

The Verdict

By Randall J. Petrides

The jury was in its fourth day of deliberations. Polly Johnston sat alone in a courthouse lounge, a cold, half-drunk cup of coffee in front of her. By now she was beyond tears. Her husband was innocent—she was sure of it. Never could he be part of killing someone. She wanted him home, where he belonged. Seeing him in handcuffs day after day was unfathomable. Leonard belonged home, with his grandson on his lap—not in this hellhole, accused of planning and hiring the murder of actor John Sweeney.

A sound in the hallway distracted her. She looked up to see Sweeney's widow, actress Catherine McGowan, walk by, escorted by a bevy of bodyguards. Their eyes met. Polly scowled at her husband's accuser. "Diva," she muttered under her breath. McGowan returned a glare. That stung. But the waiting—day by day, hour by hour—was worse.

Hours later, Catherine McGowan sat, fidgeting, in her Beverly Hills parlor. She closed her eyes. Memories of her husband rushed in. Such a good man, she thought, fighting tears. Now, 10 months after John had been so brutally murdered, the suffocating loneliness grabbed hold of her like a python.

Her phone rang. She jumped. It was Lt. David James. She heard him sigh. "I'm afraid we have a problem, Catherine. The jury just sent out a note saying they can't decide. Judge Kim is gathering the lawyers to figure out what to do. I know you just got home, but I think you should be here. I'm sending a car to bring you back."

"Okay."

Catherine closed her phone. A new fear swept over her. Fear that Leonard “LW” Johnston might get away with killing John. Her thoughts of John were replaced by an image of Johnston, Hollywood mogul, owner of Trinity Pictures, smirking and dancing on her husband’s grave. She wanted to bash his head against a rock. “Killer!” she cried. Elizabeth, her seven-year-old daughter, came running to her. Catherine gathered her into her arms.

“I love you, mommy.”

“I love you, too, honey.” Catherine sighed herself back into a measure of control and gazed at Elizabeth. In her, she saw John’s face and his bright blue eyes.

Judge Joon Kim, dragging a handkerchief across his glistening forehead, gathered the litigants into his courtroom to have this latest note read. David James could see the tension in the judge’s eyes as he waited for the lawyers to appear and for the deputies to bring Johnston back into court. At last everyone was assembled. “Note 14,” he barked, almost ripping the wrinkled yellow piece of paper as he read. “*We still can’t decide. What do we do now?*” The judge glared at the lawyers as if it were their fault. “Meet me in my chambers.”

David followed lead trial prosecutor Andy Renaldo, defense counsel Ed Foley, and their co-counsel into the judge’s office. The lawyers plopped onto the judge’s two black leather couches. David stood behind a couch and listened. “Damn!” the judge snapped as he collapsed into his chair. The large black chair seemed to swallow up the diminutive judge. “I don’t want to try this case again. Why can’t that jury make up its mind?” Foley and Renaldo exchanged a glance.

Ed Foley, tall, wily, distinguished, and looking all of his 65 years, responded, “Do you think they’re at the *hung* point yet, judge?”

“I don’t know. What do you think?”

“Andy and I have been chatting. We both think it’s approaching hopeless.”

Renaldo nodded. “I agree, judge. I hate to admit it, but the best I can hope for at this point is a hung jury.”

“Is that what you want, Andy?” the judge asked. “After six weeks of trial you want a hung jury so you can suit up and go through this misery all over again?” Renaldo winced, his face etched with the harsh prospect of a do-over.

“Do you have an end game, judge?” Foley asked.

Judge Kim folded his arms behind his head, leaned back, and let out a loud sigh. “Fellas, I’m inclined to tell them to keep at it. Their note didn’t seem absolutely final. I don’t want to give up just yet.”

A loud knock interrupted their chatting. The bailiff emerged from the door, ghost white. He squeezed a piece of paper in his hand. “Gentlemen, the jury has a verdict.”

David almost swallowed his tongue. They could talk forever about the angst of a hung jury, the colossal waste of six weeks of brutal work with nothing to show for it, and the thankless task of doing the whole thing over again, but the raw power of a final decision, the thunderous reality that a verdict was reached, turned his legs to jelly. This was it. Someone won. Someone lost. No more security of a lack of a decision.

For a moment, no one spoke. Judge Kim’s eyes darted around the room. He was the first to come to his senses. Easy for him, David thought. He had no stake in the outcome. And the dear judge got his wish—no hung jury, no second trial to mess up his docket. “Let’s get everyone in the courtroom *now!*” the judge commanded. “I don’t want this jury changing its mind.”

“Judge,” Renaldo said. “I need a few minutes to get Mrs. McGowan here.”

“And,” the bailiff added, “I’m told they’re short on deputies. It’ll be a few minutes before they can get Johnston back into the courtroom.”

The judge rolled his eyes. “Then go!”

David grabbed his cell phone and called Catherine.

Polly, nearly dozing in the lounge, was jarred by a tap on her shoulder. It was Ed Foley.

“Mrs. Johnston, the jury has a verdict.”

She jerked her head up, spilling cold coffee on her hands. This was what she craved—a verdict, a *not guilty* so Leonard could come home. But then, for the first time, the possibility of a *guilty* verdict occurred to her. With hands quivering, she stood up and followed Foley down the hall. She began to feel sick.

“Ed, I need to go to the ladies room first.”

As the LAPD cruiser neared the courthouse, Catherine answered her cell phone. It was David James. “Catherine, the jury has a verdict. Where are you?”

Catherine dropped her jaw and her phone. Fumbling with her hands on the floor of the back seat, she managed to retrieve it. “I ... I thought you said they couldn’t reach a verdict.”

“I did. But now they have. Juries can be like that.”

Catherine’s heart raced. She, too, had rested in the security of no decision. David was still talking, but Catherine didn’t hear. She looked down at her clothes, so hastily thrown on, and reached into her purse for her makeup kit. Her hands were shaking.

Moments later, Catherine stepped into the courtroom, escorted by Brenda, an advocate from the Prosecutor's Victim Services unit. A buzz of nervous energy filled the court—spectators clamoring for precious seats, busybodies moving back and forth, TV reporters setting up cameras, the quiet din of anticipation. Brenda led Catherine to the front spectator row, just behind the prosecutor's table. Johnston was not yet in the courtroom. Catherine dreaded seeing him.

Renaldo and Foley strolled in. More court workers darted to and fro on mysterious logistical missions. David, now seated at the prosecutor's table, turned to meet Catherine's eye. He smiled nervously.

The deputies brought in Johnston. Catherine stared at the aging mogul. He seemed pitiful now, like a caged tiger surrounded by guards, his gut protruding from his blue suit. Johnston stared back. Catherine's pity evolved to revulsion and fury. Johnston matched her fury and stared her down as if *she* were the criminal. He won the battle. Catherine looked away. Brenda took her hand.

Judge Kim took the bench. The commotion stopped. "I am told the jury has reached a verdict. Is everyone present?" He saw that they were. "Let me say this clearly. There is to be no outburst at the announcement of the verdict. Understood? Good. Bailiff, go get the jury."

David's jaw tightened at these words. This was it. No tomorrow. He looked up to the bench. Judge Kim fidgeted with a pen. His eyes darted in every direction, exploring every inch of his courtroom, returning again and again to the door the jury would soon walk through. Nothing short of a few seconds would really be soon, David realized. The power that jury held over them. They—judge and lawyers, litigants and media, the curious and the concerned—sat like pawns in the hands of 12 people armed with a secret they all pined to

hear, yet at the same time, feared. Or so David mused. He watched Renaldo sitting like a statue at the prosecutor's table, staring down at the only thing he brought with him—the verdict form, with boxes, now empty, marked *guilty* and *not guilty*. David first wondered what Renaldo was thinking, but then stopped. He knew. Renaldo's mind would be numb, his nerves smoking, his emotions a cauldron of clashing, competing forces. Worry, fear, hope, dread, acceptance, all smacking against one another, all hidden behind the stoic, frozen posture. Like himself.

David's eyes drifted to the defense table. Ed Foley seemed more serene than anyone. David wondered why. Maybe he had won too many cases to feel the dire need to win again. No, competitors always burn to win. Perhaps he was disguising the same knife-in-the-gut feeling they all had. Still, Foley seemed bemused as his eyes floated around the courtroom. Maybe he simply realized that he was but a small part in this play, that his ego did not demand it be all about him. Naw, David thought. No trial attorney can be so detached—none that cares so much to fight as hard as Foley had. Foley stood and walked over to Renaldo. Arms folded like twins, they began to chat. It seemed as if Foley was ministering to his younger opponent.

At the defense table, LW Johnston's head dripped sweat. His jaw throbbed, as if he was chewing a cigar he didn't have. He hunched over the table, back crooked, his gut hugging the side of the table. David could still see the pride in the mogul's face—and the fear.

Polly sat down in the first row behind the defense table, next to Mrs. Foley. She began tugging at her gray hair. Her legs turned to rubber. She had no idea how she could stand when the jury arrived. Her husband sat hunched over the table. Rarely had she seen such a

posture. He was so used to being in control. She yearned for him to turn around, but he did not. Her chest began to hurt.

Catherine closed her eyes and let her mind drift to Easter Sunday a year ago. John was frolicking with Elizabeth on their lawn before church, the pair squinting back up at her in the morning sun, blowing her kisses. John so loved Easter.

David sweated in a stifling shroud of silence. Ten months. For 10 months, David had poured all that he had into this case. Now 12 people were about to tell him if it was worth it. What would he tell Catherine if they *walked* Johnston? It was harder to visualize a celebration of a *guilty* than the pain of an acquittal. Funny, he thought, but several folks at the defense table thought just the opposite. David then heard a sudden crack. He looked up. Renaldo was staring at his pencil, now snapped in two.

David strained to listen. Footsteps. He made out the faint sound of collective footsteps clapping on the tile floor of the corridor behind the door. At first, far away, then louder and more distinct, the rhythmic sound of a group walking together. Second by second the footsteps grew closer, louder. Yet it seemed to take forever for the clapping steps of the approaching jury to reach the door.

The door opened. A bailiff emerged, an elderly white-haired man in a blue blazer and a badge. "All rise!" Catherine's eyes sprang open. John vanished. Polly's heart pounded. Mrs. Foley held onto Polly. Twelve people shuffled, one by one, through the door and into their familiar spots in the jury box. David stared, straining to discern meaning from the slightest gesture. Legend is that if the jurors did not look at the defendant, their verdict was guilty.

David could not tell. The jurors were not smiling, but rarely did they smile before announcing a verdict. They all looked as if they were about to take a calculus exam they hadn't studied for.

Judge Kim wasted no time in taking over. "Will the jury remain standing? Everyone else, be seated. Bailiff, will you receive the verdict?"

"Members of the jury," the bailiff bellowed, "have you reached a verdict, and if so, who will speak for you?"

A young, well-dressed African-American woman, holding a white piece of paper in her hands, stuttered, "W-we have, sir. I will speak."

"What is your verdict as to count one?"

The silence grew deeper. David did not breathe. The foreperson seemed to do nothing at first. Then slowly she unfolded the verdict form and looked at it as if she had never seen it before. Hands shaking, she scanned the form until she found what she was looking for, and then, staring straight at the paper, opened her mouth to announce the verdict. It mystified David why every foreperson seemed to do that. 'Didn't she know what the verdict was?' he wondered. David strained to listen so hard it seemed his ears would burst. The juror's voice pierced the silence.

"*Guilty* of solicitation to commit murder."

The courtroom was astir—no voices, just a collective gasp. Catherine could not comprehend. She was not even sure she heard what the juror said. She caught a glimpse of Andy Renaldo, his eyes closed, still motionless, hands cupped in front of his mouth, as if he had not heard. Brenda squeezed her hand.

The bailiff bade the foreperson to continue to count two, cutting off the growing buzz of comprehension around the courtroom. The foreperson spoke again, this time with more confidence. “*Guilty* of conspiracy to commit murder.”

Her colloquy with the bailiff continued.

“What is your verdict as to count three?”

“*Guilty* of murder in the first degree, accomplice.”

“What is your verdict as to count four?”

“*Guilty* of conspiracy to place an explosive device with intent to kill.”

“What is your verdict as to count five?”

“*Guilty* of arson of a motor vehicle, accomplice.”

“What is your verdict as to count six?”

“*Guilty* of obstruction of justice.”

Catherine could feel her heart race and her face grow hot as she began to comprehend what she had heard. She covered her mouth and tried to think of John. “It’s okay, John,” she whispered. Tears poured down her cheeks. Silently, she began to sob.

Polly quivered to the brink of fainting. Mrs. Foley clutched her arm so she would not fall. Each time the foreperson pronounced “*guilty*,” it was like the stab of a knife in her stomach. “No! It can’t be,” she whispered. A compulsion to run to Leonard overtook her, but she could not move. She wanted to cry but couldn’t.

David looked over to Johnston. The mogul sat, motionless, but his neck throbbed and his face reddened. Judge Kim interrupted any further reaction. Turning to the jury, he

confirmed their verdicts by polling them one by one on each count. The court resonated with “I agree” dozens of times. Wasting no time, the judge continued. “Members of the jury, I accept your verdicts and I will enter them as the judgment in this case. Your service is concluded. On behalf of everyone, I thank you for your lengthy and difficult service in this trial. Bailiff, you may escort the jury from the courtroom. My order of no contact with the jury continues.”

With that, the jury was whisked away. After all the jury went through, David mused, the judge’s quick dismissal of them seemed unfair, almost an insult. But as the jury left and as the judge then set a date for sentencing, David felt his own relief pour in.

The courtroom exploded into a thunder of murmurs. Catherine felt a crush of people descend upon her, stifling her ability to find her emotions. She wanted out of that room, to be alone. She could not even tell who was touching her—not until Andy Renaldo broke through the crowd to hug her. “Thank you so much,” she whispered. He smiled. Behind him, Catherine saw two deputies approach Johnston. He quivered and twitched and scowled as they handcuffed him. The click and rattle of the cuffs tightening on his wrists rang in Catherine’s ears. He looked pitiful now. Her animosity—at least for the moment—lifted like fog in a morning sun.

Through the commotion, Catherine sought to leave. As she reached the aisle, she found herself face to face with Polly. “I suppose you’re happy, now,” Polly hissed. Her pain, incarnate as tears, oozed down her cheeks.

On impulse, Catherine reached out and gave Polly a hug. “I’m so sorry, Mrs. Johnston,” she whispered. Polly flinched, but then, ever so briefly, touched Catherine’s hand. Sighing, she turned away.

David James walked up to Catherine with inquiring eyes. She touched his arm. “I suppose we’re both widows now, aren’t we?” she said. Ignoring the happy sounds behind her, Catherine watched Polly Johnston slowly shuffle out of the courtroom.