

**ERIC FERGUSON – INTERVIEWED BY FRIEND AND
FELLOW AUTHOR MIKE GOODENOW WEBER**

1. Your accused murderer, Andrew Rodarte, has many layers to him. Is he based on any real defendants you have encountered, or is he entirely a creation of your imagination?

He's as purely fictional as anyone in the book, having no bearing to any specific person or case, and the case itself is entirely imagined on my part – it has no real-world inspiration at all. But I've seen Rodarte as almost an archetype – the guy who gets off on the wrong foot in life, sees one mistake lead to another, and finally does end up, fatefully, in the proverbial “wrong place at the wrong time.” And I hope his complexity as a character does come through. Everyone truly does have a story, and – we can hope – at least some capacity to learn and change.

2. *Cold Record* is notable for its legal accuracy and authenticity. Why were these values important to you?

I guess I've always had the sense that most legal fiction is designed to manipulate and mislead, not convey the actual integrity of the real-world experience. To me, realistic legal stories and the intricacy of the law are fascinating enough in their own right – they don't need dark conspiracies and preposterous plot twists. And I just prefer for conflict to arise naturally in a story, as it does in life, rather than being initiated and restricted by formula.

Beyond that, I get very tired of the over-the-top portrayals of all players in the legal system – cutthroat prosecutors, devious defense attorneys, arrogant judges, bend-the-rules cops, smug and conniving criminals. I've always found the great majority of attorneys, judges and police officers to be skilled, competent, well-intentioned people, not caricatures – and even the guiltiest defendants are human, too.

The movie “My Cousin Vinny” is known as a great comedy, but I've always appreciated it for this sort of realism. To be sure, the two young men are wrongly accused, but there's no conspiracy against them. The prosecutor, the sheriff and the judge are all good people trying to do the

right thing, and the truth wins – there, it wasn't what the DA thought it was, in all good faith. The idea of this book was to drop realistic, small-town legal players into an unexpected, quasi-cinematic story, and hope it would ring true.

3. The character of Marta Branch conveys a survivor's deep agony. How has your work as a prosecutor shaped your view of crime victims?

Seeking justice is the ultimate objective of a prosecutor, and nowhere is it more important than in cases of violence. I stopped just short of murder cases as a trial prosecutor, but wound up handling a great many in post-conviction litigation, and I've also appeared many times with family members of murder victims to represent the prosecution at parole suitability hearings. And the last experience, in particular, truly brought home the permanence of the loss. The murder of a loved one, of course, is as brutal and traumatic as any human event. The pain of loss may dull a bit over time, as survivors find ways to persist through life, but it never goes away – or, in many cases, the anger. I also saw how survivors of murder live in fear that, over time, the case and even the victim himself or herself will be forgotten. The prosecutor is, if nothing else, there to reassure them that is untrue, and that their lost loved one remains a priority.

4. Sonya Brandstetter, the lead prosecutor, is certainly a strong, empowered female character. Have you known professional women like her? Do you see her as an icon?

Sonya is less an icon or an anomaly than an embodiment of the fierce, unwavering determination and professionalism I've seen in countless female prosecutors, with the added aspect of her having stepped away from trial for several years, then returned for this exceptional case. A majority of the trial prosecutors in my office today are women, and Sonya has aspects of *many* women in my field I have known and admired. I do think Sonya's status as a woman and a mother magnifies the intensity of her effort on the case – which may, or may not, be a factor in events later in the book.

5. Would you say that the narrating character, John Patrick Howland, is your alter-ego or a reflection of you? How would you compare the two?

He has a lot in common with me, certainly. Since the book is first-person and much of his narration is in the realm of thought rather than action, I guess that is inevitable, and through him I've tried to articulate a few of the ineffable things that have drawn me in my life, plenty of which have nothing to do with the law – beauty, serenity, wonder, adventure, history, a sense of place. But he has more patience than I do, I think, and more tolerance for living an open-ended life alone. I'd say we both lack desire for the spotlight, but do watch carefully from the wings.

6. How many years have you been a prosecutor in California?

I have been a prosecutor for the same California office since January 2005, having had the good fortune to intern and be hired there immediately after finishing law school and passing the bar exam, and it has been an endlessly rewarding experience.

7. Does a prosecutor have special advantages in writing a crime novel?

Being a lawyer in general is bound to be helpful – most of us get a lot of practice writing, and the legal realm has inherent conflict and drama. Being a prosecutor also educates you in the criminal investigation routine, and probably helps you to think objectively.

8. Speaking of objectivity, did you have to struggle at all with a pro-prosecutor, anti-defense bias as you wrote the novel?

I don't believe so, because I always had a complicated truth in mind, and knew I wasn't going to demonize the role of defense counsel. Though it can get painted as wins and losses, the prosecutor does not represent an individual, but rather the public as a whole, and the goal is justice, not victory. A trial is certainly a "contest," in its way, but it's

always seemed to me we should try to avoid the temptation to think of it as a personal battle of wills. To me, our job is to get the true story of what happened to the jury, and of course that means we first have to be satisfied that the truth is that the defendant is guilty as charged. We may then have to battle over many small issues, and bring our passion to bear at times, because the defense has a different job. But it's also a worthy, necessary job, and in my experience most defense attorneys are like Ted Stauber, just like most DAs are like Sonya Brandstetter – sincere, ethical, skillful advocates. In real life, both sides normally bring great professionalism and humanity to this task.

9. In addition to a crime novel, *Cold Record* can be described as a courtroom drama and a legal mystery. What do you call it?

Categories don't really come easily to me! I guess I'd see it as a novel first and a mystery second, grounded in the drama of a murder, its human cost, and the winding path to truth.

10. Did you read a lot growing up? What were some of your favorite books?

Yes, I was always a reader, from a very early age. Up to my mid-teens tended to read series, especially the Hardy Boys and Nancy Drew, short-story suspense collections, Encyclopedia Brown and anything by Agatha Christie. Other great favorites would include *Charlie and the Chocolate Factory* (Roald Dahl), *Secret Agents Four* by Donald J. Sobol, and many great books on baseball, like Roger Angell's works.

11. Have you always been a fan of crime and mystery fiction, or did you become more interested after making your career in criminal law?

I always loved mystery and suspense stories, from kid-level to fully adult. I only began reading broader fiction heavily when I started college, but have continued that endless adventure ever since.

12. What are some of your favorite crime, legal and mystery novels?

First, Agatha Christie's whole body of work. She wrote something like 70 murder mysteries, and I've read them all, some as many as 10 times. To me she had an incredible gift for description (both of people and wonderful, atmospheric places), her pacing was ideal and her plots were so endlessly ingenious that you could – usually – overlook their implausibility! Of her wealth of masterworks, I'd probably single out *The Murder of Roger Ackroyd*, *Cards on the Table*, *The Hollow*, *Death on the Nile*, *And Then There Were None* and *Five Little Pigs* – but dozens of others are great, too.

Other than Christie titles, the crime novel I've reread the most is probably *The Godfather* – the book Mario Puzo cheerfully described as his big sellout, after his first, more literary books did not fare well. The interesting thing is that it's entirely told from the underworld, “family” point of view; there are no police protagonists trying to thwart them. It's truly epic in scale, though, and gives a strong sense of authenticity – though the Corleones are fictional, you have little doubt that Puzo writes with a great depth of knowledge, whether from his own experience growing up Italian in New York, or acquired.

I haven't been thrilled by most legal novels I've read – I'd rate *Presumed Innocent* (Scott Turow) as probably the best. But there are countless brilliant works I haven't read, no doubt. The two most interesting crime stories I've read in book form are both by Vincent Bugliosi (with collaborators): *Helter Skelter* (his prosecution of the Manson murders) and *And the Sea Will Tell*, written, years later, from his perspective defending the less-culpable co-defendant in a murder that took place on a remote atoll in the Pacific. The fact that they are true is simply a bonus.

13. Which four novelists, living and historical, have most influenced you?

Probably Agatha Christie, Scott Spencer, John le Carre and Daniel Woodrell.

14. If you could hang out and have conversations for a weekend with two novelists, one living and one from history, who would they be?

Tough question. I just missed Cormac McCarthy, unfortunately, so for living I'd better choose Daniel Woodrell; from history, probably John le Carre (David Cornwell).

15. Mysteries aside, what are your all-time favorite works of fiction?

Well, here are ten in no exact order, trending to epics: *The Far Pavilions* (M. M. Kaye), *Lonesome Dove* (Larry McMurtry), *Portnoy's Complaint* (Philip Roth), *The Pillars of the Earth* (Ken Follett), *Winter's Bone* (Daniel Woodrell), *Endless Love* (Scott Spencer), *The Great Gatsby* (F. Scott Fitzgerald), *Shogun* (James Clavell), *Blood Meridian* (Cormac McCarthy), and *The Lord of the Rings* (J. R. R. Tolkien).

16. And what fiction have you read (or are reading) this year?

The Sun Also Rises and *For Whom the Bell Tolls* by Hemingway, *A Gentleman in Moscow* and *The Lincoln Highway* by Amor Towles, *The Tiger's Wife* by Tea Obreht, various *Longmire* books by Craig Johnson, *Station Eleven* by Emily St. John Mandel, Cormac McCarthy's *All The Pretty Horses*, *The Crossing* and *Cities of the Plain* (the "Border Trilogy"), *The Appeal* by Janice Hallett, *The Stolen Hours* by Allen Eskens, *The Quarry Girls* by Jess Lourey, *The Razor's Edge* by Somerset Maugham. (My favorites: *A Gentleman In Moscow*, *All the Pretty Horses*, and *Longmire*.) Many rereads, including Woodrell's *Woe to Live On*, *Lonesome Dove*, and le Carre's *The Russia House*. I can't imagine life without books to read every night.