



MISJUDGED

A LEGAL THRILLER



JAMES CHANDLER

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*For Ann,
my dream girl, then and now.*

PROLOGUE

USS *Mercy*, March 2007

Bright lights and surgical masks were all he'd remember.

"Can you tell me your name?"

A woman's voice. He was lying on a bed of some sort, surrounded by people looking down. He couldn't tell which one was talking because all their mouths were covered. The same woman asked him how he was feeling. Sam said he was okay, and she asked if he could feel his legs. He was telling her he could when he felt tingling on his arms and the hair rising on the back of his neck. He attempted to sit.

"We're under attack! My men!"

Several sets of hands pushed him gently back on the gurney. "Lie back, lie back, Captain." The same voice, but quieter and more soothing this time. "Can you tell me your name?"

"Sam. Sam Johnstone. Captain Sam Johnstone."

"Captain, it's over. You're safe," she said. He still didn't know who was talking. Sam looked from face to face, and finally determined the voice was coming from a short woman with blue eyes. "I'm Dr. Margaret Stevens, a trauma surgeon here on the USS *Mercy*," she said. Between the protective goggles, the mask, and the scrub cap, she looked like an insect. He might have laughed, but the pain was too much.

"Do you know why you're here?" she asked.

"Blown up."

"Do you remember what happened?"

“Some.”

“Tell me as much as you can remember. It will help us determine what might be going on with you.”

The light behind the doctor was blinding. Everything was white. His head and left leg hurt. “I got blown up,” Sam offered.

“Can you tell me a little more?” Her eyes were kind, at least.

“Some insurgents—maybe forty or fifty of them—attacked a convoy heading for an FOB—that’s a forward operating base—in the Helmand Province. That’s Afghanistan, ma’am. Convoy got surrounded. They dropped me and a couple of platoons from my company to see if we could help. We called in an airstrike, then the gunships showed, which seemed to do the trick. Then we started to escort the convoy back to the forward operating base.”

“And then what happened?” the doctor asked. “Nurse, hurry up with that IV.”

While the nurse administered the IV, Sam closed his eyes. “Stay with me for a minute,” the doctor instructed.

“What’s your name again?” Sam asked.

“Stevens. Dr. Margaret Stevens. I’m an Army major and doctor. This is a hospital ship.”

“Okay, ma’am. So, I was in the lead vehicle. We heard some AK-47 fire from the north, and an RPG round went right over the top of us. I was trying to get an idea of the enemy’s direction, but—” Sam tried to sit up again. “My men!”

“Captain Johnstone, please lie back down.” Multiple pairs of hands carefully pushed him back down. “Finish your story, Captain,” she instructed.

“We must have hit an improvised explosive device. Killed Jones—my driver. The poor bastard just got in theater last week.”

The doctor nodded sympathetically, and Sam saw concern in the eyes of the others. “The concussion took off all the doors and blew me out of the vehicle, I think. I don’t know. I just know I was out on the road and slid about thirty yards on my side and ass.”

“Were you conscious?”

“Yeah, the whole time. I remember skidding along until I came to a stop. I couldn’t believe I was still alive. I couldn’t feel anything.”

“Adrenaline.”

“Huh?”

“That was the adrenaline going through your body.”

“Okay. Anyway, I patted myself down and was trying to get my shit together and get up when I got shot in my leg, I think. Hurt like hell, but I knew I had to move, or I was gonna die.”

“You walked with that leg?” the doctor asked.

“No. I couldn’t use my leg, so I was trying to crawl for cover when Jenkins came and dragged me behind another vehicle. I reported contact to task force headquarters and had Jenkins help me to a covered position where I could see. I made it to the driver’s door. Jones was halfway out of the truck, hanging on by his seat belt. An arm and half his chest were missing.”

The doctor looked to the nurse, who said, “IV is ready, ma’am. Say the word.”

She nodded acknowledgement. “What else do you remember?”

“The gunner—Fish—was dead, too. He was bleeding from his eyes and ears. No pulse. Jenkins told me Lieutenant Patterson was coordinating actions on contact. Then I was in some aid station somewhere. They told me I lost five men total. They cleaned me up and gave me a shot. Then Frankfurt. Next thing I know, here I am.”

“Okay, Captain. I’m going to administer a little something that’s going to make you fall asleep while we look at your leg.”

“What’s wrong with me, Doc? Where are my men?”

The doctor ignored Sam and nodded to the nurse. “Okay, go ahead.”

Once more, Sam struggled to sit up. “I should have seen it coming! The men!”

“Try to relax, Captain. Please count backward from ten for me.”

2019

Sam sat quietly, fly rod across his lap, staring at nothing, hearing only the roar of water against rock and feeling the morning sun on his shoulders and the high-mountain, early-summer breeze on his face. He twisted the lid off a pewter flask and took a long pull from it, then wiped his mouth and returned the flask to his vest pocket. Upstream, the small lake formed by snow runoff was beginning to reflect the rays of the sun just peeking over the jagged crests of the highest peaks in this part of Oregon. Somewhere, an eagle shrieked.

He gave a desultory look at the selection of flies in his box. At last, he selected a tiny attractor—a Royal Wulff. Having made up his mind, he leaned forward and began the process of tying the tiny fly to the tippet. The fly would work; at this elevation, the small trout had only a few months to gorge themselves before their world was once again covered with several feet of snow and ice. If he could muster the energy and interest to get going, he would catch fish.

When at last he was rigged and ready to go, he stood and stretched. Sitting for ten minutes on the cold granite had stiffened him; he'd need to be careful, lest he fall. He looked up the face of the mountain and saw a goat looking down at him. They stared at each other until, apparently deciding that its need to get over the ridge was more important than figuring out what that two-legged animal with the stick in its hand was, the goat turned on its heel, leaving Sam alone. He edged closer to the bank of the

tiny creek, false-casted a few times, and flipped the fly upstream near a large boulder, behind which were several inches of still water and—if Sam was right—a fish.

He played the brook trout as quickly as possible, removed it from the hook, then carefully released it in the shallows at his feet. “I’m in the books,” he whispered. Sitting back down, he took another long pull from the flask.

With his left hand, he reached across his body and drew the pistol from the shoulder holster. He’d purchased the lightweight, compact, double action .38 caliber revolver a couple of weeks earlier. The guy at the gun counter had tried to talk him out of it, explaining that the little revolver held only five rounds. When Sam remarked, “I only need *one*,” the poor man had put his head down and finished the required paperwork without another word.

Sam looked at the revolver in the morning sun and took a deep breath. One round and it would all be over. No more pain; no more regret. Over the sound of the rushing creek he heard once more the *thump* of rocket-propelled grenades and the staccato of automatic weapons from more than a decade ago. The soft touch of the high-mountain breeze yielded to the force from the concussion of mortar rounds, and the light from the morning sun gave way to intermittent flashes caused by the bursts. He closed his eyes and heard the screams of his men, wounded and dying and fighting to the end.

A thousand miles east, Paul Norquist sat in an uncomfortable chair across the desk from Judge Preston C. Daniels, the Wyoming Twelfth Judicial District’s senior district court judge. Paul didn’t like being in any judge’s chambers—no attorney in his right mind did. A sole practitioner, he had been one of Custer, Wyoming’s, preeminent attorneys for almost twenty years.

“You want a drink?” Daniels asked, searching in a cabinet drawer. “I left that goddamned glass somewhere.”

“No, thank you,” Paul said. “It’s not even four o’clock.”

“Sure?” Daniels proffered a dingy-looking tumbler. “This is a very nice single malt. I got it from a client.”

“I didn't think judges had clients,” Paul noted dryly.

“Well, ‘ex-client,’ if you're forcing me to be accurate,” Daniels clarified, pouring himself a healthy dose. Paul was glad he didn't have a client's future riding on the old judge's ability to see and think clearly this afternoon. “Same guy who needs the road.”

Daniels had been on the bench for more than two decades now. He was short-tempered, acerbic, and took what some viewed as a sadistic joy in troubling attorneys from the bench. In Paul's opinion, Daniels had long ago given up ruling based entirely on the law, choosing instead to impose “justice” as he saw it. On occasion, Daniels's view of justice and the law coincided. When it did not, Paul appealed. The old judge wasn't supposed to take it personally, of course—but he did. As a result, the two men had experienced more than their share of run-ins over the years.

“This new man—Sam, I think you called him. Tell me about him, Paul.”

“An old friend of mine from college. We played baseball together. After graduation, I went to law school and he went into the Army. We stayed in touch over the years—you know, alumni games, reunions, and the like—and at some point, an acquaintance of ours told me Sam had gotten himself into some trouble. Apparently, he got wounded in Afghanistan in 2007. Medically retired, then went to law school, of all things. I offered him a job a while back, but he wanted to do government contracts. Was working in some firm in D.C. but got fired.”

“What happened?”

“Not sure. Booze, maybe.”

“He okay now?” Daniels asked. “The last thing we need is another drunk in this town—enough of those homegrown.” He took a sip from his tumbler.

“Yeah, a lot of that going around,” Paul observed. “He got ahold of me a couple of weeks ago and asked if I still had a job for him.”

“I've got a lot riding on this deal, so your guy better be up to it.”

“He'll do what we need him to do. He's out of options.”

“Good.” Daniels took a large envelope from his center desk drawer and handed it to Paul. “Here is a retainer.”

Paul looked at the envelope and met Daniels's gaze. Finally, he looked away. “I don't like this.”

“I don’t either. But it is what it is. Take the money. I want that road put in.”

While Daniels was talking with Paul, Circuit Court Judge Jonathon R. Howard was a floor below, presiding over the initial appearance of a suspected drunk driver. Circuit court was the lower trial court—the “people’s court,” some called it. Howard had called the case and was reviewing the charges when the young man said, “I want all charges dropped. I’ll accept fifty-three dollars in compensation; I’d like it in cash, and I’d like to be paid today.”

Howard looked up from the file in his hands. “Mr. Yoder, if you’ll hang on for a second, I’ll look through this and maybe figure out just what’s going on here.” Then he turned his attention back to the file. The police report indicated that after driving his truck across a city park’s grass, the defendant had purposely rammed a vehicle multiple times before exiting his truck and commencing a drunken rant of some sort. When finally accosted, he began spouting what the arresting officer referred to in his report as “religious gibberish.” Ultimately, Yoder had been charged with driving under the influence, felony property destruction, and a host of minor traffic violations.

“Mr. Yoder, did you understand the rights I advised you of?”

“Yes, Judge. My Lord my father explained them to me as well.”

“Well, good,” Howard replied before asking Yoder several questions to try and discern whether he was oriented to time and place, and understood why he was there and the nature of his charges. Having obtained satisfactory responses, Howard moved on. “Mr. Yoder, are you employed?”

Yoder stared at Howard for several seconds. “My Lord my father and higher power has instructed me not to answer any more questions.”

Howard sat back, removed his reading glasses, and took a close look at the defendant. “Well, Mr. Yoder, we might be at loggerheads. My higher power is the Constitution of the State of Wyoming, as well as Wyoming’s rules of criminal procedure—particularly Rule 46, which governs pretrial release. Under those rules, if your higher power won’t let you answer questions, then my higher power will likely have me keeping you in jail

until your trial just to be on the safe side, because I'll be unable to determine the level of danger you pose to the community.”

Yoder stared at Howard for another long moment and then replied, “I’m a carpenter.”

Howard and Yoder went back and forth for an extended period while Howard tried to discern whether the defendant was troubled or whether his religious beliefs were sincere. Yoder was somewhat difficult throughout the exchange, but Howard let it go due to his concerns for the defendant’s mental state. Ultimately, he deemed Yoder able to proceed, appointed him an attorney, and set bond. Finally, he asked, “Mr. Yoder, do you have any questions?”

“Yes, Judge,” Yoder replied. “Are you going to pay me that fifty-three dollars?”

“No, Mr. Yoder, I am not.”

Yoder looked steadily at the judge, then gave a disgusted sigh and shook his head sadly. “My heavenly father told me you would answer differently.”

“Well, Mr. Yoder,” Howard said, “when you check back in with the big guy and give him my answer, I’m sure he’ll tell you it’s not the first time he’s been disappointed in me.”

Daniels had little patience for, as he put it, “preening, showboating, or wasting time”—meaning he was hard on attorneys, many of whom made a moderately good living by preening, showboating, and wasting time. Today had been especially grueling, and it was about to get worse. He took a sip of his coffee and looked around his chambers, then focused his attention on the woman sitting across from him. “What I ought to do, young lady, is throw your sweet ass out of my chambers. This is blackmail.”

“All I want is for my client to get the same sort of consideration that, well, *others* have received—is that so wrong?” Attorney C. Emily Smith replied.

“Your client has been busted for driving under the influence five times in the past three years! He’s a goddamned hazard!”

“Judge, I think maybe the cops have been selectively enforcing the law—don’t you?”

“They have that right. It’s called ‘prosecutorial discretion.’”

“Certainly, but when the police and prosecutors enforce the law against people like my client and let—well, let’s just say *prominent citizens*—walk for the same offense, I think the public might see that as unfair. If they were to find out about it, I mean.”

“You have absolutely no evidence—”

“I have what I need to bring this to the public’s attention, Judge, and I think with a little discovery I could get more. The people of this county would be dismayed to find out that certain officials have been accorded considerations not available to my client or themselves. And what with your retention election coming up next fall, well, it would be a bad time for this sort of thing to make its way into the paper, don’t you think?” She looked at him, sipping from a paper cup of coffee while she waited.

“Get out of my office,” Daniels said.

“Do we have an understanding?”

“This is the last time.”

“Oh, Judge,” she said sweetly. “That would be such a mistake.”

“Just get out.”

After she had gone, Daniels called Mary Perry, his judicial assistant. “Call the County Attorney’s Office; tell them to send Ann Fulks up to see me.”

The job in Washington, D.C. had ended badly. What few cases Sam had left at the end were mostly the firm's ash and trash—futile appeals of contracts awarded to his clients' competitors, defense of low-level corporate officers on the wrong end of obscure federal regulations, and holding the hands of big-wigs' children who had been busted for possession. It was an inauspicious end to an inauspicious legal career. When he'd graduated from law school, he wasn't exactly overwhelmed with offers, but an old acquaintance stationed at the Pentagon arranged an interview and he got hired, so he moved to D.C. He was obviously not the typical fresh-faced recent law school graduate that most K Street law firms and their staffs envisioned. Some of his peers openly lauded the diversity he brought to the firm; some looked at the scar on his cheek and the artificial left leg and were put off; some viewed the military background he had tried so hard to conceal on his resume with if not outright antagonism then at least barely concealed distaste.

The beginning of the end had arrived on a beautiful morning in March. With the weather warm, the cherry blossoms around the Tidal Basin were in bloom and the source of thousands of extra riders on the Metro. Riding into the city that morning, Sam began to feel uncomfortable tightness in his chest, which increased as each stop resulted in more and more riders boarding the train. He knew he needed to get off, but he was frozen in fear. By the time he got to the Capitol Hill station he was soaked in sweat, seeing explosions and hearing screams of wounded men. He burst out of the train

and ran to a wall near the exit, put his back to it, and dropped his briefcase. “Get down!” he shouted. “Get the hell down!”

Hours later, after he’d been seen at the Metro Police Station and cleared of any wrongdoing, a doctor sat down with him and told him he was suffering from post-traumatic stress disorder. “You’ve got to get some help, son.”

“I’ll be fine,” Sam said. “I gotta get to work, though. I missed a hearing.”

Video of the incident went viral, and two senior partners were waiting for him when he got to the office. They gave him a couple of weeks off to get some help, and for a while he tried. He’d gone to a few meetings at the VA Medical Center, and he’d tried AA, but quickly grew disenchanted. His experiences were different than those of the others, and rather than try to find similarities, he focused on differences. After meetings, he’d hit the bar on his way home. Soon after, he’d begun to abuse his pain medications. Things were also different at the office. All but the most senior partners had shied away from him, and he’d found his billable hours in sharp decline. At some point, he was given an all-expenses-paid vacation to a Florida hospital specializing in the treatment of addiction and trauma. That helped, until one Sunday when he was driving back to the city after a perfect day on stream in rural Pennsylvania. He’d started to feel anxious as the traffic built, and had seen a little package liquor store attached to the gas station where he was filling up and thought to himself, “What could it hurt?”

He came to three days later in a Tacoma Park hospital, where he was being treated after having been found wandering in and out of traffic alongside a major two-lane. The managing partner had called him in and cut him loose—albeit with a small severance package. “I’m sorry, Sam,” he’d said. “We’re gonna have to let you go. I know you’ve been dealing with a bad situation, and I appreciate what you’ve done for your country, but our attorneys and staff . . . Well, you scare them.”

The inevitable bender had followed, after which Sam had awakened in Walter Reed Medical Center suffering from dehydration, malnutrition, and a host of alcohol- and opioid-related issues. After his discharge he wandered the country in his truck drinking, popping pain pills, and spending the severance check. Then one morning, coming off a booze- and pill-fueled blackout, he’d remembered that several months before he had taken a call from an old college teammate. Paul Norquist had hinted that if Sam would

move to Wyoming he'd find work for him, see to it Sam got a part-time contract from the public defender's office, and introduce him to some of the local attorneys. Two weeks ago, in a moderately sober moment, he'd called Paul; the offer was still open.

Now, looking into the gin-clear water, Sam could see dozens of little trout darting about, competing vigorously for insects in all their forms: nymphs, emergers, adults, and spinners. He took a long pull from the flask and swallowed a little white pill, looking at the titanium contraption where his lower left leg used to be and thinking about the five men who'd died under his command. He turned the little revolver over in his hand. For more than ten years now, he'd been drinking to remember and drinking to forget. Now, seventy-two hours and a thousand miles west of a potential fresh start in Wyoming, he had a decision to make.

After a few minutes he holstered the pistol, wiped his eyes with the back of his hand, and strained to look through a veil of tears to find feeding fish in the clear water. "One more," he said aloud.

“All rise. Circuit Court for 12th Judicial District, Custer County, State of Wyoming, is now in session,” the bailiff announced. “The Honorable Jonathon R. Howard, presiding.”

“Please be seated,” Howard intoned. “Good afternoon, ladies and gentlemen. Court is in session, and we’re on the record. We are here for in-custody arraignments.”

Quickly scanning the shackled and orange-jumpsuit-clad defendants, Howard noted a couple of regulars, as well as a few new faces. Each constituted what he often thought of as an entry in what he called the “march of the misfits”: alcoholics, addicts, dumbasses, hotheads, and the mentally ill and deficient, each facing charges alleging crimes ranging from the petty—assault and battery, drug use and/or possession, criminal trespass, misuse of a credit card, and the all-too-common drunken driving—to the horrific, including rape and murder. Roughnecks, cowboys, oil riggers, welders, electricians, service workers, and the unemployed, they were to a man or woman heavily tattooed and attitudinally remiss.

“The way this hearing will work,” Howard continued, “is as follows: the court will first read your rights to you as a group and take any questions from you as a group. The court will then call you forward individually, verify your identification, read the charge or charges against you as well as the maximum possible penalty attendant to that crime or crimes should you plead guilty or be found guilty of the charge or charges, and then discuss attorney representation and bond. Are there any questions?”

As usual, there were none. As usual, maybe one in five was even paying attention. But Howard had to give the required advisal, for the law presumed he cared, even if most defendants did not.

Howard looked down from his bench at the defendant, who was charged with domestic assault. She couldn't have weighed 125 pounds, despite her obvious pregnancy. "You've indicated you understand your rights as well as the elements of the charge against you and the maximum possible penalty that could be imposed were you to plead guilty or to be found guilty after a trial. Are you prepared to plead?"

"I am, Judge."

"To the allegation that on or about May 12, in Custer County, Wyoming, you violated Wyoming Statute 6-2-511, commonly known as 'domestic battery,' how do you plead?"

"I'm guilty, Your Honor."

"Are you under the influence of drugs or alcohol?"

"No, I'm not."

"Do you understand that by pleading guilty here today that you are giving up most of the rights I advised you of earlier, to include the right to an attorney?"

"Yes," she replied, wiping a tear from her cheek with her chained hands.

"Do you understand that if you plead guilty and if I accept your plea there won't be any trial in this matter, that you won't have the opportunity to confront any witnesses against you, and you won't be able to complain about law enforcement's investigation?"

"Yes, Your Honor."

"Do you understand the only matter remaining would be sentencing?"

"Yes, Judge."

"Has anyone threatened you with anything, or promised you anything in return for your plea here today?"

"No."

"Okay, what happened?"

"Well, I went to my OB/GYN appointment last week, Your Honor. My husband was supposed to meet me there."

"Have the two of you been having problems?"

"I didn't think so."

"Okay, did he meet you?"

"Well, kinda."

“Kinda?”

“Well, yeah.”

“What happened?”

“Well, I was in the waiting room, and he came out of the back with another woman—she was pregnant, too.”

“So—”

“He knocked this bitch up—excuse my language, Judge—and set the OB/GYN appointments within an hour of each other so he didn’t have to miss much work,” she said. “But the doctor got behind, so his appointment ran late with the other woman and I caught them.”

“Okay, so what about the battery?” Judge Howard asked.

“Well, he came up to me and tried to explain, but I kicked him in the balls,” she said. “I’m sorry, Judge. For my language, I mean.”

Howard suppressed a smile and looked at the audience with a stern expression until the laughter died down. “Who called law enforcement?”

“I’m not sure. The nurses took me in the back until they got there. All I remember is the women in the waiting room gave me a standing ovation, and the doctor said the visit was at no cost,” she said, and then put both hands on her stomach. “Oh! Oh, my God!”

“What? What is it?” Howard asked.

“I think my water just broke, sir!”

Sitting at the prosecutor’s table, Assistant County and Prosecuting Attorney Ann Fulks asked herself for the thousandth time why in the world she had suffered through four years of college and three years of law school if all she was going to do with her valedictorian’s sheepskin was ring up drunks and tweakers on piss-ant charges in this piss-ant courthouse in this piss-ant town.

In just the past month she’d been spit at by a toothless, meth-tweaking wretch, nearly vomited upon by an old drunk, and attacked by an enraged parent whose son was dealing drugs in the local junior high. Some of her friends had asked why she’d taken a position in what she openly referred to as “this godforsaken wasteland.” The answer, of course, was that to get to the top she knew she’d have to put in her time, try some bad cases, and suck

it up for a while. She'd been doing just that for five long years, dreaming of the day when the county attorney would allow her to start prosecuting major felonies. Prosecuting some real bad guys and kicking some serious defense attorney ass would get her name in the paper. She was going to be somebody. She could feel it.

Ann frequently daydreamed her way through arraignments and initial appearances. There simply wasn't very much to do. Howard would try to explain to the defendants what was going on, but most were too fried or too ignorant to really get it. In the end, they'd usually plead guilty in an effort to get it over with, whereupon she would recommend a standard sentence for that particular charge. Ninety-five percent of the time Howard would impose the recommended sentence, usually consisting of a fine and a brief stint in jail.

While legislators kept increasing jail time for offenses, they appropriated funds insufficient to build additional jails or prisons, or hire staff, or pay probation officers. As a result, judges were hesitant to throw anyone but the most dangerous into jail—it was simply too expensive to give offenders three-hots-and-a-cot for every little offense, and the overcrowding was serious. The jurisprudential philosophy behind making the guilty pay fines was to offset the cost of doing business. The system didn't always work as designed, because the guilty rarely paid their fines, preferring instead to spend their hard-earned or stolen cash on things like booze, weed, methamphetamine, hookers, and cigarettes—preferably, all at the same time. And since most of the defendants were repeat offenders, each new offense would be met with a new sentence, consisting of jail and a fine added to the existing fine. Ann had plans to change all that.

Because she was dreaming of the day when she'd be in charge, Ann was startled when Howard barked at her. “Ms. Fulks, I'll ask you again: does the State have an objection to a brief continuance?”

Seeing the young woman spread out in the defendant's chair, Ann unconsciously shifted in her chair in an attempt to keep her four-hundred-dollar, handmade Italian pumps dry and calmly responded, “Your Honor, I've no objection to the defendant being excused, although it might be a bit late.”

The next morning, Howard was back on the bench reviewing a file while the prosecutor, defense counsel, and defendant waited expectantly. Howard knew the file well, but for tactical reasons he wanted to make the defendant sweat a little.

“Mr. Bryant, you are here on charges that you violated the terms of your bond by failing to appear for twice-weekly urinalysis tests. As I recall, you are awaiting a preliminary hearing on a charge of felony possession of methamphetamine. Is that correct?”

“Yes, Your Honor.”

“When the prosecutor alerted me to the fact that you’d not been testing, I signed a bench warrant and had the sheriff do the ‘habeas grab-ass’ on you. When did you get picked up?”

“Last night, Judge.”

“You’ve had three prior convictions for possession of methamphetamine, young man. You are violating the law so fast I cannot dispose of the matters I’ve got or put you in treatment before you reoffend. You’re leaving me no choice. You are either going to piss in the cup every Tuesday and Friday or sit in jail. Do you understand?”

The defendant folded his arms over his chest. “You think you can make me piss?”

“No. I’m fifty-seven years old. I have enough trouble on my own. But if you don’t, I can and will hold you in jail until you’re either bound over to district court or you tell me you are willing to pee in the bottle and enough time has passed where I’m no longer irritated with you.”

“That sucks.” Bryant pouted.

“Indeed. But understand this: I’m gonna put you back out on the street, but if you miss a test, fail a test, show late for a test, or show for a test without sufficient funds, make sure you have kissed your children good-bye, made arrangements for someone to care for your pets, and have your toothbrush with you, because I intend to set a cash bond that would require you or someone who cares about you to mortgage a house. Do you understand?”

“Yeah. So, that’s it, huh?”

“That’s it. Bailiff, please escort Mr. Bryant back to the detention center and release him.”

Howard had no expectation that Bryant would or could stay clean. He had neither the tools to stay sober nor the desire to do it cold turkey. It was