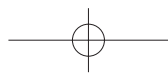
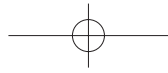


Part 1

GLORY DAYS

TUESDAY, NOVEMBER 13



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I approached the witness stand with a warm and welcoming smile. This, of course, belied my true intent, which was to destroy the woman who sat there with her eyes fixed on me. Claire Welton had just identified my client as the man who had forced her out of her Mercedes E60 at gunpoint on Christmas Eve last year. She said he was the one who then shoved her to the ground before taking off with the car, her purse, and all the shopping bags she had loaded into the backseat at the mall. As she had just told the prosecutor who questioned her, he had also made off with her sense of security and self-confidence, even though for these more personal thefts he had not been charged.

“Good morning, Mrs. Welton.”

“Good morning.”

She said the words like they were synonyms for *please don't hurt me*. But everyone in the courtroom knew it was my job to hurt her today and thereby hurt the state's case against my client, Leonard Watts. Welton was in her sixties and matronly. She didn't look fragile but I had to hope she was.

Welton was a Beverly Hills housewife and one of three victims who were roughed up and robbed in a pre-Christmas crime spree resulting in the nine charges against Watts. The police had labeled him the “Bumper Car Bandit,” a strong-arm thief who followed targeted women from the malls, bumped into their cars at stop signs in residential neighborhoods, and then took their

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vehicles and belongings at gunpoint when they stepped out of their cars to check for damage. He then pawned or resold all the goods, kept any cash, and dropped the cars off at chop shops in the Valley.

But all of that was alleged and hinged on someone identifying Leonard Watts as the culprit in front of the jury. That was what made Claire Welton so special and the key witness of the trial. She was the only one of the three victims who pointed Watts out to the jury and unequivocally claimed that he was the one, that he did it. She was the seventh witness presented by the prosecution in two days but as far as I was concerned she was the only witness. She was the number one pin. And if I knocked her down at just the right angle, all the other pins would go down with her.

I needed to roll a strike here or the jurors who were watching would send Leonard Watts away for a very long time.

I carried a single sheet of paper with me to the witness stand. I identified it as the original crime report created by a patrol officer who was first to respond to the 911 call placed by Claire Welton from a borrowed cell phone after the carjacking occurred. It was already part of the state's exhibits. After asking for and receiving approval from the judge, I put the document down on the ledge at the front of the witness stand. Welton leaned away from me as I did this. I was sure most members of the jury saw this as well.

I started asking my first question as I walked back to the lectern between the prosecution and defense tables.

"Mrs. Welton, you have there the original crime report taken on the day of the unfortunate incident in which you were victimized. Do you remember talking with the officer who arrived to help you?"

"Yes, of course I do."

"You told him what happened, correct?"

"Yes. I was still shaken up at the—"

"But you did tell him what happened so he could put a report out about the man who robbed you and took your car, is that correct?"

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“Yes.”

“That was Officer Corbin, correct?”

“I guess. I don’t remember his name but it says it on the report.”

“But you do remember telling the officer what happened, correct?”

“Yes.”

“And he wrote down a summary of what you said, correct?”

“Yes, he did.”

“And he even asked you to read the summary and initial it, didn’t he?”

“Yes, but I was very nervous.”

“Are those your initials at the bottom of the summary paragraph on the report?”

“Yes.”

“Mrs. Welton, will you now read out loud to the jury what Officer Corbin wrote down after talking with you?”

Welton hesitated as she studied the summary before reading it.

Kristina Medina, the prosecutor, used the moment to stand and object.

“Your Honor, whether the witness initialed the officer’s summary or not, counsel is still trying to impeach her testimony with writing that is not hers. The people object.”

Judge Michael Siebecker narrowed his eyes and turned to me.

“Judge, by initialing the officer’s report, the witness adopted the statement. It is present recollection recorded and the jury should hear it.”

Siebecker overruled the objection and instructed Mrs. Welton to read the initialed statement from the report. She finally complied.

“‘Victim stated that she stopped at the intersection of Camden and Elevado and soon after was struck from behind by a car that pulled up. When she opened her door to get out and check for damage, she was met by a black male thirty to thirty-five YOA—’ I don’t know what that means.”

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“Years of age,” I said. “Keep reading, please.”

“He grabbed her by the hair and pulled her the rest of the way out of the car and to the ground in the middle of the street. He pointed a black, short-barrel revolver at her face and told her he would shoot her if she moved or made any sound. The suspect then jumped into her car and drove off in a northerly direction, followed by the car that had rear-ended her vehicle. Victim could offer no...”

I waited but she didn’t finish.

“Your Honor, can you instruct the witness to read the entire statement as written on the day of the incident?”

“Mrs. Welton,” Judge Siebecker intoned. “Please continue to read the statement in its entirety.”

“But, Judge, this isn’t everything I said.”

“Mrs. Welton,” the judge said forcefully. “Read the *entire* statement as the defense counselor asked you to do.”

Welton relented and read the last sentence of the summary.

“Victim could offer no further description of the suspect at this time.”

“Thank you, Mrs. Welton,” I said. “Now, while there wasn’t much in the way of a description of the suspect, you were from the start able to describe in detail the gun he used, isn’t that right?”

“I don’t know about how much detail. He pointed it at my face so I got a good look at it and was able to describe what I saw. The officer helped me by describing the difference between a revolver and the other kind of gun. I think an automatic, it’s called.”

“And you were able to describe the kind of gun it was, the color, and even the length of the barrel.”

“Aren’t all guns black?”

“How about if I ask the questions right now, Mrs. Welton?”

“Well, the officer asked a lot of questions about the gun.”

“But you weren’t able to describe the man who pointed the gun at you, and yet two hours later you pick his face out of a bunch of mug shots. Do I have that right, Mrs. Welton?”



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“You have to understand something. I saw the man who robbed me and pointed the gun. Being able to describe him and recognize him are two different things. When I saw that picture, I knew it was him, just as sure as I know it’s him sitting at that table.”


I turned to the judge.

“Your Honor, I would like to strike that as nonresponsive.”


Medina stood up.

“Judge, counsel is making broad statements in his so-called questions. He made a statement and the witness merely responded. The motion to strike has no foundation.”

“Motion to strike is denied,” the judge said quickly. “Ask your next question, Mr. Haller, and I do mean a question.”



I did and I tried. For the next twenty minutes I hammered away at Claire Welton and her identification of my client. I questioned how many black people she knew in her life as a Beverly Hills housewife and opened the door on interracial identification issues. All to no avail. At no point was I able to shake her resolve or belief that Leonard Watts was the man who robbed her. Along the way she seemed to recover one of things she said she had lost in the robbery. Her self-confidence. The more I worked her, the more she seemed to bear up under the verbal assault and send it right back at me. By the end she was a rock. Her identification of my client was still standing. And I had bowled a gutter ball.



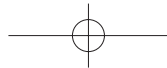
I told the judge I had no further questions and returned to the defense table. Medina told the judge she had a short redirect and I knew she would ask Welton a series of questions that would only reinforce her identification of Watts. As I slid into my seat next to Watts, his eyes searched my face for any indication of hope.

“Well,” I whispered to him. “That’s it. We are done.”

He leaned back from me as if repelled by my breath or words or both.

“We?” he said.

He said it loud enough to interrupt Medina, who turned and



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looked at the defense table. I put my hands out palms down in a calming gesture and mouthed the words *Cool it* to him.

“Cool it?” he said aloud. “I’m not going to cool it. You told me you had this, that she was no problem.”

“*Mr. Haller!*” the judge barked. “Control your client, please, or I’ll have—”

Watts didn’t wait for whatever it was the judge was about to threaten to do. He launched his body into me, hitting me like a cornerback breaking up a pass play. My chair tipped over with me in it and we spilled onto the floor at Medina’s feet. She jumped sideways to avoid getting hurt herself as Watts drew his right arm back. I was on my left side on the floor, my right arm pinned under Watts’s body. I manage to raise my left hand and caught his fist as it came down at me. It merely softened the blow. His fist took my own hand into my jaw.

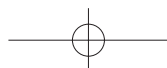
I was peripherally aware of screams and motion around me. Watts pulled his fist back as he prepared for punch number two. But the courtroom deputies were on him before he could throw it. They gang-tackled him, their momentum taking him off me and onto the floor in the well in front of the counsel tables.

It all seemed to move in slow motion. The judge was barking commands no one was listening to. Medina and the court reporter were moving away from the melee. The court clerk had stood up behind her corral and was watching in horror. Watts was chest down on the floor, a deputy’s hand on the side of his head, pressing it to the tile, an odd smile on his face as his hands were cuffed behind his back.

And in a moment it was over.

“Deputies, remove him from the courtroom!” Siebecker commanded.

Watts was dragged through the steel door at the side of the courtroom and into the holding cell used to house incarcerated defendants. I was left sitting on the floor, surveying the damage. I had blood on my mouth and teeth and down the crisp white shirt I was wearing. My tie was on the floor under the defense table. It





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was the clip-on I wear on days I visit clients in holding cells and don't want to get pulled through the bars.

I rubbed my jaw with my hand and ran my tongue along the rows of my teeth. Everything seemed intact and in working order. I pulled a white handkerchief out of an inside jacket pocket and started wiping off my face as I used my free hand to grab the defense table and help myself up.

"Jeannie," the judge said to his clerk. "Call paramedics for Mr. Haller."

"No, Judge," I said quickly. "I'm okay. Just need to clean up a little bit."

I picked my tie up and then made a pathetic attempt at decorum, reattaching it to my collar despite the deep red stain that had ruined the front of my shirt. As I worked the clip into my buttoned collar, several deputies reacting to the courtroom panic button undoubtedly pushed by the judge stormed in through the main doors at the back. Siebecker quickly told them to stand down and that the incident had passed. The deputies fanned out across the back wall of the courtroom, a show of force in case there was anyone else in the courtroom thinking about acting out.

I took one last swipe at my face with the handkerchief and then spoke up.

"Your Honor," I said. "I am deeply sorry for my client's—"

"Not now, Mr. Haller. Take your seat and you do the same, Ms. Medina. Everybody calm down and sit down."

I did as instructed, holding the folded handkerchief to my mouth and watching as the judge turned his seat fully toward the jury box. First he told Claire Welton that she was excused from the witness stand. She got up tentatively and walked toward the gate behind the counsel tables. She looked more shaken than anyone else in the courtroom. No doubt for good reason. She probably figured that Watts could have just as easily gone after her as me. And if he had been quick enough he would've gotten to her.

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Welton sat down in the first row of the gallery, which was reserved for witnesses and staff, and the judge proceeded with the jury.

“Ladies and gentlemen, I am sorry that you had to see that display. The courtroom is never a place for violence. It is the place where civilized society takes its stand against the violence that is out on our streets. It truly pains me when something like this occurs.”

There was a metal snapping sound as the door to the holding cell opened and the two courtroom deputies returned. I wondered how badly they had roughed up Watts while securing him in the cell.

The judge paused and then returned his attention to the jury.

“Unfortunately, Mr. Watts’s decision to attack his attorney has prejudiced our ability to go forward. I believe—”

“Your Honor?” Medina interrupted. “If the state could be heard.”

Medina knew exactly where the judge was headed and needed to do something.

“Not now, Ms. Medina, and do not interrupt the court.”

But Medina was persistent.

“Your Honor, could counsel approach at sidebar?”

The judge looked annoyed with her but relented. I let her lead the way and we walked up to the bench. The judge hit the switch on a noise-canceling fan so the jury would not overhear our whispers. Before Medina could state her case, the judge asked me once more if I wanted medical attention.

“I’m fine, Judge, but I appreciate the offer. I think the only thing the worse for wear is my shirt, actually.”

The judge nodded and turned to Medina.

“I know your objection, Ms. Medina, but there is nothing I can do. The jury is prejudiced by what they just saw. I have no choice.”

“Your Honor, this case is about a very violent defendant who committed very violent acts. The jury knows this. They won’t be unduly prejudiced by what they saw. The jury is entitled to



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view and judge for themselves the demeanor of the defendant. Because he voluntarily engaged in violent acts, the prejudice to the defendant is neither undue nor unfair.”

“If I could be heard, Your Honor, I beg to differ with—”

“Besides that,” Medina continued, running me over, “I fear the court is being manipulated by this defendant. He knew full well that he could get a new trial this way. He—”

“Whoa, wait a minute here,” I protested. “Counsel’s objection is replete with unfounded innuendo and—”

“Ms. Medina, the objection is overruled,” the judge said, cutting off all debate. “Even if the prejudice is neither undue nor unfair, Mr. Watts has effectively just fired his attorney. I can’t require Mr. Haller to go forward in these circumstances and I am not inclined to allow Mr. Watts back into this courtroom. Step back. Both of you.”

“Judge, I want the people’s objection on the record.”

“You shall have it. Now step back.”

We went back to our tables and the judge turned off the fan and then addressed the jury.

“Ladies and gentlemen, as I was saying, the event you just witnessed has created a situation prejudicial to the defendant. I believe that it will be too difficult for you to divorce yourself from what you just saw as you deliberate on his guilt or innocence of the charges. Therefore, I must declare a mistrial at this time and discharge you with the thanks of this court and the people of California. Deputy Carlyle will escort you back to the assembly room where you may gather your things and go home.”

The jurors seemed unsure of what to do or whether everything was over. Finally, one brave man in the box stood up and soon the others followed. They filed out through a door at the back of the courtroom.

I looked over at Kristina Medina. She sat at the prosecution table with her chin down, defeated. The judge abruptly adjourned court for the day and left the bench. I folded my ruined handkerchief and put it away.