friends. Most lacked direction and spent much of their time just “hanging out” with their group. If some thought their lofty goals were attainable, they were probably destined for a cold blast of reality. Could happen in a few weeks, the end of summer classes.

Back at the hotel they sat around the small circular table, Diane and Len with a sip of wine and Jenn with still five cans of beer left. After a few minutes when the banter began to lag, Len opened his briefcase, withdrew a folder, and laid it on the table next to him. “Jenn, honey--we want to get your input on something, an idea we have,” he said, hoping to sound casual.

He took his time, carefully explaining the autopsy delay, and then handed her the pathology report. She read slowly, digesting every word. Finished, she pushed the report a few inches away, then sat very still, staring down at what was now a blur. “Poor Jake,” she lamented softly. “Such a great guy. He never got his chance in life. It’s not fair.”

Len slid the neurology report across the table. As she read, they saw the blood slowly drain from her face, her youth appearing to fade away with the creeping paleness. She looked up through her tears from one to the other. “He--he was going to *die*,” she said in a quivering whisper. “That’s what it all means, doesn’t it? Inoperable. Skills compromised. Jacob was going to die.”

An angry frown lined her face. “There are so many shitheads running around--you saw some down on State Street--it’s just not fair. But--” She hesitated, then a spark hit her. Clear eyed, sitting up straight, she said excitedly, “But now we know what happened to him. All that stuff the kids wrote that we read in the car coming back that Friday--that he wasn’t the same Jacob they always knew--they were right. No way can you see our Jake sneaking into Weatherby’s garage and stealing a gun.”

She picked up her beer, took a long drink, but didn't set the can down. "That wasn't our Jake. That Jake wasn't the real deal. And now we know why." Her eyes danced from one to the other. "My God, he was brain damaged and we couldn't see it. He hid it, faked it so well. Okay, so he gets a little dizzy and has some headaches. Who doesn't? But we don't say *oh it's probably just a brain tumor*. No one thinks that!"

She stood, drained her beer, squeezed the empty can, and popped another. She looked off somewhere, took a few steps in that direction, then turned and said in a quiet, thoughtful voice, "I think Jacob knew. No, I mean--*he really knew*. I'd swear to it. I bet he researched it. He got on the internet and studied brain disease, brain damage, brain tumors, brain whatever, all of it. Check his computer when you get home. Look at the recent websites he visited and check his bookmarks. You'll see. I know you will because that's exactly what Jacob would do." She gently swirled the can, then took a sip.

"We will," Len said. "Good idea. Let's assume you're right--and Jenn, I do believe you are. Now let me ask you this. Knowing what you do now, does it make Jacob's death any easier for you to accept?"

She thought awhile, pacing, never touching her beer. "Yeah, it does, Dad," she said, then looked at Diane. "I really think it does, Mom. He'd have hated knowing about it and having to live with it. Jake never turned away from a challenge in his whole life because he always believed he'd find a way to overcome it." She took a long swallow. "God, he was so strong for just a kid. He was my rock. But these reports spell it out--no hope for Jacob Krier. He'd have hated it. And he had to know he wasn't getting any better. And if he couldn't overcome it, then he didn't want to hang around and see if he could manage it."

She stopped, held her left hand out for emphasis, her

right steady on the can, and said, "Think of the suffering he imagined. Dying a little more each day, one day at a time. Every time he'd open his eyes he'd wonder if the next time he closed them would that be the last. Oh, God, I'm glad he didn't have to face that. And it would have been so hard watching him go. He's helpless. We're helpless. He couldn't do a thing but just--just live with it until he didn't anymore. God, how horrible."

Len and Diane exchanged glances. Her eyes said *yes, Len--now.*

"Jenn, Patrick Sweeney had a stroke yesterday in court."

She had just lifted the beer to her lips, but stopped and stared at him, waiting. She didn't know any Patrick Sweeney.

Len realized immediately and said, "Ray Steagle's murder trial started yesterday. Pat was his attorney, a public defender. None of the local attorneys want to get involved for various legitimate reasons. Judge Bender could force the issue, pull a name out of the hat, but that's not very reasonable either. The Steagles can't afford a big city attorney at somewhere between two hundred and four hundred dollars an hour."

Her eyes widened. Her chin came up tight, and she riveted her eyes on his, then on her mother's. "So that's what this is all about," she said, waving her hand in the air. "The Leinies, wine, Italian. Belgian waffles in the morning." Her voice rose. "You want to go into court and defend Ray Steagle for killing Jacob. You're trying to bribe me, shower me with attention. My God, my own parents trying to soften me up so I'll go along."

She turned to her mother. "And you, Mom--you're in this too. My own mom, trying to deceive me." She held both hands out in a gesture of pleading. "Don't you guys get it? It's exactly what Jacob would have wanted. He knew what was happening to him. He knew he was going to die!"

She grew silent then, resumed her pacing, drained the

can in her hand in three gulps and popped another. Twice she stopped, motioned with the can as if she were ready to speak, but then didn't. Finally she stopped, looked first at her mother, then at her dad.

"Do you know what Jacob did?" she asked, sounding as if she couldn't believe they didn't. "I'll tell you what he did. He set it up! He said I'm going to make a statement so loud before I go, something that can really help a lot of kids, not just right here but maybe a lot of places. So loud that everyone will hear!"

She took a long swig. "I don't know how Jacob thought it would end. He sure didn't expect Mr. Steagle to get in the middle. Who would? Jacob probably figured the police would take him out. He could point his gun at them, or even shoot wildly, and BANG, he'd be gone. I know one thing-- Jacob would never have put the gun to his own head. That sends the wrong message. Yeah, it was an ugly scene, but he knew it would sure have an impact. No one would ever forget why he did it. Jacob would never look to be a hero, but if he got the idea rolling, then others might pick up on it and wouldn't let it die. Don't you see? It's Jacob's game the whole way and no one loses. Oh, God--he is so fantastic."

She drained the can. "And look what he did. He didn't have a Plan B. It was just going to be him and the police. He knew they'd come. So he scared the hell out of everyone and kept them there. Remember now, he's got a screw loose. Yes, I know that sounds cruel, but it's true and he knew it. He knows he's not the same and won't ever be the same. So he scared the hell out of everyone. They think they're going to get shot. That's the price they have to pay. But he'd have never hurt any of them. Never. But if he let's them all go, then nobody gets it, the big picture I mean. See, to make it work everyone there has to pay part of the price too."

She sat down, her eyes traveling back and forth from one to the other as she spoke. "Remember now, like I said, Jacob's not really Jacob. No way is he thinking clearly. That's pretty obvious from the eyewitness statements. They couldn't believe Jacob Krieter had a gun, was blasting away, and holding them hostage. And so look what he does with Mr. Steagle. He doesn't really think his teacher will shoot him, but if he does--and if he does it right like the police would--then he not only shoots in self-defense but he saves the whole student body and the faculty and everyone there. God, Jake's a genius. He knows he's going to die soon. Why just lay around and wait? *Do something with your life that will count for something.*"

She got up and did a slow pirouette. "God, what a great brother he was. And what a sweet guy. As a family, we sure lost a lot, but maybe a lot of people will gain because of him. Do you know what everyone has to remember? Despite his condition, he was still a brilliant guy. He was never out to hurt anyone. In his own way--right or wrong--he wanted to help kids and then leave the planet early."

Len got up, walked around the table, and put his arms around her. "Honey, you just wrote my closing argument. Maybe you can be there to prompt me if I start to mess it up."

"You bet I'll be there. I want to testify. I want to tell the world about my little brother and that he sure never intended to bring any harm to Mr. Steagle. He admired him so much--as we all do."

Diane rose and joined the embrace. With Jenn in the middle and shorter, Diane and Len exchanged glances, rolling their eyes in relief...and in disbelief.



## CHAPTER 24

With Jennifer in agreement, Harry overwhelmingly supportive, and Norma surprisingly alert and enthusiastic, especially after Jenn's reassuring phone call to her, Len Kriter approached the young man wearing the gray guard uniform seated at the jailer's desk. Never having met, he identified himself and asked to see Ray Steagle in the attorney/client visitation room, indicating he preferred his name not be mentioned.

"Gotcha, Mr. Kriter. If you need anything, just yell Pete."

Len followed him halfway down the corridor, knowing the room was empty when he saw the guard's chair empty, and let himself in the room, closing the door behind him. The guard continued on, holding his ring of keys tightly against his hip to prevent the jingling.

Sitting on his bunk reading, Ray looked up as the sound of a squeaking boot ceased.

"Got a visitor, Ray," the guard said, unlocking the cell door. "I can't post another guard outside right now. The boys are in some meeting. I'll hafta cuff ya. But I'll tell ya--

I'd rather do double duty than sit through one of them."

Ray stood and held out his hands. "I hear you, Pete. Who's here?"

"I didn't ask," the guard replied, smiling to himself for his cleverness in avoiding a lie.

"Well, there's one thing nice about jail, Pete. No telemarketers."

"You got that right. And no door-to-door preachers. Man, I hate them dudes."

Ray laughed. "You said that, not me."

The guard opened the visitation room door and held it for Ray. "He has to stay cuffed, Mister. I can't sit outside here and cover the desk too."

Len gestured no problem.

Ray walked in and the door closed behind him. He eyed the man, then the briefcase.

Len held out his hand. "We've never met, Ray, and I don't know if you know me."

"Len Kritter," Ray said flatly, a frown of suspicion showing. "Jennifer's and Jacob's dad." He glanced at the open hand, hesitated, met Len's eyes, and then awkwardly extended both of his, matching the firmness of Len's grip but no more and no less. "For awhile there a couple years ago, you were the local news, both TV and the paper. That Dr. Fleet trial."

Len nodded, casually disengaging their hands. "For me, the media attention was the worst part. The DA has to do his job. We're not supposed to end up making the other man look like a total loser. That was all the media's slant." He set the briefcase on the floor by a chair at the smallest of the three tables. "Ray, could you use a cup of coffee? I sure could."

Still suspicious and making no effort to hide it, Ray nodded but saw no need to comment.

Len stuck his head out the door and called, "Pete, are

two coffees possible?”

“Yep, Len, they are. Want yours black like Ray?”

Len responded, then turned and smiled at Ray. “I asked him not to tell you my name. I wasn’t sure--well, you understand I’m sure.”

“Look, Mister--”

“Len. Let’s keep it short, Ray.”

“Okay. Len. Yes, I understand. And you can understand why I’m curious.”

“Let me start by saying I haven’t read a word in a newspaper or watched one report on TV about the shooting. Neither has my wife, Diane. To what purpose would that serve us? None. What’s done is done. Can’t change that. Better for us to let justice take its course. We’ve read the eyewitness accounts however. At 8:40 you shot my son. Diane was on duty at the hospital when Jacob came in. She saw he was flatline. A total absence of response. He never knew what hit him. The bullet destroyed his brain stem. He didn’t suffer.”

The knock at the door stopped him and he opened it. He took the two steaming mugs, thanked the guard, and pushed the door shut lightly with his foot. He handed one to Ray. “Let’s sit,” he said. “Do you mind?”

Ray didn’t respond. He sat down and took a cautious sip.

“Ray, there’s no way to ease into this,” he said. “I’ll cut to the chase. I did some checking early this morning. Pat Sweeny won’t be back in court to defend you. Heart attack. Doing well enough but recovery for him will take some time. I know the rest of the attorneys are still sitting on the fence, not waiting to jump in and defend you, just watching. The fact that you had a PD tells me about your financial situation. I’m offering you my services. No retainer. No compensation in any form. Nothing. And I will defend you. To the best of my ability, I will defend you.”

Ray's expression didn't change. He lifted the mug to his lips, but his eyes never left Len's and never blinked.

"I don't promise you an acquittal, Ray. As a matter of fact, any involvement by me might even hurt your case. You've got good people supporting you. Some of that support could erode. I can tell you that Diane--and you know Jennifer--they are both one hundred percent in support of this idea. I couldn't and wouldn't do it without their wholehearted approval. Since Pat collapsed only two days ago, you know I've moved fast on this, but I don't expect you to make a hasty decision, Ray. Just as I approached my whole family before coming to you, I know you need to do the same."

Eyes down, Ray shook his head back and forth a few times. He looked up. "It's a lot to digest, you know. It's alien. I killed your son. You're the last person I ever expected to see. I had hoped I'd never have to face you and your family. Why would you want to defend me? Why wouldn't you rather be the district attorney? Or maybe you would. This makes no sense to me."

"If my son had killed your Hannah or Rich--" He caught the slight arch of Ray's brows, perhaps surprised that he knew the names of the children. "--would you have barred my son from your English class, refuse to teach him?"

"No," he answered quickly, boldly.

"Why not?"

"It's a public school. He elected a college-prep class. It's my job to teach whoever walks through the door."

"And the court is a public entity. Every free individual has a right to be represented before his freedom is abrogated. It's my job to defend whoever needs defending."

The right corner of Ray's mouth curled just a little, and Len didn't miss it. Ray responded, "You and the world know I killed your son. I am guilty. I entered a not guilty plea at the arraignment on the advice of Pat and my family.

How can you possibly defend me?"

"Are you asking upon what grounds would I defend you? My tactics? My game plan?"

"Look, Mr.--ah, Len--I'm not getting testy here. I'm not afraid of a sixty-year sentence because I won't live another sixty years. I doubt I could do thirty. I'll be insane before that. But if there's any hope that I could get out of prison with some time left to try and make up to my family all the agony and torture I've caused them--which I know is impossible--then I have to try. I have to know I took my best shot. I'm not sure you're the right man for that. Pat Sweeny didn't have an ax to grind. None of the other attorneys have the balls for it. So I'm not really sure who can do the job, but at least I'm sure of one thing--any other defense attorney I get isn't the father of the boy I killed. If our roles were reversed, I can't see me coming to you."

Len shook his head. "I'm sorry, Ray, but I'm not prepared to divulge my strategy right now, not until you sign the binding agreement that says our relationship is attorney/client just as you did for Pat. How I defend you is only for me and my family to know until I see your signature that binds both of us to confidentiality. There are definitely personal considerations for my family and me that must remain unknown to you--but only until we're partners in this cause."

Ray smiled, as though offhand but more of a smirk. "What choice do I have?" he asked, sounding trapped.

"I doubt you'll get a PD as diligent as Pat. You could represent yourself. Highly inadvisable. I think you have the mind and the language for it, but Rodell can be ruthless--is ruthless. It's never wise to test him. You could request a change of venue on the grounds there's no viable attorney here to defend you. You'd get shipped somewhere in the state and assigned whomever. I'm not pressuring you, Ray. I'm just stating some cold facts. Do I want this case?" He

pointed a finger sharply at Ray. "I want this case more than any I have ever undertaken. There is justice for the client and justice for the attorney. Seldom is the latter a consideration. With you and me, I'd say it's fifty-fifty, and that adds up to a hundred percent."

"What if I sign, you divulge what you refuse to tell me now, and I don't agree?"

"Then you fire me, we dissolve the agreement, and you get someone else."

"And that someone else could take your agenda and use it."

"Yes, he could," Len said without expression, "if you've killed his son too."

Ray hesitated. "So--unlike Pat Sweeny who defends me out of dedication to his profession, there is something in this for you."

"Oh, absolutely. And for my entire family. And you know it's not money."

Ray thought a moment, sipped the now lukewarm coffee, and said, "I still don't have much choice, do I?"

"You have all the choices you had before we sat down here. I don't believe my offer has negated those in any way."

Ray held the mug with both hands. They were shaking. "Jacob was a fine young man, Mr. Krier. An outstanding young man, a very bright student, and very even-tempered. Possessing three of those attributes, Jennifer had an attitude however. Very strong-willed, but not one to jump to conclusions. She rolled ideas around in her mind, and then, ah--"

"Exploded," Len said.

"Yes. And now you're telling me she bought into your plan."

"No. Not just bought into it, as you say. She supplied half of the defense strategy."

“Really?” He caught himself. “Sorry. I didn’t mean that the way it sounded, that I don’t believe you. I’m just surprised that she initiated any part of your defense tactics. Is she going into law?”

“Veterinary.”

He raised an eyebrow. “I’d have never guessed that.”

“With our schedules, Diane and I never allowed the kids to have pets. None of any kind. No fins, no feet, no squiggle. She wants to work for a zoo.”

“Incredible.”

“We think so. Listen, Ray--I know you have to talk this over with your family. There’s no rush.”

“But the longer I wait, the longer I just sit here. The wheels aren’t turning.”

“True. I do want to defend you. I think I make that very clear. My motive is split between your satisfaction and my own. If you have any other questions, or you want me to sit down with you and your wife, here’s my card.”

Ray absently glanced at it. “When do you think the trial might begin again?”

Len wanted to smile but didn’t. “My defense of you would start two weeks from the day before yesterday.”

“You spoke to the judge already?” Ray said, his surprise unmistakable.

“It’s his courtroom. We have to go in there in order to get you out.”

“So it’s all right with him.”

“It is. He knows there are personalities involved here, but justice is always his bottom line. He won’t tolerate anything less. Obviously he can’t control a jury’s decision. You can’t tell me Judge Ito was happy with the jury turning OJ loose. That acquittal breathed life into every deadbeat in the country. But Judge Bender controls voice and conduct in his courtroom. He doesn’t hesitate to admonish anyone. I’ve seen him verbally strip a man naked and castigate him

unmercifully. And in court there's no way to hide. It's rare, but we who work in Judge Bender's arena never forget."

Ray looked hard at him. "You have all your ducks in a row, don't you?"

"Never all of them, Ray. Some usually get blown out of the water and then you have to substitute." He took a cold sip and made a face. "It happens, Ray. You never have a trial where you win on every page of the transcript. The key is don't panic. I know you remember that fight scene between Spitz and Buck in Jack London's *The Call of the Wild*. Brad Rodell is Spitz. That's a compliment. He's one of the ten best district attorneys in the state. Rank is based on convictions, not the number but the percentage. He's high in the nineties. Right now he's on my side. You killed my boy. Legally I can't do anything to get even. But he can. He's going to lock you up--separate you from your wife and kids. You took my son away from me. Indirectly he'll take your children away from you."

Len reached down for his briefcase and then stood. "And how did Buck defeat Spitz when all of the many dogs of the past had tried and failed? Buck was creative, used a tactic Spitz had never encountered before. Enter Len Krier to the defense of Ray Steagle. A creative approach. Never tried before."

He walked to the door, then turned. "Ray, you're going to prison. Two student and one faculty account I read stated you walked into the gym, faced Jacob, talked awhile, then showed him you had a gun. That means that from the moment your hand touched the gun that morning, you showed a complete disregard for the law. Now, as for the trial, what you have to decide is what in your own mind would be a win. Don't even think of walking out a free man. That's not going to happen. You and your family must face the hard reality of a prison term. How many years can you do, Ray? Whatever it is, I'll try like hell to get you



something better. I'm confident, Ray, and I think we can really make Rodell's head spin and the jury give this a lot more deliberation than they ever imagined. And don't forget who won that dog fight, Ray. Let me know--one way or the other." He opened the door and yelled, "Pete!"

## CHAPTER 25

“We’ll Do It For Dad!” That became the Steagle children’s battle cry. “Dad’s not here so we’ll have to do it.”

It was easy at first. Hannah, just fifteen, and Richie, almost twelve, took command of the house. Vacuumed, dusted, scrubbed, straightened, disposed, screwed in, unplugged and stored. They were not only subbing for Dad. They were Mom’s busy helpers, and that was help she desperately needed since taking on ten more clients in the daycare center and working longer hours.

Within a few days life without Dad began to weigh heavily on both children however, and by the end of that first week of summer vacation they realized that’s all their life was now--hard work. Two lives that had always been so much fun suddenly became lives without any fun. Some days--most days--the only laughter heard in the house was the canned variety on a TV sitcom. The flame was out. The spark was gone.

Rich knew how to gas and start the lawnmower. But he didn’t know what to do when it didn’t start. No amount of choking and yanking helped. Maybe it got flooded. He’d

heard about that. Let it sit for awhile. He did. Tried it again. Nothing. It was dead. Okay, weed whip then. Going good. Tap the button for more line. No line! No new spool. He didn't know what gauge anyway. The hand clippers. Dull. Hated them. Grass doesn't cut, just bends. Complete waste of time. He didn't know how to sharpen them. Never saw Dad do that. He hated digging dandelions and creeping Charlie. Do it today and tomorrow there's more somewhere else. Trim the hedge with the electric clipper. Going okay, fairly straight. The cord got cut! Wow! No shock but it cut clear through.

Hannah was having her problems too. The recipe called for a clove of garlic ground. What's a clove? Can you grind it in the coffee grinder? What about a bay leaf? What do you do with that? Crush it or just let it float around? If we're going to eat it, shouldn't there be one for everyone? The red light on the vacuum is on. How do you change the bag? I hate doing windows. They're all streaky and look greasy. I don't know how to clean the filter in the dryer! Do I vacuum it? No, there's no sense me asking Richie. He won't help. Says he got enough to do with his own list--more than enough! He took that little thing off the end of the faucet and took it apart. He says he got it back together right but it still drips. What difference does it make which way the toilet paper goes on the roller? I just forgot, that's all. Can't a guy forget anything around here anymore? I'll remember to take the garbage out next week. I promise, but you be sure to remind me. The power went off in the storm. The quartz clock is okay. The electric is thirty-five minutes behind. No problem. But how do you set the digitals? And the VCR? Can't use it anymore anyway. No one knows how to program it. Only Dad!

Do we have to go to the jail? It's so boring. There's nothing to talk about there except what's all wrong around here, and we're not allowed to talk about that!

If Dad hadn't shot Jacob, we wouldn't be like this. Why did he? He didn't have to. I was there, remember? He could have turned around and walked out. Jacob wouldn't have shot him. The police were there. It was their job, not Dad's. That's what all my friends say--well, the couple friends that I have left.

Amy saw it coming--the disillusion. What had been *for Dad* had quickly become *but what about us!* And when that glow of sacrifice began to dim, when Hannah and Rich discovered how much time the additional responsibility required--which translated into that much less time they had to play and be with their friends throughout the whole summer. What should have been a normal and enjoyable life for them was now over and replaced by self-pity. She found their despair unalterable and their behavior unacceptable. She couldn't believe that a mother and her two children living in a house that was full of love could be reduced to merely tolerating each other. She prayed it was only a phase.

There was another harsh lesson she learned--any woman who loses her husband, especially in the prime of both their lives, has no concept of the magnitude of her loss. "It's not just losing a helping hand," she confided in Melanie and Paula. "It's losing half your mind too. Ray had his jobs--I had mine. Some jobs we did together. I didn't have to think about what he was doing. Now they're all mine, and I don't know how to do everything. And don't forget, girls--there's no sex and there's no substitute for it either. Losing your husband is like ice water dumped on your whole life. It's a cold cold existence."

Amy had never been a yeller. She didn't need to yell. Ray was always there. Not that he was the *enforcer*. "The children just minded so well. But there's no playing together now, just the work. Life has changed for the worst, and the kids are bitter. I can't blame them because they are still children. Given all they've lost by this, I have to cut them

some slack--a lot of slack I know--but when their behavior gets so far from the line it used to run on, I have to get them to toe that line. I can't just let them run over me. And that's where all my yelling begins."

Naturally Amy was mad at herself then, and that mad often carried into the daycare center. She'd be edgy, testy, argumentative, sharp-tongued with anyone--employees, parents, children--and just about everyone who called, especially strangers trying to sell her an extended car warranty policy or clean her heating ducts before fall and the heating season. "I have hot water baseboard heat, for God sakes!"

At times the mood of the day went with her to the jail. She tried to fight it, to hide it. Ray didn't need that. He had more than enough to worry about without her walking in all out of joint. By the time she and the kids were done eating and the kitchen back in shape, it was six-thirty, already a twelve-hour workday for her, and just the thought of dragging herself to see Ray for another two or three hours depressed her even more. Then just when they were looking at maybe a four-day trial that would decide Ray's fate and they could get on with whatever their life was going to be, it's all put on hold again.

Visits were best when the room was empty, which was rare, but that night it was. Ray came in, they hugged and kissed, hugged and held, and kissed some more. Always there was a point they reached when they knew they had to part. They sat down across from each other, their hands reaching out and entwining. It was then that her despondency and frustration abated, and she made a conscious effort to be her natural self. It was actually the quietest part of her day, as close to being at home together at the kitchen table with their after-dinner cup of coffee and planning tomorrow or the coming weekend or whatever.

"You look better today," she said smiling, her eyes

gleaming.

"You're the best part of my day. And I love your hair in a pony tail. Well, I love you in curlers too, but I always think you're at your cutest in a pony tail like that day in third grade when I pulled it and whinnied like a horse."

"Thankfully you don't imitate animals anymore, but you're still the smooth talker."

"Words are in my blood," he grinned, but quickly the curl at the corner of his mouth was gone. "I had a visitor this morning."

An eyebrow arched. "Oh, really. Someone I know?"

"Know of, I'd say."

"Interesting?"

"Very."

"I couldn't guess."

"You're right. Be a waste of time trying."

"That interesting, huh?"

"Len Krier."

The name struck like a hammer. Her head jolted back, slamming her back against the chair, her eyes bulging.

"No!"

"Ten o'clock. I was going to call you right after he left, but I know how busy you are."

She relaxed some, more composed. "So tell me."

"He wants to defend me in court."

She slowly leaned back in her chair, her head tilted back again, mouth slightly agape, her eyes fixed on the slowly spinning ceiling fan. Her head lolled to one side, then came down but still held at an angle. She didn't straighten it, just looked across at him with her most puzzling expression. "I don't know what to say."

"Floored me too. He said Pat Sweeny won't be back in court. Perhaps as an assistant, but definitely not the lead attorney on the case."

"Paula told me that this morning when she came to

work. Not the assistant part, but she heard the other. I thought you might have heard somehow and really be down tonight. So what'd you tell him?"

"He didn't want an answer right away. He told me to talk with you and the kids."

"Ray," she said, her tone almost a sharp warning, "what's he up to? Trying to turn the knife, is he?"

"Not from what he says."

"Yeah, well look how many politicians went to law school but still talk out of both sides of their mouth. That should tell you something."

"He went to Judge Bender first."

She hesitated, waiting, then said caustically, "Is that supposed to mean something, Ray?"

"He wanted to assure the judge he wasn't plotting against us."

"That's what he told you?"

"Not in those exact words, but that's what he meant."

"And you're buying all this, are you?"

"I've had all day to think about it. I reacted the same as you. I thought right away it's a plot. As you said--twisting the knife. Believe me, I wasn't eager. I was as suspicious as you are right now. But what he said makes sense."

"Look, we know he's good, Ray. But you have to wonder--is he good for you or is he trying to bury you deeper? And why now? Where's he been all this time? Nobody would touch your case. Now he, of all people, comes to you. I don't get it."

"Amy, did you catch anything in court on Monday between the judge and the DA?"

"I don't think they like each other."

"It's funny. Those at school who know him, Rodell I mean, they say he's a great guy. Do anything for anyone. But Kritter describes him as ruthless in court. Compared him to the Spitz breed of dog, supposedly inherently meaner than

a pit bull can be.”

“They tangled a couple years ago in a big one, didn’t they?” she asked. “That Dr. Fleet trial, right?”

“Yes. I mentioned that and he actually came to Rodell’s defense. Said the media blew that out of proportion.”

“Do you know if they’ve clashed since?”

“I don’t know.”

“If not, then you can bet Rodell will really be primed if he’s facing Krieter again. Did Krieter tell you why he wants your case?”

“He said it’s personal, something he wouldn’t divulge until I signed the attorney/client agreement. I know it has to do with strategy which--and get this--he said he developed with the help of his daughter, Jennifer. I told him the whole idea was alien.”

“You can’t help but be suspicious. You get the idea you could sign and then he trashes your case. I don’t know how, but it makes you wonder.”

“Definitely. He said he wants this case more than any he’s ever undertaken. And with the family lined up behind him as he says it is, you’d think they’d all want to pack me away for sixty years and this is their best shot. Sign me, get to trial, and then dump me.”

“Who can we talk to, Ray?”

“I thought about it and came up zip. Krieter said that all the local attorneys, being joined at the hip socially, don’t want to face off against each other on this one. I do know that he doesn’t want a word of this to get out. Not until it’s signed.”

“If you sign, did he say when the trial would continue?”

“Two weeks from Monday past, the day it started.”

“How could he, Ray? How could he be ready to defend you? What does he really know? Look how long and hard Mr. Sweeny worked on your defense.”

“All I know is he’s confident.”



“Do you believe him? It sounds like you do.”

“Number one--he’s not a hotshot. Two--he exudes trust. I swear if you took out the references to Jacob in our discussion, no one could tell I had killed his boy. If they do background checks to get into Heaven, looks to me they’ll just wave him on through.”

“I know you’re not easily impressed, Ray. You’re the wait-and-see type. You want to know how much depth there is compared to what’s showing. So did he do a number on you--or is he genuine?”

“I wish I could have recorded everything--or that you had been here. I believe him. Not this morning, I didn’t. But now I do. But I’m still open. It’s not a done deal.”

“If you sign, then will he tell you how he’ll defend you and why?”

“He said he would.”

“And what if you don’t like what you hear?”

“Dissolve the agreement. Game over.”

“Well, he sounds fair, but so does a used car salesman. Let’s say you don’t sign. Did Mr. Krier discuss your options other than what Judge Bender said after he cleared the court on Monday?”

“Krier mentioned a change of venue but said I’d probably just get what he calls a DP, a due processor who doesn’t give a damn and just goes through the legal motions.”

“Still between a rock and a hard place, aren’t we?”

“Or under the rock.”

“Right. I know you’re leaning, Ray, and given our lack of choices I am too. You know, Ray--when you think about it, he’s got a reputation to uphold. There’s been a Krier Law Office for over fifty years in that little village of Bridger. I don’t think he’d do anything to jeopardize that, do you?”

“I’ve had all day to sit and replay the whole thing in my

mind, and I never even thought about that. You're right, Amy. He wouldn't dare sell out on us, would he? He'd destroy himself in the process--and his dad's reputation. He wouldn't dare chance that I wouldn't think. Revenge might give him personal satisfaction, but it'd doom his practice and the family name. And yet he could be so beat up inside over this that he really doesn't care what happens to him. Just so he gets some of my blood."

"But there's his wife, Diane, too. The girls say she's angelic. Do you remember about ten or eleven years ago when Dr. Fleet's mother, Ellen, died so young of breast cancer? They said she was such a wonderful person and a saint as a nurse. The girls told me Diane came in as a raw young RN, trained under Ellen from the very beginning, and now she's the resident saint. Goes out of her way to do personal little things to make a patient's day a little brighter. If he dumped on you--I don't know, Ray--I just don't think he would. He's just got too much to lose."

"And he's lost so much already." Ray was quiet a moment. "Do we run this by the kids?"

"Ah--the children. Our two little darlings. Ray, I haven't told you because you don't need anything more on your mind, but right now they're all wrapped up in what's happened to their world. The fun, the kidding, the laughing, the four of us going and doing--that's all gone, and they're whining and wallowing in self-pity. I don't blame them, Ray. I get on them more than I should, and harder than I should, but I'm so disappointed in their behavior. I never would have thought that could happen. But of course they never imagined their whole life could change so suddenly. No, we'll leave them out of this for now."

"Aw, Amy," he said, frowning and holding her hands so tightly in his, "you should've told me. Some nights when you came to visit you were really dragging, and I thought it was daycare related, and all the while it's been Hannah and

Richie. I just can't imagine that. Who would have thought?"

"Don't, Ray. Don't trouble yourself. We do a day at a time, and we're past forty days and nights now so we'll just keep on. It'll work itself out, Ray. Don't sweat it. Trust me."

"I do trust you. I do. But I didn't tell you everything Krieter said, and now I have to and it's really the worst time."

"But you have to tell me so do it."

"He told me don't even think about an acquittal. It's not going to happen. I'm going to prison. He's as confident about that as he is about everything else. But he swears he can get me the best sentence, better than anyone else could, but I'm still going to do time. And now that means I can't help you and I can't help with the kids. I'll be a murderer doing time, and you and Hannah and Richie are the innocent ones who got run over in life because of me."

She came around, drew a chair up next to him, and put her arms around him. Then the tears began. "I--I'm sorry, Ray. I thought we were talking about Krieter winning the case, you coming home. Oh, God--did he say how much time?"

"No. He couldn't put a number on it."

"Oh, Ray--I don't know--I don't know how I can do it, how I can make it without you."

"I do, Amy. I know how. In the back of my mind I always thought I had a chance at getting out of this. Slim--but at least a chance. Krieter says no. There is no chance. So, Amy--and don't get all upset about this--but we--you and I--we have to get a divorce."

Shocked, her whole body recoiled, her mouth opened, but he stopped her with an open palm in front of her face.

"Hear me out," he said gently. "I'm now an anchor in your life. I'm dragging you down, you and the kids down, and it's not fair. You've got to free yourself from me. Rid yourself

of me, Amy. For your own sanity and for the kids too. I'm not a part of your future. The fact that I'm imprisoned in a cell means you're imprisoned out here. Your life will be smothered. Better that I were dead. But I'm not, so I'm a drag. I don't want to be. I can't stand the thought of that. I want to cut you loose from me, Amy. We close the book on us. This isn't easy, honey. I know it hurts, but it's for the best. I don't want you and Hannah and Rich to feel obligated that you have to drive on weekends and holidays and whenever to visit me in some hellhole of a prison when all we can do is talk through a speaker system and touch hands barred by bulletproof glass. You could move away, Amy. Start brand new. You and the kids can drop the Steagle name. You sure don't need that around your necks. I love you, Amy, and this is the best way I can prove that."

She held silent a moment, then stood, hands on hips, and stared at him. He knew that look.

"Ray Steagle, if you serve ten years, I'm here waiting. Twenty--I'll still be here. Whatever number anyone comes up with, I'll be at the gate waiting. The kids and I aren't ashamed of you, Ray. We're proud of you, and I'm proud to be your wife. You saved people's lives. You stepped in front of a gun in the hands of a kid gone wacko. You're not a criminal, Ray. You acted when no one else would, and then you had to act when the ones who should have didn't. You're the scapegoat, Ray, and you watch--something is going to happen that's going to surprise even Krier. You're coming home, Ray. You have to believe that. You are coming home. And right now I'm going home and call Len Krier. I don't care what time it is. As for the kids, they will be in court eleven days from now sitting right next to me--and behaving like the angels we raised."

## CHAPTER 26

At two-thirty in the afternoon the next day, Judge Bender and the court stenographer were in their places, the bailiff stood by the doors, seated at the prosecution table was District Attorney Brad Rodell, at the defense table Len Kriter and Ray Steagle, right behind were Amy, Hannah, and Richie, and Jim Bayshire of the *Pike River Herald* sat in the very back.

The judge tapped his gavel, nodded, and the doors were closed. "Let the record show that this court is convened to hear a petition filed by Attorney Leonard Kriter on behalf of his client, Raymond James Steagle, in the matter of bail which this court originally denied." He motioned with both hands that all parties were to remain seated. "Mr. Kriter, you may proceed."

"Thank you, Judge. I have read the transcript of the arraignment. I think the district attorney stated his objection to bail very well. I'm sure I would have agreed with him at the time. However, my client is not a flight risk. If this room were filled, could anyone who looked at his family sitting behind me believe this man is going to abandon them?

They are his life, Your Honor. Ray has been behind bars for six weeks awaiting trial. In that time he has had five visitors: his family, his public defender, and me. Not that he has no friends. They have all honored his request to stay away. In one sense there is little difference in visiting an inmate awaiting trial and one on death row. It is a horrendous and dehumanizing experience for the prisoner and extremely awkward for those who visit. My client chose to protect his friends. They do write however. I could read some of their letters to the court--they are very moving and supportive--but Mr. Steagle would rather I not."

Momentarily he glanced at the yellow legal pad in front of him, then back at Judge Bender. "Had my client's attorney, Mr. Patrick Sweeny, not collapsed in court on Monday and now be hospitalized, the trial may very well have been over by now. These two cardboard file boxes sitting here on this table," he said, patting each, "represent the work of Mr. Sweeny in preparation for his defense of Ray. Combined, they could weigh upwards of forty pounds. I have examined his files, not in depth as yet but enough to know it would have been an impressive defense, and this court can not deny the possibility of a not guilty verdict. Perhaps yesterday or perhaps sometime this morning Ray might have been a free man."

Kriter again glanced at his notes. "It is the system, Your Honor, that prevented that possibility. In my examination of thirty recent cases involving public defenders in this court, it is obvious there is a list of voluntary attorneys and a rotation whereby each attorney takes his turn. As you know, Judge, I was on that list for fifteen years. I can tell you it was not Mr. Sweeny's turn. I *could* tell the court whose turn it was. Of all the names, there are nine attorneys who should have come before Pat's turn. Those nine are all very healthy this day. Three are actually vacationing. Had any one of those nine honored their commitment, or had any of the others come

forward, we would not be here today. My client would have either been free or awaiting transport to prison. Every day served from the moment of sentence is a day less to serve, but the system has failed my client. The system has put my client in limbo. That's not due process, Your Honor. That's not timely as all court procedures are supposed to be. This fracture in the process is none of my client's doing. They say he's an exemplary prisoner. Free him without bail until a jury decides his future, and he will continue to be exemplary. I believe the court owes him that consideration. Thank you."

Judge Bender turned to Rodell. "I sense the steam within, Mr. Rodell. You are free to let it escape."

"Your Honor, it's obvious to me that we are embarking on a travesty of the judicial system. I will admit I am very anxious to see how the father of a dead shooting victim will defend the murderer. Even more--why he would defend him. The facts remain unchanged, Judge. Jacob Krieter should be walking this planet a free man. He isn't because of Raymond Steagle's heinous actions. Being a fine prisoner means nothing. Had he been a truly fine citizen, we wouldn't be here mired in this situation. I still believe that any day the defendant spends outside of jail is a gross injustice to all free men, and, Your Honor, to all prisoners awaiting trial and denied bail for lesser crimes than the murder committed by the defendant."

Bender nodded to Krieter.

Krieter fixed his stare on Rodell. "I really don't want to get embroiled in speech making, Your Honor, but it is important for the district attorney to understand that I am not a part of the judicial system. I am an observer of the system, and my responsibility is to insure my client receives due process as required by law. Judges, district attorneys, lawmakers, and law enforcement personnel comprise the judicial system. That system failed my client all along the

line. The school district had an emergency crisis procedure in place. That failed. The county has a nine-one-one in place. That failed. The police, when finally they arrived on the scene--they failed. The court has nineteen attorneys on its list of public defenders. Who does my client get? The only one of the nineteen he could get. All of the other eighteen refused the case. *Refused*, Your Honor. So even the public defender system failed my client. Pat Sweeny is the oldest and obviously the least healthy. To deny bail is to deny the blame of all those agencies. That makes Ray Steagle the fall guy, the only one left to kick. That's not justice, Your Honor. I ask that Ray be released until a jury has delivered a verdict. You set the bail. I'll fund it or sign for it, whichever you prefer."

"Judge," Rodell responded quickly, "it's not that simple. Mr. Kriter's involvement is not just surprising news, Your Honor. It is totally irregular. You understand the intricacies of *voir dire*. It takes time and study. I haven't had time to review the make-up of the jury. I may want to petition the court for a new jury selection. I have to guarantee the people of this state that with the defendant's new attorney I don't start out with a jury composed of *bleeding hearts*," he said, glaring now at Kriter.

Judge Bender shook his head. "No, Mr. Rodell--your petition wouldn't fly. You have no assistant. If you were incapacitated for whatever reason, the court would be compelled to find a replacement as quickly as possible. Certainly I'm not going to change juries every time something happens to a prosecutor or defense counsel. That's absurd." He glanced down a moment, then reached for his reading glasses, put them on, and moved the material closer to him. He took his time, then looked over the edge of the page and down at the two attorneys. "The defendant, Raymond Steagle, is hereby granted--"

"Objection!" Rodell shouted, springing to his feet.



“This is not court, Mr. Rodell!” Judge Bender barked. “You’re out of order.”

“Wrong, Judge. Not me. You. Bail was originally denied based on the facts. Those facts have not changed. Not one iota. We have the killer. We have a dead victim. The only change is the defense attorney. You have an obligation to the people of this county and the entire state to explain how a different defense attorney in one day can overturn a bail judgment that’s been in effect for a month and a half. To remain completely objective, Your Honor, you can not grant bail. Any decision to the contrary smells of preferential treatment. The fact that the defense attorney is the victim’s father makes such a decision smell even more.”

“Are you finished, Mr. Rodell?”

“I am.”

“Bail is granted on Mr. Kriter’s signature. Hearing adjourned,” he declared, cracking the block hard.

Ray was out of his chair, his arms around Amy. Hannah and Rich were leaning over the railing with their arms around both of them. They celebrated several minutes, then suddenly realizing the courtroom had emptied with the exception of Len Kriter, they turned and thanked him profusely.

“You’re welcome and I’m happy for you,” Len assured them. “Your clothes will be ready when you get downstairs, Ray. You’ll clear this place in ten minutes. Enjoy your freedom and your family. I know you will. Given our situation, I know it’s as awkward for you two and your children as it is for me and my family. I’m sure there are many who wonder how it’s even possible, including Judge Bender and the DA. But I need to caution you. We shouldn’t read too much into today’s outcome. Brad Rodell just put Judge Bender on alert. The judge must be extremely careful that every time he faces a decision on the bench

during the trial, it must be totally objective, a decision he would make no matter who the attorneys are. Yes, we'll win some objections, but Judge Bender will have to balance those with ones favorable to the prosecution. The line is so fine. We are hoping for a sentence you can live with, not the harshest where we have to appeal. That simply adds another long period of disruption, hope, and usually heartache. I told you Brad's tough."

"Yes. Now I understand."

"We'll have to meet, Ray--to discuss your defense."

"I don't want to be seen running around downtown, but I can come to Bridger whenever you say. If you need both of us, we'll be there."

"Sometime tomorrow. I'll call you later."

"I'll help you with those two cases," Ray said.

Kriter smiled. "They're empty. They were in the corner out in the hall."

"But you said they were Pat's files."

"Correction. I said they *represented* his files. And they do. His are in similar boxes."

"And their weight?"

"They could weigh forty if they were full!"

By supertime, Rich had learned how to clean a lawnmower carburetor, and Hannah could change a vacuum bag. While Mom was working tomorrow, the three of them together would take on the streaked and greasy windows.

## CHAPTER 27

Len Krier exited the courthouse, removed his suit coat, sat quietly inside his car with the air conditioning on for a brief period, and happened to see the Steagle family come out of the Safety Building forty yards away, all smiling and hand in hand. He suddenly realized he felt somewhat elated--not euphoric or ecstatic, nothing overwhelming--just pleasantly satisfied.

The feeling had nothing to do with defeating Brad Rodell in the hearing however. He knew today was simply his day. Brad's was yet to come. Still it was natural to feel good about himself, knowing his expertise bested another's. Certainly OJ's Four Trashmen loved sticking it to Clark and Darden, Lange and Vannatter, on a daily basis. Did the defense really win--or did the prosecution lose?

Len smiled. It was nice to see a family happy again, at least for awhile, and know he had a part in that. He wasn't feeling sorry for himself either. He wasn't sitting there beating up on himself, thinking that should be us, the Krier family--Diane and Jennifer and Jacob and me smiling together hand in hand.

He picked up his cell phone and dialed the number he'd written on a strip of masking tape now stuck to the hub of the steering wheel.

"Hello." A quiet, weak greeting.

"Hi, Elaine. This is Len Krier."

"Oh, yes, Len," she said, sounding more at ease. "Judge Bender called and said he thought you'd be contacting me about Pat's files on the Raymond Steagle case. I have them."

Len frowned, wondering how Judge Bender knew the boxes in court were empty. "Might I come by and pick them up? I could be there in five minutes."

"Fine. Could you stand a cup of this morning's coffee microwaved? It's decaf."

He assured her he could. Their paths hadn't crossed for awhile, and now he felt guilty for not visiting Pat yet. Well, she would understand when he explained his urgency over the past two days.

She had the door open before he touched the bell. He saw immediately that the crisis had worn heavy on her. She had always been so meticulous about her grooming and attire, but with her white hair all askew, dark lines under her dull eyes, no makeup, and wearing a frumpy and badly wrinkled dress, she resembled a recluse who had long abandoned gentility.

"You'll have to forgive me, Len. I know I'm a fright. And you better not tell anyone," she half-smiled. "I always thought that Pat just ate, slept, and fished, but with him not here, now I realize what all he does."

Len had noticed most of the lawns in the neighborhood had been cut too short and were badly burned out from the intense heat and lack of rain, but theirs was a lush green. He commented about it over sips of coffee.

"That's Pat's pet project in the summer. I just finished mulching and let the clippings lay. I'll probably do the

sprinkle thing later when it's cooler. And you know, walking behind that mower was about the only exercise Pat got. I told him he should walk more even if it's just around the block. He said if he's seen a house once he doesn't need to see it again. I said we could drive out to a lake and just wander around. We never did. He hates just walking. Maybe he'll change his mind now."

"He'll probably be referred to the fitness center at the hospital on a regular schedule for awhile, Elaine. They have a trainer and an indoor track. That seems to be standard procedure."

"I didn't know they do that, but I know Pat. He'll go a couple times and then tell me it's bullshit. That'll be it. Or he'll tell me he went but really just went for coffee with the boys. He's Irish you know."

Len hid his amusement. Having a little lady in her seventies, maybe five feet and a hundred pounds wet, saying bullshit without a hitch in her voice, as if it's as common as knife and fork, struck him as truly and innocently humorous. He was going to reply but wasn't quick enough.

"Well, I know he'll be very pleased you're taking the case. Pat gets quite passionate about his work--he's always been that way--but I've never seen him this attached. He was really primed for court."

"I'm sure he was. You hear nothing but good things about him around the courthouse. Might I ask when Judge Bender called you?"

She didn't hesitate. "Oh, just before your call. Maybe ten minutes."

Len could picture Judge Bender going straight from the courtroom to his chambers, never coming close to the defense table. So how did he know about the files? *A foolish move, Len*, he berated himself.

"Len, I know how happy Pat is going to be that you're doing this. You're a very brave man. It's so scary seeing

what's been happening in the world and a person just can't believe--" She stopped and sucked in her breath. "Oh, I'm so sorry. I--I'm getting so forgetful. Your son--Jacob. You lost your son. How thoughtless of me. I'm--"

"It's all right, Elaine," he interrupted. "Don't trouble yourself. I understand."

"It's just that--well--Pat was so excited about the case. He liked the Steagles. A nice family. He said we're supposed to get involved when we see trouble and think we can be of help. He said that's why Ray was there. Ray told him if he'd been in the gym sitting with the faculty, he'd have done the same thing without a gun. Said it was his duty as a teacher to protect all students. That's how he saw it. He was upset others didn't back him up. He thought if several had come down from the bleachers right away and fanned out, they would have gotten to him, maybe without anyone getting hurt. But no one moved. And then even the police did nothing. Pat was hoping maybe he could get Ray a sentence of three to five and possibly be out in eighteen months."

Len hid his inner reaction. "That sounds very ambitious, Elaine. Did Pat say how he planned to defend him?"

"Oh, yes. We read all the eyewitness accounts together." She compressed her lips, then tighter, her eyes cast down for a moment. "Mr. Krier--I don't talk. I don't gossip. You, and maybe the judge, are the only ones I would talk to this way. Pat and I did this his whole career. I'd play the devil's advocate for him. Raise all the questions I could think of. I just want you to know that I don't go blabbing all over town that Pat said this and Pat said that. That's the problem in small towns. Just because everyone knows everyone doesn't mean everyone should know everyone's business. We didn't have this in Charleston." She hesitated, then, "Of course Pike River didn't have cross burnings and

lynchings either.”

Len smiled to himself. She forgot his question. He finished his coffee, and she led him to “the office” where she’d packed all of Pat’s files in a box. Still open, Len looked inside. “Elaine, Pat had a video tape. I don’t see it here. Maybe in a drawer?”

“Oh, my--yes, the tape.” She quickly examined the five desk drawers.

“Perhaps in the slot,” Len said, pointing at the small combination TV-VCR on the long table against the wall.

“Yes,” she nodded, “but I don’t know how to do that.”

Len pushed the eject button. He could read the hand-printed label as the tape slid out--Steagle-Kriter. “Have you viewed the tape, Elaine?”

“No. Pat told me what it is but said I wouldn’t want to see it. Have you seen it yet, Mr. Kriter?”

“No, I haven’t.”

“Oh, my. Do you think you have to?”

“I have to--yes.”

“But--” She bit her lip. “I don’t know how you can.”

“I don’t know either, Elaine. Say hello to Pat for me. Maybe I could talk with him sometime, get some pointers, unless it’s not advised.”

“Mr. Kriter, we’re rather private people, Pat and I. I haven’t told anyone this. Pat’s still in the ICU on oxygen and a heart monitor. The doctors are concerned. Of course, he doesn’t know. I’m not supposed to excite him, and I know this would. But I do know how pleased he’ll be when I do tell him.”

On his way back to Bridger Len thought about the tape. She was right. How could he sit and watch? When should he? Would it be better to read all the eyewitness accounts first? He had to read them. He had to understand the minds of everyone there, just how they felt about Jacob and how they felt about themselves and everyone else, and especially

their feelings for Ray. Not just what he did or how he did it, but did they approve or disapprove of a potential gun battle developing? Were two guns better than one? Did they blame Ray? If any did--and were quite vocal in sharing their opinions--then certainly there may be members of the jury with preconceived ideas. Not only did he have to account for that mindset--he had to erase it.

By the time he reached the office, he'd decided it made no difference which came first. He knew he would have to watch the video more than once anyway--several times probably. He would tell Mary to take the rest of the afternoon off. He knew what was going to happen. It wasn't something she should see or hear.



## CHAPTER 28

Judge Bender entered the courtroom, motioned casually for everyone to be seated, then waited for the jury to enter and settle. Scanning the entire courtroom, taking in the jury, media, and spectators, he nodded and began, “Ladies and gentlemen, good morning to you. I recognize several faces from two weeks ago and also some new. You’re aware that this is a continuation of that trial.”

He glanced at his notes, adjusting the position of his bifocals just a bit. “Members of the jury arrived here an hour ago and received a transcript of the first day’s proceedings to refresh their memory. The district attorney still rests his case against Raymond Steagle. Wearing the dark suit and seated this morning at the defense table is Leonard Kriter, now the attorney for the defense. The white-haired gentleman is Harry Kriter. Some of you may remember him as a former defense attorney here and later the district attorney of Badger County. A final word before we go on record. The defense has declined the opportunity to give another opening statement but does have the right to cross-examine Chief Hutchinson and also enter its own list of witnesses of which

this court and the district attorney have received copies.” Judge Bender tapped his gavel. “Court is now in session. Mr. Kriter, you may call your first witness.”

Though Brad Rodell still dressed down, Len Kriter wore a summer navy suit, white shirt, subdued tie, and black captoe oxfords. Without rising he said, “The defense calls Ben Donovic.”

The tall slender man in his early sixties with sparse gray hair was sworn and took the stand. Kriter approached with some sheets of paper in hand and stood to the left of Donovic so that the jury had an unobstructed view of the witness. “Mr. Donovic, as an employee of the Pike River School District, state your title please.”

“I am the senior high school principal.”

“Mr. Donovic, you’ve held that position for thirty-four years which includes my years there, you have no assistant as ninety-four percent of the schools our size in the state do, you left the awards assembly for a telephone call in your office, there is no administrative written policy stating who is next in charge in your absence, an elderly school board member took your place, and you weren’t present inside the gym at the time of the shooting. Have I stated all of that correctly, sir?”

“Yes.”

“How did you select the school board member to substitute?”

“He was onstage as a presenter. He agreed.”

“Did you believe he was as qualified and would be as effective a disciplinarian as you are?”

Donovic hesitated, taking time to formulate his answer.

“Excuse me, Mr. Donovic,” Kriter said. “Let me make it clear to you and the court that I’m not trying to set you up and push you against the wall. With just two questions, that will be perfectly clear. Now, was that man qualified?”

“Anyone could conduct that assembly. Not just anyone

could handle the situation that arose however.”

Kriter moved toward the jury, forcing the witness to face that way. “Now, sir--you’ve had time to reflect since the shooting back in May. Even though your next statement is after the fact, tell the court please what you believe you’d have done had you been there when Jacob Kriter got the gun out of his backpack.”

“As shown on the video with the other honorees I called to the stage, I would have been standing only a few feet from Jacob, close enough to touch. The gun would have barely cleared his backpack and I’d have been on him. That I know. Beyond that, I couldn’t say with certainty.”

“Bottom line, Mr. Donovic--despite all the school violence we’ve seen around the country in recent years, even at the elementary level, Pike River was not prepared for what happened. Is that a fair statement?”

“I believe that’s a very fair statement. However, I think the violence we see in the streets and in the home has begun to invade the schools. A kid, no matter what age, should be able to enter school feeling safe. I hope we don’t ever have to march them through a metal detector.”

“When did you see the video of the shooting?”

“Just last Thursday.”

Kriter nodded affirmatively and said, “And you watched it in my presence.”

“No. Alone at your office.”

“As senior high principal, you’re in charge of the faculty. Isn’t that right?”

“Yes.”

“You’re the boss. At least you certainly were when I was there. I assume you still are.”

Donovic adjusted his position and folded his arms across his chest. “So to speak.”

“In charge of hiring, firing, and everything in between?”

“I interview and recommend to the superintendent.”

“Do you evaluate teachers?”

“New teachers are on three-year probation. I observe them frequently during that period. Experienced staff--once every three years. Department chairwomen and chairmen observe and evaluate teachers in their department once each year. I receive a copy.”

Out from under the pages he'd been carrying, Krieter produced another document and handed it to the witness.

“You recognize this, don't you?”

Donovic simply glanced. “It's my last evaluation of Ray Steagle who teaches Senior College-Prep English.”

“Dated?”

“April of this year.”

“All of the categories--professionalism, dedication, competence, knowledge, preparedness, etc., are graded excellent. Correct?”

“They are.”

“Would you read your comment, please?”

“Ray commands the attention of an entire class by his creative and motivational approach to teaching. From the front of the room he works face to face with each student on the lesson being taught. The student responds verbally, the teacher evaluates as to correctness, and other students often voice their approval of a very special or unique response. Students never belittle one another if a mistake is made. No student reveals any fear because none are singled out. They all participate. In this classroom an adult transforms youths into young adults. It is always a revelation to see just what can go on in a high school classroom when the chemistry between teacher and student is right.”

Len had moved over close to the jury. “That sounds like high praise to me, Mr. Donovic.”

“In my language the highest.”

“And how would you evaluate his performance in the video?”

"I don't believe I'm really the one to answer that question. A police-trained professional negotiator would be more qualified."

Kriter smiled. "His name is on my list of witnesses, Mr. Donovic. You knew Jacob Kriter, didn't you?"

"Yes. For four years."

"How would you describe him during those years?"

"A wonderful boy. He respected adults. He was mature for his age, a role model. A quiet leader. I've watched him in student council meetings. He would never bluntly say we should do this or that. He would say we might want to think about this or let's consider this."

"And who was Jacob Kriter in the video?"

"I don't know that boy. I couldn't believe it when it happened and I couldn't believe it when I saw it. He was a completely different person, a different personality. His behavior was totally uncharacteristic of him."

"Did you see any of the real Jacob in the video?" Kriter said, moving back to a position in front of the witness.

The man thought a moment, as if replaying the video in his mind. "Only occasionally. Ray got him thinking more sensibly at times, I believe, but then he would lose him. Jacob would seem to waver. It seemed like Jacob was fighting himself."

"Fighting himself?"

"Yes. I see him struggling between right and wrong. He knew what he shouldn't be doing, and yet he went right on with it."

"Would you say it was a dangerous situation?"

"Definitely. Jacob didn't have complete control of himself. From what I saw, I would say he was totally unpredictable. With that gun in his hand and what he'd already done with it, he was a very scary boy up on that stage."

"Having said that, now can you offer the court your

thoughts about Ray Steagle?”

“I could never picture Ray with a gun in his hand. He isn’t the type. I knew he didn’t hunt or go out to the range and shoot. I noticed it wasn’t Ray’s gun that held Jacob in check for awhile. It was what Ray said and the way he said it. He got through to Jacob, through Jacob’s fog. I’m not saying no one else on the staff could have done that. But Ray did it. He kept Jacob’s mind working all the time--until it didn’t work anymore.”

“Can you explain that--*until it didn’t work anymore?*”

“Why did Jacob fire that last shot when he did? Why not sometime before that? What was there at that moment that made him pull the trigger? I went into the gym, stood on the stage where Jacob stood, had another stand where Ray was, and I pointed my finger like I was holding a gun at where the bullet hit. Jacob wasn’t aiming at Ray, and given the fact that Jacob could hit the clock from much farther away, in my opinion Jacob had no intention of shooting Ray.”

“Do you have an opinion as to why Ray fired his gun?”

“I think it was definitely a spontaneous reaction. I do some bird hunting. You often hear the bird before you see it. The tremendous sound of the wings as the bird takes flight from cover is what gets your attention. Your head jerks at the sound and your gun comes up into position without even thinking about it. I don’t know anything about the trigger on the revolver Ray had, whether it was a light or heavy touch to fire it, but to me it was clearly a reaction that Ray really didn’t know or expect.”

The man leaned back in the chair a moment, wiped sweat from his forehead, and reached for the glass of water next to him.

“A little break if you like,” Krier said. The witness declined. “Do you blame Ray for having the gun?”

Without hesitation he shook his head no. “I know it’s

against the law,” he responded, then paused for several clock ticks. “What I see on the video--Ray didn’t show Jacob the gun right away. Not even for quite awhile. I think it got to a point where Ray had to show it. That’s my take on this. And when he did draw the gun, that bought him some more time to try and convince Jacob to put his gun down and they would walk out of there together.”

“Thank you, Mr. Donovic. No--”

“Excuse me,” Donovic interrupted. “Could I say something?”

“Before you do, let me first establish something that this court should know. I called you as a witness for the defense. Why the district attorney chose not to call you, I don’t know. Now, did you and I sit down and discuss what I was going to ask you on the witness stand in this court? Did I coach you?”

“No. We never talked. I got word Friday from the court clerk telling me to be here this morning. Earlier last Monday you called me and said you were going to call me as a witness. You asked if I’d seen the video. I said no. You had me come to your office Thursday afternoon. Your secretary sat me down in your inner office and activated the video. I didn’t see you then or at anytime before now.”

“Thank you. It’s important for the court to know that you weren’t prepped before you came in here. Have you had any discussions with Mr. Rodell?”

“No.”

“Very well, Mr. Donovic--you may speak freely.”  
Kriter moved just in front of the bench and out of the media’s line of sight, but facing the witness.

“I saw something on the video that greatly impressed me. Ray said more than once--I’m not sure how many times--but he would tell Jacob we can walk out of here, away from this, together. I think that’s very important. Ray didn’t threaten Jacob ever. He tried to stay as mentally close to him

as he could. He never tried to separate himself from Jacob. He was right there with him--I repeat, with him--not against him. If he'd have been physically closer to Jacob, I think he'd have had his arm around him. If someone could have just touched Jacob--" His head dropped a moment, then he nodded to Len.

Len stood noticeably silent for several moments. Only the judge and the witness could see his face. He was obviously moved, shaken by the thought that perhaps just someone's tender touch might have changed everything. Softly he said, "Well put, sir. And thank you again. No further questions, Your Honor."

Judge Bender looked at Brad Rodell.

The district attorney stood but remained in place, holding a scrap of paper in his hand. "Mr. Donovic, here's what you told the court about Raymond Steagle firing the .38-caliber revolver at Jacob Krier: Quote--'I think it was definitely a spontaneous reaction.' Unquote. Now, you sir, being a hunter and no stranger to handling a gun, can you explain that statement further, just what you mean?"

Wary now, Donovic took his time before responding, then said, "When I walk through a corn field hunting pheasant, I hold the gun barrel straight up like this," he said, his left hand above on the imaginary stock and his right down on the trigger. "That way if a bird comes straight up in front of me or to the left or right, I'm ready to sight and pull. I once saw a hunter pull and sight. That bird was so close when it came up in front of him that it actually startled the man. I think that's what happened to Ray. You heard the sounds of those shots in the gym. They just roar and echo so loud. In the video you can see the kids jump and jerk at the sound. That's what I think happened to Ray. I don't believe he intentionally pulled that trigger."

Rodell moved closer. "This hunter who pulled before he sighted--you were hunting with him?"



“Yes.”

“Did you continue to go hunting with him on other occasions?”

“No, I didn’t. That was a long time ago and not around here.”

“Why didn’t you go?”

“It wasn’t safe. I didn’t feel safe.”

“You’re saying it was dangerous.”

“Yes.”

“And that makes it dangerous for everyone in that gymnasium when Raymond Steagle walks in carrying a loaded .38, doesn’t it?”

He hesitated, realizing he’d been led into a corner.

“Yes, I guess it did.”

“Would you also guess that Raymond Steagle was more dangerous than Jacob Krier with a gun in his hand who we know could hit a target when he wanted and miss when he wanted?”

Donovic hesitated again, taking more time. “No, I wouldn’t say more dangerous. If Jacob doesn’t get shot at that moment, we don’t know what he might have done. He could have started shooting at random. Who knows how many he might have hit before the police--or Ray--used a weapon to stop him?”

“But clearly, Mr. Donovic--Raymond Steagle violently reacted to a harmless gunshot!”

Donovic frowned, but shortly it became a scowl. “A *harmless* gunshot? I don’t know that it was harmless.”

“The shot--it missed! ” Rodell said, sounding agitated. “By four feet over Ray Steagle’s head, it missed.”

“Well, I don’t know about you, sir--”

Rodell cut him off. “No further questions, Your Honor.”

Judge Bender looked over at the defense. “Redirect, Counselor?”

Kriter stood. "I think the court might be interested to hear all of Mr. Donovic's response, Your Honor."

Judge Bender nodded to the witness. "You may continue, sir."

"I was just going to say that if a bullet misses me by an inch or ten feet--I don't consider that harmless. Those bleachers are held in place by thick steel carriage bolts with two-inch diameter round heads that could easily have deflected a bullet anywhere in that gym. There's no telling where it would have stopped."

"Thank you, Mr. Donovic," Kriter said, then sat down.

## CHAPTER 29

“The defense calls Officer Reggie Bates of the Pike River Police,” Len Krier announced.

A large solid man, broad in the shoulders and chest, late thirties, dark hair and a grim expression, entered wearing the short-sleeved blue summer uniform and carrying his PRPD cap. On the stand his brown eyes quickly swept the courtroom without any sign of nervousness.

“Officer Bates,” Len said advancing, “how many years on the force?”

“Sixteen. Three here in Pike River.”

“Was that day at the high school assembly the worst day of your career?”

“Yes. I think we all feel that way.”

“And why is that?”

“We lost a young boy. You always look back, thinking there had to be another way.”

“Did you come up with one?”

“No, but that doesn’t mean there wasn’t another way. You replay it over and over in your mind, but whatever scenario you come up with, there’s still always a downside.”

“So what conclusion do you draw?”

“We lost one. Better that we lose none, but it could have been much worse.”

“Are you satisfied, Officer Bates?”

“Never. Just thankful it didn’t turn into a blood bath in there.”

“Do you have children?”

“Two boys in middle school.”

Len showed a slight grin. “So you can walk in my shoes.”

“I can and I have. I think about it. And as a father I wonder what my approach would be? And I walk in Ray Steagle’s shoes also. It’s something you don’t wish on anyone.”

“Chief Hutchinson explained to the court the delay in police response. Where were you when you were ordered to the scene?”

He didn’t have to think about it. “Larry, Officer Larry Dixon that is, and I had just walked into the station from another call. Three minutes later we were on our way out. Just enough time to grab a couple M16s, ammo, and go.”

“What did you know you were facing?”

“A boy with a gun in the high school gym.”

“You didn’t know the gym was packed?”

“Not a clue.”

“When did you find out?”

“When we got there, Ben Donovic met us outside. He was containing a crowd of frantic people demanding answers. He told us the gym was full. John Delafield was in the lobby. He advised and directed us up to the two balconies.”

“You didn’t attend school here, did you?”

“No.”

“Ever been in that gym?”

“No, just the middle school gym. Larry either. He’s

from somewhere down below.”

“So neither of you knew the floor plan of the high school, or that there’s an entrance up front from the boys’ locker room and one from the cafeteria.”

The witness inhaled, held it a moment, then sighed. “No, we didn’t. But that’s changed now with Chief Hutchinson’s new policy. Every cop and deputy must tour every public, commercial, and industrial building that has more than two doors so that we’re familiar with the layout and know every way in and out. Even churches.”

“You really had no idea what you were walking into, did you?”

“No. We were just winging it. When we got to the balcony doorways, we looked over at each other a moment and nodded we’ll move forward together.”

“And you both got halfway along and Jacob said, ‘Far enough,’ and you both stopped.”

“Yes.”

“Why did you stop?”

He pushed himself back into the chair and gripped the arms. “Larry and I talked about this after it was all over. We were both thinking the same. We’ve got a man and a boy, each with a gun, talking things over. We don’t know for how long and we don’t know anything about either of them. What are we to do? Push it? Force the issue? Would that be better or worse than what we’ve got? We were both afraid that if we had leveled our weapons and moved on Jacob, bullets were going to fly. We could have shot Jacob. I was at an angle behind him. I could easily have blown his head off. He wouldn’t have known what hit him. Is that what I should have done? In my mind the answer will always be no.”

“Were you on target?”

“Yes. Throughout.”

“Have you seen the video?”

“No.”

Kriter glanced up at Judge Bender. “I have a short piece of the tape to play, Your Honor. It’s just a matter of turning the equipment on.” Holding the remote, he said to Bates, “I want you to watch both the onscreen timer and Jacob’s gun hand, Officer Bates. Here we go.” Kriter activated the tape just briefly, then stopped it. “What did you see, Officer Bates?”

“Jacob holding the gun for seven seconds.”

“Holding it how?”

Bates held out his right hand and pointed.

“Jacob was left-handed,” Len corrected.

Bates changed hands. “Sorry.”

“Where was the gun pointed?”

“At a downward angle.”

“For how long did you say?”

“Seven seconds.”

“Steady was it?”

“Yes.”

Kriter turned, scanned the jury to measure their alertness, then turned back to the officer. “I don’t know if you need time to think about this or not, but take your time if necessary. Could you have shot Jacob’s gun hand?”

Without hesitation he answered, “Yes.”

“You’re positive?”

“No question.”

“There’s another part on the tape where his hand is steady for four seconds. At either time, why didn’t you shoot?”

“Two things could happen. One of them is very bad.”

“And that would be?”

“There’s no guarantee that Jacob doesn’t get a shot off. He’s hit. The gun comes up. Maybe his body spins. Maybe not. The trigger’s pulled. Where does the bullet go? Could hit Ray Steagle or someone else. And as I said, we could

have killed Jacob. We had choices. We had to make a decision. We did.”

“Again, take all the time you need. Was there any time when you would have shot Jacob if the defendant hadn’t?”

The officer rocked his body back and forth a few times in the chair. “I’ve thought about it. I can’t say. We were only there four minutes before it came to an end. We didn’t know anything that went on between them before we got there. We saw the damage from two shots, but that’s all. In those four minutes it wasn’t a violent scene. There was no anger--and to me, no warning that anyone was ready to start shooting.”

“Were you and Officer Dixon communicating in any way?”

“With subtle hand signals--yes.”

“And why didn’t you fire when Jacob did?”

“My weapon was on target, but I certainly wasn’t ready to shoot. It just wasn’t a volatile situation in those four minutes. It didn’t feel like a tight scene where all hell was going to erupt in the next second.”

Len tilted his head a fraction and the corner of his mouth curled upward to just the hint of a grin. “Officer Bates, you’re glad you didn’t shoot Jacob, aren’t you?”

“I am very glad, sir, but I don’t wish Ray Steagle’s situation on him or anyone else either.”

“All right now--you know the charge against Ray. In your mind is that charge justified?”

He changed his body position, squirming somewhat as if suddenly realizing he was uncomfortable. He cleared his throat. “My opinion has never been asked before in court. I’ve only ever been a witness for the prosecution and just stated facts. I’m not sure if I should speak here.”

“Your Honor,” the DA said, pushing his chair back and standing, “I can help Officer Bates out here. I object to the question. It puts the witness in a position of possibly

criticizing the people's case. He is first and foremost a representative of a state law enforcement agency. The defense should not ask him that."

Len looked from Rodell to the judge. "Officer Bates took an oath to tell the truth on the witness stand, Judge. I would say to Mr. Rodell that's exactly what justice is all about--getting to the truth? I don't know why the district attorney didn't want the two officers who were at the scene to testify in court. If he wanted to keep them silent, then put their names on his witness list but don't call them. Officer Bates is now a witness for the defense." He looked at the witness. "Officer Bates, have we ever met, ever spoken in person or on the phone, exchanged e-mails, anything, ever?"

"No."

"So you and I haven't discussed this case?"

"No, we haven't."

Len turned back to the judge. "I just want the truth, Your Honor. Now, I will certainly withdraw the question if the district attorney finds this officer's answer objectionable and ultimately seeks some action against him that jeopardizes his career. I'm talking about an unfavorable report attached to his personal file, suspension, probation, anything of that nature, Your Honor."

"Mr. Rodell?" the judge said.

"I am not this man's superior. That would be Chief Hutchinson."

Judge Bender leaned forward, almost scowling down at Rodell. "Regardless of how Officer Bates answers Mr. Krier's question, you would not advise or pressure Chief Hutchinson for a reprisal, would you, Counselor?"

"No, I wouldn't, Your Honor," Rodell replied.

Bender leaned back in his chair, relaxed. "Objection overruled. I'll have the question read and the witness may respond."

The court stenographer uncured the last portion of the



paper strip in the steno writer and read without inflection, "All right now you know the charge against Ray--is that charge justified."

"Not in my mind it isn't," Bates said.

"Ray violated several laws," Kriter reminded him.

"But for what purpose? Not to harm. Don't ever believe that. Ray Steagle was on the side of the law."

"So what's to be done with Ray?"

"That's not for me to say. Maybe I've said too much already."

"You have no comment, Officer? That surprises me." Len looked up at the judge. "Can you advise the witness, Judge?"

"Given the circumstances and the seriousness of the charge, I believe any information and anyone's opinion is warranted. We have twelve people who will decide the outcome of this trial. We should make every effort to give them everything they need to reach that decision."

Kriter's nod prompted Bates who then responded, "I didn't know who the man with the revolver was when I got in there. Jacob addressed him as Mr. Steagle and never talked smart to the man and vice-versa. I didn't know he was a teacher and one of Jacob's teachers, but it was obvious they knew each other well, that there was a connection. And I saw all those other teachers sitting there without one word of advice or support or a plea to end the standoff. So I figured if we're going to get out of this peaceably, this had to be the man. I still believe that. Other than a family member, I think Ray was the only one who could have talked Jacob down. If I was on the jury and I was the only one voting to acquit, I would never change my vote unless he could be found guilty of a misdemeanor. And I mean no disrespect to you or to anyone in this courtroom, sir."

"Thank you Officer Bates."

Rodell was out of his chair and on his way forward,

ready to cross-examine. "So, Officer--you're saying let's just let the man on the street take the law into his own hands. Right? When Charlie Citizen sees trouble, he should go get his gun and wade right in. Is that what you're telling us?"

The witness straightened in his chair. "No--I don't mean that at all," Bates said emphatically. "Ray Steagle has a direct connection in this situation. Jacob wasn't afraid of Ray, and in his presence he wasn't hostile. These weren't two antagonists facing each other. They didn't hate each other. Fate somehow just brought them together."

Rodell threw his arms in the air. "And to listen to you, fate should forgive Raymond Steagle for killing Jacob. Let me remind you that the defendant called the police. When you arrived, why didn't the defendant leave, lay his gun down and walk out? Listen, Officer Bates--if you don't want to shoot someone who has threatened all those people with one of the most powerful handguns there is, then you better turn in your badge and find something less stressful." He turned abruptly, mumbled, "I'm done with the witness," and walked heavy-heeled back to the table.

Kriter waved off any redirect, then reconsidered. "My apology to the judge and this court. First, I want to commend you, Officer Bates, for speaking both as a lawman and as a man who can also empathize as a father. It's not easy. But I forgot to ask you something, and then I would have had to recall you. It was Officer Dixon who got the gun willingly from Ray Steagle, then tagged and bagged the .38 and took the defendant into custody. Is that correct?"

"Yes."

"You secured the gun that Jacob Kriter used. Correct?"

"Yes."

"Tagged and bagged it."

"Yes."

"Removing the remaining bullets from the cylinder first."

“No.”

“Why not?”

“The gun was empty.”

“Jacob Kriter’s gun was empty?” Len sounded surprised, but he wasn’t. He had read both officers’ reports.

“No live rounds.”

“Meaning he shot the clock, the scoreboard, and the bleacher, and couldn’t have shot anything or anyone else without reloading.”

“We didn’t find any other bullets. Not on his person or in his backpack.”

“Thank you, Officer Bates.”

\* \* \*

Len Kriter called Officer Larry Dixon to the stand next.

A young man in his early twenties with wavy blond hair and blue eyes entered the courtroom. As evidenced by the massive forearms exposed from his shirt sleeves to his finger tips, he lifted weights and bench-pressed regularly. Confidently he took the stand.

“Chief Hutchinson testified and spoke highly of your marksmanship, Officer Dixon,” Kriter began. “Have you seen the video?”

“No.”

“I’ll show you seven seconds of that tape, Officer Dixon.” He did, and then the four-second piece. “Why didn’t you shoot the gun and/or Jacob’s gun hand?”

“It would have been an easy shot. His hand was right there, stationary. Be like shooting a duck in a barrel. But if the boy still gets off a shot, Ray mighta got hit. Or, if Jacob spins ninety degrees and absently pulls the trigger, there’s half the senior class, the faculty, and all the freshman class that then become targets. How many is that? I’d say five hundred plus. I thought about it. I wanted to chance it. I

was confident. But I couldn't do it. It was just too risky. If an innocent kid died because I took a chance and lost, I'm done as a cop. I couldn't live with that, and I could never fire my gun again if I had to."

"You took the defendant into custody and then transported him to the Safety Building, didn't you?"

"Yes."

"Did he go peacefully?"

"Yes"

"Talk at all on the way?"

"No talk."

"You took his gun, the .38?"

"Yes."

"Tagged and bagged it?"

"Standard procedure."

"I read your official report. The .38 was loaded, wasn't it?"

"Yes, it was."

"But you discovered something odd. I have a chart on the easel there showing the cylinder of the .38 revolver and the holes numbered one to five, Officer Dixon. Tell the court what you discovered when you were unloading the .38 please."

"The cylinder of a revolver rotates clockwise when it's fired. If you put a bullet in hole one and pull the trigger, the firing pin hits that shell, the bullet fires through the barrel, and the cylinder rotates to position the next bullet to be fired. But in this case that wouldn't have happened. Assuming the defendant loaded the gun, he put a bullet in the one hole and a bullet in the two hole. When he fired the gun, the bullet in the two hole advanced to the three position and the empty five hole advanced to the one hole. He would have had to pull the trigger three more times or rotate the cylinder to get that bullet around to the one hole to fire it."

"When Jacob was shot, the impact lifted him off his feet

and propelled him backward. You saw that, didn't you?"

"I was there. Yes, I saw it."

"So--when his hand points the gun down and if Officer Bates shoots from behind and blasts his left shoulder, isn't that going to throw Jacob forward and probably onto his face?"

"It could have--but maybe it doesn't and Ray Steagle takes a hit."

"Could Officer Bates have killed him at that time and saved Ray Steagle from this trial?"

"Yes. I'm sure he could. Again, it's a judgment call. You just don't know for sure. We were there only four minutes. It wasn't a heated exchange of words. I did not believe it would end that way. It was tense, but it didn't seem urgent."

"Judge Bender informed Officer Bates that he could speak his mind without fear of any repercussions from the district attorney and Chief Hutchinson. Do you, Officer Dixon, have any thoughts about Ray Steagle's situation that you'd like to share with this court?"

"You're telling me that whatever I say--my job isn't in jeopardy. Do I understand that right?"

"You got it right. Let's also establish for the court that you and I have never had any discussion about the case. Is that a fact also?"

"Never exchanged a word."

"And so what about Ray Steagle?"

The young cop looked down for a moment, then looked at Len Krieter and answered straightforwardly. "If the defendant doesn't kill Jacob, then what happens? We don't know. When Ray shot him, the result was a clean kill. Ray did what Reggie and me couldn't do. We owe him! Every person in that gym owes him. I understand the sentiment for your family, Mr. Krieter, but the boy stole a gun, brought it into the school assembly, and threatened everyone there. I

hear he went down the rows pointing a loaded .357 at people. Do you realize he could have shot one person and the bullet go right on through into another. That's the kinda power he had in his hand. Dangerous. Very dangerous, and especially in a packed house like that. He had to be stopped. He was unstable. Ray did our job. I say turn him loose. No punishment. In that situation, is there really any difference if Ray shoots him or we do?"

Kriter thanked the witness. Rodell moved to cross-examine.

"Officer Dixon, you paint a very dangerous scene. An unstable boy, a powerful gun, row upon row of innocent kids being terrorized. You say he had to be stopped. Correct?"

"Absolutely he did."

"And when did you come to that conclusion?"

"As soon as I got in there and saw the kid with the gun and the damage he'd already done."

"And four minutes passed while you kneeled on the balcony and waited to see what was going to happen. You, as this court has been informed, are the best marksman on the force. Are you the best?"

"I guess I am."

"Did you think Jacob Kriter was going to come out of that gym alive?"

"Yes, I did think that."

"And you say Ray did your job. Are you telling the court you should have shot him?"

"Knowing what I do now, I probably should have."

"Probably!" Rodell barked.

"I should have."

"You've got a guilty conscience, Officer. You admit you didn't do your job. And because you didn't, Raymond Steagle should go free. You don't want that on your conscience either. My God, man--can't you see what you're saying? You're saying that sometimes other people have to

take over when the police screw up, even those who don't know squat about guns! No further questions, Your Honor."

Kriter did not redirect.

\* \* \*

Chief of Police Andrew Hutchinson was called to the stand.

With the bailiff a foot shorter in height and not even half the chief's weight, it was a rather comical sight to see the small leading the large into the courtroom. The bailiff reminded the witness he was still under oath, waited until he was seated, then assumed his position over on the bench next to the two alternate jurors.

Len Kriter approached casually. "Chief, I've read the transcript of your testimony in court two weeks ago," Len said. "Officers Bates and Dixon have now testified also. I know you weren't in town at the time of the awards assembly incident. How many police do you have on duty each shift?"

"Ten from seven until three in the pm. Fourteen from three to eleven. Twelve from eleven to seven."

So at 8:22 when Ray Steagle made the nine-one-one call, there were twenty-six other police off duty. Right?"

"Yes."

"Do most or all reside within the city limits?"

"Nineteen do."

"Would they have been reachable?"

Hutchinson tilted his head back and threw his hands palms-up in exasperation. "They're off-duty. How would I know who is where?"

Len smiled inwardly. He knew this man and believed his testy attitude was probably a sign that something had already gone wrong before he got there that morning. Well, his day wasn't going to get any better here. "Chief, in an

emergency situation--let's say a tornado--would all of your officers have been available and you could contact them?"

"Yes, they would and I could."

Kriter moved a few steps closer. "And I would think that the twelve who came off duty a little over an hour before the assembly incident would still be available. Couldn't someone have called them? Didn't the nine-one-one call indicate we've got an emergency in the high school gym? And I realize that's two questions."

"We really didn't know what it was until we got inside. When Ray Steagle signed off on that call, there was no more contact."

"Not within your department, there wasn't. But you are aware of John Delafield's involvement that morning, aren't you? Your dispatcher called him at 8:26. He rushed to the school, went through the kitchen and cafeteria, and looked onto the stage through the crack between the double doors. He observed Jacob with a gun. And at 8:31 he's calling for his EMTs. And finally, five minutes later when Dixon and Bates arrived, he advised your men that the best vantage point would be the balconies and then showed them how to get there. You are aware of that, aren't you?"

"Yes, I know that, but no one on the force knew that at the time."

"Which says that as a result of the nine-one-one call the Director of Ambulance Services knew more about what was going on than your entire department. Are you aware that nine of your thirty-four-man force graduated from Pike River High?"

"I know who they are, but I've never kept track of the number."

"You graduated from Pike. You know the layout well, don't you?"

"Yes."

"And you know the two entrances into the gym that are



close to the stage?”

“Yes.”

“The defendant was standing in front of Jacob when he shot. Jacob’s body literally flew backwards. Would you and the men under you have expected the body would propel like that?”

“Yes.”

“Then if someone had shot Jacob from the back--let’s say Officer Bates up in the balcony--you would expect Jacob to lunge forward, wouldn’t you?”

“Probably, but not positively.”

Kriter paused, seeming a little out of breath. “My point, Chief, is that an officer coming through the same doorway as the defendant did and another officer coming from the cafeteria, they would have been physically closer to Jacob. That is preferable, isn’t it, rather than being half a gym floor away and up in the balcony?”

“Closer is better, yes.”

“And what would you expect your officer coming in behind Ray Steagle to do?”

“Order the defendant to lay down his weapon and back out of there.”

“Regardless of the dialogue between Ray and Jacob?”

“Regardless of what anyone said!” he snapped, genuinely agitated now, knowing he’d been put in a position of defending his men and his department even though he was totally dissatisfied with their performance. He continued, making no attempt to hide his anger. “It’s a situation that could explode any second--and ultimately did. Jacob’s behavior was unpredictable. Something--we don’t know what--but something set him off and he started blasting away seconds before we could stop him. How many could he have killed or severely wounded or maimed for life in those few seconds? We couldn’t know. But I know he should have been stopped before that. Not during and not after.” His

face had reddened and his chest heaved.

Kriter gave him no chance to catch his breath. "And you say they should have ordered Ray Steagle out of there."

"Absolutely. Order him to put the gun down and get the hell out of there."

"And if he doesn't?"

"Then we not only have an adult male who has illegally brought a gun into a public school building but he also refuses to cooperate with the police. Whatever the officer has to do to remove him or disable him is justified."

"Including shooting him?"

"If that's what it takes, yes. He's obstructing an officer and endangering everyone present. We've already got a shooter on our hands. We can't molly-coddle another."

"Anyone who's been in that school knows it was built in three stages over forty years and it's a maze of hallways. Can you tell the court why officers who knew the school layout well weren't dispatched to the gym?"

"Simply not available at the time."

"Have you checked their logs?"

"Have I checked their logs. HAVE I CHECKED THEIR LOGS? If you're asking have I conducted an investigation of all personnel on duty in order to account for their positions between 8:17 and 8:40 that morning, the answer is no. That is a definite NO!"

Kriter's voice turned sharp, insistent. "Then you don't know that two of your men were within eight blocks of the gym and could have responded to a call. You don't know that another officer, a Pike River graduate, was just six houses down the street trying to talk a woman's cat out of the neighbor's basement. The point is, Chief Hutchinson, from the minute the defendant placed the nine-one-one call, whether or not he stayed on the line to provide all the information you've testified you could have used, here's what happened. Verification of the call was a disaster, the

principal left his post in the gym without an administrative disciplinarian in charge, you're out of town with apparently no one left in charge with anything approaching your expertise, there's a huge delay in police response, when the police finally do arrive they don't know the layout or where to go or what to do, and just sixty seconds away is a more knowledgeable officer trying to snare a cat. And now what does that all add up to--"

"Objection," Rodell said mildly. "Counselor is totally over the edge. He's lecturing and badgering the witness. He's lost his way."

Kriter wheeled and glared at the DA. "Before I can ask Chief Hutchinson to respond, I need to make sure he knows the bottom line of what occurred that morning from 8:22 when Ray intervened until 8:40 when it ended." He turned and faced the judge.

"Let's hear that bottom line," Judge Bender said. "Objection overruled."

Kriter nodded to the judge and turned to Hutchinson. "As a result of this massive foul-up-- a total breakdown in effort, procedure, and effect all along the line, Ray Steagle, the only man who did anything to stop Jacob Kriter from killing someone, is on trial for murder. All right, Chief Hutchinson--you've explained to the court what your officers should have done. Now, you tell this court what you'd have done had you been on the scene."

Hutch had pushed himself back in the chair and seemed more relaxed. Calmly he said, "I would have gone there, found out what we were dealing with, and from the teachers' parking lot entered the gym behind Ray Steagle. I would have approached Ray, asked for his gun, put it in my belt, and ordered him to sit with the faculty. It would have been Jacob and me, and I'm not pointing a gun at him."

"To you that would have been the best scenario."

"In my mind, yes."

“And meaning that’s exactly what one of your officers should have done.”

“They didn’t know the layout.”

“Exactly my point, Chief. You actually had three officers, Pike River High School graduates, on duty that day at that time and within the city limits. And let me add, Chief--only the one was answering a call at that time. Had one or both of them been sent on this call, the procedure you would have used very well might have been the one those officers chose. The outcome certainly would have been different because the defendant would presumably be sitting with the staff.”

Kriter held up his hand as if signaling not to interrupt. “Chief, let me go back a bit now to that part where you’re standing facing Jacob Kriter instead of the defendant. At some point of a possible impasse, will you pull out your gun?”

“I might have to.”

“And what you’re saying then, Chief Hutchinson, is that you would have done exactly what Ray Steagle did except that you, being a lawman, would be in complete compliance with the law whereas Ray Steagle is charged with breaking the law.”

Len turned and walked over to the jury. “In other words, ladies and gentlemen, if Ray Steagle had been wearing a badge instead of a blazer, we wouldn’t be here. Jacob would still be dead, but when a cop drops him, it’s considered unfortunate but necessary. When Ray dropped him, it’s murder. One is justified--the other is not.” He held out both arms in a gesture of exasperation. “I ask you to think about that, and then ask yourself this--does that make any sense?”

Nodding to the judge, Kriter stated he was finished. Rodell did not cross. Court was adjourned for lunch.

## CHAPTER 30

Len Krier parked as close to the Hardee's entrance as possible. Inside, he pointed to a booth, got in line, and then watched as Harry slowly and laboriously dragged his WWII souvenir across the floor--a solid, prosthetic, right leg.

It didn't used to be that way, Len stood there thinking. Dad would plant that foot with a thump, remark with a grin, "Just like Ahab on the Pequod," and then laugh heartily as he easily propelled his left leg forward, a sort of step-thump-step gait.

Surprisingly, Harry still maintained a bit of the athleticism that made him a four sport standout at Pike River High back in the late thirties, now playing first base on the retirement community's slow-pitch softball team in the Old Duffer League, though he readily admitted, "Any ball hit to my right is destined for right field and probably a sure double if the hitter isn't on crutches!"

Harry still kidded about the leg also. "I always figger it's good for at least ten pity points," he would say. "Juries see this poor man hobbling around the courtroom trying to make a living for wife and family, and they say to

themselves, 'Better this than see him on welfare.' Sometimes a little grimace with a few steps adds points too," he'd chuckle, smiling devilishly.

Len set the brown tray between them--four plain cheeseburgers, a small order of fries, and two black coffees. "Lunch is on me," Len said.

"Big of you, son. Big. Mom and I'll buy supper if you can find an early bird special around five bucks somewhere," he said, grinning." He removed the cover from the Styrofoam cup and took a sip. "I can sue for two mil if I spill this on my crotch."

"Do it, Dad. As your attorney I'll get half."

"My son--the ambulance chaser," he said, sounding forlorn. "And your mother and I worked so hard to raise you right. By the way," he said, popping a fry, "you were boring in court for most of the morning. I almost nodded off. Except when you laced into Hutch. That was interesting."

"I lost it there. In retrospect, the whole ordeal was just so screwed up. You can put the blame everywhere. And yet not in anyone's wildest imagination was some kid going to take a gun in there and terrorize his classmates and the whole school. But Jake did. It all starts with him. I don't blame Dixon and Bates. You look at the video and they're right. No way was it going to end in a gunfight."

"I agree, Len. And as we both know, you gotta stir the pot now and then to keep the jury awake. But you said what had to be said."

"I think the most enlightening testimony was that Jacob only put three bullets in his gun and Ray's next bullet was three cylinders away from firing. Wouldn't you think the jury would ask themselves if Jacob's first two bullets were for the clock and scoreboard what was the third one for? And doesn't it show Ray wasn't there to kill anyone? And yet I don't think it registered."

"And I don't think they're going to get it until you

develop your whole strategy, and even then you might have to tell them. But the cops, even Hutch, threw a few points Ray's way."

"You're saying the jury reacted to them?"

"That they did. It was obvious Bates and Dixon are damn sensitive when it comes to punishing Ray. No wonder Rodell didn't want them up there. And Hutch wavered and squirmed a bit too."

"Brad really was quiet, wasn't he? Unusual for him. But I think he knows where we're going with this. I think he knows that's where the real battle begins. Not much sense making waves right now and getting Judge Bender all lathered. We'll probably see plenty of that before it's over."

"Well, one thing I know for sure, Len. I found the wrench in your gears. Juror number seven."

"That sun-bleached blond Adonis in the yellow tank top with the razor wire tattoo around both biceps."

"He's the one. I wish Sweeny could be here to see him. I wonder how he dressed during jury selection and the first day of trial."

"Probably wore his black Harley T-shirt."

"He scowls and shakes his head at everything you bring up, and he nods and smiles approvingly at Rodell's every comment."

"There's nothing remarkable about him in Pat's jury notes. Do you want to run a background check, Dad? See if there's a nerve we can tap into?"

"I can do that." He grabbed the register receipt from the tray and turned it over. "Gimme your fax number. We might want some documentation transmitted." Scribbling quickly, he looked up, grinning. "And are we going to get some fireworks this afternoon--something to start every bell ringing in those belfries? You sure don't want me falling asleep. Be damned embarrassing!"

"We got the Weatherbys, father and son. I think the son

will generate some emotion. He'll read his account of the assembly shooting. It's long but it's from the heart. He's nervous, so he might lose it somewhere along the line. That won't hurt us, but I didn't tell him that. Then comes Ray. I would expect all ears on point then. I thought I'd end with the police negotiator, but I'm having second thoughts. I think we got some really positive testimony, certainly more than I expected, from Larry and Reggie. Actually, I didn't expect any."

Harry nodded affirmatively, chewing at the same time. "I thought they helped immensely. They came across like a couple lambs being led to slaughter. And the cop and the cat thing right down the street stuck the knife into Hutch pretty good. But about that pro negotiator, Son. What you have going right now, Len, is a completely contained trial. It is strictly Pike and Bridger. No outside influence. No one coming in here as a know-it-all. It's just the people. And Warren has the court locked down by banning media cameras inside. There's nothing *live* going out. I think it's to your advantage to keep it the way it is--quiet and personal. And I think it's real smart that you have Hannah and Rich back in court with their mother and close to Ray. No one on the jury can look over at Ray without seeing them also. Really tugs at the heart. And I didn't see where those few seconds of Jacob on the video upset the kids."

Harry stopped, then shook his head in dismay. "Ya know, Len--we've been talking nonstop. I'm done with lunch and wasn't even aware I was eating."

\* \* \*

Leland Weatherby was brought into court, sworn, and seated. He was nervous. It had gotten back to him that some people blamed him, said that his gun should have been more secure. The talk weighed heavily on him. He didn't know that Len was aware and intended to set the record straight,



that any blame in that direction was totally unwarranted.

"You knew Jacob Kritter quite well, didn't you, Leland?" Len asked.

"Yes, I did. As well as you know my son, Ted, I suspect," he replied.

Len smiled. "I should tell the court our backyards almost touch. When his son, Ted, was at our house, I had two sons. Probably the same situation at yours, Leland."

"Exactly."

"It was your .357 Magnum in Jacob's hand, wasn't it?"

"Yes."

"My son, Jacob, stole your gun!" he stated emphatically.

Weatherby obviously wasn't expecting the question put that way and that bluntly. His body straightened as he looked his friend in the eye. "Yes," he admitted quietly. "He did."

"How did he?" Len asked gently.

"We were gone the previous weekend. Jacob knew where we kept the key to the garage service door. He used that. He rolled the wood gun cabinet out of the corner, cut a hole in the back down at the bottom where the drawer is, and got the gun and some shells. He pushed the cabinet back against the wall. He cleaned up the saw dust. You couldn't tell it had been touched."

"When did you discover that?"

"When Chief Hutchinson came. He had checked the registration. That led him to me."

"Do you know how many bullets Jacob took?"

"No. Some were out of the box and lying in the drawer, which they never are, but I couldn't say how many were there to begin with."

"You taught Jacob how to use that gun, didn't you?"

He was quiet for a moment, his eyes cast down. Without raising them he said, "Yes, I did."

"What kind of a marksman was he?"

“He was very good very quickly. A very steady hand.”

“You taught him to load the gun, grip and hold it steady to aim, pull easy on the trigger, and expect the recoil, didn’t you?”

“Yes. The recoil is actually less than one might expect.”

“Tell me, tell the court, Leland--from just twelve feet away how could Jacob have missed Ray by four feet too high?”

His reply was instant. “Jacob wasn’t aiming to hit him.”

“You’re sure of that.”

“I’m positive of that.”

“Did you ask my permission to teach my son how to shoot a gun?”

Again, he lowered his head a moment, as if ashamed, then looked up and said softly, “No--I didn’t.”

“Do you think you should have?”

“Considering what has happened and that I feel partly responsible, yes--I wish I had asked you.”

“Well, Mr. Weatherby, had you asked me I would have said yes. You should know that Jacob told me about that day at the firing range. You and your family were good to him. We both have to face the fact--Jacob stole your gun. You’re not at fault for that either. You trusted him with knowing where the garage key was. He violated that trust. Now, had you noticed any change in Jacob, in his manner or behavior the last few months?”

“Subtle changes. Jacob was always so sharp in his thinking, crisp in his speech, and extremely coordinated to the point where his dexterity was so precise. I’d watch him tie flies with Ted. He was so fast and yet the thread wrap was so meticulously perfect. But we noticed little things. An occasional little slur in language, a bit unsteady or shaky at times it seemed. And an edge of testiness occasionally, which we’d never seen before. I asked him one day if he felt all right, and he said he had a bit of a headache from time to

time. Ted would ask him privately, and he told me Jacob would admit he was aware of something--*weird* was his word--but then Ted said he'd just blow it off as nothing."

"Thank you, Mr. Weatherby."

Brad Rodell walked to the witness stand. "Well, I really don't know what that was all about, what defense counsel is aiming for, but I'd say he was quite magnanimous. I had considered charging you either as being negligent or an accessory. You've got a wood gun cabinet locked, but you tell some kid where the key is to get in the garage. That's really not all that different from leaving the gun cabinet unlocked, is it?"

"As it turned out, no, it isn't."

"Where's the cabinet now?"

"Same place."

"Is that smart or dumb?"

Looking justifiably chastised, Weatherby answered, "It's neither. It's a broom and rake and shovel cabinet now. The guns are locked in a metal cabinet in the basement of the house."

\* \* \*

Led into court by the bailiff and up the center aisle to the witness stand, there taking the oath, Ted Weatherby sat his lanky frame down in the witness chair, immediately looked over at Len Krier, saw Ray Steagle and his family, and never took his eyes away. The boy's nervousness was unmistakable, appearing as if any moment he just might rise and bolt the courtroom.

Len moved quickly to settle him. "You stayed a long time after the shooting to write your account of what happened, didn't you, Ted."

"Yeah--yes. I did, Mr. Krier."

"You're going to read it for the court, aren't you?"

“Y-yes. I am.”

“Why did I ask if you would?”

“It’s really not about the shooting so much. I figured with so many writing about that, there couldn’t be much left out. I wanted to write about Jacob and Mr. Steagle.”

“Your best friend and your senior English teacher.”

“Best ever-- both of them--yes.”

“This is a copy, Ted,” he said, handing him several pages. “I want you to examine it, verify it’s yours, and that’s your signature.”

The boy flipped the pages, then nodded. “Yes. I wrote it. There are a couple words in there maybe I shouldn’t read to the court.”

“I know what you’re referring to, and I would say to you read what you wrote. Everyone understands it was a very harrowing time. Emotions were intense and overflowing.” Len entered the account as an exhibit and told Ted he could begin.

The boy cleared his throat. “Ted Weatherby, Twelfth Grade,” he read, then cleared his throat again. “I saw everything everyone else saw. Now I’ll tell you how I feel about it. Krite and I have been best buddies since kindergarten. It would have probably been sooner if we’d known we just lived around the corner and a few houses down the street from each other. But from the very day we met we were joined at the hip. That’s how close we’ve been all these years. I was at his house--he was at mine. He went somewhere--I went with. I went--he came along. I don’t have a brother. Two sisters. But I think Jake and I were as close as brothers are.”

He paused, staring at his pages, then looked up and scanned the courtroom, connecting with many of his classmates but searching for one until he found her in the far corner of the back row. A slight, almost delicate girl with her red hair in a ponytail, she smiled, touched her lips with

her finger, and pointed it at him. His grim expression softened in the instant. He turned his eyes back to his statement.

“And in our minds we were always on the same page. We liked the same things--movies, TV, the books on Mr. Steagle’s list that had to be read outside of class, sports, music, food, Hollywood hot babes--you name it and we were in tune. Everything.”

He swallowed hard, took a breath, and continued without looking up.

“And we never disagreed. I think we liked and respected each other too much to hurt the other’s feelings. But there was a change in Jake. About three months ago I’d say it started. Little changes. Probably unnoticed to most--maybe even fooled his parents. I know he tried to hide it, but I saw it. He just wasn’t exactly the same. Most of the time, yeah, he was Krite. But different at times. Not really Jake. He was never a moody guy. Never--but he got moody. Sulked. Was irritable. Cranky (my grandmother’s word). And he didn’t have the fire and interest he usually showed. One of us would come up with some idea or project and he’d dive in, couldn’t wait to get started, and would really become focused. ‘Teddy, Teddy--c’mon man, we can do this. You and me, you and I--whatever!’ I haven’t seen that spark in him for weeks.”

His hand was shaking, rattling the sheets of paper. He tightened his grip. No effect. He grabbed his right hand with his left and squeezed.

“He complained of headaches. He said some pounded and some just ached. But then he might go for days okay. I remember once he was reading me something funny in SI that Shaq said, but he had to quit. Said the print got fuzzy. We put new line on our casting reels one night, and he was having all kinds of trouble threading the line through the guides. And the guides are about half-inch in diameter.”

Ted appeared more relaxed now. He looked out and made eye contact with some of his buddies, then with the little redhead.

“Krite was really a clever guy. Funny like you can’t believe, and yet so smart you wouldn’t maybe expect him to be so funny too. Sometimes the brainy ones are just that--not really very creative. Krite never told jokes or talked dirty, but some of the stuff he’d say ripped us all apart. But lately he wasn’t funny. And he didn’t seem as quick and as sharp as always.

“When he asked if he could say a few words after his award, I really expected him to make us laugh. And at first we did. For him to take a load of scholarship money from someone and give it to someone who needed it more was really a cool idea. We loved it! It was great! Something only Krite would come up with.” He paused and looked at Len.

“You’re doing just fine, Ted,” Len assured, nodding approval. “Take your time. You’re among friends.”

He lowered his eyes. “But then he turned on us. No, that’s not right. His mind turned on him. Before today he got a little testy with me a few times, but I kinda just blew it off. A little disharmony wasn’t going to destroy our friendship. Today that was not Jacob Krite waving a gun around and scaring everyone shitless. The real Jake couldn’t and wouldn’t do that. Not ever. And he wouldn’t think it’s funny either.

“Something happened to Jake. I have no idea what, but I do know that wasn’t the real Jake, my best friend and the best I’ll ever have. The real Jake would never make trouble. Never! That was someone else inside of Jake today.”

Without lifting his head, he glanced over at Ray Steagle for just a moment, then continued reading.

“About Mr. Steagle. If the real Jacob Krite was here right now, he’d tell you that waving a gun around at all the

kids and blowing the clock and scoreboard away was stupid, flat out stupid, and Mr. Steagle was absolutely right in what he did and deserves a medal for putting his own life on the line. That takes a special person and Mr. Steagle is a man who can put himself in front of others to protect and save them from being harmed.

“And Krite, the real Jake, would have felt real bad for stealing my dad’s gun. Well, the real Jake just wouldn’t have done that. Never. I don’t know what’s going to happen, but the police took Mr. Steagle away. If he’s arrested and put in jail, I know Jake will really be sorry. If Jake is okay--if he’s just wounded let’s say--and Mr. Steagle still has to go on trial for that, Jake will stand up and tell the world about Mr. Steagle. He’ll say you can’t blame him. He’ll say you got a high school kid off his nut with a gun and scaring the shit out of everyone in the gym. What’s Mr. Steagle supposed to do--wait until this crazy kid kills someone?

“Anyone who thinks Mr. Steagle intentionally shot Jacob doesn’t know the man like we who are his students. And he’s the only one who stepped up. You hear that all the time in sports--somebody has to step up, somebody has to make a play. Well I don’t mean to knock any of the other teachers who sat through it all, but Mr. Steagle is the only one who came forward and looked right at Jake and faced that gun. And he did it for a long time before he ever showed he had a gun too. In grade school we heard alot about duck and cover. Well, Mr. Steagle sure didn’t. We wanted to. Man, when Krite was blasting away, and then when he got so wild-eyed and yelled at us, you thought for sure you were gonna die--and soon. And the funny thing is--Krite doesn’t yell. Never. Well, yeah, at sports he does.

“You can’t imagine the feeling when Mr. Steagle walked in. Right away we knew we were okay. Everyone felt that way. Kids that don’t even know Mr. Steagle as their

teacher--they came up to me cuz they know Krite and I were the best of buddies, and they said they felt safe right away, that nothing bad was going to happen to them. And Krite tuned us all out like we weren't even there when Mr. Steagle came in. It was just Jake and Mr. Steagle then.

"But I don't think anyone expected anyone was going to get shot. Not Krite or Mr. Steagle. I think we thought they'd both just put their guns down. But I don't know which Jacob Krite fired that third shot, the one that hit the bleacher above Mr. Steagle's head. That doesn't make any sense at all. Krite was really a good shot. So what was Jake doing? I don't know. But he wasn't trying to hit Mr. Steagle."

He looked up then, the tears evident in his eyes. The pages shook in his hand. "That's it," Ted said quietly.

Len spoke softly also, assuring the boy that he and everyone there understood. "You lost a good friend, Ted. And there was no way we could save him. But perhaps we can save Mr. Steagle. And you're right--that's how Jacob would have wanted it. Thank you." He glanced at Judge Bender, then turned and walked back to the defense table, winking at Ray and Harry as he sat down.

"Will the prosecution cross-examine the witness, Mr. Rodell?" the judge asked.

"Yes," Rodell said, picking up some papers and then advancing. "I didn't object to any of your testimony, young man, though I rightfully could have. You can't sit there and speak for the whole student body. You can't think for the whole student body, and you can't think you know what the whole student body thinks. You can tell the court what you know, what you believe, and what someone told you as long as you can produce that person, if asked, to substantiate your claim. Now I have to tell you, Ted--not everyone is as supportive of Jacob Krite and Mr. Steagle as you are. Several students see it all differently than you do. They all



write that having guns in school is against the law. They seem to think that whoever got shot, no matter how or why, the shooter should pay the price and go to jail. Would you care to comment?"

"That surprises me. It really does. Krite would hate me for telling this, but clearly he was the most popular guy in the whole school, and that includes last year too."

"I have a list of names, Ted. I don't think we need to announce them, but take a look and see if any ring a bell."

Ted took his time, nodding as he went down the list of forty-seven. He looked up, handing the sheet back to Rodell. "I know some of the names. These are grades nine through twelve special ed kids that are in the annex connected to the school but not really part of our curriculum. They come to some of our assemblies. They don't really know Jacob or Mr. Steagle."

"Ted, do you understand what being objective is?"

"Sure. You can look at both sides of an issue with an open mind."

"Then don't you think those forty-seven students might just be the most objective of all the students there? They don't know the people. They don't take sides. They only know what they saw. And they saw a young boy, a high school student by the name of Jacob Krite, shoot the clock and the scoreboard and then talk to this man with a gun, Mr. Steagle, a teacher, for about ten minutes, and then the boy shoots at the balcony bleachers and the man shoots and kills the boy. That boy shot three times and never hurt anyone. The man shot once and the boy is dead." Rodell turned and faced the jury, gesturing as if to say--*See, it's that simple.* "No further questions, Your Honor."

## CHAPTER 31

While casual dress had invaded the teaching ranks nationwide and Pike River was no exception, Ray Steagle fought the craze from Day One. “Look--let me put it this way. When you’re a male professional educator, when you know that a suit or a blazer and creased pants and polished shoes will command immediate visual respect, especially compared to baggy wrinkled Dockers and graying Nikes, doesn’t that tell you something? And when your local TV news readers, weather handicappers, and sports reporters wear suits, doesn’t that tell you that appearing in front of your academic students in a suit is going to impact your presence more than faded jeans and a fraying flannel shirt? Businessmen wear suits. Aren’t we in the business of educating? Shouldn’t we dress at least as businesslike as Terry Bradshaw and Howie Long? Hey, consider this--even Jerry Glanville wore a suit!”

Thus, since being released on bail and no longer confined to a cell and shrouded in a jumpsuit, no one was surprised to see Ray seated at the defense table dressed in a sand-colored summer suit, cream shirt, light brown tie, and

highly polished brown loafers. This was the Mr. Steagle his students saw every day in class. At Len Krieter's summons, he walked without hesitation to the bailiff, placed his hand on the Bible, clearly responded, "I do," and took the stand.

Brad Rodell frowned, wondering why Steagle would testify now. Krieter's list of witnesses was right there on the table, and only three names were left, one a deposition. So why Ray? A defendant is normally the last to take the stand-if he's actually to be called. It had to mean that Steagle wasn't Len's hole card. One of his other two witnesses had to be. But what was so remarkable about them?

Len waited a few moments while Ray seated himself comfortably, then said as he moved forward, "Ray, the academic awards assembly started at eight that Friday morning of Memorial Day weekend. You were late even before you made the nine-one-one call. Tell the court why, please."

Ray sat straight, glanced at the court, then looked directly at the jury. "I had a young lady come in at seven to complete the second part of the final exam that she missed due to a medical absense. When she finished and in her presence, I corrected her work and then figured her semester grade. Since she was scheduled early to receive a scholarship award, she asked if I would call her mother, tell her the good news, and assure her mom there was no drop in her GPA. I had no problem with that. All of the other seniors had received their semester grades, their grade point, and knew they had graduated. Knowing hers meant that she could sit with them. They were seated in alphabetical order as they'd practiced for the graduation ceremony, and hers was the only seat empty. I understand she got quite a cheer when she walked in and joined her classmates."

"What time do teachers usually report in the morning?"

"Seven forty-five. We're there five or ten before that."

"But you were there at seven o'clock."

“Yes.”

“Couldn’t she have taken the test after the assembly?”

“She could have, and even though we knew she couldn’t fail, still she wouldn’t have been able to sit with the other graduates. It’s strictly *grads only* in the senior section.”

“Aren’t you going an extra mile to do that for her?”

“We call it pay-back time. They’ve gone a hundred extra miles in class for me--well, at my urging.”

Someone among the spectators uttered a soft “Whoo-weee!” With the courtroom being so quiet, everyone easily heard it. Smiles appeared on so many faces, even on Judge Bender’s. He had reached for the gavel but never touched it.

“Did you phone her mother from your classroom?”

“Yes.”

“Your classroom is only steps from the gym lobby, isn’t it?”

“Less than ten seconds.”

“Why didn’t you go that way to the assembly?”

“I might have if I wasn’t presenting a memorial award on behalf of a deceased English teacher. I could have slipped in and sat at the end of the bleachers with the ninth grade. No need to walk the whole length to sit with the faculty. I didn’t want to be a distraction, so I took the long route that ends at the boys’ locker room and comes out up front by the faculty section. It’s much less conspicuous.”

“That’s where you made the nine-one-one call, the locker room?”

“Actually the coaches’ room there.”

“What prompted that?”

“I heard an unidentifiable “pop” as I approached the locker room. Could have been a firecracker, but that would be the first ever. I stopped to wash a bit of ink from my hands. I heard a tremendous blast and a thudding crash. I heard screaming. I heard a boy’s voice yelling, shouting. I thought the voice was Jacob’s, but I’d never heard him yell

before. I peered around the edge of the doorway just enough to get a glimpse. It was he, and I saw him pointing a gun."

"What did you think?"

"I was sure then that the pop I heard was a shot. That meant he had fired that gun twice. My first thought then was my daughter, Hannah. She was sitting with the ninth grade. Did he hit her? How badly? What's next--who's next?"

"You didn't wonder why?"

"Not at all. The memory of Columbine High and Red Lake hit me. I know I was shaking inside and afraid."

"You were safe where you were."

"Yes, but no one was safe inside, including Hannah. I had to get in there."

"Was your first thought to call nine-one-one?"

"No. For some reason--I can't explain it--I remembered the gun I had in my glove box. I had to get it. I couldn't go into the gym unarmed. The whole staff was in there and he'd already shot twice. Apparently there was no way to stop him. I felt I needed an equalizer just in case."

"How long had the gun been in your car?"

"Two days. Since that Wednesday after school."

"It's not your gun. Why did you have it?"

"It belonged to a neighbor friend. One of the grips was cracked. A colleague of mine does some gunsmith work. I was the go-between. It's a hectic time at school. I just didn't get it delivered. The glove box was locked."

"You went to your car and got the gun."

"Yes. Only took seconds. My car is in the first row right outside the door."

"You didn't really know how to operate the gun, did you?"

"No. I had to figure out how to get it open to put the bullets into the cylinder and line up one for the barrel. I didn't know if it had a safety, and it really wasn't something I wanted to fool with. I remember I was shaking pretty

badly. I would guess that took a minute.”

“Did you have any idea what you were doing?”

“I had no plan other than getting in there. A boy was shooting a gun in a packed gym. I knew I was going to try to talk to Jacob, but if that didn’t work--well, maybe the gun would help. I certainly couldn’t visualize me firing it.”

“So you’re just reacting.”

“Well, again the other school shootings jumped into mind. In those situations if someone else in the school other than the kids had had a gun, maybe it would have been different. I had a gun. Hopefully it would be different here.”

“Why did you hide the gun under your coat?”

“I knew I first had to try talking to him, reason with him. The gun would be a last resort. And even then, only for show, a scare tactic.”

“And coming back to the locker room and into the coaches’ room, that’s when you called nine-one-one. You’ve been criticized for not remaining on the line longer and providing more information.”

“And to me that criticism makes sense only after the fact. You had to be there. Kids are frantically screaming and crying. Some of those in ninth grade are still only fourteen, very young and very little kids. Someone had to stop Jacob. I saw that no one else was on that stage with him. That was strange. The chairs were empty. I didn’t see Mr. Donovic. I’m not really plotting what I’m about to do remember. I’m just doing what I think I or anyone else in my position should do.”

“Were you aware of the authentication procedure between nine-one-one dispatch and the school?”

“No. We had fire drills and tornado drills, and we had a warning message voiced over the PA system--‘The copy machine in the teachers’ work room is out of order!’ That meant a bomb scare had been phoned in. That’s all we knew.”

“How long did you think it would take for the police to arrive?”

“I didn’t think about it. All I knew was that I had to get in that gym. If none of the staff was moving, the gun I had might be the leverage needed.”

“Did you think you could reason with Jacob?”

“Oh, absolutely. I believed I could walk in there, find out what was going on, talk to Jacob, and it would be over. We’d walk out of there in a couple minutes, and the assembly would continue. You can’t appreciate how strange and how frightening this was because clearly this was not Jacob Krier. This was a serious change in behavior, a very dangerous change. I didn’t know the cause. Had someone slipped him something before school, a drug of some kind? No--he had the gun. That meant he had planned this. It was a totally unpredictable situation.”

“You had never fired a gun before.”

“That’s true. Dad and my brother, Richard, hunted every year and every season for about ten years before Rich was killed in Viet Nam. I just had no desire to shoot or kill anything. I’m sure my dad was disappointed, but I couldn’t do it.”

“When you loaded the gun and put it in your belt, what did that feel like?”

“I didn’t feel anything. I wasn’t thinking about that. I had to move fast and do something.”

“Was it quieter in the gym when you got back from your car?”

“Somewhat, yes. I felt a little better. I made the call, peered around the edge of the doorway, and then stepped into view.”

“When you did that, how long did you think it would take for the police to get there?”

“I thought if I could talk to Jacob three or four minutes, just maintain some calm, that would be plenty of time.”

“When they didn’t arrive in those few minutes, what did you think?”

“Nothing. Just stayed focused. It was tense. I just wanted to keep a dialogue going as long as it took. When I asked Jacob if I could come in and he led off with that *you can and you may* response, the first meaning I’m able and the second I’m allowed, I knew that was the real Jacob having a little fun with the English language. I took that as a positive sign that things would go well.”

“You say it was tense. It doesn’t ever sound that way on the video.”

“All I can say is try looking at the muzzle end of a .357 Magnum pointed at you. And at that point I’m already saying something I planned just seconds before and I’m already thinking about what to say next.”

“So you were nervous inside.”

“I can’t describe it.”

“Can you tell the court why, after seven minutes, you showed Jacob you had a gun?”

“I didn’t realize it was seven minutes but it seemed hours. You’re trying to say the right thing and not say the wrong thing, but you really don’t know in that situation what’s right and what’s wrong. And if that sounds confusing, that’s exactly the way it was in there.”

“And finally, after nine tense minutes, you take the gun out of your belt. Why?”

“I sensed--right or wrong--that I was losing him. If I could keep him talking a little longer, maybe the police would finally get there.”

“Did you see them come in?”

“No. Not until Jacob looked up from me and at the back of the gym. I followed his eyes then and saw the two armed officers in the two balcony doorways.”

“Do you recall your reaction?”

“Relief. I thought it was over. I hoped so at that



moment more than any other. M16s look menacing. I couldn't imagine them being fired in that gym."

"What did you expect of the police?"

"I had no idea where they would come in or what they would do. I guess I expected just their presence would change everything."

"When Jacob said, 'Far enough,' what did you think?"

"I was shocked he would do that, actually give them orders. It certainly sent a message as to who was in charge. And that was very unsettling."

"And then what?"

"Well, when the officers obeyed him, I knew right then it wasn't over and we were in for trouble."

"You could have left. You certainly heard enough testimony to that effect. Do you--or did you--think that Jacob would shoot you?"

"Never entered my mind. He wouldn't. Not the true Jacob. But the troubled Jacob--I couldn't trust that one."

"So you were afraid at times."

"Not for me, I wasn't. Hannah was up on the top bleacher row almost close enough to reach out and touch Officer Dixon's gun. You heard the officer's testimony. If Jacob had fired up at him, or if he hits Jacob and doesn't kill him in the instant, someone could get hit and maybe killed. Am I going to let that happen? Not if I can help it. Am I going to chance Hannah getting shot? Not if I have to stand there and give up my own life. And I was sure that if Jacob shot me, the police would then end it. Hannah and everyone would be safe. So I stood my ground."

"Did you know where you were aiming your gun?"

"I thought I knew. I thought I was right on his left shoulder, the shoulder connected to the arm that held the gun."

"You weren't holding your gun with both hands out in front of you and aiming."

“As close as we were, I didn’t think I had to.”

“And Patrick Sweeny, your public defender, proved you were right, didn’t he?”

“That I was on line--yes.”

“Why did you shoot?”

“I had no knowledge at that time that I did. I heard it, I felt my hand jump, I saw Jacob thrown backward, but I had no sensation of pulling that trigger. I’m sure people were surprised, but none more than I was. I was sure I could not intentionally pull that trigger. Even when I was loading the gun, I thought I was being foolish. I wasn’t going to shoot a gun ever. And I will never believe I intentionally shot Jacob. I didn’t. *I didn’t!* No more than I would shoot anyone.”

“Or anything. Why didn’t you team up with your dad when your brother died?”

“They were in to guns. I just wasn’t. There was nothing I wanted to shoot, not even a target, so why would I learn to shoot a gun?”

“You entered a plea of not guilty. But you provided no reason such as temporary insanity, mental defect, diminished capacity, nothing. Not that you have to. You are innocent until proven guilty. But the only reason a defense attorney puts his client on the stand is to give him the opportunity to speak for himself, to defend himself. I’m going to ask you a series of questions, Ray, to make sure the jury fully understands your thinking throughout your ordeal. First, were you of sound mind?”

“Had there been anything wrong with my mind, I wouldn’t have been there. If your house is afire, you escape it. If you hear an explosion, you run the other way. If you’re in a car accident, you try to get out before you’re engulfed in flames. Who in his right mind would do the opposite? No one--unless someone else is involved and needs help. There were twelve hundred of us involved--and we all needed help.”

“So then your first thought isn’t about saving yourself. Is your first thought of those trapped inside?”

“My little girl--and she hates it when I call her that--but she is my little girl, my princess, and she’s trapped in that gym where a young boy battling his own mind is shooting and waving a deadly weapon around. If I run away, then yes--find me guilty of utter disregard for human life. If I don’t go in there--if I let the chips fall where they may--if I let dead kids fall where they are--if I turn my back on what I know is happening--if I don’t put myself between my daughter and between every other person in there--then yes, I am guilty of cowardice, guilty of utter disregard for others, and I deserve to be sent to prison. And if Jacob kills anyone there in my presence and I have a gun, then hang me for not defending every student in there because when I sign a teaching contract with this school district, I agree to accept the responsibility of protecting every child from harming himself, from harming someone else, and from being harmed.”

“Ray, do you feel you were let down in any way?”

“I stated that I did not intentionally pull the trigger. Both officers testified they were on target. When Jacob fired, why didn’t they intentionally fire before I unintentionally did? Had one of them hit Jacob and knocked him in the opposite direction, my bullet would have missed him and hit the empty bleachers up in the balcony on the other side of the gym. Jacob just might be alive. It seems clear to me they feel guilty--”

“Objection!” Rodell shouted, jumping up. “The witness can’t sit there and accuse another witness of anything!”

“Aw, Your Honor,” Len said, disgusted, “the DA knows better. His intent is simply to disrupt my witness. Ray said *it seems clear to me*. There is nothing directly accusatory about that.”

“Objection sustained. The witness may continue.”

Ray turned back from the judge to Len. "I intended to say that it seems clear to me the officers do feel guilty for the way this ordeal turned out. I don't blame them at all. They didn't want to shoot Jacob and I didn't either."

"And now, Ray, your final words for this court as direct testimony."

Ray turned part way, facing the jury. "I would agree with the district attorney that I didn't possess the control I needed in that situation, but because we have a dead boy doesn't mean I was dead wrong in my intent. Am I the victim? No. Jacob is. I think I'm what the military calls "collateral damage," someone who didn't belong where he was or was just in the wrong place at the wrong time. Well, I did belong there. And I would do it again the same way. Hannah walked out of there, and everyone else walked out of there. Kids went home to their parents. Staff members went home to their families. Senior citizens can still hug their grandchildren. And my family--my wife Amy, my daughter Hannah, and my son Rich--they all told me they're proud of me for risking my life for everyone there. I can live with that--even behind bars if that's the verdict."

"Thank you, Ray," Len said. "No further questions of the witness, Your Honor."

Judge Bender nodded. "Court will recess for fifteen minutes."

## CHAPTER 32

Across the courtroom and standing next to the far corner of the jury box with his hand on the railing, Brad Rodell began his cross-examination.

“Mr. Steagle, you do realize the state has to prosecute you, don’t you?”

“Yes,” Ray replied, his eyes fixed on the DA. It was Harry Krier who had advised him: “He’ll try to intimidate you, Ray. Don’t let him. Look him in the eye and don’t be afraid to push back. DAs aren’t gods. Attack him if you want. That puts his tactics on trial, and that’s totally acceptable.”

Rodell shuffled a bit, his arms out just a little from his sides, kind of an *aw shucks* stance, and said with a slight grin, “Now I don’t want you to take my questioning of you as being a personal attack, as if I dislike you--which I don’t--but you’ve broken the most sacred of our laws, and so I must do what Badger County pays me to do. You’ve been a pillar of this community and a credit to your profession all seventeen years you’ve been living here except--except for nineteen minutes last May, the one minute it took you to load

the gun in your car and the eighteen minutes in the gym. But that one minute is why we're here in this courtroom, Mr. Steagle. It is that minute that began the end of Jacob's life and forever changed your entire life and your defense attorney's life. Just think, Mr. Steagle--eighteen minutes after you loaded that gun, you killed Jacob Krier. Had you not loaded that gun..."

Rodell paused a moment for effect, then grabbed the railing again and began tapping his fingers lightly. "But let's begin without the gun. You heard a pop in the hallway, in the locker room a definite blast, and then you peer around the doorway and see on the stage a lone boy with a gun. Can you tell the court what you were thinking?"

"Mr. Krier asked that. My answer hasn't changed. No, I don't know what I was thinking at that exact moment."

"But very quickly you thought of your daughter inside, didn't you?"

"Yes."

"At that time you didn't know who or what the boy had shot, did you?"

"No."

"Well, did you wonder?"

"I must have, but I can't say."

"Were you thinking about going in there?"

"I don't know."

"Now--now wait just a minute. From peering around the doorway, you see Jacob, and in the next second, you're going to turn and go get a gun. Surely you must be thinking of going in there."

"I guess I was."

"Not guess, Mr. Steagle," Rodell said, irritated. "You thought about going in there."

"I must have."

"So when you see the boy has a gun, you think--ah-ha, I have a gun also. I will go get my gun. Now that sounds

reasonable, doesn't it?"

"Yes."

"It was noisy in the gym, wasn't it?"

"Very."

"Kids screaming."

"Could be some adults too," Ray said.

"And Jacob is yelling."

"Yes."

"So now you've decided to get the gun. Had you thought about what you'd do with it?"

"No."

"Ah--but you must have thought about what more you could do with a gun than without one. Doesn't that sound reasonable?"

"It seemed the thing to do because--"

Rodell cut him off. "You thought it was the only right thing to do."

"Yes."

"You didn't think of getting the gun and then have a change of heart and think you shouldn't get it, did you?"

"No."

"Fine. Already we've established you knew you were going into the gym to confront the boy with the gun but you needed a gun of your own. You don't know what's going to happen in there, do you?"

"No."

"Now you have the gun, and after the nine-one-one call you stand in the doorway and you're invited inside. You didn't show the boy you had a gun, did you?"

"No."

"Because you just wanted to talk to him. Right?"

"Yes."

"Does that mean you couldn't have talked to him without a gun hidden under your coat?"

"It doesn't mean that at all."

“So even without the gun you could have gone in there and talked to him. Right?”

“Yes.”

“But if you would need a gun, it’s best you have it with you right then rather than have to say excuse me, I’ll be right back, and then go get the gun. Right?”

“You’re being ridiculous now,” Ray said abruptly.

“Really?” Rodell took a few steps along the jury box, never averting his eyes however. “Why is that ridiculous?”

“It’s just absurd!”

“Of course, it is, Mr. Steagle!” Rodell retorted sharply and with a volume that reverberated throughout the courtroom, startling everyone. “And you knew that at the time,” he continued in the same tone. “When you have a gun in the car--when you can get it in just one minute--it would be ridiculous--it would be absurd--to go in that gym without it. You see, Mr. Steagle, sometimes when we don’t think we were thinking, we discover later that we actually were.” He took a few steps and in a calm voice said, “Now then, you thought the dialogue you and Jacob were having was going quite well for awhile, didn’t you?”

“I didn’t analyze it at the time. I just tried to keep it going.”

“You’d say just about anything to keep the boy talking, wouldn’t you?”

“Yes.”

“It’s important to keep him talking, isn’t it?”

“Yes.”

“Because?”

“I’m trying to reason with him, trying to get him to put the gun down and abandon his purpose.”

Rodell paced a few steps left and then back a few steps, his eyes scanning the floor as if searching for something. He looked up then. “You really didn’t know Jacob’s purpose right away when you started talking with him. But being the



very bright boy he was, you were sure he must have one. Correct?"

"Yes."

"See, Mr. Steagle--you didn't think you were thinking, and yet you're thinking all the time. Now, Jacob had mood swings during your exchange, didn't he? He wavered from amiable to agitated, didn't he?"

"Yes. Subtle changes as the video reveals."

"And at some point in one of his agitated stages, you showed him the gun in your belt. And shortly in another of his agitated swings, you pulled the gun out from your belt, didn't you?"

"Yes."

"Now we have a boy and a man, each with a loaded gun, facing each other. That's not a good scene, is it, Mr. Steagle?" he asked, shaking his head as though answering his own question.

"No, it isn't."

"Did you think of the possible consequences, Mr. Steagle?"

"No. I was too occupied. I was frightened and trying to concentrate on what I would say next."

"You couldn't foresee the possibility of you shooting the boy or the boy shooting you, could you?"

"No."

"Tell the court again then--why you brought the gun out from under your coat."

"I felt I was losing him."

"But since his agitation came and went, it certainly might have continued that way, back and forth, up and down, wouldn't you say?" His eyebrows had raised to their highest point.

"It's possible--but it didn't seem that way."

"So while you felt you were losing him, that may have been a false judgment. Your dialogue might have swung

back and forth for a long time yet, in which case you hadn't lost him at all, but you felt something and pulled your gun. But you may not have needed a gun at that point at all. Right?"

"I may not have."

"But you can't put the gun back in your belt and under your coat, can you?"

"No."

"Because, Mr. Steagle, that would probably be ridiculous and absurd too, wouldn't it?"

Ray just glared.

Rodell grinned inside. "Ah--I mean that rhetorically, Mr. Steagle," he said casually. "I'll withdraw the question. So--you are now committed to holding the gun, aren't you?"

"Yes."

"And still you weren't thinking of any consequences, were you?"

"No."

"Look, Mr. Steagle--you're in there because you think you're an excellent judge of character, but the Jacob Krier you thought you knew so well is not the Jacob Krier talking to you, and you realize that, and now you're becoming more uncertain, more tentative, aren't you?"

"Yes."

"Because this isn't going as you thought it would. You waltzed in there, thinking you would talk to him a little while and the two of you would walk out. That's what you told us. Right?"

"Yes."

"And now you're really glad you have the gun. Right?"

"Yes."

"Because you believe the gun is keeping the dialogue going--right?"

"Yes."

Rodell walked halfway to the stand and waved his arm,

a gesture to include the spectator sections. "For your students of the English language, would you say your actions were a good example of the word *audacity*?"

"Objection, Your Honor," Len Krier said. "The DA's lesson in vocabulary is irrelevant."

Rodell took two steps toward the judge. "Your Honor, the defense just spent tedious time driving heroism down our throats. The defense would have us believe everything Mr. Steagle did was the right thing to do and everything was done heroically. Surely the prosecution can devote the same amount of time in proving there is no hero here."

"Objection overruled, Mr. Krier," Bender said. "Carry on, Mr. Rodell."

Rodell walked back to his post near the jury. "Foolhardy audacity, blind boldness, and misguided fearlessness reined throughout that calamity, Mr. Steagle. When the situation actually called for the calmest, slowest, least threatening approach, you came triumphantly marching in with a gun. In retrospect, Mr. Steagle, there was obviously a wealth of human resources among the faculty who might have not just leveled the playing field but actually established and maintained an edge because they were fighting Jacob's violence with a nonviolent approach. Wouldn't you agree?"

Ray stood up, adjusted his chair forty-five degrees to directly face Rodell, then sat down and glared at him. "However phrased, Mr. Rodell, I would think any scenario you develop after the fact would have a degree of possibility and plausibility. So I would agree with you on that point, but then you have to weigh the degree of possible success. Was there a meager chance of success in changing Jacob's direction or a strong possibility of success?"

Ray leaned forward slightly and scowled at Rodell. "That degree of possibility has to be considered, Mr. Rodell. You weren't there. The police were delayed getting there

and were on site only four minutes when it was suddenly over. From the time I peered inside the gym the first time and saw Jacob on that stage until the time when I returned with the gun, Jacob was still on the stage in the same place and from my viewpoint nothing had happened. So when I stepped inside, did that stop anything the staff had begun? No, because nothing had begun. In my absence wasn't there time to mount a verbal protest? I'd say there was. You have to walk in my shoes at the time, not after the fact reading statements, talking to people, and watching a video, Mr. Rodell. You have to be me. But you can't, Mr. Rodell, because to you the law is black on white. No gray areas. You find me guilty of utter disregard for human life and that's worthy of a first-degree murder charge. You can't relate to my situation, and you'd be wasting your time if you tried. That's not a condemnation, sir. It's simply a true statement of fact."

Ray leaned his elbow on the chair arm and pointed a finger at Rodell. "And I'll state another fact, Mr. Rodell. If you came upon a scene where one of your children was being threatened, you would wade in to protect that child."

Ray was almost out of his chair now, not pushing himself up with his hands but gripping the arms to hold himself back. "I was a father protecting his daughter. That isn't heroism. That's being a father. I was a teacher under contract to teach and protect the students. What I did wasn't heroic. It was my responsibility. Now, Mr. Rodell, consider what a boy blasting away with a .357 could have done. Ah, but after firing twice, he only had one bullet left. No one knew that of course, so that's after the fact and totally irrelevant."

Ray Steagle was red now, sweating, and breathing heavily. The courtroom was still, everyone aware of his fury.

Rodell's demeanor never changed. He simply stood

there, quietly pleased. He had finally pushed the right button that exposed to the court a fire in the man, a rage that had been unassumed and unexpected. In a noncombative tone, he asked, "Mr. Steagle, have you ever taught John Steinbeck's *Of Mice and Men*?"

"I have," Ray said, an edge of anger still evident.

"In the end George Milton kills his retarded friend, Lennie Small. Was that justified or unjustified?"

"Unjustified."

"You teach that message, do you?"

"Yes."

"But a gang was coming to kill Lennie with a shotgun blast, a very slow and agonizing death. George did it with a bullet to the back of the head. Lennie never knew."

"The gang would have been in the wrong for killing him and George was also."

"Some would say it's mercy killing."

"It's killing. It's wrong."

"As was your killing Jacob Krier."

"Not the same. George sat Lennie down, then sat behind him and purposely shot him in the head. The gang had a purpose for shooting him. I don't fit that comparison at all. I had no intent."

"Look, Mr. Steagle--you purposely loaded the gun with two bullets. I want the court to know why you loaded two. So tell us please. Think about it. Take your time. Don't tell us you don't know."

"I've had six weeks to think about it. I don't know."

"Well, two bullets must be better than one. If you miss with the first, you still have the second. That's logical, isn't it?"

"From the moment I walked into that locker room and realized what was going on inside the gym, I can't say I did anything that was logical. I reacted to a horrendous, life-threatening situation. No time to think, except wonder where

the next bullet in Jacob's gun will go. That's all I thought about--get in there and stop him from shooting that gun again."

"But you can't tell us why you loaded two bullets in your gun?"

"No, and I can't tell you why I didn't load five either."

"You claim you fired the gun unintentionally. Are you telling the court loading the gun was unintentional as well?"

"No."

"So, one bullet was intentional."

"Yes."

"Then the second must have been also."

"Yes."

"You intentionally loaded a gun with two bullets that you didn't intend to shoot. Does that make any sense at all, Mr. Steagle?"

"No."

"So--you realize there's a boy out of control with a gun in his hand, and you are a man with a gun who is also out of control because you just loaded a gun that you don't intend to shoot, but you're going to save everyone in that gym. There is no one else in there with the mind and the means to save them. Only you. Have you ever seen the network news or read of police negotiators who talk deranged and dangerous people out of horrendous, life-threatening situations, Mr. Steagle?"

"Yes, I have."

"You've testified you didn't believe Jacob would shoot you. Had you walked out of there, taking your gun with you, then who would have been in charge of handling Jacob Krieter?"

"The police."

"Which is as it should be, isn't it?"

"Yes."

"Did you think those officers had no experience dealing

with troubled people--even troubled people with weapons? Don't answer, Mr. Steagle. Answer this instead. You didn't think about that, did you?"

"No, I didn't."

"You felt a strong teacher/student bond with the boy, didn't you?"

"Yes."

"And you thought that bond would cut through his uncharacteristic behavior, that you'd be able to settle him, didn't you?"

"Yes."

"He was quite a noble young man, wasn't he--in the sense of being morally good, superior in character?"

"Yes, he was."

"And you see yourself as being a morally good Christian, don't you, Mr. Steagle?"

"Yes."

"But you've killed Jacob. I'm reminded of a statement from a novel, Mr. Steagle. I'm curious how you would respond to this--'It is not a sin to kill him if you love him. Or is it more?' I'm sure that rings a bell with you, sir."

"Santiago, the old fisherman, in Hemingway's *The Old Man and the Sea*."

"And the old man is rationalizing, isn't he?"

"Yes. He has this great and noble fish hooked and the fish will die."

"Would you agree that you had sort of a brotherly love for Jacob?"

"Fatherly would be more accurate, and with so many other students over the years."

"Was it a sin to kill him?"

"Objection," Len Krier said. "Separation of church and state, Your Honor. This isn't Dayton, Tennessee, and the John Scopes Trial."

Judge Bender pushed a hand toward Rodell to halt any

debate. "Overruled, Mr. Krier. It's already on record that the witness admitted he's a morally good Christian. When Mr. Rodell posed that question, that would have been the time to object, but you let it pass. The witness will answer."

"I'll repeat the question for the witness, Your Honor," Rodell said. "Mr. Steagle, was it a sin to kill him?"

"Yes."

"Given your close association, was it even more of a sin to kill him?"

"No."

"Why not?"

"Because there are no varying degrees to this sin. Killing is killing."

"Then you killing Jacob was wrong and the circumstances have no bearing on that death. Correct?"

"Incorrect."

"*Incorrect?* How so?"

"I was not committed to killing him. I had no intent."

"Oh, I see. So you would have us believe the two bullets you loaded were to just wound Jacob. Look, Mr. Steagle--this doesn't cut both ways like the old man agonizing over the killing of a fish. When you bait a hook, you intend to kill your catch. When you load a gun and point it at a target, you intend to shoot and hit that target. Now, if you're going to point a gun at a human being, and you've put two bullets in that gun, don't try to tell this court that you weren't committed to killing Jacob. Of course you were. You're there to protect your daughter and some twelve hundred other people--including yourself. You intentionally went to your car. Of course you were committed to killing him. But no one else has confronted you with that prospect. Isn't that right?"

"Yes, that's right."

"And now I leave you with something to think about, Mr. Steagle. You were ready to kill Jacob. Had he whirled



and shot someone, you were primed to kill him. Had he whirled and fired at an area but hit no one, you would still have killed him because you were primed for it. He didn't do that however. He simply raised the gun and fired--you thought at you but he missed by four feet--and you killed him. I'm sorry, Mr. Steagle, but your loading that gun with two bullets and pointing it at Jacob Krieter and pulling the trigger was an act of utter disregard for human life. The boy is dead because you were committed and primed to kill him. If he shoots, you shoot..."

Rodell walked to the prosecution table, glanced up at the judge, and declared he was done with the witness. Len Krieter declined to redirect.

Court was adjourned for the day.

## CHAPTER 33

The courtroom emptied quickly but less than quietly. Judge Bender's door had barely clicked shut when students on their way out boldly voiced their support. "We're with you, Mr. Steagle...We know you're innocent, Mr. Steagle...You saved us, Mr. Steagle and we won't let anyone forget it...And Jacob, we love you and we miss you...You're in our hearts, Krite!"

Amy Steagle was the last to rise. She gave Hannah and Rich money for the soda machine downstairs, stepped around the corner of the spectator barrier, and hugged Ray. Harry dragged Rodell's chair over to the table and held it while she seated.

"Well, I'm not sure if I'm glad Hannah and Rich were here for that performance," Ray said. "They've never seen that anger in their dad. But you were right about Rodell, Harry."

The elderly gent nodded with a casual grin and gesture. "No one knows what it's like on the witness stand until he's in the chair, sees everyone looking at him, and the questions begin," he said. "You saw OJ's Mean Team destroy veteran

homicide detectives, medical examiners, crime scene investigators, everyone. Even Clark and Darden. But I'll tell you what I know now--that DA fellow you've got here just might be the sharpest farm boy ever to leave Iowa. When Warren and I got together for lunch last week, he said the DA job has changed so much since my days. Said we're still a small city but with big city crime and Brad Rodell is the right man. A good person outside the court-- fierce inside."

"He was an absolute master today," Len said. "I've never seen Brad better. He played it perfectly. Usually he's a bull. He stomps and bellows and berates. At some point you think he's run out of rage, but no--he pounds away on somebody again. But he was so cool, so even-tempered today. Well, even-tempered for him. It's really so unlike him. And about the kids, Ray. We need them here. No one can look at you without seeing them. It shows a whole family in this fight together."

"Rodell's tone was perfect for this trial," Harry said. "With the line in the sand drawn and support about even on both sides, he came across so smooth and low key that a body might just forget he's out to hang us. He didn't want to rile anyone by hammering you, Ray. He doesn't want to risk losing any overly sensitive juror he already has in his pocket. But juror seven is a definite lock. He's still got him solid."

"And he did hang me," Ray responded. "I never saw the noose, never felt it around my neck, never even realized it was tightening."

"How bad is it?" Amy asked, her voice almost a whisper and her pretty face twisted with anguish.

"If we didn't have tomorrow, this trial would be over. Ray would be on a one-way trip in a van to a prison cell in Green Bay," Len said.

"Did you know this was coming?" Amy asked, looking from Len to Harry.

Harry smiled. "The approach wasn't unique, Mrs. Steagle. If you wake up in a sweat from a nightmare, the first thing you want to do is forget it. That last Friday in May is Ray's nightmare. It's easier to say *I don't know, I didn't think, I wasn't thinking* because you don't want to replay it in your mind and be right back face to face with guns in hand again. You already know how it ends, you know you can't change that, so you don't want to go there. It's not denial however. It's avoiding the inevitable. Eventually you'll have to come to terms with it. Rodell pushed on the door little by little and finally it sprang open."

Ray winced. "Did you know I was that vulnerable?"

"We knew," Len said. "I was sure Brad would ask if you were coached. Better that you weren't and could give a straightforward answer. He always asks or implies that, and it usually makes the witness squirm. You didn't squirm to answer because we didn't coach. You just opened your mind to the court and let your feelings out."

"Did I do anything right?"

"You did everything right," Harry said emphatically. "He asked; you answered. No hesitation. The police spoke of confrontation, choices, and snap decisions. That's exactly what you faced, Ray--an unimaginable situation, one you could never perceive being involved in, and yet there you were, innocently caught up in it as a major player. Jacob started the trouble. The police messed up. You intervened. The police arrived and did nothing. You ended it. Were you committed to killing Jacob? No. Absolutely no. You were committed to defend your daughter, defend every student, and defend every other person in there--except yourself. You are the only one who stood up to Jacob and changed his whole approach. It was just the two of you. The kids, the staff, the others there--not involved. You did that, Ray. You were the defender, and we'll hammer that point home in summation."

“Well, enough for today,” Len said. “You two and the kids have a good evening. Tomorrow will go well. Think positive. Brad can’t cross-examine the video deposition we’ll enter, he won’t hold up the trial demanding an interview with Dr. Spaulding, especially since the CME initiated the report, and I doubt he’ll lash out at Jennifer. And if he does, he might wish he hadn’t. That could all be wrapped up by ten, both summations surely by eleven, and the case goes to the jury.”

“But you’re saying juror number seven is a problem,” Amy said.

Harry nodded. “And number four. That gal maybe kinda belongs on the back of seven’s Harley. My guess is I probably prosecuted their parents or grandparents a generation or two ago and they hate the name Krier. I’m sure we’re in the hunt, and Judge Bender will never let this jury hang. We will get a verdict. Chin up.”

## CHAPTER 34

Just as they did very early on Monday, the student campers were there again in front of the courthouse at two in the morning, most of them now veteran spectators. By four-thirty however, the gathering of youths, predominately students eighteen in age and striving to display solid support for their teacher, had swelled beyond the courtroom capacity on this expected last day of the trial. Five students who had either signed over their scholarships or received one as a result of Jacob's demands had set up an additional folding chair, each with a sign--Reserved for Mom.

Older potential spectators beginning to appear around seven never stopped their cars, but they beeped horns and flashed a "thumbs-up." With each arriving mother the crowd chanted, "Here comes Mom--here comes Mom!"

Again only the four nearby network TV affiliates had set up their equipment on the courthouse grounds for interviews and commentary, the lack of media presence still attributed to the judge's strict mandate: No cameras inside the courthouse.

Judge Bender emerged from chambers, scanned the

courtroom from the bench, then smiled. "I'm again pleased to see so many young people. I hope none of you visit me on a charge of underage drinking or driving under the influence. You won't find me pleased then. Good morning to you all. Bailiff, the jury please."

Single file and seated in exactly the same order as their previous days, the jury watched as the gavel rose and fell quietly. "Court is now in session," Judge Bender announced. "Mr. Kritter, you may begin."

"Your Honor," Len said, pushing his chair back and moving in front of the defense table, "when I agreed to take Mr. Patrick Sweeny's place as defense counsel, I received his files which included a copy of the autopsy report on Jacob Kritter that was provided him by the district attorney and/or his office. The report indicates an attachment was included. However, there being none with Pat's files and not wanting to bother Mr. Rodell, I contacted the Chief Medical Examiner, Mr. Hector Rivera who performed the autopsy on Jacob Kritter in Madison, and I discovered he had requested an evaluation by Dr. Martin Spaulding, a neurosurgeon. Mr. Rivera informed me the pathology and neurology reports were to be stapled to the autopsy. He faxed me a copy. I wish to enter those reports," he said, holding them aloft, "as a defense exhibit and also a video deposition I have of Dr. Spaulding."

"Objection," Rodell said. "Mr. Kritter should have listed them with his other exhibits. I haven't seen either."

Len picked up his copy of the autopsy report from the corner of the table, moved to the bench, and handed the report up to the judge. "Your Honor, the autopsy clearly indicates an attachment was included, and I'm holding it. The doctor's name is on my witness list. While Mr. Rodell may be totally unaware of the deposition, I'm not required to give him the video. If he wants to cross-examine the doctor, that can be arranged electronically."

Judge Bender glanced at the autopsy, then at Len. “Yes, clearly an attachment is indicated.”

“Maybe Mr. Rodell didn’t get it,” Len said. “And maybe it did arrive and his office misplaced it. Obviously he didn’t notice the word *attachment* on the autopsy. The defense isn’t responsible for incompetence in the DA’s office, is it?”

“Certainly not, Counselor. Consider your exhibits recorded. Continue please.”

Len had the VCR ready and activated the tape. The full screen displayed the neurology report signed by Dr. Spaulding. With the tape on pause, Len called the court’s attention to the diagnosis area. He read: “Inoperable malignant sarcoma located on the occipital lobe of the brain.”

Len waited, allowing sufficient time for the court to read and reread the report. He activated the video again and the screen showed him looking directly at the camera with Dr. Spaulding in green surgery garb seated next to him at a table. Len began to speak: “For this deposition, I have with me Dr. Martin Spaulding of the University of Wisconsin Hospital and Clinics in Madison. You see the time and date on the bottom right corner of your screen. Dr. Spaulding, is head of the Neurology Department and Chief Neurological Surgeon here at UWHC. He is also a consultant for the State Crime Lab.”

Len turned his shoulders and faced the doctor. “At the request of Hector Rivera, the Chief Medical Examiner at the State Crime Lab, you examined the case of Jacob Krier, didn’t you, Doctor?”

“Yes. I received a packet that contained the autopsy report, the pathology report, x-rays, CT scan, MRI, and a frozen section of the mass. The pathology report is standard procedure but in this case quite unnecessary. The mass was so large it could only be malignant. I examined the films. It



was a massive tumor, very broad and very deep in the lobe and outward into the skull. I am absolutely astounded the boy could function at the level he did. But of course, youth does have its staying power, its rigidity of purpose. His condition was beyond any therapy. Surgery was possible only to the extent of decreasing the size of the tumor by removing some of the mass pressing into the skull. That would only relieve some of the effects he was experiencing and perhaps partially abate the headaches and motor skill problems he surely was having. In my judgment to go deeper would result in seizures, a coma, and a brain-dead state. Death was imminent either way. How long did the young man have to live? I can only say too short to offer even an educated guess. No chemotherapy. No stereotactic radiosurgery, neither by cyclotron, cobalt60 machine, or linear accelerator. Not that we couldn't, you understand. But there can be, and usually are, side effects more intolerable than the patient is already experiencing. He would not have been a candidate for any cutting-edge clinical study either. There was nothing to offer and no hope of recovery. Seizures probably within days; morphine for pain control. Speechless, blind, and mindless very shortly. A ventilator? Not advised. Preserving him in that state would serve no human purpose. Letting him go would be the humane course. I apologize if I sound callous. I don't mean to be."

"Doctor, I showed you the video of the shooting. Could you see any evidence of impairment in Jacob during those twenty-three minutes?"

"He was struggling. There are very few close-ups, but from the few there are, I can see at times where he is having trouble focusing. It's very subtle, but to the trained eye it's quite obvious. In the early footage there are times when he's pointing the gun and sighting down the barrel, but his eyes aren't really following that line of sight. Those times when

he's highly agitated and vocal, he's also having difficulty maintaining his balance. You'll see him holding onto the lectern. And there are times when the gun is actually getting heavy. Sometimes his hand shakes as he tries to maintain a steadiness. He's tightening his grip but that only magnifies the problem he's having. Whether he knows that, I don't know. I suspect he doesn't. His difficulties come in waves. One minutes he appears stable; the next he's in a fog, dizzy and his world is spinning. I'm surprised his speech is that articulate. I would have expected it garbled and unintelligible at times."

"Can you comment on his thought process? Is he comprehending?"

"Never having met him, I don't know what to expect of him. He does appear to be trying to balance his mind. By that I mean he may be trying to do something or trying not to do something. He just doesn't have it under control. I saw three occasions where I thought he was going to give in to the man and he actually wanted to, but then he lost that train of thought and gave in to another."

"Is a change in attitude and behavior consistent with his condition, Doctor?"

"A dramatic change is predictable, Mr. Krier. You know how irritable we can be at times when we're not having a good day. Well, this boy hasn't had any totally good days for quite some time, and they've been getting worse--and he knew that. He couldn't help but know. And of course physical impairment affects mental stability. At this boy's age how does he not become angry at what is happening to him? I know nothing of the changes anyone observed in him, but I seriously doubt he possessed all of his mental faculties. Gradually he ceased to be the person he was, and he would have continued to deteriorate, not necessarily at the onset of the tumor itself but at the onset of the initial effects he had begun to experience. I would say

his behavior is beyond his ability to control it.”

“Now, Doctor, I showed you a short piece of video recorded by the courtroom camera the first day of the trial with Mr. Patrick Sweeny as the defense attorney. He called attention to the downward angle of Jacob Krier’s arm and gun and the upward angle of Ray Steagle’s gun pointing at Jacob’s left shoulder. You have already seen the end, the shooting, Dr. Spaulding. It comes so suddenly. You couldn’t see it on the video, but the bullet from Jacob’s gun struck empty bleachers four feet above Ray Steagle’s head. Did you notice anything perhaps unusual at the moment of the shootings?”

“Would that be about the man or the boy?”

“The man?”

“The noise of the boy’s gun is both startling and deafening. It is a shock to the brain. Hearing is suddenly impaired and the body reacts as we immediately try to adjust and compensate. I see the man’s body jerk somewhat. From the noise or from the fact it’s the gun that he’s been facing, I don’t know, but I think if you did the same type of procedure with a guideline across the screen as the other attorney did, you would see the man’s gun noticeably jerk and is at a slightly higher angle when fired. Had the boy not lunged, I don’t believe he’d have even been hit. I’m not sure that the boy mentally had control of his body at that moment. And I do want to clarify that I’m not a ballistics expert.”

“And what, if anything else, did you notice about the boy, Doctor?”

“Mr. Krier, I know the game lawyers play. The prosecution presents a specialist who testifies. The defense introduces a specialist who contradicts that testimony. Since this is a deposition, I assume you intend to use it in court. I will simply say that what I’m about to relate to you can be opposed by others, but I believe I could guarantee nine out of ten neurologists would agree with me.

“First, I know nothing about the case, the trial, who said what, or anything. You have identified your relationship to the boy, but at no time have we discussed your son. I have read nothing. Did I hear about the shooting before your coming here? Certainly I did. But in a situation like this, I don’t absorb what I hear and I don’t discuss it. I’m too far away to know, and if I don’t know, then I’m stupid if I speak. I try hard not to be stupid about anything. Second, the tape moves at real time. The two shots at the end occur so fast, really without warning, and so close together.”

Len said, “It’s been referred to as bang-bang.”

“I know it seems that way. But that’s not what I see-- and can clearly be seen by everyone. It was the slow-motion movie that showed us how a horse gallops, which hooves are in contact with the ground during the stride. That’s what needs to be done with the video. We need to extend time, make it bang...bang.

“Third then, when you start-pause-start the actual shooting as I pointed out to you a few minutes ago, you see the boy raise the gun, but at the same time you see his left shoulder dip, which brings his head down, and the head then turns away to the boy’s right slightly, but just enough to take the bullet in the neck. In real time it’s about two eye blinks.

“Mr. Krieter, if you hadn’t asked me, I wouldn’t have volunteered what I see. I don’t believe your son’s head movement is related to pulling the trigger and firing the gun. So given his impairment, you have to wonder if that movement is voluntary or involuntary. No one can say for certain, and I’ve already stated I believe at times he can’t mentally control his body. But I believe his movement at the time he pulls the trigger is intentional. I believe he put his neck where his shoulder was. I say that because in the few moments just before that he does not appear to be in distress. I don’t see his body wavering. I also believe there was perhaps one chance in ten thousand of it happening the way

it did.”

“Would you care to psychoanalyze, Dr. Spaulding?”

“Speaking to you as the boy’s father, privately I would, Mr. Kriter, but I know you’re involved in a trial as the defense attorney. Only after the verdict would I voice my thoughts, my impressions, to you. Right now, you want objectivity. That’s what I’m trying to give you.”

Facing the camera again, Len said, “This concludes the deposition. Thank you, Dr. Spaulding, for your expertise and your cooperation.”

Len walked over and stood in front of the jury, remote control in hand, and said, “Ladies and gentlemen, the shooting in real time--from the moment Jacob started to raise his gun until the bullet from the defendant’s gun strikes Jacob in the neck--that takes 2.46 seconds. To prove or disprove the accuracy of Dr. Spaulding’s observation, I had a technician slow that part of the tape to play in 9.84 seconds, exactly four times slower than actual. Watch closely please.”

The entire courtroom watched the shooting in slow motion, silently transfixed, frozen with eyes bulging and mouths agape.

“And now,” Len said, “I’m going to rewind and start the segment again.” When the beginning appeared, he stopped the tape on pause. He took a narrow strip of white tag board with a piece of masking tape at each end, aligned an edge of the board on the barrel of Ray Steagle’s gun with the other edge touching Jacob’s shoulder, and pushed firmly on the tape. He turned to the jury and said, “That’s what Patrick Sweeny showed the court. Now watch closely. I’ll start the video and when I stop at 9.84 seconds, you’ll see just how much Jacob’s neck moves in line with Ray’s gun during the actual two and a half seconds.”

Again the demonstration was riveting as they saw the gun pointed right at Jacob’s neck. “Notice, ladies and

gentlemen, the gun in Ray's hand moved only a fraction. It is Jacob who moved his entire upper body."

The screen went blue.

"That concludes the deposition, Your Honor."

Judge Bender eyed the district attorney. "Mr. Rodell, do you request time to respond to the deposition now?"

"No, Your Honor," Rodell replied.

"Is your next witness ready, Mr. Krier?" Judge Bender asked. Len nodded. Waving his gavel the judge declared a fifteen-minute recess.

## CHAPTER 35

“The defense calls Jennifer Kriter to the stand,” Len Kriter announced.

Wearing a silk-blend ivory shell under a moss-green linen jacket with matching pleated slacks and carrying several letter-size sheets of white paper in one hand and a bottle of mineral water in the other, Jennifer followed the bailiff at his pace, a half step shorter than her long-legged stride. She stood perfectly erect for the oath and sat comfortably straight in the witness chair.

To everyone’s surprise except the defense team, Diane Kriter, wearing her “silent white nurse shoes” as Jennifer called them, followed her daughter and then slipped in next to Amy and the children who greeted her with a warm smile. There was still sufficient room for Jennifer who would remain after her testimony to hear the summations.

Len calmly approached, hiding his fear that she might emotionally collapse despite her resolute pronouncements in response to his earlier words of warning. “For the record, the court should know our relationship, Jennifer.”

“I’m your daughter.”

“And the spectator who tip-toed in directly behind you?”

“That’s Mom.”

“And that makes you Jacob’s sister.”

She nodded, “Yes.”

“And you’re here to testify on behalf of Mr. Steagle who was your senior English teacher three years ago.”

“Yes--and to speak for Jacob.”

“You insisted on being here, didn’t you?”

“Yes, I did.”

“Tell the court how this came to be, Jennifer.” Len was smiling inside, knowing in any other trial Brad Rodell would be on his feet shouting--*Objection! This is daytime soap stuff!*

She explained the family discussion held in Madison and ended with, “I insisted you defend Mr. Steagle and let me testify.”

“And why?”

“Because I know Jacob better than anyone.” She told of her rebellious teen years and how Jacob had helped her.

“He’d look at things as I was seeing them, and he’d sometimes agree I had a point, but then he’d show me another way to handle whatever was bugging me. I don’t want to get into specifics because you and Mom would sound like the Devil and Mrs. D.”

It was one of the women spectators who burst out laughing, obviously a mother relating to Jennifer’s comment, and that set off the whole court. Diane was as red as Jennifer. Len just grinned. Even Judge Bender was amused, and then simply raised an open palm that quieted the court.

“Have we rehearsed your testimony, Jenn?”

“No.”

“Have you seen the video of the awards assembly?”

“Most of it but not the shooting. I read the neurology report and saw the deposition but no shooting scenes.”



“So what do you want the court to know?”

“Jacob never thought about himself. In my age group and his, I’ve never met anyone as caring and as giving and as genuine as Jacob, and I think his friends here would agree.”

The students nodded emphatically, then heads started to glance in all directions, apparently to make sure everyone agreed.

“But I’m really here to tell the court that Jacob knew exactly what he was doing at the assembly,” she declared.

“And how do you know that?” Len pursued.

“Remember in Madison I told you to check the computer, and you still hadn’t gotten to it when I came home last Friday night. I pulled down the list of the recent websites he’d visited. They’re all about brain disease, brain tumors, brain surgery, and therapy. I made a print of the screen. Here’s what that looks like,” she said, handing him a color printout.

Len handed it up to the judge and then folded back a brown sheet of paper covering a twenty by thirty-inch piece of white poster board set on an easel facing forward that all could read. “Your Honor, I printed the websites as they appear on the monitor. Will you verify that for the court please?”

Judge Bender glanced back and forth from page to poster board a few times. “Just as you say, Counselor.”

“And Jennifer, what else did you find at home?”

“These,” she said, holding out the white pages to him. “They’re six different stapled sets of information from those websites which are identified in the upper right hand corner. He put red marks on some and highlighted some areas in yellow.”

“What else about these did you find interesting, Jenn?”

“The dates he printed them. The first was April eleventh. Already he suspected something.”

“Where did you find these?” he asked.

“They were in between other stapled stuff next to the computer under his dictionary and thesaurus.”

Len walked over to the jury, made a pass one way and back again, showing the front covers and the marks on some pages. “Here are some of the sections,” he said, glancing at one page and then flipping to the next, “What Causes a Brain Tumor, Tumor Grading, Types of Treatment.” He returned and stood close to Jennifer again. “So, Jenn--just what was Jacob doing on Friday, the last day of school?”

“He was leaving his mark on the world--and then leaving the world. And he planned it so well--the whole thing. First he had to have a gun.”

“Why the gun? He wasn’t into guns.”

“But one gun will bring in other guns,” she replied. “He couldn’t just go on stage and make a lot of noise. Some of the men teachers would have simply overpowered him and dragged him off. Mission not accomplished. But if he has a gun, then the only thing that can really stop him is another gun.”

“Are you saying he wants someone to come and kill him--that he doesn’t want to come out alive?”

“Exactly, but not just someone. He wants the police to come and take him out. He was sure they’d be called.”

“Why the police?”

“Because they’re allowed to kill him. It’s their job. He has no intention of getting anyone in trouble. He wouldn’t do that. But with a gun, and especially when he shoots it a couple times, he looks dangerous. You have to understand that he’s got a plan and he knows it’ll work.”

“You’re saying he planned his own death.”

“Yes, and when I’m done here, hopefully everyone will realize that.”

“Some people might say that after Jacob fired two of his bullets, the third was for himself.”

She shook her head vigorously, then spent a moment

pushing her hair back from her face. "Jacob could never shoot himself. That would send the wrong message. He knew there was no hope for him. The neurosurgeon you deposed made it very clear. Jacob is willing to die, but in a manner that's meaningful."

"And what is his message?" Len asked.

"Jacob is trying to tell every kid in the country that If you bring a gun into school, guns are coming to get you, and one of three things will happen to you. You either give up and pay the penalty--or you're wounded, captured, and pay the penalty--or you're killed and that's your penalty. Three choices and they're all bad. You can't win. And Jacob proved that."

"And you believe Jacob was ready to face death."

"Dad, no question about it. He knew right where to find a gun and he got it." She reached over, grabbed her water bottle off the small table next to her right arm, and took a couple swallows. "We always get *Time* and *Newsweek* at home. Jacob read them cover to cover. When I was still in high school I'd see Jacob reading *U.S. News and World Report* in the library. He may have been the only one. My point is he read the news and watched the news. He was so aware of school shootings all over the country. He's trying to tell kids don't do it, that they can't just hurt people and not get hurt themselves. He wants them to know how many other people are hurt--the whole family, friends, everyone. That's what Jacob proved with his gun."

"What about the awards he took away from some students and gave them to others? What was that all about?"

"Did you notice how cooperative the kids were once he got it going? He wasn't threatening anyone with a gun then. They were smiling, having fun. And that was part of Jacob's plan--having fun doing something for others. When it got rowdy, out came the gun."

"But on the video Jacob was a different Jacob at times."

“Tell me about it! When you see someone every day, you don’t notice the physical change so much. I hadn’t seen him since Easter in March. And as you know I couldn’t look at him in the casket. But when I saw the video and the way he looked, I couldn’t believe it was him. And he was stressed out. It hurt. It really hurt to see him like that.”

“So how do you think he planned it to end?”

“When the police came, he’d have fired his last bullet in the direction of one of the officers, and they’d have killed him. I’m not saying that was smart. You didn’t want me to see the shooting, but that had to be an ugly scene for kids--for anyone to see. But it did impact what Jacob is trying to say.”

“Then Mr. Steagle appeared, was invited in, they talked, eventually he showed his gun and ultimately drew and aimed it.”

“Well, we know Jacob sure didn’t expect that. It changed his whole plan from that point on. Now he has to improvise--and that’s something he didn’t like to do. He’s so much like you, Dad. Gotta have a plan. He likes and respects Mr. Steagle. Everybody does. And so now he has to talk with him, and he has to stall him because he has to plan a new exit. Jacob wouldn’t shoot Mr. Steagle. No matter what his mental state, he wouldn’t kill anyone. He’s not afraid of Mr. Steagle’s gun. He wants to die. But he doesn’t want to get Mr. Steagle in trouble.”

“I have to tell you this, Jennifer. Mr. Steagle was trying to get Jacob to give up, and everyone believes Jacob was struggling with that idea,” Len said.

She shook her head again, less vigorously but still had to fuss with her hair. “He wasn’t. He’s trying to come up with a new death plan. That’s not easy--to appease Mr. Steagle by continuing to talk while thinking how to die. And then the police come in. Did you catch Jacob’s expression the moment he looked up in the balcony and saw them? His

eyes light up. He's saved. The cops will take over. He's back to Plan A."

"Except when they moved forward he told them to stop and they did," Len reminded her.

"And that was stupid of them. He's trying to provoke them, antagonize them, and they give in. So now what does he do? That's what he's asking himself. Two words--*far enough*--and the threat from the police is over. Unbelievable! So it's back to Mr. Steagle and Plan B."

Len moved closer. "Does he think Mr. Steagle will shoot him?"

"He knows he won't--not intentionally. And I'm sure he's thinking if Mr. Steagle does pull the trigger, it'll be seen as self-defense. After all, Jacob is holding a gun on him and has been the whole time. Never at anyone else after Mr. Steagle got there."

"But obviously, to the district attorney it isn't self-defense. It's first-degree reckless homicide."

Jennifer made a *no way* gesture. "Which is ridiculous. I know it's hurting Jacob. Had he known that, he would have chosen another way, probably pushed the police harder, forced them to react."

"But then what was his purpose in shooting over Mr. Steagle's head?"

"He's drawing fire. He's got no other choice. It's time to go. He's accomplished all he wanted. And again, he doesn't believe Mr. Steagle will pull the trigger, but if he does, he won't be prosecuted. He looks up at the police from time to time--just a quick glance. He really believes they'll get him. One or the other or both. And he could get one of them first, but he doesn't want to kill anyone and he doesn't even want to fire in that direction and scare the kids. Even though he shot that gun three times, he never came close to hitting anyone. Why the cops didn't shoot, I don't know. Why Mr. Steagle did, I don't know. And why Mr. Steagle

could get a shot off before the cops, I sure don't understand that. But Jacob got what he wanted--and yet none of this was about him."

She took another few sips of water.

Len asked, "What do you mean--it wasn't about him?"

"What Jacob did took more courage than he'd ever shown. He couldn't ever see himself stealing one of Mr. Weatherby's guns. But he did it. Never could he see himself on stage taking over and telling people what to do, actually forcing them at gunpoint. But he did it. And never did he imagine setting himself up to die, but he did it. Jacob was sick, but he wasn't sick in his mind. He knew what he was doing and he did it for us--for you and Mom and Grandma and Grandpa, and for all his friends, his classmates here today."

She leaned back in her chair, squinted, and rubbed her forehead. "However long Jacob had to live, he could have gutted it out. No matter what they threw at him--shots, IV's, catheters, drugs, pain, whatever--he could handle it. And he could handle being bed-ridden and the whole mental thing of dying. Jacob could do all of that without a whimper."

She gripped the chair tightly as if trying to keep herself seated, but she did rise some. "I swear to God he could do it," she said, her voice even more emphatic. "He had the courage to do it, but don't you see? He protected us from all of that, the pain of seeing him die a little more each day. My God--he was a rock of stability. You saw the hits he took in football. Never phased him. And when I was an immature teen, he was my rock. And when he's got a brain tumor coming right out of his skull so that he has to make his cap larger to fit his head, his first thought--his only thought--is to save us all from the hell we'd go through watching him go."

Her lips quivered and the tears flowed now. Her whole body began to tremble and she held tight to the chair and looked at her dad and her mom through her tears.

Judge Bender called a fifteen-minute recess. “Closing statements will commence upon your return.” He tapped his gavel.

## CHAPTER 36

Brad Rodell walked slowly toward the jury, his eyes absently staring down at the plank flooring right in front of each foot as if the next step could be hazardous. Not until he reached the railing did he look up. He shook his head ever so slowly, then looked directly at them, scanning the front row jurors left to right and the back row jurors in the opposite direction.

With his arms extended and his eyebrows raised in an expression of doubt, he said, "I don't know what to say to you--where to begin. I don't know if any of you have seen me here at work in this courtroom before, but I do know I have a reputation of being rough and at times unfeeling. You get the *Pike River Herald*. You see the names of the people I prosecute. You know about those people, and you often see their names more than once. Well, it's easy to be rough and insensitive with them, especially repeat offenders."

He compressed his lips and again shook his head. "But this--this is different. This trial involves wonderful people. Very fine people. The Krieter family from just up the road in



Bridger. Harry grew up in that house. He and Norma lived there for years until his retirement. Len and his sister grew up in that house. And Jennifer and Jacob grew up in that house. You have never seen the Krier name in the "County Court Cases" column in the newspaper."

He moved along the railing a few steps. "And the Steagle family--Ray and Amy and their two children, Hannah and Richard. Not originally from here but residents of Pike River for the last seventeen years, the children born here, and fine people they are also--a high school teacher highly regarded by students and colleagues, a daycare operator who loves and treats the children as her own, and their two fine students--one in middle school and one in high school."

He continued on to the corner of the jury box. "I've been very quiet in court. Judge Bender and Len and the steno and the bailiff can attest to that. The worst thing I could do as the district attorney in this trial is attack these people. You know why--and I know why. Because you'd tune me out. If I berated them in any way--as I am known to do--this trial would be over. You wouldn't listen to the prosecution side of this case."

He held his arms wide, bent his body slightly at the waist, and with an expression of plea and a tone to match, he asked, "But what can I do? I have a high school boy who was an A student, a fine athlete, well behaved, popular, and he was shot dead by the defendant. Yes, Jacob had a gun, and he should not have had a gun. And yes, he pointed it at the defendant, but he pointed it at everyone and never shot anyone. Are you aware Jacob fired that gun twice within three minutes but not at anyone, and twenty minutes went by before he fired it again, and again not at anyone. Jennifer told us he wouldn't kill anyone. I'm telling you he wasn't there to kill anyone."

Rodell took a few steps back the other way, tapping his

fingers on the railing as he went, then stopped and looked at them, pausing until he was sure twenty-four eyes were meeting his. "Are you aware that if Ray Steagle hadn't pulled the trigger and shot Jacob, the confrontation, the dialogue, the standoff--it would have all been over that very moment? Get this now--if Raymond Steagle doesn't shoot, it is over. The police hadn't fired, and Jacob was out of bullets. Think about that. It's over and no one's hurt--if Raymond Steagle doesn't shoot. But he did. And Jacob is dead because he did."

He stood erect and folded his arms across his chest. "Jennifer spoke of her brother sending messages--one about guns in schools and one about the awards procedure. Let's talk a little about these messages. Jacob stole a gun. That's against the law. This really great kid stole his best friend's dad's gun. Leland Weatherby was like an uncle to him. And Jacob violated the man's trust in him. What kind of message does that send? A bad message. He loads the gun and carries it around in his backpack. That's against the law. He brought the gun into the high school. That's against the law. He pointed the gun at people, threatened them, shouting and terrifying them, and that's against the law. He held people captive for twenty-three minutes. That's against the law. I don't call that sending a message. I call that committing a series of felonies. That means he'd be facing a fine and time. Stated simply--you can't commit a felony and send a positive message."

He held up a hand. "Oh, yes--I would have prosecuted Jacob as an adult on all those counts. Had he gone to trial rather than plead no contest, surely he would have missed going to college next month as he had planned. What he did that morning wasn't just going to be excused and forgotten, and if bail were denied, then he wouldn't have marched with his classmates at Commencement on that first Sunday in June either."

He gave them a few moments, then continued. "If Ray Steagle doesn't go out to his car, load the gun, and bring it into the gym, no one gets hurt, no one gets killed, and we are not here today."

With clasped hands and his forearms resting on the railing, he leaned forward, closer to the jury, and looked up and down the rows. "Ladies and gentlemen, we the people of the state of Wisconsin can't ignore that shooting. What was the renowned high school teacher thinking? Over and over he told you he wasn't thinking, just reacting. Well, he's got a loaded gun in his hand and he reacted violently. His reaction couldn't have been more deadly. We have laws that must be enforced. Break the law and you're punished. All those people's names in the paper--people who broke the law--they were punished. Are we to let Raymond Steagle kill someone and not punish him--just let him walk out of here? If we do that, then how do we enforce any law? Drunk and disorderly? That's okay. Breaking and entering? That's okay. Assault and battery? That's okay. Hit and run? Okay. Drug dealing? Okay. Pedophilia? Okay. Rape? Okay."

He threw up his arms. "Right here in this courtroom we have prosecuted individuals guilty of all those crimes. Then when it comes to sentencing, Judge Bender hammers those offenders, and you read about them in the paper. Now, if you let a killer go free, what message are you sending? I'll tell you what it is. You're telling everyone who's following this trial in the newspapers and TV that Pike River is a lawless city. It's an open invitation to every felon in the country--come and do your crimes here because we don't even convict felons who kill."

He selected a few jurors and momentarily glanced at each one. "Are we to let Raymond Steagle walk out of this court a free man?" He paused. "Jennifer Kriter mentioned that Jacob was trying to send a message to the world. If that

were true--and I'm not sure it is--I'd say that Jacob was being overly ambitious. To change the world," he said, gesturing with his hands in a circular motion, forming a ball symbolic of the planet, "the entire world--that is monumental. Do you honestly believe an incident in our high school can change the world? Did Jacob really believe that? And if you free a killer, will that change the world? No, but it'll sure change Pike River."

He held his arms out again in the gesture of helplessness. "I ask you again--what can I do? It is the responsibility of law enforcement and the judicial system to send a strong message to every potential lawbreaker in this county. We may not be able to right a wrong, but anyone who commits a criminal act has to be punished according to the law. It's nothing personal, folks. This isn't about me and the Kriters and the Steagles. It's about the law. I represent the law, all the laws that we all have to live by. The defense is here to insure the defendant gets a fair trial. I will tell you something--in Judge Bender's court you can't get anything but a fair trial. He is the boss in here, and unlike some of those judges you see on TV who seem to wilt when confronted by high-profile attorneys, no one intimidates our judge."

Rodell was breathing heavier. He took a moment, heaved a sigh, and said, "This is hard for me, folks. I have a lot of anger about this case, and I have to control that anger. We've heard so much about Jacob's friends and classmates respecting him as a person and respecting his judgment. Everyone speaks highly of him, and you'll be provided all of the eyewitness accounts to read for yourself during deliberation."

He started to pace back and forth. "Jennifer spoke of people who commit suicide, and she would have you believe Jacob's mind was intact and he'd never kill himself. I'm not going to argue that because I just don't know. Dr. Spaulding

testified behavioral and attitude changes are common. Now consider this-- if Jacob wanted to change the awards selection so there was a more equal distribution, and since it is something usually generated by the student council and adopted by the school board, was Jacob thinking clearly when he stole a gun and used it to threaten everyone? I don't think so. Why not just a senior skit? That's what many of the students actually thought it was in the beginning, not even knowing the gun was real. Picture this--Jacob receives his award and signs it over to someone, and right on cue another senior comes forward and another and another. It's all staged. Then you have students standing and waving their awards. 'Here's mine! And here's mine!' And Jacob would have ended it by challenging next year's student council to help adopt a new policy. Wasn't it just that simple? Did it really require a gun and destroying a clock and scoreboard and scaring everyone in that gym?"

He paused, smiling, and searched the eyes of all the jurors. "It could have worked, people. It could have worked because the right boy was leading the charge. No gun. No shouting and swearing. No threatening. No stalemate. No killing. That would have sent the message the right way. Now, when you as a juror are in deliberation, here's a question you always have to keep in mind. Was there another way, a better way, a legal and law-abiding way for Jacob to accomplish his goal? And the answer will always be yes."

With both hands he grasped the rail and squeezed. "I have to comment about Jacob's supposed attempt to one--die there in front of everyone in order to prove that a gun in school begets guns, and two--to protect everyone from witnessing his dying of a brain tumor. We can't know that, people. There is nothing concrete to support that contention. Had Jacob left a note, then we might know, but we don't. We can all formulate an opinion, but no one can know Jacob's mind at that time. He was wise beyond his years?

Well, I'm sorry, but I see no wisdom in what he did that morning using a gun he had stolen. Let me explain something to you, ladies and gentlemen. When you go inside that jury room, close that door, and you begin your deliberation, you have to assemble all the facts, study them, and draw a conclusion based solely on those facts. You can't think this and you can't think that. You can't rationalize and try to explain anything. You can't put some sort of spin on anything to make something fit how you want it to fit. You can't do that, people. So you can't accept the idea that Jacob planned his death there on the stage during one of the most prestigious moments in a high school student's life--receiving personal recognition for academic achievement in front of all his and her peers, ranking second only to Commencement. Jacob was a scholar himself. Would he plan to turn that occasion that meant so much to some people--some perhaps who were not athletes or actors or musicians or artists or maybe not even popular--would he plan to turn that moment of joy for so many of his classmates into a bloody ending? He wouldn't--not if he was wise beyond his years."

Rodell stood there, still grasping the rail, head bowed, shaking it slowly back and forth. He glanced up then. "I didn't put Officers Bates and Dixon on the stand because I didn't want to subject them to cross-examination. They weren't on Mr. Sweeny's list. I thought I had them protected. I don't fault them for not forcing the issue and for not shooting Jacob's hand and for not shooting him. The .38 knocked Jacob down. A bullet from an M16 would have blown him apart. You couldn't see the officers on the video those four minutes, but neither man fired his weapon because they both knew what the situation called for and were acting in unison. They would have given Jacob all the leeway he wanted, all the time he needed, all the rope they could give him. They didn't want one drop of blood shed in that

gymnasium. Jacob couldn't have provoked them. They were going to remain as passive as they could, all the while hoping Raymond Steagle would quietly leave. They tried to prevent the nightmare that still grips this community and will for a long time."

Searching the eyes of each jurist then, slowly taking his time, he paused a final moment and said, "And now, very shortly when the defense is done, this trial is all in your hands. Raymond Steagle will have had his day in court. The laws that he broke haven't changed. The penalty hasn't changed. I have faith that you will deliberate upon what you believe is justice based on the facts of this case. Not opinion. Not supposition. Not rationalization. And not personal attachment to the defendant. Bring back into this courtroom a verdict based strictly on the facts. A boy broke the law. He is dead. A man broke the law. He killed that boy."

He backed away a few steps, his arms bent at the elbows, his forearms and second finger of each hand pointing up. "We were told that Jacob never believed Raymond Steagle would shoot him--not intentionally. You realize that is an opinion. No one can know Jacob's mind. Is there really any credibility to the idea that Jacob intentionally threw his body into a position so the bullet would strike him in the neck? No, not credible at all. That is opinion also, no matter how slow you play the video. That being the case, then there is no evidence that Jacob was trying to die that morning on that stage in front of all his schoolmates and teachers."

Taking two more steps back, he pointed his left hand at the floor at approximately the same angle Jacob had pointed his gun. "So--was Jacob lunging in front of a bullet he never expected would be shot at him, or was it just a bodily reaction when he abruptly raised his arm and fired his last bullet into the bleachers well over Raymond Steagle's

head?" he asked, suddenly jerking his arm up, his body twisting slightly, and his finger pointing at the wall over their heads. Softly he said, "Bang."

He held up one finger. "Raymond Steagle knew nothing about guns. Never handled one, never fired one. But he loaded and pointed that gun at Jacob and pulled the trigger. That is utter disregard for human life. The law defines that--first-degree reckless homicide."

He moved to the railing. "Our parents, our churches, and our schools teach us the difference between right and wrong. By the time we're in our teens, right from wrong has become common sense to us. We don't have to think about it. We know. And our children know."

He began to pace back and forth, his eyes still on the jurors. "You've been an excellent jury. You've stayed focused on every witness and every word. In deciding upon a verdict in this trial, I want you to rely on the facts of the case and your common sense. Rely on what you know in your mind is right and what is wrong. Why do I bring this to your attention? Because the defense is tugging at your heart. The defense wants your heart--not your mind--to rule on this case. It's the Sentiment Factor, folks. Make you, the jury, feel so sorry for the defendant that you'll vote to acquit him. I say this to you--take all the misdemeanors and all the felonies we have in the state statutes, and for every one there is a penalty stated in black and white, and that penalty is created out of sentiment for the victim. We, the people--all of us--feel sorry for the victim, Jacob Kriter, and the law says it's common sense that the guilty, Raymond Steagle, be punished to an extent stated in the statutes. I ask that you bring in a verdict of guilty and allow Judge Bender to determine the extent of that penalty. Thank you."



## CHAPTER 37

Len Krier sauntered over to the jury, smiling a big smile and jingling his car keys in the air. "So, even though you don't know how to drive a car," he said, looking from left to right and smiling at each juror, "did you take Mr. Rodell's keys, drive his car around that Packer parking lot, and demonstrate utter disregard for human life?"

Grinning, he said, "Of course you didn't. You wouldn't do that because in Mr. Rodell's scenario you don't know how to drive and you don't have a license. You're not going to break the law!"

His eyes stopped on a jurist in the top row, and he flashed that big smile again. "Oh-oh, wait a minute. Wait just a minute. Juror number seven has that look. He just might take the keys. And I know what he's thinking--well somebody has to move that damn wreck. It's an eyesore parked next to that new black Yukon."

The man's eyes widened and he couldn't help but grin. He did drive a black Yukon.

"And now," Len said, "so that I'm not accused of being sexist, I think I see a devilish glint in those bright blue eyes

of juror number four.”

She tossed her head back a little, her blond pony tail bobbing up and down, still smiling herself and never taking her eyes from his.

Len said to himself--yes, she is flattered. He dropped the keys into his coat pocket. “Now I’m going to ask you to put yourself in another situation, but this one isn’t just imaginary. Part of it is very real. The scene is this courtroom, and you’re seated right where you are. Everything is the same as you see it, the spectators, the media, except the bailiff isn’t here and I’m a witness.”

He walked over, stepped up on the stand and stood facing them. “And I begin telling you how you’re going to vote in deliberation. At first I’m not insistent, but then you start getting irritated and vocal. I reach in my pocket and pull out a .357 Magnum.”

He pointed his left hand like a gun at them, then waved it wildly in the air. “You become more unruly.” He pointed his imaginary gun at the back wall. “Bang!” he shouted. “Now you people settle down.”

His imaginary gun came down to his side. “I start in again telling you what you’re going to do. You become more belligerent. Bang!” he shouted again. “And now you’re very quiet. You’re crying. Some of you are afraid to look at me. Some of you want to crawl right on the floor. And in another two minutes, a man walks in from the doorway.”

Jim Bayshire, the *Pike River Herald* reporter, came up the squeaking steps from down below and stood facing Len. “May I come in?” he asked.

“You can and you may,” Len replied. He turned back to the jury. “And now my attention is averted. For five terrifying minutes I have been focused only on you, shooting the gun twice and scaring you to the point you don’t know if you’re going to be sick or faint. But with Jim here now, you

breathe easier. It seems like the first real breath you've taken since I took over. You know this man is a good person. He reports the news objectively and honestly. You trust him, and you know him even better for his weekly column, "America the Ugly," where he speaks for us against the injustice and the corruption that continues to exist and affects us all. Each week he e-mails his column to every state legislator in Madison and every Wisconsin congressman in Washington, D.C. We respect him for writing exactly what we're thinking and want to say."

He extended his arm toward Bayshire but still remained focused on the jury. "And now he and I talk. He tries to talk me into putting the gun down. I ignore that. He tries to keep my attention on him, for down below he heard the two gunshots and called nine-one-one. He keeps me talking. He sees I'm still firm in what I'm doing. He shows me he has a gun hidden under his coat. We continue talking. Then he takes his gun out of his belt and points it in my direction."

Bayshire bent his arm at the elbow and pointed his finger like a gun at Len.

"You do realize, ladies and gentlemen," Len said, "that this entire courtroom, the media, the jury, and the spectators have been ignored by me from the moment Jim walked in. Jim and I are the only two people in conflict, and you feel much safer. No longer are you the target. See this gun?" he said, pointing with his right hand at his left. "The barrel of that gun no longer points at you."

He faced Bayshire. "And now fourteen minutes have elapsed since you came in, Jim, and we see the bailiff and a sheriff's deputy come in with their guns drawn and are walking toward me. *Far enough*, I say, and they stop, their guns pointed at me."

He turned back to the jury. "You're still very tense, but with three guns to my one, you feel even more secure and protected. Nothing should happen to you now. If I just

twitch, the lawmen will kill me. But look--they just stand there and watch as Jim tries to talk some sense into me. And you're worried about Jim. Why don't the police intervene and take over? Four minutes pass--four minutes of talk between Jim and me. Suddenly my gun hand comes up and I pull the trigger. Bang! My bullet hits the wall high over Jim's head--not even close. Bang! Jim's bullet hits me and I'm gone."

Bayshire went over and sat in his empty chair with the media.

Len walked halfway to the jury. "You know it's all over now. You're okay--unhurt except for the mental trauma. You'll still be shaking for weeks, remembering a gun was pointed right at you. But you're alive and everyone else in here is alive--everyone but me who started it all."

He wagged a finger at them. "Someone had to finish it. Isn't that right? Someone had to end it. The longer I held a gun, the longer your lives were in jeopardy. Maybe I don't intend to hurt any of you, but maybe accidentally I do. Well, Jim got me before that could happen."

He walked closer, and with that same finger he tapped the railing hard. "Now consider this. What if the bailiff and the deputy had told Jim to get out of here? He goes, doesn't he? Right back down that stairway. He had called nine-one-one. Two lawmen respond. It's their job now. What if they keep their guns leveled at me and one moves by Jim, takes his gun, and tells him to sit with the media. He sits, doesn't he? Either way, Jim is no longer involved. It's just the lawmen and me. We don't know how that would end, but one thing we know for sure--Jim isn't involved and maybe you don't witness a killing."

He began to pace slowly back and forth. "That's how it should have been at the high school. That's how it could have been had the law taken charge. The district attorney exonerates the two officers. He reminds us of our laws, the

law of the land. He exhorts you to base your judgment on the facts. Well, I'm here to tell you that the law of this land did not exist in that high school gym that morning. Two lawmen showed up and didn't bring any enforcement with them. They watched. And I'll tell you what they saw."

He paused a moment, glancing left and right. "They saw the law of human survival at work. Ray Steagle did everything humanly possible to put himself between Jacob and everyone else there. I'm not saying Ray was ready to die, but easily he could have. What was Ray supposed to do? Verbally he kept Jacob occupied for fourteen minutes while waiting for a response to his nine-one-one call. Fourteen minutes when the law should have responded in two. Chief Hutchinson testified they can now do it in two. He said they should have been able to do that in May. Any cop--and there was one just six houses down the block--could have been inside that school in two minutes. Ray was faulted for not staying on the phone. Hell, the gym was being shot up and it was full of hysterical kids and terrified adults," he raged. "Is Ray supposed to do nothing? Just make the damn call? What if he makes the nine-one-one, doesn't get the gun, doesn't go in, and just waits for the police in that locker room? Fourteen minutes he'll wait. I don't know what would have happened inside that gym, but I shudder to think about it. And while you're in deliberation, I want you to think about what might have happened if Ray hadn't intervened and put his life on the line."

Len took a deep breath. "I would expect you'll view the video again. A student named Welch verbally confronted Jacob when he said, 'C'mon Krite. Game over.' Jacob turned on him in the instant. Take a good look at Jacob's eyes. He's absolutely enraged. He's ready to shoot. With Ray not in there distracting Jacob, and with Jacob and his gun holding everyone hostage for fourteen minutes, it's possible someone else would have tested Jacob--and maybe

Jacob cracks completely and shoots the young man--or young lady."

He waited a moment to catch his breath and collect himself. "It's always more tragic when, after the fact, you realize it could have been prevented. A prompt response might have saved a life and eliminated this trial. But admittedly, the incident should never have happened in the first place."

He glanced back and forth, still breathing heavily. "And now I say this to you. The Krier family does not hold Ray Steagle responsible for the death of our son. Jacob was physically and mentally sick. He terrorized people. I want you to concentrate on the situation that faced Ray. Someone had to stop Jacob. For five minutes Jacob held everyone captive, terrorized them, and no one moved to stop him. Isn't five minutes long enough for the faculty men to mount a defense--some opposition--anything that occupies the boy's attention. But no one moved. Yes, it was dangerous. Sacrificing one's life was a distinct possibility. Who there in that packed gymnasium took the chances that Ray Steagle did? No one. Not even the police."

He wagged a finger at them again. "And now I ask you--you have just experienced what twelve hundred and seventy-five people encountered in that gym and all of them came out alive. Would you convict Jim Bayshire for what he did to protect you? No--you wouldn't. You know he didn't have to come in here. He heard the shots. He could have turned and simply walked away, pretending he heard nothing. And Ray Steagle could have done the same. Do you convict Ray?" He met the eyes of each juror. "Do you convict Ray? I certainly hope not."

He stood solid, composed, not an eye blink. "These are the circumstances, folks. As you deliberate, keep your mind on what transpired *in the gym*. Never mind what happened or didn't happen outside. It is what occurred inside that

matters.”

He backed away a few steps. “Now remember, ladies and gentlemen, Jacob could have fully loaded the gun and taken more bullets. But he loaded only three. Did he know what each was for? We don’t know. But we do know he expected to see the police very shortly after he produced the gun from his backpack. I think we can accept the first two he fired were to control the overexuberance that erupted. We don’t know what his last bullet was for. We only know he fired it at some empty bleachers.”

He slowly scanned both rows, meeting the eyes of each juror. “Before Harry Krier completes our summation, I think you should know why we defend the man who shot our Jacob. I leave you with this thought--there is a world of difference between Ray Steagle taking Jacob’s life--and Ray Steagle *protecting* Jacob from an impending, slow, and agonizing death.”

He nodded politely. “Thank you.”

## CHAPTER 38

Harry Kriter stepped, thumped, and stepped his way to the jury box with several stapled pages in his left hand. Lightly he grasped the railing with his right, though not for support. Slowly he surveyed the jury, occasionally pausing an extra moment. He always felt sheepish when someone compared his clear blue eyes to those of that “salad dressing guy.”

“You deserve accolades,” he began, “for the manner in which you’ve conducted yourselves as jurors. You’ve been alert. You’ve been dedicated to your duty. I’ve seen enough juries in my time to know that your head is swirling with doubt. You’re torn between your heart and your mind. You have an outstanding young man, a high school student graduating in the top five of his class, and yet a very sick boy approaching death. Your heart aches for him.”

Stepping sideways he moved a few feet to his right along the railing, pausing in front of juror number four, the pretty young blond receptionist. “And your heart aches for the Kriter family. Imagine Diane, his mother, being on duty in the trauma center when the ambulance brings Jacob to the



hospital. She knew immediately he was gone, that there was no hope.”

Two more steps to his right. “You heard Jennifer, his sister, praise him for how he had helped her through some turbulent times not all that long ago. Then you hear her and Len and me speaking in defense of Ray Steagle, the man who shot and killed our Jacob. Your heart bleeds for Ray’s family, and you don’t want to hurt them, which you know you will if you deny an acquittal. You’re torn between the legal and the moral issue. You simply want to do what’s right.”

He sidestepped to the extreme left corner of the jury box, positioned directly in front of juror number seven. “You have Brad Rodell, your district attorney--our district attorney--who studied the crime. He examined the evidence, the eyewitness accounts, and the state criminal statutes to determine the charge against Ray. From Mr. Rodell’s perspective, the charge of first-degree reckless homicide fits the crime. I’m here to prove Mr. Rodell wrong, and I will do just that.”

He moved back to the center and scanned the jury. “Do you listen to your heart or do you listen to your mind? Do you say a prayer for the Krieter family--and for the Steagle family--and do you then send Ray Steagle to prison? It is a dilemma--your dilemma. You look at these two families, their members seated together here in court as if one larger family, and then you look at the district attorney. You know he is absolutely dedicated to making this county a better and safer place for people to live, and you also know that outside of this courtroom Brad Rodell is a husband, a father, and a contributing member of this community. You ask yourself what do I do. Do I listen to my heart or to my mind?”

Taking his time, Harry again met each juror’s eyes and lingered a moment. “I think I see that some of you are ready to acquit Ray on moral grounds. You sympathize and

empathize with the families. If the Kriters forgive Ray, then shouldn't you?"

He held up one finger. "Ah, but I think I also see some of you ready to convict Ray because you can't ignore the legal aspect. The law is the law and it must be abided."

Lightly he grasped the rail. "What if I can show you criminal statutes that give you legal grounds to acquit Ray? I can do that, and doing so gives all of you a common ground upon which you can unanimously agree to an acquittal."

He held up that one finger again. "But first I have to make one thing clear. You know that the district attorney never agrees to a plea bargain. He always goes for the touchdown and never a field goal. Now I don't know if you're aware of the sentencing procedure in a criminal case, and Judge Bender will certainly apprise you before deliberation, but even with a guilty verdict it is still the judge who determines the sentence. He could reduce the maximum sentence from sixty years to somewhat less and even significantly less."

He held up both arms as does an official signaling a touchdown. "Well, folks, I'm going for the touchdown too. Why? Because I too have the law on my side. I've got legal language that the district attorney would have you ignore. If I were the DA--and I once was right here in this courtroom--I would do that too. I would put the burden of proof on the defense. Can the defense find anything in the law that justifies an acquittal? Well, we did, ladies and gentlemen. In our state's criminal statutes," he said, waving the pages in the air, "we have the language that warrants an acquittal in this case."

He stretched over the railing and handed juror number four two stapled pages. "On that easel," he pointed, "I have the relevant statutes printed on poster board in letters large enough for all in this courtroom to read, but as I read I'm asking this young lady to follow an actual copy of the

statutes in order to verify that I've printed the laws accurately."

He stopped and turned abruptly. "If I ask that someone bring me that stool," he pointed, "I know we can move forward faster."

Seated up front and on the aisle, Jennifer sprang from her bench, trotted over next to the witness stand, picked up the stool, and set it on the spot Harry indicated in front and close to the jury. "Thank you, Jenn."

"No problem, Grampa."

"Honey, do you want to help your old grampa some more?"

She grinned. "Sure--you mean like we rehearsed."

The effect was that of a pressure relief valve. People breathed, their bodies moving to get more comfortable. Seeing Judge Bender and the media smile, the students did also.

With both hands Harry held up his copy of the statutes for the jury to see. "You'll take a copy into the jury room with you. You'll notice I've crossed out two paragraphs. Those relate to security people and private detectives authorized to carry a gun. They're not relevant in our case."

He perched on the stool and hooked his good leg on the rung. It caused his body to wobble slightly to the right, and someone gasped. He smiled. "I'm not going to topple. I'm very solid here. I'm going to break Mr. Rodell's concise appraisal down into the facts of this case that he's ignored, and I'll show you exactly what the law states about each fact."

He glanced at Jennifer, then back at the jury. "Okay, Fact One--a crime was in progress. From the moment the gun was fired at 8:17, establishing that the gun was real and that this was not a prank, we have a crime in progress. Ray discovered that fact upon hearing the second blast at 8:20,

and then peering around the corner of the doorway, he saw Jacob alone on the stage with the .357 Magnum. He couldn't see the clock or the scoreboard, but the unmistakable smell of gun powder hung heavy."

He wagged a finger and nodded. "Ray had some choices, didn't he? He could call nine-one-one and walk away. He could walk into the gym with or without a gun and try talking to Jacob. Or he could just walk away, don't make the call. The principal was gone, but almost the entire faculty was inside the gym. Let them handle it. If Ray did just walk away, who would have known? No one. He could go back to his room, close the door, and he's not involved--and never was."

He cleared his throat. "Fact Two--Ray intervened. He stood in the doorway, which announced his presence, and then asked if he could enter." Harry rolled up his pages like a white baton and waved it. "Fact Three--Jacob broke the law. Actually he broke several laws for which the district attorney would have prosecuted him. And Fact Four--Ray shot Jacob. Now let's see what the state statute tells us. Jenn, the first statement please."

She turned the top poster board around to the printed side.

Harry read...

"Chapter 940: Crimes Against Life and Bodily Security.

940.34 Duty to aid victim or report crime.

(2) (a) Any person who knows that a crime is being committed and that a victim is exposed to bodily harm shall summon law enforcement officers or other assistance or shall provide assistance to the victim."

He glanced at juror number four. "Is that how it reads,

young lady?"

"Yes," she replied. "Exactly."

With his eyes on the jury, Harry pointed at the language. "Ray discovered a crime being committed. Right? And what does the law say he is to do? *Summon law enforcement officers*. Did he? Yes, he did. He called nine-one-one. Ray did exactly as the law dictates."

He shifted slightly on the stool. "Then what's the next part of the law? *Summon assistance*. Did he? No, he did not. He assumed the principal was in there somewhere. He didn't know the man had left. It was strange that the chairs on stage were empty, but he knew the whole faculty was in there. Bottom line--there is no one else to summon. The police must be on their way."

He directed the eyes of the jury to the board again. "Then what does the law state Ray was supposed to do? *He shall provide assistance to the victim*. Did he? You know he did. Not for just one victim--for over twelve hundred victims. And now I want you to look again very closely at that subparagraph. Notice the language. Ray *shall* do this *or* this *or* this. That doesn't mean he has to do all three, does it? Remember I said Ray had choices? Well, there they are."

He scanned the jury, the hint of a smile at the corners of his mouth. "You see it, don't you? I know you do. Ray Steagle discovered a crime being committed with twelve hundred and seventy-five victims exposed to bodily harm. Ray called nine-one-one to summon law enforcement officers. That's what statute 940.34 requires. No other assistance was available as Mr. Donovic, the principal, had left the gym and the faculty all sat facing a loaded gun. So what did Ray do? He provided assistance to all of those victims. And that's exactly what 940.34 requires."

Harry rapidly shook his white baton. "It fits, doesn't it?" he said, elated. "It's in black and white, isn't it? It's the

letter of the law, isn't it? Subparagraph 940.34 (2)(a) says Ray Steagle--when you see a crime in progress--you go and do this--or this--or this. Ray did two out of three. First, he called for law enforcement--just as the statute requires, and then he went in there to assist the victims--just as the law requires." Slowly his eyes moved from one jurist to the next. "I detect--I think I detect--it's not enough. A boy has been shot and killed. You need more to acquit Ray. All right--I'll give you more, but first we have to look at subparagraph (2)(d)."

Jennifer revealed the next statement, and Harry began reading...

"940.34 Duty to aid victim or report crime.  
2)(d). A person need not comply with this subsection if either of the following apply:  
1. Compliance would place him or her in danger."

He looked at the young woman again. "Is that how your document reads, young lady?" he asked.

"Yes, sir. It is."

He waved his baton. "Ladies and gentlemen--you sat there and heard law enforcement complain that Ray shouldn't have gone inside that gym. Well, there wasn't anyone else who could provide assistance. And you see this paragraph of the statute states that Ray doesn't have to go in there if the situation puts his own life in danger. But he went. He had to, didn't he? Why? You haven't forgotten, have you? His daughter. His daughter, Hannah, is in there facing that gun along with everyone else. Would any father do anything less than what Ray did? Oh, but that's getting sentimental, isn't it? Can't have any of that here in this courtroom. But, people--the DA has children. Wouldn't he go in there, and if he had immediate access to a gun,

wouldn't he get it and take it in with him? Part of this case is about a father defending his daughter who's in danger of being shot, and Ray would sacrifice his own life in the process if necessary. We can't deny and we can't ignore that, people. It's a *fact*! So how much danger are we talking? The odds of being shot are long, aren't they? Say about one chance in twelve hundred seventy-five. But if Ray doesn't go in and Hannah takes that bullet, he'd never forgive himself--he might not even be able to live with himself."

He looked directly up at juror number seven. "Did Ray need a gun? He knew the boy had one. He heard two shots and all the screaming and shouting. He knew there were staff members in there without any means of forcefully opposing the boy's gun. How brave was it for Ray to walk in there, his gun hidden, and face Jacob's gun, actually stare right at the muzzle of that gun? It took guts, folks. There's no other word for it. Here's a top student brandishing a gun, blowing holes in the cement block wall and scaring the hell out of everyone. It was obvious to everyone in there who knew Jacob well that he was out of touch, that something was definitely mentally wrong with him. For Ray to go in there and face a kid out of control--with a deadly weapon in his hand--it took guts. Ray forgot about himself and put the burden of protecting everyone in there on his own shoulders. You know it--and I know it. I don't know how many people in that gymnasium were praying, but a savior did appear carrying a gun, and that savior was Ray Steagle."

He focused on another juror. "How brave was it for Ray to stand there with his arms down at his sides and face that boy?"

He selected another juror. "And how brave was it for Ray to pull his gun, in effect saying to Jacob *it's now just you and me to the end*? Ray put his own life on the line. He would take a bullet if he had to. And if he had, folks, it

would have been Jacob's last bullet and everyone else was saved. That's everyone but Jacob. The police would have riddled his body."

Harry got off the stool and leaned against the railing. "So now--does that give you enough common sense, unsentimental, black on white legal grounds to acquit Ray Steagle? It should. That's what statute 940.34 is for. If you can intervene--in a potentially dangerous criminal act against life and bodily security--then you *must* do just that."

Haphazardly he flung both arms in the air. "Whoa--wait a minute here! *Must?*" he repeated loudly. "Where--where does it say Ray must render assistance? It doesn't say that. The statute says that in the kind of situation Ray faced, he *shall* do this or this or this. He doesn't have to aid or assist, does he, and especially not if it puts him in danger?"

Harry held his baton straight up and shook it. "Oh, but check this next statement, subparagraph (1)(a) that comes before what we just found in (2)(a)." He turned his head and Jenn flipped the board. "Whoever violates sub. (2)(a) is guilty of a Class C misdemeanor."

His eyes met juror four again.

She nodded. "Yes. That's correct, Mr. Kriter."

"And what does that mean, ladies and gentlemen?" he asked emphatically. "Well, I'll tell you. It means if Ray doesn't go in there with all the ability and resources he has to protect everyone in there, then he's guilty of violating what? Of violating his duty--his duty to aid a victim or report a crime. And do you know what that means? He's broken the law of 940.34, and the penalty for a Class C misdemeanor is a fine of five hundred dollars and thirty days in jail. Well then, does that mean the entire faculty should be held responsible? Absolutely not. They're all victims."

He paused to catch his breath. "That sounds like you're damned if you do and you're damned if you don't. You don't have to help, but if you don't, then you pay a fine and



end up in the slammer for not helping. Well, it doesn't work that way, folks. What we have to do now is look at statute 939.48."

Jenn displayed the next statute. Harry pointed and read...

"939.48. Self-defense and defense of others.

(1) A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person."

He nodded to the pretty juror. "Accurate?" he asked.

"Completely," she said with a smile.

Harry smiled inside. This young lady will acquit.

He held up a hand. "So what does it mean? It means that when Ray is aiding another victim, he can use force to protect himself. How much force can he use? It's answered in the next sentence of that same paragraph." He pointed to Jenn who changed to the next statement. Harry read in a louder voice...

"The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference."

He waved his baton at the jury. "Before Ray ever got the gun from his car, he peered around the corner of the doorway and he saw Jacob on stage pointing a .357 Magnum at the faculty and student body. Isn't it natural to believe that only another gun can equal the force of the gun the boy

has? What would you have done? Wouldn't you do the same as Ray? I'd bet big that you would, folks."

Quickly his gaze swept the rows. "Now comes the clincher. Here's the legal letter-of-the-law language that gives you the right--the duty--to acquit Ray Steagle. Remember now--we're talking self-defense here. Jacob has a gun. Ray has a gun. Each man is capable of killing the other. And what if Ray kills Jacob?" He nodded to Jenn and then pointed at the easel and read the next sentence of that same paragraph...

"The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself."

Harry quickly turned his head to the young lady.

"Again word for word," she said. "All of it."

He nodded to Jennifer who returned to her seat, and then he faced the jury. "Ladies and gentlemen, you can see that the law gives Ray Steagle license to get that gun from his car, load it, and bring it into the gym to confront Jacob. Ray puts his own life in jeopardy, and while he doesn't have to go in there, if he does then the law says he can match force with force to protect others and himself in the process. Keep in mind--that in a very sudden move--no forewarning--Jacob lunged--brought his gun up--and it roared--spitting smoke and the stench of gunpowder. If you were standing there in front of him, wouldn't you think that somehow he just missed you? Wouldn't you think he really meant to kill you but missed? Wouldn't you think he'll pull that trigger again--and not miss? For Ray, he has to now think it's a case of either him or me. Didn't Ray fire in self-defense? Yes, he did. Of course he did. It's not murder. It's self-defense. It

is justified force against force. It's what the law allows. And it's definitely not utter disregard for human life, especially since the muzzle of Jacob's gun might have crossed every face in there at least once and some more than once. It is Ray Steagle who put an end to that when he stood in the doorway, arms at his sides, and calmly asked, 'May I come in Mr. Kritter.'"

He dismounted the stool and moved to the center of the railing. "Nothing could be clearer, could it? What Ray did--the law says he can. It's Wisconsin law. It's the law of our land. It's in black and white on those pages that this young lady is holding. She'll take those pages, those Wisconsin State Statutes, into the jury room for you to examine. Take the easel and display boards if you want. In the jury room is a bound copy of our state statutes. All of them. Don't hesitate to check 'em out just to be sure I'm right."

He paused, looked down, shook his head slowly, then looked up and scanned every juror, meeting each person's eyes and holding for just a moment before moving on to the next juror. And no eyes turned away. "It is easy for me to become impassioned when I speak about the law. It's the only career I've ever known. But in this trial it's been extremely difficult for me to speak so impassively about my grandson. I haven't forgotten Jacob and how fine a young man he was before fate dealt him such a harsh blow. Ray Steagle is an important man also--important to this community and to all mankind, and yet this trial isn't just about Ray either. The ramifications of this trial go far beyond this courtroom. This trial is about anyone who would have come forward that Friday morning and tried to do the right thing. Jacob was wrong. You heard the district attorney say that, and rightly so. But it would be wrong to convict Ray. Why? Because the law protects him, and the law is written to protect you when you respond to assist or protect someone else."

His eyes drifted upward a moment, then back to the jury. "Ladies and gentlemen, I have to get a little personal about my family. At Columbine High School there were response problems for law enforcement personnel. Later a plaintiff filed suit and the court awarded compensation for that individual's loss. Well, there were also response problems for law enforcement personnel here at Pike River High. People, I go on record when I say this to you: The Krier family will not file any law suit against anyone or any agency connected to the school district or the city police." He backed away a few awkward steps. "Now--I could ramble on and on about law and justice, my friends, but I could just as easily emotionally fall apart here any moment too. You've been so patient." He nodded across the rows. "I thank you."

He turned and thumped his way back to the defense table. The courtroom was silent.

## CHAPTER 39

At two-fifteen following brief final instructions, Judge Bender released the jury to begin deliberation. The courtroom emptied.

Brad Rodell left his battered '92 Bronco "wreck" in the parking lot and walked the few blocks under the hot sun to his air-conditioned office downtown.

Diane went back to the hospital to finish her shift.

Ray, Amy, and the children drove home to wait for a phone call. It was decided that Hannah and Richie would return with them for the verdict.

Len took Harry and Jennifer with him to the Big Rig Truck Stop south of town where the attorneys observed their post-summation ritual--pie and coffee and no rehashing of the trial until after the verdict. Jennifer ordered iced tea and two small packages of saltines. Len laid his cell phone on the table and commented, "Best gadget that ever came along for lawyers, Dad. Too bad it came after your time. Remember how we used to be tied to the office waiting for a call-back?"

"Before we became partners, Len, I caught three trout in

Bridger Creek right down at the park one time instead of waiting around the house,” Harry said. “When the call came, Mother had to come and get me. That phone would have saved me another twenty minutes, probably time enough to catch one more,” he grinned.

“I think I cleaned those three,” Len said.

“And ate two as I recall. But one was always enough for Mom and me. She’d make that rice and broccoli dish.” He grimaced. “If I’d been president, I wouldn’t have eaten that green stuff either.”

When Jennifer started to update her grandpa on the stress of college life, the next two hours passed quickly. At four-thirty they picked up Diane and drove the seven miles home to Bridger.

The waiting became tedious. By Pike River standards, any deliberation short of four hours meant guilty. Beyond four the first hour sparked high optimism, and from there the hours dragged. Pessimism became so foreboding that a defendant and family often hoped a call wouldn’t come.

Len’s phone rang at five-forty, twenty minutes before Judge Bender would have summoned the jury and sequestered everyone overnight at a motel.

The Steagle phone rang. “Ray, it’s Len. I just hung up. We’re to be in the courtroom at six-fifteen.”

“We’re ready here, Len. I have to ask you. Hannah’s the leader of a pyramid phone list. She calls one, that one calls two, those two call two more, and so on. The kids created the list during lunch hour. Is it okay if she sets the wheels in motion?”

“It’s your decision, Ray. If you’re wondering about the court’s reaction, the judge, the DA, and the defense team would heartily support it. Although difficult for you and your family, experiencing a trial is a great lesson in citizenship for the kids, and Judge Bender will let the underage in for the verdict.”

A very obvious show of support followed. The traffic jam at the courthouse was totally unexpected, as was the horn-blowing and the cheering and waving from kids hanging out of the car windows when they spotted Ray's car: "You're Number One, Mr. Steagle," and "See you first period in August, Mr. Steagle."

The two families met in the witness holding room across the hall from the courtroom. "Took only three and a half hours," Ray said flatly. "Doesn't bode well, does it?"

Len smiled inside. Spoken like an English teacher. "This is your first and last time, Ray. Worry is natural--optimism is mandatory. We've learned to turn our minds elsewhere--bakery, coffee, conversation from the inane to sports to the very serious but far removed from the trial."

"Because it's all over but the shouting--or crying--or both," Ray said.

"Exactly. It's out of our hands. Nothing we can do. But of course we're not fooling ourselves. We're still churning inside. A diversion does help some though."

Harry said, "It's different for the prosecutor of course. Brad Rodell probably went back to his office and started work on the next scheduled trial. He can't worry anymore about this one. Oh, there'll be time to ponder the result and the tactics both sides employed--or maybe resorted to is better. You try to nail down the turning point of the trial too, but that's all on private time, not county time."

Len glanced at his watch, stood and said, "Well--let's do it."

The courtroom was SRO, aided by the hand-scrawled sign on the wall just outside the doorway--No Age Restriction. There weren't many older adults among the spectators, twelve to fifteen perhaps, but interestingly the students had obviously deferred to them for they were all seated.

Judge Bender entered, motioned for all who stood at his

entrance to be seated, and nodded to the bailiff to bring in the jury. Focusing his attention on the forewoman, he asked, "Has the jury reached a verdict, ma'am?"

The woman, one of the grandmothers, stood. Her hands were trembling, more noticeable by the rustling of the folded sheet of paper in her hand. "We have, Your Honor."

"It is unanimous?" he questioned.

"Yes, Your Honor, it is."

"Mr. Bonder will collect your verdict."

The bailiff retrieved the paper and quickly approached the bench, handing it up to the judge.

Without ceremony Judge Bender opened it, adjusted his bifocals, glanced, and handed it back. The bailiff returned it to the juror.

"You may read the verdict to the court, ma'am," the judge said.

She unfolded the paper, still shaking. "In the matter of the People versus Raymond James Steagle on the charge of first-degree reckless homicide, we, the jury, find the defendant--not guilty."

Judge Bender had been holding his hand up, palm toward the court during the reading and was on his feet in the instant, quelling any demonstration. Addressing the jury he said, "I thank you, ladies and gentlemen. You are excused." He faced the court, his gavel now in hand. "This trial is over." He tapped the block lightly and was gone.

Amid the outburst and avoiding the media rushing to surround the defendant and his defenders, and escaping the spectators stampeding toward the courtroom doorway, Brad Rodell exited using the private stairway.

Fifteen minutes later the Kriters used the same stairway, thus circumventing the media reporters and cameramen lying in wait like starving wolves out front. Reaching the back exit to the parking lot, they found Rodell waiting inside.

He extended his hand. "Len--Harry--great work in



there,” he said. “You make a formidable team.” He turned to Diane and Jennifer. “And I’m happy for Jacob’s mother and sister. Now the healing can really begin.”

They thanked him for his kind words, then Len handed the car keys to Diane. “Dad and I’ll catch up in just a minute,” he said. When the door closed, he said, “Brad, your style was pure Rodellian for awhile, and then it wasn’t evident at all. You quit, Brad. And I’m sure Judge Bender noticed too. You went silent. No ranting and raving. And never--never do you leave a trial with the defense getting in the last word.”

“That obvious, huh?” he asked.

“Not to anyone else I don’t think--and hopefully not to Jim Bayshire--but to me, yes.”

“I’ll tell you something, Len, and we’re talking off the record here in strict confidence. It’s why I waited here. If that autopsy attachment, the neurosurgeon’s report, had reached my desk and I’d have known about Jacob’s condition and the horrible ordeal that lay ahead for him, I would have requested a meeting with you and the judge, just the three of us. I’d have proposed you get Ray to change his plea to no contest, and I’d ask Bender to release Ray without penalty. Oh, we’d have had to face the heat together from all the no-minds that came slithering out of their ooze screaming foul and sell-out and all kinds of crap, but we’d have gladly endured it. Jennifer was right. It was merciful, Len. And you hit it right on the head too about the difference between taking a life and protecting Jacob from an agonizing death. I believe justice was done. Well, catch ya later, Len.”

“Thanks, Brad. And I know this hasn’t been easy for you either. You’re a credit to your profession.”

## About the Author

Following high school graduation in Pittsburgh and trained in portrait and commercial photography at the Ray-Vogue School in Chicago, the author worked in that field for two years, then attended Carroll College in Waukesha, Wisconsin, and received a Bachelor of Arts Degree in English. He spent the next four years as a technical writer and photographer for the federal government at the Rock Island Arsenal and for a commercial publishing firm in Chicago, then for three years operated a book store in Park Falls, Wisconsin..

After another year of undergraduate study at Northland College to complete a sociology minor and fulfill the education course requirements for teacher certification, he began teaching high school English, first in Butternut and then in 1966 in Antigo for the next twenty-one years. He received a Master's Degree in English from the University of Wisconsin-Stevens Point in 1971. In addition to his high school classes he also taught college-level composition courses for Air Force personnel who were pursuing various associate degrees while stationed at the nearby radar base.

He and his wife, Karen, retired from teaching in the late '80's and still live in Antigo. They have three surviving children and three grandchildren.

He welcomes any comments the reader may have about this novel and any of his other writings. You can contact him at his website, [shannonbooks.com](http://shannonbooks.com).