

## T H R E E

# Scapegoat

“I’ll wait for a forensic scan, but I think we’re royally fucked in here,” the black homicide detective said morosely to the two uniforms by the door. “This bathroom has been scrubbed down. The building cleaning staff uses Lysol, but this smells like some kinda bleach or something. We can probably forget trace evidence too. Somebody went over the carpets with hand vacuums. See them marks on the pile?”

It was Tuesday morning and the detective was Ron Johnson. He’d been “catching” on the homicide table when the call came in, so he was now the Primary on case number H32-35-497. Technically, it was still just a missing persons case, but it had been given a homicide number and referred to that squad. It couldn’t be rated as a multiple homicide yet, but everybody knew that’s what it was. A high-risk witness and two Jersey plainclothes cops had vanished from the fourteenth floor of the Trenton Towers. The lab techs had been milling around for an hour, checking for blood splatter or cerebrospinal fluid, searching for fingerprints, and vacuuming for trace evidence. The apartment was as clean as the inside of an egg. The crime scene had been carefully sanitized.

Unanswered questions hung in the air and distorted everybody's logic like funhouse mirrors. How did the killers get in? How did they get three bodies out without being seen? How did Manning and Corollo get taken without even firing a shot? Nobody wanted to say that the two cops had fucked up and lost the State's prime witness, along with their own lives, on a high-profile mob prosecution . . . but that's what everybody was thinking.

Victoria Hart arrived at 8:40 A.M. She'd been jogging when a patrol car found her in the Mill Hill district of Trenton, running the brick sidewalks with their decorative gas lights and iron benches. She was between Jackson and Mercer streets when the blue-and-white pulled over and the two uniforms got out. She was told that when the relief guards showed up at eight A.M., the apartment and corridor on the fourteenth floor at Trenton Towers were empty. Carol Sesnick and her two night guards were missing. Victoria stood in her running shorts feeling a brutal chill, not knowing if it was the unseasonably cold weather or a physical reaction to the devastating news. She showed up at the crime scene in her running gear, which she instantly realized was a mistake. News crews, which constantly monitored police frequencies, were already gathering out in front of the building. She heard shutters click as she ran up the steps, her Nikes squeaking on the concrete. She had been so distressed, she could think of nothing but getting there as quickly as possible. Now she would have to face herself on the six o'clock news, showing up at her friend's murder scene, dressed like a fitness instructor.

*Tactical mistake. Fuck it.*

She wandered through the small suite of rooms, looking at everything. Her brain had already accepted the worst, but her heart was still trying to deal with the fallout. *Did I get Carol killed?* she asked herself, knowing full well that she had certainly played a key role. She had been in charge, it was her case, she had supervised the security and approved the location of the safe

house. The fact that there were no bodies was meaningless and completely offset by the smell of bleach in the bathroom. She looked, for a moment, at the table in the hall . . . at the tabloid papers and uneaten candy she had left for Tony and Bobby the night before. Her emotions swelled; she felt tears coming to her eyes. *Stay in control, Victoria*, she told herself sternly. She was here to find truth and to seek justice. She could cry for her friends later.

Victoria knew her prints were on the tabloid papers and the candy, so she told that to one of the forensic techs and promised to send a set of comparison prints down to the lab when she got to her office. She found herself back in the spotless bathroom, the smell of bleach clogging her nostrils. The tan dress with the pinned hem was on the tile floor, next to the tub. Like a child's doll at the scene of a fatal accident, it beckoned her, as if it somehow knew the answers, because Carol must have been holding it when disaster struck.

Her boss, Gil Green, called at nine-thirty while she was still walking aimlessly in the room, trading hopeful strained smiles with the hushed detectives. Inside her spinning head, she kept repeating, *I'm sorry, Carol, I'm so sorry*, until the phrase had lost its meaning and had become a mantra to calm her conscience and badly frayed nerves.



They were all gathered in Judge Murray Goldstone's ornate chambers in the huge Colonial courthouse on State Street. The building was in the Victorian section of town, nestled in among residential houses of the maple-tree-lined neighborhood.

Victoria barely had time to run home and change into one of her no-nonsense dark blue suits and a pair of low-heeled shoes. She knew her case was in shambles. Judge Goldstone had agreed to this emergency meeting at the request of Defense

## KING CON

Counsel. Gerald Cohen was, as usual, surrounded by his Yale Law School glee club. They followed him around like rock star groupies. All of them were young Ivy League attorneys who held the lofty title of Co-counsel. They were huddled like cocky athletes on one side of the room. Outnumbered, Victoria was on the other side with young David Frankfurter. Opposing teams waiting for the jump ball.

Judge Murray Goldstone entered from a side door followed by Beth Leeds, the court reporter. He settled behind his desk, looking rested in a pink Polo shirt and tan pants. He had his usual morning Aqua Velva glow. A fringe of gray hair rimmed his bald head like a Greek athlete's laurel wreath. Beth sat in a chair across the room, her Stenograph machine in front of her.

"Where is your client?" the Judge asked, looking at Gerald Cohen.

"He should be here, Your Honor. We were up all last night, going over pre-trial briefs. We rented a room at the Hilton. I didn't leave till six A.M. Joe was still there. I called him when I heard about this. He was going to take a shower and try to get here by eleven." He looked at his watch. "We should maybe give him ten more minutes. . . ."

"You were with him *all night*?" Victoria said, looking at Gerry Cohen, her voice shaking, barely able to contain her anger.

"That's right, Victoria. All night. All of us were there." He gestured toward his Ivy League back-up singers, who nodded solemnly.

"So you're gonna alibi this killer?"

"I understand that you're upset, Victoria," Gerry said slowly, "but I would appreciate it if you would not make insinuations. I'm an officer of the court and I don't commit crimes in an attempt to win cases. I was with Joseph Rina from six last night until eight this morning . . . at the Hilton Hotel, room six eighty-seven. There are an ample number of witnesses who can attest to that fact."

“What about his brother, Tommy? Can you alibi him?”

“Tommy Rina is not my client. I don’t know anything about Tommy. You got a problem there, take it up with him.”

Then the corridor door to the Judge’s old Victorian chambers opened. Joseph Rina walked in, dressed in gray slacks, navy-blue shirt, and matching tie. His tasseled loafers danced happily as he entered on the balls of his feet.

Victoria had to admit Joseph Rina was a beautiful package. He was handsome in a way that made you stare. His olive skin was so smooth it seemed almost translucent; his light blue eyes reflected intelligence and were the color of tropical reef water. She hated his guts.

“Sorry I’m late. What’s up?” he said, innocently smiling at Gerry Cohen, then nodding at Victoria and the Judge.

Judge Goldstone straightened up, leaned forward, and took control of the meeting. “We have a short menu of issues to deal with and then one complex procedural problem. Let’s start with your witness, Miss Hart. I understand from Gil you’ve got a problem producing her.”

“A *problem*? My witness was kidnapped, Your Honor.”

“You can prove that?” Gerry said, in his slow nasal whine, looking at her with theatrical shock.

“I lost a witness and two plainclothes cops. They disappeared out of Trenton Towers sometime between ten last night and eight this morning. They have not been heard from. They didn’t just wander off for ice cream, goddammit.”

“Your Honor,” Gerry cut in, “the Prosecutor is obviously alleging foul play. If that’s the case, then let her say so. Frankly, who the hell knows what happened up there? All I know is, my client was with me all night and I will so testify. He was also with Trevor St. John, Calvin LePont, and Barret Brockingham . . . all of whom are present and ready to testify.” He motioned toward his chorus of attorneys and, like a Motown singing group, they all shuffled their feet and nodded in perfect tempo. “If the

Prosecutor wants to bring a charge of kidnapping against my client, she's gonna have to do better than unsubstantiated allegations and sarcasm about trips to the ice-cream parlor."

"Your Honor," Victoria jumped in, "Joseph Rina is a top-drawer mob kingpin. A Godfather."

"I suppose you can prove that?" Gerry protested.

"He sits at the head of the table," she continued. "I had an eyewitness who saw him beat a man almost to death."

"Too bad you don't have the victim," Joe Rina said in his soft, gentle voice. "I always thought that was part of the process. A defendant gets to be confronted by his accuser."

Victoria scowled. She thought Joe Rina had the polished manners of a crown prince, but the sleazy demeanor of a Tele-mundo game show host. "We don't need the victim," she carried on bravely. "We can certainly substantiate the beating of Frank Lemay, or whoever he was. We have the depositions of the paramedics who picked him up. They will testify to the extent and degree of the injuries. We have the E.R. doctors and trauma nurses at Mercer County Hospital in Trenton. Jesus, the man was in a coma for two days, and we *used to* have an eyewitness who actually saw the beating. She saw Mr. Rina beat the man unconscious with a golf club. That was going to get Joe Rina convicted. He knew it. Gerry knew it. And you know it, Judge. Now the witness and the two cops are gone, and I'm not supposed to suspect foul play? You bet there was foul play. I'm not alleging it, *I'm promising it*. Who cares if he's alibied? He wouldn't do this personally. He can pick up the phone and order a hit-man."

"I think Miss Hart needs to calm down. She's beginning to sound irrational," Joe Rina said, turning his movie-star face toward her, smiling through friendly, aqua-green filters that masked inner ruthlessness.

"Let's cut to the bottom line," Judge Goldstone put in. "Do you think you're going to be able to produce your witness and put on your case, Miss Hart?"

"I don't know. I need Carol Sesnick. Without her or the victim, I can't go forward. I need a two-week continuance," she said.

"Two more weeks?!" Gerry Cohen sighed expansively. "Why not two months, or two years? Hey, Gil Green probably needs more time to milk this thing in the press anyway. Maybe we can string it out all the way to the general election in November. Let's not worry about Joe Rina and his constitutionally guaranteed right to a speedy trial. To hell with Joe Rina. Since it's him, let's just make up new rules as we go along. He doesn't count. He has no rights. Let's call him the Godfather, even though he works every day in the food supply business and has never been convicted of anything. Let's just go ahead and slander him without evidence. We've already been dragging along on this thing for almost nine months. What's another half a month . . . ? It's absurd."

"What do you want, Gerry? Get it on the record," Judge Goldstone said.

"We want to finish jury selection this morning and get started. We have a constitutional right to a speedy trial."

"Okay, I agree," the Judge said. "The court would like to get going too. And that brings us to the procedural question. . . . Once that second alternate is seated, jeopardy attaches."

This was the problem that Victoria had been struggling with all morning. The rule in criminal cases is that once the full jury is impaneled, the double-jeopardy rule goes into effect. That meant that if the last juror was selected and the Prosecution didn't put on its case, Joe Rina would walk and could never be tried again for this crime, even if they later turned up the missing Frank Lemay and Carol Sesnick to testify to the beating. Victoria knew that to gain time, she needed to get Judge Goldstone to grant her a continuance *before* seating the last juror, and not the other way around. She knew it was a long shot, but she had to try.

“Your Honor,” she started slowly, “please give us the continuance first. The jurors we have selected, you can send them home for two weeks and then recall them. Once jeopardy attaches, I’ve got a gun to my head.”

“You’re the worst time-waster since video games,” Gerry sneered. “We’ve been in pre-trial for three months already. They’ve been dragging it out, Your Honor. This is wrong. My client has been forced to endure harassment in the media, and our District Attorney has been dancing on Joe’s forehead every night on the *Evening News*. My client’s only crime is he was born with an Italian surname. This needs to end. We want to impanel the jury *now*. If there’s a case here, which I doubt, we want to get started.”

The dilemma lay before Judge Goldstone like messy road kill. He toyed with the problem in his head while he worked the percentage possibilities of a reversal by the Appellate Court. The old grandfather clock standing in the corner of the Victorian chamber cut slices of time with sharp pendulum ticks until Murray Goldstone finished his silent review and cleared his throat. “I understand your problem, Miss Hart, but we need to get going. The charge against Mr. Rina is attempted murder. If you want to raise kidnapping or Murder One charges with respect to Carol Sesnick and the two police officers, I’ll entertain those at a later date.”

“I can’t prove that yet. The police are just starting their investigation.”

“I’m sorry then. We’ll continue impaneling the jury this morning, and when that’s completed, I’ll grant you a seventy-two-hour continuance to get your case back together. Failing that, I’ll have to entertain a motion to dismiss.”

Victoria was watching Joe Rina very carefully as the Judge said this, trying to gauge his reaction. He was rock-solid. He didn’t give anything away. No thought or smile crossed his hand-



some face. He looked at the Judge with mild sadness, as if he actually cared about the missing witness.

He was good. *What a total shit*, Victoria thought.



The April sun was bright, but the day was crisp and cold. A light wind ruffled the leaves where the State Courthouse sat.

Victoria's beeper had gone off two minutes ago. She looked at the L.C.D. readout and saw the familiar "911-GG" on the tiny screen, which meant: *Get back to the office, quick*. Gil Green wanted to see her. She knew he must have heard about Judge Goldstone's ruling and was probably about to throw one of his low-key passive-aggressive fits. She had just crossed to her Nissan and put the key in the lock when she felt a presence and smelled mint cologne. She turned and saw Joe Rina standing right behind her. It startled her and she wondered how he had managed to get that close without her seeing. They were almost exactly the same height and she was looking right into his tropical blue eyes.

"You gave it the old college try. No hard feelings," he said gently, as if they were about to become friends and not lifelong bitter enemies.

"Whatta you mean, no hard feelings? I've got big-time hard feelings. Get away from me, you murdering slimeball."

"In that case," he smiled innocently, "I just wanted you to know that I think it was your fault you lost her and the two cops."

"Really? Are you admitting something here, Joe?"

He smiled and took his time as the breeze ruffled his rich black hair. "I've learned that admissions are very much like theatrical concerts. The quality of the music can often depend on where you're sitting."

"Just get the fuck away from me," she said, resenting him

so deeply that she could barely control herself. She knew that he'd had her three friends killed and was now standing there smiling and talking about it like a Trenton theater critic.

"You don't need to use abusive language, Miss Hart. That's generally an affectation of people who don't trust their own opinions and need to dress them up with foul language to get them to fly."

"Oh really? Gimme a minute so I can file that under 'Who gives a shit?' You don't become more acceptable because you can form a proper sentence, dickhead. And you're in the food business like I'm in the ballet. You're just a sawed-off oil can in designer clothing who kills people, so get away from me."

"It was your fault, Victoria. The Trenton Towers was a bad choice. If you'd put her in Berlington Place, two blocks away, on the top floor, you could have locked off the elevator. You could have controlled entry and exit. They have TV-monitored security. I've kept a few people safe over there. Maybe next time you should check that one out."

"So, now you *are* admitting something."

"Not really. Besides, whatta you gonna do? Nobody's gonna listen to an unsubstantiated charge from the Prosecutor trying to convict me."

"You're really something," she said with pure disgust.

"As are you, Miss Hart, but as it happens I guess now you're finally out of my hair and on to your next harrowing legal adventure." He smiled benignly, turned, and walked gracefully on the balls of his feet to his car, where Texaco Phillips was waiting for him behind the wheel.

"I'm not through with you yet!" she called after him.

He turned and looked back at her. When he smiled, his ivory sparklers glinted in the cold sunlight. "Yes, you are. If I were a betting man, and your bookmaking detail downtown tells me I am, then you're never gonna see your witness again. So you probably shouldn't even waste your time looking. I'd say 'See

you in court,' but that isn't gonna happen either.'" He got into the passenger seat of the car and Texaco pulled away slowly. As the long, shiny black limo rolled past her, she saw herself momentarily reflected in its glossy surface: The moving car strobed her image, bending it badly.



They met upstairs in Gil's plaque-infested office. But Victoria couldn't get the incumbent D.A. and potential Lieutenant Governor to look at her.

"It was your responsibility to protect the witness," he said, looking out the window at the lazy traffic on State Street. He was dressed in his *Live at Five* attire . . . his custom-made, gray cashmere suit, his dark maroon tie. The tie was by far the most colorful thing about him. He was ready for the *Evening News*. Gil Green was, in all ways, nondescript. Victoria once thought he should have considered a career as a hold-up man. He was so average looking, nobody would ever pick him out of a lineup. He had no distinguishing features, but his everyman looks masked a ruthless political ambition.

"I had two cops there protecting her, Gil. . . ."

"You are the lead prosecutor. You picked the building. It was your responsibility. I can't cover for you there, even if I wanted to," he said, laying out the usual C.Y.A. office ground rules. That was the way it was in the District Attorney's office. You had to "Cover Your Ass," because Gil always covered his. There were no sacrifices, no shared failures. "Sesnick is missing," he went on. "Even if I had three bodies, I still wouldn't have enough to bring murder charges. Rina's alibied anyway. Without the bodies, it'll go down as an unsolved disappearance. A bullshit missing persons case. With bodies it's better, but without more evidence, still not close to an indictment for murder.

He's got a whole troop of Boy Scout lawyers ready to swear for him. We won't get past that."

"What about Tommy?" She asked.

"You won't get anything from him either. He'll probably have the Cardinal from the Sixth Diocese swearing Tommy was stamping out communion wafers all last night." Gil grunted, "We're fucked. Or, let me rephrase that . . . you're fucked."

"I'm fucked?" She knew she was, but she attempted to at least make him feel bad about it. "All of a sudden I'm out here alone, Gil?"

"We made a big deal outta bringing Joe Rina to trial. The timing is horrible for me with the election coming. If this turns to shit, you're gonna have to wear the hat, Vicky. Sorry, but that's show biz. Around here, everybody's gotta fall on their own fumble."

Sports metaphors from a guy who never played anything more dangerous than bridge. "I'm stunned," she said disingenuously.

"Forgive me for anything I might have to say on TV," he continued. "It's not personal, just necessary."



When she saw the six o'clock news, it was hard to forgive him. It was a segment called "New Jersey Talking." Gil Green sat on a set in front of a blue curtain, with the host, Ted Calendar, who had a blond toupee that was so bad it looked like a yellow cat was sleeping on his head. In his soft, non-aggressive voice, Gil told the interviewer that the witness who had been lost would have surely ended Joe Rina's career in crime. He informed the audience that Carol Sesnick had disappeared, along with two brave police officers. He admitted reluctantly that he was personally very disappointed in the security arrangements and only

this morning had been brought up to date on the badly chosen safe house.

“This woman’s life was in our hands,” he said sadly. “I’m afraid this inferior location, picked by a member of my own staff, was a serious mistake and possibly resulted in the death of these heroic people. I’m going to have to conduct an efficiency review on this particular prosecutor. Beyond that, I really can’t say much at this time.”

Victoria sat in her apartment in front of her TV and silently cursed him, even though she agreed with his assessment. She had been foolish. She had underestimated Joe and Tommy Rina.

In her memory, she saw Carol Sesnick’s goofy, playful grin. She remembered her standing in the bathroom with the poodle curls piled high atop her head. She heard Carol’s lament as she pointed to the failed hairdo. *I fucked it up, V*, her missing friend’s voice echoed ruefully in her memory.

“No you didn’t, hon,” Victoria said to her empty apartment. “I did.”

And then seven hours later, while Victoria was in a restless sleep, the phone rang and changed her life forever.