

Chapter 15: The Defense

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Davis Trial Under Way

by Dennis DeShay

The first day of the Lucy Davis trial entailed suggestions of mercy killings, a defendant's emotional outburst, and a heart-wrenching embrace between sisters who hadn't seen each other for fifteen years. After former boyfriend Brian Potthoff took the stand, a tearful Davis leaped from her chair, alarming deputies, and rattling the courtroom. Near the end of yesterday's drama, defense attorney Chris Stevens discredited State witness Brian Potthoff. Trial proceedings will continue this week and may spill into next week.

The Second Day of the Trial

Lucy Davis

Spectators pack the courtroom and include Dennis DeShay of the Arizona Republic. My sister Tracy isn't present. I know this because I courageously turn around to look for her.

Prosecutor Heidi Brown is wearing a light blue skirt and a short-sleeved jacket over a black blouse. Her first witness is Tung Nguyen, the Asian bartender at Shorty's Tavern. Heidi asks if he remembers me at his tavern on the night of the Abercrombie murder. He does. Heidi indicates the charm and suggests that a silver bracelet was dangling from my small wrist on that night. Tung remembers me as having short curly red hair and wearing a pink sequined dress and perhaps the bracelet, but he can't swear to it. Through Nguyen, Heidi establishes my connection to Mark Abercrombie on the night of his murder. And Mr. Nguyen introduces my stupid question about what happens to dead bodies, something I've completely forgotten about.

During cross examination, Chris reveals that Abercrombie had a somewhat abusive personality when the bartender states that he saw Abercrombie slapping a previous girlfriend. As

far as my question about dead bodies, Chris leads Tung into acknowledging that Vicki's death had already hit the newspapers and therefore my question proved nothing. Anyone might be curious about what happens to people found dead on the streets of skid row. The question hardly connects me to murder. I'm beginning to feel like Chris Stevens is deserving of a topnotch promotion. But I don't want to jump the gun before he even wins my case. Still, he's giving me a shred of hope.

One of Heidi's witnesses is a female cop who is obviously accustomed to speaking directly to jurors. Her testimony is a sharp contrast to Brian's. The officer briefly describes her activities at each crime scene, then she tells the prosecutor how she carefully secured artifacts into evidence and had them properly impounded. Chris tells me that her testimony is important because the prosecution can't use illegally obtained or mishandled evidence against me.

On cross-examination Chris asks the officer how familiar she is with Woodland Park.

"I've worked in the area for three years," she says.

"Isn't it true that these transients living in the parks collect anything they find on the streets?"

"It seems that way. They often have shopping carts full of this and that. Vicki did. As did Mark Abercrombie."

"In your experience with transients and their possessions, it wouldn't be unusual for any one of them to spot a silver charm from a distance and keep it as a sort of treasure."

"No, of course not. For that matter, anyone would pick up something like that silver charm. I would. Wouldn't you?"

Chris smiles. "No further questions."

When detective Jack Ellis takes the stand, I carefully watch the man who apprehended me at the airport and later questioned me at the precinct. I remember him as being friendly and patient, so unlike other cops who interviewed me. *Detective Jack Ellis is a big fat mellow cat* I'm thinking and the image makes me smile. Chris catches this and winks kiddingly but I know he's reminding me not to smile too much or I'll seem smug to the jury.

While on the stand, Ellis appears relaxed like he's having a casual conversation with his wife while watching TV, the jurors being the television where he focuses his attention. Heidi asks about his presence at the autopsies of Mark Abercrombie and John Doe. The detective testifies about how he searched for evidence when identifying items from the victims' shopping carts and then he discusses his first interview with me.

At the cross-examination, Chris asks, "Isn't it true, Detective Ellis, that someone like you with years of experience can gain much information about a suspect from how he or she behaves during the initial interview?"

"I can tell when someone's lying or hiding something."

"And how did you read Ms. Davis?"

"She isn't your regular criminal type. She seemed out of her element."

"Like she was hiding something?"

"No."

"Like she was lying?"

"No. More like she doesn't trust anyone. Like people in her life gave her reasons to be that way. Most suspects I interview are like this, but Ms. Davis was more like a mistrusting victim than a scum repeat offender who doesn't trust his own mother."

"Objection," Heidi says. "Your Honor, this man is not an expert in psychology."

“Sustained. Mr. Stevens, please move on.”

“I have no other questions.”

The prosecutor calls the deputy medical examiner Dr. Gustoff Arne Larson who testifies that the cause of death for each victim was an overdose of the barbiturate phenobarbital and that the manner of death was homicide. He explains that during the autopsy he took the photographs that Heidi is showing the jury. When Heidi walks back to the witness stand, she asks, “Did your examination of the victims reveal who committed these offenses?”

“Yes. From the skin scrapings under Mark Abercrombie’s nails.”

Heidi proceeds to establish that the skin scrapings were consistent with samples taken from me and she stresses that the victim most likely struggled for his life before succumbing to the poison.

During his cross-examination, Chris asks Dr. Larson, “Were there any other signs of a struggle? Bruises, cuts, scratches?”

“No. Only the scrapings in the fingernails.”

“I see. And are skin scrapings conclusive identification?”

“Not positively. Not like matching blood types.”

“Is that right?” Chris nears the stand and angles himself to face the jury and the witness.

“Now, Doctor, in your expert opinion, when a victim is struggling and scratching the perpetrator, is it usual to find only one hand with scrapings?”

“Anything is possible.”

“True. But let’s talk about what’s more likely. Wouldn’t it be more likely for a struggling victim to use both hands when defending himself?”

“Probably, unless one hand is pinned down.”

Chris glances at the jurors then proceeds. "Were there any signs that Mr. Abercrombie's right hand had been pinned down or somehow rendered useless?"

"No evidence of that."

"And there were no other signs of a struggle, correct?"

"That's correct."

"Now, Dr. Larson. Wouldn't you say that the scrapings were more like those obtained by an attacker slapping his victim?"

"It's possible, but I really couldn't say for sure."

"But possible, correct?"

"That's correct."

"No further questions."

The prosecution calls a handwriting expert to verify that I wrote the note found in Vicki Jones' pocket. She shows the jury my note along with a sample of my handwriting to further authenticate that I wrote *I could kill for you*. Next, a state serologist testifies that he examined my blood type and that of each victim and that he analyzed the bloodstain on the blouse I left at the homeless shelter. Tiffany Shelton's blouse. He testifies that I have a different blood type from that found on the blouse and that the bloodstain matched the blood type of Vicki Jones.

On cross-examination, Chris asks the serologist, "Having examined the bloodstain on the blouse marked exhibit # 34, can you conclusively state that the bloodstain came from the victim Vicki Jones?"

"No, I can't," the serologist looks at the jurors. "Blood properties degrade, some more rapidly than others, and by the time we received this blouse we were only able to analyze it for the basic A, B, AB, and O blood types."

“I see,” Chris pauses, and I ask myself, *is he going somewhere with this?* “What was the blood type found on the blouse?”

“Type O.”

“Now, doctor, isn’t blood type O more common than the other types?”

“Well, yes. Type O is in about 44 percent of the population. A occurs in about 40 percent. AB is the rarest type.”

“Now let’s say the bloodstain did come from Vicki Jones. Is it conclusive where the blood came from?”

“What do you mean? I don’t understand your question.”

“Vicki’s autopsy report indicates she suffered from the mycobacteria disease, hemoptoic tuberculosis? As a physician, you are familiar with this disease, are you not?”

“Yes, to some extent.”

“What are some of the symptoms?”

“Fatigue, shortness of breath, blood in the sputum.”

“Is that right? Spitting up blood?”

“Yes. In the saliva.”

“Could your analysis determine any sputum on the blouse?”

“Yes, we could analyze for that. But only about 80 percent of the population secrete certain chemicals into sputum and other body fluids. Identity isn’t always possible.”

“Was there any saliva on the blouse?”

“We didn’t check for that. Each analysis requires a different test. We were only examining the blood type. There were other stains on the blouse. Green stains from the emesis of an alcoholic beverage.”

“Is it possible that you would find sputum on the blouse if you tested for it?”

“Probably not now. Sputum degrades as rapidly as blood.”

“No further questions.”

After a short recess, the prosecution calls Mr. Randy Diehl from the Maricopa County Rabies Control Shelter to testify that I had access to the phenobarbital drug that poisoned the murdered victims. Heidi then calls a pharmacist, Mr. North, to explain to the jury that phenobarbital comes in capsules, tablets, suppositories and the white, odorless, flaky crystal sodium used at the rabies shelter and that it’s obtained only with a prescription from a doctor or veterinarian.

During his cross-examination, my attorney asks the pharmacist, “What is phenobarbital prescribed for?”

“It’s used to treat seizures, insomnia, anxiety, or it’s used as a sedative before surgery.”

“Are the tablets or suppositories soluble in water?”

“Yes. That’s correct.”

“I see, so you could dissolve a phenobarbital tablet, say, with alcohol or water in the same manner as the sodium crystals and come up with an intravenous solution.”

“That’s true, that’s possible.”

“Would you get the same result? Would you find the same chemical compounds in the blood?”

“Yes, because all phenol products are only slightly soluble in water, so chemists add sodium salt.”

“Mr. North, you mentioned that veterinarians prescribe phenobarbital, correct?”

“Yes, that’s correct.”

“Someone with an epileptic animal could get the drugs and keep getting them without being closely regulated. Is that true?”

“It’s possible.”

Chris walks back to the defense table and looks over his and Julie’s notes. He looks at me. *Your looking good* his eyes imply. He leans against the table and looks at the witness. “Mr. North, you’ve lived in Arizona all your life, I understand?”

“True, born and raised here, one of those rare native Arizonans.”

Chris chuckles and eyes the jury. “Right. Been to Mexico?”

“Numerous times.”

Chris smiles. “Could you tell the jury if phenobarbital is available in Mexican pharmacies without a prescription?”

“Yes, it’s readily available in Mexico just like many other drugs that require prescriptions in this country.”

“No further questions.”

On re-direct Heidi stands at her table and asks the pharmacist, “Could you tell if phenobarbital sodium, specifically, was found in the victims’ blood and not the other forms of phenobarbital?”

“Possibly,” he relaxes in the chair. “The amount of sodium in the compound might indicate what product was used.”

“And you’d know this by seeing the toxicological report?”

“Most likely.”

Heidi has the witness read the toxicological report of the victim's blood analysis and the witness determines that the product used was most likely, although not conclusively, the phenobarbital sodium crystals.

"That's all." Heidi returns to the prosecution table.

Chris elects to re-cross the witness. He asks, "Are phenobarbital sodium crystals readily available without prescription in Mexican pharmacies?"

"Yes," the pharmacist says. "In fact, more so than the other forms of the drug."

"Thank you, that's all."

July 18, 1991

On the fourth day of trial, I'm wearing a brown cotton sundress over a long-sleeved white T-shirt that my aunt provided me. As the jury enters the courtroom, I pick out the fifth juror, an older, tall man. During *voir dire* I remember judge Albee asking if anyone would find it difficult to vote for a conviction knowing that the death penalty is a possibility? I thought this man hesitated even though he didn't raise his hand.

The prosecution's final witness is a psychologist who counsels technicians at the rabies control shelter. The psychologist explains that he works with the men and women trained to euthanize animals at both the east and west-side facilities. The psychologist implies that killing animals is not that dissimilar to murdering people, especially if a person has an unstable personality. "Some people tend to think that killing animals differs from killing people. In reality, killing is killing. It's the taking of a life. And it does eventually trouble people."

On cross-examination Chris asks the psychologist how many people kill animals routinely, through hunting, farming, fishing, manufacturing, pest control, and in scientific research. Through his line of inquiry, my attorney stresses to the jury that the psychologist makes

a tenuous connection because killing animals is common in society. “If this connection is valid,” Chris emphasizes, “more animal killers would be killing people. The downings at the shelters are routine and accepted forms of institutionalized killing. It is a method to control animal overpopulation.”

Heidi stands for her re-direct with a yellow note pad in her hand. She asks the psychologist, “How many animals does a worker euthanize on a day-by-day basis?”

“Well, the shelters euthanize up to 80,000 animals each year. So, on an average day, a worker might kill 50 animals. Maybe more.”

“Why, that’s astonishing, Doctor. Wouldn’t that have much more psychological impact on a person than say, what a sports hunter experiences when shooting a deer?”

The witness seems to think about his answer before he says, “Most likely.”

“Or with the institutionalized manufacturing of fur products where the worker or farmer isn’t directly killing the animal, holding it down and injecting a drug into its heart, actually touching the animal? Maybe even petting it before it dies?”

“Yes, true, I would say workers at the kill shelters who euthanize hundreds of animals experience much greater trauma than a sports hunter or farmer.”

“No more questions, Your Honor.”

Chris has no re-cross and the prosecution ends its case-in-chief.

After a short recess, the judge says, “The State has rested. Mr. Stevens, you may proceed with your case-in-chief.”

Chris first calls to the stand the foreman to testify that he fired Brian Potthoff for smoking marijuana on the job. Next, he places my aunt on the stand to testify that I’m a peaceful nonviolent person of good character. Before the trial, Chris had explained that the prosecution

can't introduce evidence of my bad character to prove that I'm likely to have committed the crime. *But for our defense, we can introduce evidence of good character that's inconsistent with the crime* I remember Chris saying. He also warned me that once he introduces such testimony, the rules of evidence allow Heidi to rebut with "bad character" evidence. Chris also warned that having Lucinda take the stand was a risk because of her emotional attachment to me. *But she knows your character better than anyone else and in general, older, matronly women appear convincing and honest when placed on the stand.*

Chris's words still ring in my ears when the bailiff swears in my aunt Lu. She appears serious, although somewhat cautious. During our last visitation she said she hopes her testimony will make all the difference. *This has turned my life upside-down* I remember her saying. *I want bring you back home where you belong.*

"Lucy was going to be pediatric nurse and care for children," my aunt answers my attorney's question. "She has hopes and dreams. She's just been a little shy all her life."

"Did she ever harm anyone, show any violent behavior toward animals, before taking the job at the shelter?"

"Oh, heavens no," my aunt replies. "Lucy really cares about animals. She worked on my parents' farm tending the chickens and livestock and she rescued a cat from the pound." Lucinda looks at me, "Sylvester is at my house now. I've always regretted not taking him in the first place."

I look at her and wonder why in the hell she's waited until she's testifying in court to tell me this. My aunt perplexes me but deep inside I'm more relieved to know that my cat is alive.

"Please keep to the question, Mrs. Bowers," Albee says.

“To the best of your knowledge, Mrs. Bowers,” my attorney continues. “Did Lucy have any prior trouble with the law?”

“Nothing. Only a speeding ticket. And that was because of that. . .” Lucinda begins to cry. “It was that boyfriend, that Brian fellow. He really abused her. He tried to get her to take drugs! I believe he’s behind these homeless murders. Yes, I do.”

Albee pounds his gavel and says, “Mrs. Bowers. I understand that this is difficult for you but let me remind you again, don’t voice your opinions. The jury will disregard that last statement.”

Chris hands my aunt tissues from the bailiff’s table. “And to the best of your knowledge was violence ever a part of Lucy’s childhood?”

“No.” Lucinda regains her composure. “It just doesn’t make sense. Lucy was always a peaceful girl. Quiet and considerate. She sent me homemade cards and was willing to move-in with me and humor me with games of gin rummy. No, I swear to the Lord, my niece is not a murderer. She’s a sweet, simple girl.”

“No further questions,” Chris takes his seat at the defense table.

The prosecution elects to cross-examine Lucinda. Heidi attacks with questions about why I didn’t attend my mother’s funeral.

My aunt emphasizes, “It was that boyfriend, that Brian Potthoff, who kept Lucy from her family!”

Heidi has no further questions and Albee adjourns for lunch.

That afternoon the defense team puts me on the stand. Chris had asked if I wanted to testify on my own behalf. *It’s a trial tactic for defendants that look innocent. You meet that description and I’m hoping the jurors will sympathize with you. But the risk is that Heidi will*

provoke you during her cross-examination. I told him that I was prepared to take on whatever Heidi put out.

Chris questions me about my relationship with the first victim, Vicki Jones. As Chris and Julie suggested, I'm sitting up straight with my hands folded on my lap and glancing at the jury. Julie provided me with a headband to hold my hair away from my eyes. She wants the jurors to have a clear picture of my face because she says I look as innocent as a lamb. I'm careful not to smile or frown but to maintain a serious expression when telling my side of the story.

"After Brian left me, I went to Woodland Park several times looking for him through Vicki. I brought her food because I felt sorry for her. She was old, sick, and so alone. I couldn't understand how she ended up like that."

"And when was the last time you saw Vicki Jones?"

"It must have been two Sundays before Christmas because I always went to the park on Sundays. That's when I thought Brian met his mother. When the church bells ring throughout the day. I guess it was about the 16th or 17th of December when I last saw Vicki Jones, the lady I thought was Brian's mother."

"Did you go to Woodland Park to meet Vicki Jones on Sunday, December 23rd?"

"No. You see, it was almost Christmas and I spent all my time in my apartment. Like a fool, I was waiting for Brian to return home because I felt sure Brian would come home for Christmas. I even had presents for him which were still there when I abandoned the apartment. I'm sure the police and everyone else saw them."

Chris pauses, pacing himself and me. "The last time you saw Vicki Jones was Sunday December 16th, correct?"

“That’s correct. And it wasn’t until I went back to the park after New Year’s that I heard she was dead.”

Chris moves closer to the jury box and says, “Lucy. Can you explain the blood on the blouse that Mrs. Neuberger testifies you abandoned at the homeless shelter?”

“Oh that. I don’t really know. Except that the old homeless woman was always coughing and spitting up blood. I cleaned her up a few times. It didn’t bother me because I hope to go to nursing school. I guess some of her blood got on my blouse. That’s all I can think of. I was going to see if a hospital would take her. Or a shelter. But she wouldn’t go anywhere.”

Chris asks me to explain the phrase *I would kill for you* from the note found in Vicki’s pocket.

“It’s just a figure of speech. Between Brian and me. He knew what I meant. We were really in love, anyway, I was really in love with him. I gave him all my savings to keep his mother in a nursing home. But evidently Brian stole my money for his own use. Probably to buy crack cocaine. I was gullible, I admit. But that doesn’t mean I killed for him.”

“Did you blame Vicki Jones for Brian leaving you?”

“Of course not. That’s ridiculous if you think about it. I know a lot of these people are trying to make me look crazy, like I was obsessed with Brian. Yes. He hurt me. I was hopeful he’d come back to me. But look, after I got to know Vicki, I felt sorry for her and tried to help her out. No way did I blame her for Brian leaving me. Brian is full of lies which I didn’t understand at the time, but I mean, how can you blame a sick old lady for Brian’s behavior?”

Chris asks about the circumstances surrounding the night of January 7th, the night of Mark Abercrombie’s murder.

“That night I was out of work and evicted from my apartment so I headed to the shelter on Adams. I didn’t go to my aunt’s house because I needed time to get over Brian and my aunt had pissed me off for not taking my cat. I figured in time I’d get over Brian and look for work, maybe even move back-in with my aunt. Well, I dropped by Shorty’s Tavern for a drink. So, what! When the bartender told me about Vicki, I naturally asked about her body. Sure, I put it poorly but I wanted to know where they buried her. People here act like that’s a crime. I cared for the old woman and thought of her as my mother-in-law.”

“Did you see Mark Abercrombie at Shorty’s?”

“Oh yeah. He was there. So were lots of street folks. I relaxed, had a drink, then this guy Mark, I didn’t know his name at the time, comes up to me as I’m drinking a beer and wants to dance. I did, figuring what the heck, the old guy’s probably lonely. That’s how it is on skid row. People are lonely, old, drunk, and sick. After a dance, I bought him some loosies then told him I was heading to the shelter. Everyone knows about that shelter on Adams. It’s where street folks get legal help and a place to sleep. This Mark fellow offers to walk me to the shelter. It was dark, kind of late, so I figured what the heck. Along the way, he starts pestering me. I told him to get lost and he got pissed off, started calling me a cunt and a slut. Horrible names. Then he grabbed me.”

“Where was this?” Chris asks.

“Like, at the west end of Woodland Park. I swear someone must’ve seen this. But I guess no one likes to squeal.”

“He grabbed you in Woodland Park?”

“Yeah, he tried to kiss me and I hit him. He grew angry and he slapped me hard and his long dirty nails scratched my cheek. He was laughing as I ran off to the shelter. And that’s the last I saw of him. He didn’t follow me.”

“And you reached the shelter at what time?”

“About nine o’clock. A few days after I checked into the shelter, I heard about Abercrombie’s murder. For two weeks I stayed secluded in the shelter. I was concerned someone might pester me about him.”

“How is that? Why would anyone pester you about the murder?”

“See, I had been with him. The bartender knew it, so did the people in the park who saw him slap me. The thing is, I thought the police would force me to testify because people saw me with him. But I never dreamed they’d suspect me of his murder. And, like I said, I needed to be alone to figure out what I was going to do and to get over Brian. It’s hard to explain and I know these people here have been twisting things around about me. Saying I was obsessed enough to kill.” I pause a moment to think and keep my story clear and straight. I can feel my eyes water because being my own testifying witness makes me feel highly emotional. “Brian was my first boyfriend,” I finally say. “And he really hurt me.”

“Thank you, Ms. Davis,” Chris hands me a tissue and smiles. “Now explain to the jury what you were doing January 21st of this year.”

“The only thing I remember about that day is that I left the shelter because I wanted to go to my aunt’s house. It was time. I needed her. I needed to go home.”

“Did you pass through Woodland Park on your way to your aunt’s?” Chris asks.

“No, not even. That was the last thing I wanted to do. I headed in the opposite direction towards the Capitol and caught the 592 to town and then transferred buses to my aunt’s house in Mesa.”

“You never went near Woodland Park on January 21st, correct?”

“Only on the bus. Look, it seems there ought to be witnesses. I mean, that lady at the shelter saw me going toward 19th Avenue. She ought to know.”

“Now Lucy,” Chris formulates his question. “During this trial you’ve heard people say some pretty rough things about you. That you behaved erratically, didn’t attend your mother’s funeral, that you were obsessed. How do you respond to these remarks?”

I look at my attorney and his co-counsel and then at the jury. “Like I’ve been saying, Brian threw me for a loop. He was a bad experience. He treated me poorly, lied to me, and tricked me out of my savings for nursing school. At the shelter, I was trying to pull myself together and eventually I did and went to my aunt’s house and then to Butte, Montana to visit my father. I felt terrible about my mother’s death. Then my dad dies. But look, just because some jerk used me that doesn’t make me a killer. I was in the wrong place at the wrong time. Namely, in or near that park when this whole thing came down. That’s all. I’m not a murderer.”

“Your Honor, I have no further questions at this time.” Chris returns to the table to prepare with Julie for whatever attack the prosecution intends to deliver.

Heidi stands close to the jury, as if to keep their eyes more on her than on me. “Lucy, didn’t you tell Mrs. Neuberger at the homeless shelter on Adams that the scratches on your face came from a spat you had with Brian. Why change your story now?”

I look at Heidi, surprised by the question. I must think for a moment and collect my wits.

“Like I’ve been saying, by the time I went to the shelter on Adams, I was confused and mad at Brian so I just said that, that’s all. I wanted to blame him for being such a jerk.”

“Now, Ms. Davis, during your testimony you said Mark Abercrombie called you a cunt and slut. Didn’t that anger you?”

“It scared me more.”

“Enough to kill him?”

“No, of course not. I didn’t kill anyone.”

“But you had, in fact, said to Brian that you would kill his mother?”

“No, I don’t remember saying such a thing. Brian is a stanch-faced liar. He’ll lie about anything, to anyone, if it serves his purpose.”

“What about the note in Vicki Jones’ pocket that you’ve admitted leaving for Brian?”

“That was just something between him and me.” I sigh, this bitch is exasperating me.

“You kill, don’t you?” Heidi asks.

“What?”

“You killed animals, didn’t you?”

“I helped with the process. That’s all. Everyone here knows that by now.”

“And people?”

“No, yes. No,” I stammer. “What’s your question?”

“Is there a difference?”

“No, yes. I mean,” I look at Chris. His eyes try to steady me without appearing as if he’s coaching me on what to do or say. The jury would hold that against him and against me.

“Do you make a distinction between people and animals?” Heidi persists.

“Objection,” Chris stands at the table. “Your Honor. Counsel is purposely harassing the witness. She is way out of line.”

“Overruled. Continue Ms. Brown. I want to hear the answer.”

“Lucy, can you answer my question?” Heidi’s voice is sharp, impatient, although calm enough so she doesn’t sound deliberately angry in front of the jury.

“What do you mean?” I ask. “What’s the question?”

“Do you distinguish between the downing of animals and the downing of homeless people in Woodland Park? That’s my question.”

“No, I mean, yes of course. What’s your question, again?”

“Is it possible that someone might fabricate a story in order to keep from getting convicted of murder?”

“Objection,” Chris leaps from his seat. “Your Honor, I implore you. This is pure harassment of the witness.”

Albee looks at both attorneys, then sustains the objection. “Counsel,” he addresses Heidi, “I think this line of questioning has gone on long enough. Do you have any more questions?”

“Yes, Your Honor, a few more.”

“Very well, let’s move on with it.”

“Ms. Davis, who told you about Vicki’s murder?”

“Oh?” I’m surprised by her question and am trying very hard to keep my composure. To keep calm. “Some guy at Shorty’s bar, I think. It’s been a while, you know.”

“Was that before or after you asked the bartender about dead bodies?”

“Before, of course.”

“And why did you ask this person in Shorty’s Tavern about Vicki? Did you know about her murder?”

“No. I just asked this guy if he’d seen her, the old woman, because I hadn’t been around for a while. And he told me she was dead.”

“Isn’t it true that on December 23rd, the last Sunday before Christmas, you went to Woodland Park one last time looking for Brian?”

“No! I waited at my apartment for him for a solid week.”

“But you went to Woodland Park every Sunday looking for Brian Potthoff, correct?”

“Yes, mostly on Sundays because that’s when Vicki said her son showed up. When the church bells ring every hour. That’s when I thought Brian was her son. But he wasn’t. It was all a bald-faced lie!”

“Then why would you skip this last Sunday before Christmas? Especially if you wanted to see Brian so much? Spend Christmas with him.”

Careful, I’m telling myself, *this bitch is trying to stump me*. I look at Chris. But he makes no indication of what I should say because the jury is looking at him, too.

“I did because of the note. I left the note with Vicki and thought Brian would read it and come home for Christmas. So, I waited for him in my studio.” I relax a bit, take a subtle breath, and sit back and watch Chris deeply inhale and exhale.

“Okay, Ms. Davis,” Heidi continues. “Is it your testimony, here today, that you are totally innocent of these crimes and wrongfully charged with three counts of murder?”

I peer at Heidi. “Yes, ma’am,” I say with as much confidence as I can muster. “It is.”

“It really doesn’t upset you a lot, does it?”

“What?”

“These murders?”

“Yes, I’m upset about these murders. About this whole ordeal.”

“No further questions, Your Honor.” Heidi sits next to Mr. Peterson at the prosecution’s table.

Chris stands before me. He must cross-examine me, I’m fully aware, after Heidi’s brutality.

“Lucy,” Chris says, “do you distinguish between killing animals and killing people?”

Feeling more relaxed now, I look at him, then at the jurors, and say, “Yes, of course I do. Killing people is murder. Killing animals is justified, in many circumstances, I mean.”

“Would you kill a homeless person like you helped euthanize those animals at the shelter?”

“No. I would not.”

“With regard to these murder charges, did you have any involvement?”

“No sir, I did not.” I’m looking directly at the jurors as I speak while hoping that nothing in my eyes betray me.

“I have no further questions.”

“Any re-cross?” the judge asks Heidi.

“No, Your Honor.”

“Mr. Stevens. Do you have any further witnesses?”

“One, Your Honor. I call Mr. David Cadowsky to the stand.”

The hotshot reporter enters the courtroom neatly dressed in slacks, a long-sleeved white shirt and pale green tie. Chris establishes Cadowsky’s credentials then asks about his newspaper articles covering the homeless area of Woodland Park.

“Last October, I wrote several feature articles concerning drug transactions near the State Capitol.”

“And did you interview Vicki Jones at that time?”

“Yes, she was my primary contact. See, it’s difficult to get people in the area to answer questions. They’re suspicious of everyone. They think strangers are out to cause them trouble.”

As evidence, Chris presents the articles Cadowsky wrote for the Arizona Republic. “In this article,” Chris states to the witness, “you claim that Vicki was wrongly arrested.”

“That’s correct. Poor old woman. She was harmless. I interviewed her because she lived where most of the transactions took place in Woodland Park.”

“What was the premise of your investigation?”

“That the Arizona Mafia is cutting drug deals in Woodland Park. And that the cartels of Mexico are passing a high volume of cocaine through Arizona under the eyes of certain legislators.”

“What do you mean that deals are cut in the park?”

“The big guys meet and agree on where they’ll ship the drugs. That kind of stuff. And Woodland Park’s a perfect front for their operation because a lot of smalltime dealers are in the area. No one suspects anything big is happening there because the park is so close to the Capitol and the police department.”

“It wasn’t a smalltime operation you were investigating. A few punk drug dealers in the shady side of town?”

“Objection.” Heidi stands. “Your Honor, where’s this leading?”

The judge looks at Chris. “Counselor?”

“Please, just give me a moment, sir. I’m trying to establish an important theory about the murders.”

“I’m interested,” Albee states. “But move on.”

Chris returns his attention to Cadowsky. “You said that Vicki Jones witnessed these transactions.”

“That’s what she told me. I even spent one night there, a Sunday night, observing the park myself after she said that the transactions usually took place on Sunday nights. She knew it was Sunday because of the church bells. To her, the bells announced the drug deals would take place.”

“Your Honor,” Heidi protests.

“Counselor, could you please take us somewhere with this? Quickly.”

“Did you ever see the defendant Lucy Davis during the time you spent in the park with Vicki Jones?”

“No. Never. And I would’ve remembered her because she sure doesn’t look like any of the other residents in the area. Unfortunately, I never saw the drug lords I suspected in the park either, the ones Vicki described.”

“We know Lucy Davis didn’t arrive at the park until last November long after the time you wrote these articles about Vicki and the transactions she witnessed, is that correct Mr. Cadowsky?”

Heidi objects. “This witness can’t answer this complicated question. He doesn’t know for sure whether or not Lucy went to the park in October. He was only there a few times, not permanently.”

“Sustained. Please, Mr. Stevens, do get to your point.”

“Yes, Your Honor. Mr. Cadowsky, did Vicki Jones ever receive death threats last October when you were interviewing her about the drug transactions in Woodland Park?”

“Objection. This is hearsay.”

Chris glances at Heidi then at Albee and says, “But it goes to the victim’s state of mind.”

“All right. I overrule the objection. Continue.”

“Did Vicki Jones receive death threats during this time?”

“Yes, she did. She told me that after my first article portrayed her as a witness, some man threatened her life. When I first learned about her death, I assumed some drug goon killed her because of my articles. I felt really bad which is why I asked for an autopsy.”

“Did Vicki Jones describe who threatened her life?” Chris glances at Heidi. She keeps quiet.

“She said this ‘big brute of a white man’ approached her one night and threatened to kill her if she spoke again about what she witnessed in the park.”

“But she did talk to you again, Mr. Cadowsky?”

“That’s right. She was worried but was more concerned about clearing her park of the drug dealings. She cooperated with me until the end.”

“Has anyone ever identified this big burly white guy Vicki Jones described? Do you know who he is?”

“No. Unfortunately, I don’t. I quit investigating the story because I also received death threats and my wife made me stop. You know, they murdered Don Bolles because he uncovered land deals connected with politicians and the Arizona Mafia. Anyway, I don’t know who threatened Vicki. Just like I don’t know who threatened me. My threats always came by way of phone calls and letters addressed to me at the Republic. No one ever threatened me in person.”

“Did Vicki ever see this man again?”

“No, never again, as far as I know. I only saw her once more, when I helped her out of jail after they falsely arrested her. She had my card, see. I was her only contact. And the next thing I know she’s dead and the coroner determined that she died from natural causes. A pickled heart.”

Chris glances at his notepad on the defense table then proceeds. “Mr. Cadowsky, did you ever see Mark Abercrombie or John Doe in Woodland Park?”

“Not that I can be sure of. But Vicki knew everyone there. I believe she knew Abercrombie.”

“Mr. Abercrombie could have witnessed some of these drug transactions as well?”

“Objection.” Heidi stands. “Clearly this calls for speculation on the part of the witness.”

“I’ll sustain your objection, Ms. Brown. I think you have made your point, Mr. Stevens. Do you have any further questions at this time?”

“No, that’s all.”

“Any further witnesses?”

“I have no further witnesses. The defense rests.”

“Ms. Brown, any cross, rebuttal?”

“I have no further questions. No further witnesses. Your Honor, we rest.”

“Ladies and gentlemen, we now are going to recess for the day and will reconvene tomorrow morning for closing arguments.”