

False Witness

by Mark Dryden, –

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Chapter 1

After I became a criminal defence barrister, it took me a while to fully grasp that most of my clients were, well, criminals. They were not noble creatures, wrongly accused, who had stepped from the pages of a romantic novel. They had scars, tattoos, missing teeth, long criminal records and woeful communication skills. They were not innocent and they were not nice. Their solicitors were not much better.

Goran Milic was a typical example. He was a low-level cocaine dealer whose residential address was usually a prison. He wandered into my life after some drug squad detectives raided his weatherboard home in western Sydney and found - they claimed - 200 grams of pure coke hidden under some blankets in a wardrobe. They charged him with possessing a trafficable quantity of cocaine. If he fought the charge and was convicted, he would probably spend five to six years behind bars.

He claimed the detectives planted the evidence. That is usually a tough defence to establish. So he should have hired a highly experienced barrister. But he could not afford one and, instead, had to instruct a solicitor at the Legal Aid Office, who briefed a cheap baby barrister—me.

I conferred with Milic and his solicitor, Clint Andersen, in my room. His face had deep lines and fissures, and he wore a Black Sabbath T-shirt specially ironed for the occasion. I had become a connoisseur of sleeve tattoos. His was terrible.

He paced around my room with a jittery stride and raged against the injustice of the charge. "Look, I'm no fuckin' angel. I done lots of bad shit in my time and took me medicine—I copped it sweet. But that weren't my coke in the wardrobe. A cunt cop planted it. I mean, where in hell would I get 200 grams of pure coke? I never get close to pure stuff. Who do they think I am—Al Capone?"

His speech was so impassioned and sincere that I wondered if he should represent himself.

I said: "Detective Ross wore a body camera. It filmed him finding the coke baggie in your wardrobe."

"So ferkin' what? Another detective planted it there before Ross went into the bedroom."

"Who?"

"The guy in charge, Hanrahan, wasn't wearing a body cam. He planted it. That's a fact."

"Why'd he plant it?"

"Cos he visited me a few days before the raid and tried to shake me down for money. I told him to fuck off. He planted the baggie to teach me a lesson."

"The coke baggie had your DNA on it."

"So what? Hanrahan wiped it on me sheets before he put it in the wardrobe. Easy. But it ain't got my fingerprints, has it? He's a bad dude that one—totally rotten—a disgrace to the police force."

I stifled a sigh. "So, you want to plead not guilty?"

"Of course."

I shrugged. "Matter for you. But how do I prove the coke was planted?"

"You've got my evidence."

The jurors would not be told about his long criminal record, but it was obvious from his scag-ravaged face and jittery movements that he had not devoted his life to the betterment of his fellow man. "I'm afraid your chances are pretty slim. Jurors usually believe cops."

"You can show he's a liar."

"I'll try. But I need some evidence to work with. I'm not a magician."

"Well, I'm not gonna just roll over. This is a matter of principle."

"I understand," I said, not understanding at all.

I looked over at the hefty figure of the Legal Aid solicitor, Clint Andersen, who stopped digging for earwax and shrugged.

* * * * *

The trial was held in the District Court, a few weeks later. The Crown Prosecutor put Detective Senior Constable Terence Ross in the witness box and got him to explain to the jurors how he discovered the bag of cocaine in the wardrobe. The prosecutor also screened film from the body camera Detective Ross wore. The film showed Ross pulling back a blanket and finding the baggie.

I cross-examined Ross: "Detective Inspector Hanrahan and two other detectives arrested Mr Milic in his bedroom, didn't they?"

"Yes."

"You weren't in the bedroom at that time?"

"No, I searched it later."

"How much later?"

"Oh, maybe fifteen minutes later."

"So Inspector Hanrahan could have put the bag in the wardrobe without you knowing?"

The Crown Prosecutor, Philip Drake, often looked and sounded like he was half-asleep. Indeed, his dullness gave him an air of integrity. Now, however, he shot aloft and squeaked. "I object, your Honour. The question asks for an opinion."

The presiding judge, Leon "Percy" Purcell, was bright, mild-mannered, good-humoured and utterly heartless. Anyone convicted in his court soon discovered his bonhomie was an act. Speaking in a kindly tone—more in sorrow than anger—he dished out harsh sentences. Several of my clients who caught his lash said afterward, in a perplexed tone: "But I thought he liked me" or, "He seemed so nice."

As I expected, he rejected my question. But I had lodged the issue in the minds of the jurors, as I intended.

I said: "No further questions, your Honour."

The judge turned to the Crown Prosecutor. "Call your next witness, Mr Crown."

Drake called Detective Inspector Carl Hanrahan to give evidence. Most detectives have criminal miens and look like they went dumpster-diving for their suits. However, Hanrahan had well-coiffed hair, handsome features and an athletic build tucked into a bespoke suit. He sat in the witness box and took the oath with calm authority. Clearly, he would rather be out on the streets fighting crime, but this was an unavoidable part of the job.

The prosecutor got the detective to explain how, after a "confidential informant" informed him that Milic was selling cocaine from his house, he led an early morning raid that resulted in 200 grams of coke being found in the wardrobe.

Constant practice makes most cops - no matter how dopey - good liars in the witness box. However, Hanrahan was obviously a master of his craft. His features remained impassive, and he even sounded slightly bored, while mangling the truth like a paper clip. The jury hung on his every word.

When I rose to cross-examine him, a couple of the jurors looked annoyed at my impertinence and obviously wanted to apologise to Hanrahan.

I said: "Detective Sergeant, you belong to the Western Sydney Narcotics Strikeforce?"

"That's right."

"You claim that you received information from a confidential informant that Mr Milic was selling cocaine at the premises."

"I did."

"Who was that informant?"

He looked at the judge: "I would rather not provide his name, for his own safety."

The usual practice was for the name of the informant to be written on a piece of paper and shown to the judge and me. However, I had no doubt that the detective had lined up an 'informant' to give evidence if needed.

I said: "I don't insist."

I accused him of trying to shake down my client a few days before the raid, and he calmly rolled his eyes. "The first time I met your client was when we raided his house."

I got him to explain how, just after dawn, he and several other Strikeforce detectives bashed down the front door and stormed inside. Three of them, including Hanrahan, found Milic sleeping alone in the main bedroom. "We took him to the lounge room and the team started searching the house."

I said: "During the raid, you didn't wear a body camera, did you?"

"I didn't need to. I was the supervising officer. I didn't make the arrest and I didn't search the house."

"You entered the house?"

"Yes, to observe what was happening and give instructions."

"You could have easily worn a body camera?"

"Yes, I guess so."

"In fact, you only had to clip it onto the front of your jacket?"

"Correct."

"It would have been prudent to do so."

A regal shrug. "Maybe. But I didn't think we would be arguing about this in court."

"You didn't wear a body camera because you didn't want your movements in the house recorded, did you?"

"Not true."

"And, while you were in the house, you went into the bedroom?"

A slight hesitation. "I was there when Milic was arrested. I followed them out to the lounge room."

"Followed? You mean, at one point, you were in the bedroom on your own?"

"Only very briefly."

"And while you were in the bedroom, you put the bag of cocaine in the wardrobe, didn't you, so it would be discovered later?"

"No."

"You're presenting this court with a tissue of lies, aren't you?"

"Definitely not." His relaxed tone accepted I had a job to do, though not much of one.

We both knew he was lying, but the jurors didn't. They looked like they wanted Hanrahan's autograph.

I said: "The bag was inspected for fingerprints, wasn't it?"

"Yes."

"No fingerprints were found."

"True, but the accused's DNA profile was found."

That was not strictly true. The DNA profile matched one-in-a-million people, including the accused, but I was not going to quibble.

"The accused's DNA was found on the bag because you rubbed it on the sheets, didn't you?"

"I did not."

I spent another twenty minutes taking him back and forward over his story, hoping he would contradict himself, without success. He was cool as a cucumber and, most importantly, knew his story backward. His discipline was such that, as he left the witness box, he showed not a hint of triumph.

As I sat down, my solicitor, Clint Andersen, leaned forward and whispered into my ear. "I think you did some damage."

"The jury didn't think so. Did you see their faces?"

Of course, we still had a chance if our client produced the goods in the witness box. He didn't. The prosecution wasn't allowed to adduce his criminal record. But his skag-ravaged face, querulous manner and jittery movements, told the jurors he had spent many nights with his head on a prison pillow. When he delivered the impassioned speech I heard in my room, it sounded like the angry whine of a desperate loser. By the time he left the witness box, the jurors knew that, if he didn't commit this crime, he committed many others without punishment.

In my final address to the jurors, I emphasized the discrepancies in Hanrahan's evidence and said there was at least a reasonable doubt my client was guilty. They didn't agree and took only two hours to reach a guilty verdict. When the foreman delivered it, it felt like a kick in the guts. Normally, when I lost a trial, I consoled myself my client really was guilty. This time, I was sure Hanrahan lied and my client was innocent. I had failed him badly. My pride was stung.

I turned to Milic, standing in the dock and shook my head. "Bad luck."

Most career criminals know that, sooner or later, they'll do a long stretch, and accept being convicted, even falsely, with true professionalism. Milic was not one of them. He shook his head. "Fuckin' bullshit. We're gunna appeal, right?"

He had no good grounds for appeal. The judge made no mistakes and the Court of Appeal wouldn't second-guess the jury's assessment of Hanrahan. "I'll think about it and let you know."

A frown. "Yeah, OK."

After thanking the jury, the judge remanded Milic in custody pending a sentencing hearing. Three hulking Sheriff's Officers hustled him out of the dock and through a side door, whistling tunelessly with no family to farewell.

I turned to Clint Andersen, loading folders onto a metal trolley. He was a small, bald man who had been a Legal Aid solicitor for almost thirty years. Far too long. He was so lazy that any activity seemed Promethean. Getting him to track down witnesses or issue subpoenae was a nightmare. His only mission in life was to catch the 6.05 p.m. train home to Cronulla. He never missed it. Indeed, he glanced at his watch and saw it was just after 5 p.m...

But he was not stupid. Every so often, his sleepy eyes shone like diamonds and a sharp insight showed he missed nothing. He also had a warehouse of experience he occasionally found the energy to ransack.

He gave me a seen-it-all expression. "That didn't go well. But I'm not surprised the jury believed Hanrahan. I believed him and I *knew* he was lying. No grounds for appeal, I guess."

"Don't think so."

He saw I was upset. "Don't worry, this wasn't your fault. You did well."

"And Hanrahan did better." I shrugged. "Anyway, I'll see you later."

I tucked my wig and gown, and brief, into my bar bag, waved goodbye to the Crown Prosecutor and strolled out of the courtroom, anxious to breath fresh air.

To my surprise, Hanrahan was outside, leaning against a wall, obviously waiting for someone, probably the prosecutor.

He smiled. "Nice try."

I felt a flush of anger and wanted to accuse him of planting the coke baggie. But I'd look naive and he'd deny it anyway. I dished out some false bravado instead. "Till we meet again."

A deep chuckle. "Not if you're lucky."

I strolled off, not realising that I would soon get my wish.

Chapter 2

The Milic trial was held in a refurbished department store called the Downing Court Complex at the southern end of the city centre. My set of chambers was a kilometre away. I could have caught a taxi. But to clear my head and maybe do penance, I slung my bar bag over my shoulder and yomped through Hyde Park. I went down its main path, between huge Morton Bay Fig trees, and cross-examined myself about the trial. Did I ask Hanrahan the right questions? Were there others I should have asked? Was there a crucial submission I should have made to the jury and didn't? Hanrahan was an excellent liar. But it was my job to expose his lies and I failed miserably.

I left Hyde Park and strolled across Queens Square, past the tough-looking 23-storey tower that housed the Supreme Court of New South Wales. The tower was only saved from neo-brutalism by a whimsical brown-pebbledash coating. Inside, a massive legal factory pumped out judgments of varying size and quality.

Sydney's legal community was clustered around the tower. I belonged to Thomas Erskine Chambers, which occupied the fifth floor of a green-tiled building opposite it. The thirty barristers on the Floor did a mixture of commercial, personal injuries and criminal work. Everyone was self-employed. But we congregated together to share expenses, and bitch and moan about each other. The Floor had a good, rather than great, reputation.

I stepped out of a lift into a reception area with heavy leather couches sitting on a marble chessboard floor. Two corridors ran off it. They had mahogany panelling and portraits of notable Floor members. The décor emphasised permanence and stability.

Our receptionist, Tania Carmichael, was an attractive woman in her early thirties with an all-season tan. She always sounded cheerful, despite dealing with lawyers all day. "Hello, Mr Norton. Trial finished?"

"Done and dusted."

"How did you go?"

"Came second, I'm afraid."

"Oh." She gave me a small bundle. "Here's your mail."

"Thanks. Is Bert in?"

"He's in his room."

I strolled down a corridor to my room, overlooking Phillip Street. I bought it three years ago, for \$300,000, off a guy who needed money to fund a divorce settlement. He furnished it with honey-coloured panelling and modular furniture that looked airy and functional. I would not have been so tasteful.

I dropped my bar bag and the mail on my desk and strolled around to see Bert Tolsen. There are many downsides to being on a floor of barristers. The gossiping, backstabbing and boasting can be tiresome. But you can always stroll into the room of an experienced barrister for advice or sympathy.

I took most of my troubles to Bert, who had been a criminal defence barrister for more than 40 years, most of them as a silk. During his heyday, he appeared in most of the major criminal trials in the state and won many big acquittals. But he was the first to admit that he also lost a lot of trials and his clients were handed sentences totalling several thousand years.

He had spent his whole career in the same room with the same furniture. A battered managing partner desk sat on a threadbare fleur-de-lis carpet. Cracked calfskin law reports climbed three walls. Dust smudged the long window overlooking Philip Street. An empty revolving bookcase took up a big chunk of space for no apparent reason.

I found him leaning back in his swivel chair, thumbing through a wine magazine. His wrinkled face, cherry nose and large belly were as old fashioned as his room. He rarely appeared in big trials anymore, because his most loyal solicitors were retired or dead and he'd lost his lust for battle. It takes a lot of energy to digest the facts before a major trial. He frankly admitted he no longer had the strength and refused to turn in a second-rate performance. He once told me: "In this game, I've seen too many bastards go on for too long, and I don't intend to join them." Now, he mostly attended Chambers to stay out of his wife's way.

I said: "Doing some legal research?"

He looked up and saw his younger, more impudent self. "No, checking whether to buy a box of this year's Margaret River Shiraz. Do you know much about wine?"

"Only that \$10 a bottle is too much."

"Barbarian." He tossed the magazine onto his desk. "What's happening? How's the trial going?"

"Badly. My client's sitting in gaol right now, wishing Legal Aid briefed another barrister."

"What happened?"

I described my duel with Hanrahan and Bert shrugged. "You can't win 'em all. I cross-examined him a few years ago and got nowhere. The jury lapped up every word he said. Looks and acts like Dick Tracy, but slippery as an eel."

"Your client was convicted?"

"Of course."

"I bet he was guilty. Mine wasn't."

"How do you know?"

"It was obvious—to me anyway."

"You could be wrong."

"I doubt it."

"You're hardly objective. But, even if you're right, so what? You didn't convict him, the jury did."

"I should have stopped them."

Bert laughed at my callowness. "Hah, barristers love to think they control what happens in a courtroom—they win and lose cases—but we're usually bystanders. There are bigger forces at play. So don't be hard on yourself. You can't pull all of your clients into the lifeboat. Some will drown, no matter what you do. Let it go."

I sensed he was right, but had an iron grip on self-pity. "That's not easy."

"I know. The problem with our job is that losing is worse than winning is good. When you win, you pat yourself on the back and dive into your next brief; when you lose, your client goes to the slammer and you wonder what you did wrong. But, if it's any consolation, as you get older, losing gets easier. You get scars on scars."

"I can't wait."

"I bet you can't. But, until then, all you've got is booze. Go and have a few drinks. That always helped me."

I laughed. "OK."

I left his room, determined to take his advice.

Chapter 3

I had arranged to have a drink that evening with a friend at the *Grease Monkey Bar* in Woolloomooloo, just down the hill from the city centre. The place was basically a huge room designed to resemble a 1930s garage, with vintage cars, pulley blocks and ceiling rope hoists.

When I walked in, a couple of hundred office workers who couldn't change a car tyre to save their lives were milling about in its industrial chic interior. They were buzzing with end-of-week excitement, booze and drugs. The music made my spine rattle.

My friend, Adrian Calhoun, sat at the bar, eyeing a leggy woman in a short skirt lining up a shot at a pool table. His handsome features and broad shoulders often made people wonder if he was a television personality. I had known him since we were both, at the age of 12, assigned to the same class at Scots College, an exclusive private school. Even then, he was marked out for success. Teachers loved him and classmates admired him. He could have easily ignored me because I was a scholarship boy from a modest background. But he was always friendly, maybe because I was a bit different.

We stayed good friends at Sydney University, where I studied law, and he studied economics and almost made the Olympics eights rowing team. Then he joined a merchant bank called *Baldwin & Perry* and rose to become, at the age of 33, a senior vice-president. He sometimes talked about pursuing a career in federal politics, but fretted about the drop in income.

When I left university, my sole ambition was to not become a cubicle-dwelling solicitor at a big corporate law firm. Instead, I worked for the Director of Public Prosecutions and fell in love with the drama of criminal trials. The only drawback was that, as a solicitor, I was a spectator in court. I got tired of watching barristers claim everyone's attention and spout nonsense. Surely, I could do better. So, after five years working for the DPP, I joined the Bar.

After university, Adrian and I shared an apartment for a while and I saw, close up, that he worked hard and partied even harder. I think he found booze, drugs and chasing women an escape from the heavy burden of expectations resting on his shoulders. In any event, after trying to match his wild lifestyle for a while, I decided that, for the sake of my health and career, I should find other digs, which I did.

We still saw each other quite often, but I sensed we were drifting apart. The past held us together, not the present or future.

He saw me and waved. "Hello, mate. Have you met Mick?"

I suddenly noticed a thin guy in a denim jacket, with stringy hair and a haunted face, sitting next to him. A number of my clients looked like him. All were drug dealers.

I didn't bother extending my hand. "No, how are you?"

A slit-eyed stare. "I'm fine." He turned to Adrian. "OK, mate, I'll see you around."

"Don't be a stranger."

Mick disappearing into the bobbing crowd.

I nodded towards his retreating figure. "Does he work at your firm?"

The jackhammer music forced Adrian to lean close and yell. "Hah, hah. We have a business relationship. He sells a product from Bolivia that I enjoy. Want some?"

I was desperate to take the edge off my day and, several years ago, would have accepted his offer. But I had weaned myself off coke once and didn't want to do it again. I'd have to stick to booze. "Thanks, but I'll pass."

A shrug. "Up to you. How was your week?"

Adrian was amused that I belonged to an antiquated profession which did not allow me to incorporate or employ other lawyers. He once told me: "You can only make big money if other people do the work for you." He did not understand that money was not my god, and I loved the cut and thrust of trial work. Indeed, I only disliked my job when I lost a trial I should have won.

I said: "Not good. Had a three-day trial in the District Court. Client was convicted of possessing a trafficable quantity of cocaine, funnily enough."

My sarcasm did not register because he, like most wealthy people, thought himself immune to criminal sanctions.

He said: "Sentenced yet?"

"No."

"How long will he get?"

"Probably seven or eight years, but he'll only serve five or six if he behaves himself."

A smile. "Good. The judge should throw the book at him."

I rolled my eyes. "You don't approve of drug dealers?"

A grin. "Of course not. They always charge too much."

I didn't want to talk anymore about the trial. "Anyway, how was your week?"

A toothy smile. "Great. We're advising a client who launched a takeover bid for a company called *Nutraglide*. The client has already gobbled up 60% of the shares, so everyone, including yours truly, will get a huge bonus."

"Congratulations. Wish I could charge a success fee."

"Well, you chose to become a barrister." Adrian noticed someone across the room. "Ah, there's Colin. I arranged to meet him here. Hope you don't mind."

I turned and saw the stocky figure of Colin Douglas bowling towards us, smiling broadly. Colin was one of our classmates at Scots College, though always much closer to Adrian than me. He was a relationship manager at a stockbroking firm, which meant, I think, that he offered clients the "golden opportunity" to invest in shares the firm wanted to dump. I always thought him very pleasant and very untrustworthy.

Colin said: "Evening guys."

Adrian leaned forward, expectantly. "How'd it go?"

Colin gave him a big thumbs-up. "Fine, fine. I'll settle with you later."

"Excellent," Adrian said as they high-fived.

I said: "What went fine?"

Colin grinned. "If we told you, we'd have to kill you. But let's celebrate. What are you boys drinking?"

We both demanded beers and Colin bought three schooners from the barman.

I'd been itching for a beer and almost drained the glass in one gulp. Soon, I bought another, which slipped down just as fast. I passed into a benign and relaxed world where there were no clients, no dodgy cops and nobody went to gaol. Goran Milic got sucked down a chute in the back of my head.

While I inhaled beers—God, they tasted good—Adrian and Colin chatted about the share market, rugby and horse racing. Adrian had recently become very interested in the gee-gees. Sometimes, I contributed to the discussion, but was more interested in downing beers. I had not been seriously drunk for a long time. However, the bar started to pitch and roll, and the world slipped into soft-focus.

At some point, my companions disappeared into the toilets and came back with glazed expressions. A little later, Adrian's girlfriend, Rowena, turned up and I chatted amiably with her about something or other. Then the evening disappeared into a fog. The last thing I realised was that I would not get to my bed unless my bed came to me.

Chapter 4

The next morning, I woke on the couch in my apartment, still wearing my suit. I felt like a rat had crawled into my ear, gnawed on my brain and died just behind my eyes. My tongue felt flame grilled, but I didn't have the strength to rise and get a glass of water.

Mercifully, I fell asleep again and woke just before noon. When I did, Goran Milic kicked in the back door of my brain and stormed inside, yelling and screaming that I botched his defence. In my weakened state, I was at his mercy.

After stomping about for a while, he disappeared and I mentally replayed big chunks of the trial—I seemed to have the full transcript stored in my head—and started second-guessing my decisions. Why on earth did I think that getting pissed and waking up with a hangover was a good way to blot out the trial? Very immature.

To slake my huge thirst, I stumbled into the kitchen and drank several glasses of water. I was wondering how I got home from the *Grease Monkey Bar* the night before when my mobile phone rang. Because I still wore my suit, I only had to reach inside my jacket to get it.

The caller was Adrian, who sounded ridiculously chirpy. "Hello, mate. Just calling to make sure you're alright. Jeez, I haven't seen you like that for a while. How do you feel?"

"Like shit on a stick. I'll survive, just. What happened last night? How did I get home?"

"We took you home in a taxi."

"Thanks. I hope I wasn't too much trouble."

"Not at all. Very friendly, as usual. You offered to marry Rowena. She says she's going to hold you to that promise."

"Tell her that, as soon as she dumps you, I will."

A laugh. "OK. So, tell me: we going bike riding this afternoon?"

On Saturdays, we often rode together around the bicycle track inside Centennial Park. "You must be fuckin' kidding. My brain feels like it's been deep-fried."

"Thought you might say that. But don't forget my birthday party tonight, at my folks' house. Try to make it."

"I'll do my best."

"Be there," he said and hung up.

After forcing down a sandwich, I had a short nap that almost restored my membership of the human race. However, Goran Milic kept ducking into my head

to complain. Towards evening, I decided that going to Adrian's birthday party might bring some relief from Milic. Hopefully, he wouldn't follow me there.

Chapter 5

Adrian's father was a successful paediatrician and his mother gloried in being the wife of a successful paediatrician. They owned a big Moorish-style mansion in Bellevue Hill, but spent most weekends at their hobby farm near Bega. They were there that weekend, leaving their mansion in the hands of Adrian and a couple of hundred of his closest friends.

When I walked through the front door, the heavy metal music hit me like a one-two punch. The place bulged with thirty-somethings. Due to my lingering hangover, I was in no mood to drink or socialise. However, fortunately, I went to school with many of the party-goers. I chatted with them amiably about our school days and what our classmates were doing now. Emotionally, many of them had never left school.

I had just extracted myself from a conversation about a science teacher who liked exposing himself to students, but was never caught, when someone behind me said: "Hello."

I turned and saw Adrian's girlfriend, Rowena. My performance the night before made me blush.

"How do you feel?"

"Like roadkill. Thanks for taking me home."

Rowena was an architect who specialised in designing air-conditioning systems, or something like that. She wasn't the most beautiful woman Adrian had gone out with—the standard was very high—but definitely the nicest.

She shrugged. "No problem. You were no trouble. A bit wobbly, that's all. You're not usually like that."

"A bad week at the office—but even worse for my client."

"Went to gaol?"

"Yes."

"I guess that's a big hazard for a barrister."

"Yes, it's all fun and games, until someone loses an eye. I understand I offered to marry you last night?"

She smiled. "That's right, and I'm holding you to it."

"What about Adrian? Isn't he going to marry you?"

She frowned. "I doubt it—I doubt it very much."

We chatted for a while about a new movie we had both seen, until she said she had better circulate and wandered off.

My head had started to rebel and I decided to go home. I was strolling down a hallway, looking for Adrian to farewell, when a tall, good-looking woman in her early thirties headed towards me. Christ. Patricia Ransome. There was nobody I wanted to see more, or less.

Patricia, you see, was a solicitor at a boutique firm in the city who I met during my first year at the Bar. She briefed me to defend a business executive charged with high-range drink driving. The executive lost his licence, unfortunately. I was luckier. I discovered Patricia was that rare combination: a good lawyer and a good person. We started going out together and had a relationship that lasted almost two years. If I was smart, it would have continued. But I started to feel trapped. Maybe Patricia wasn't the right woman for me; maybe another woman would make me happier; surely, I was too young to settle down. I started retreating and she got frustrated. Tensions grew. I announced I needed space and we split up.

Of course, a better woman did not turn up. The women I went out with after Patricia did not make me happy. So I sometimes considered phoning her up and asking for forgiveness. However, I didn't because, even if she was still single, she probably wouldn't take me back. Further, before I phoned her, I had to be sure I had slain all my demons and would not mess her about again. I was not.

Sometimes, I wondered if time and distance gave my memories of her a golden glow. Now, as she walked towards me, I decided they hadn't. My heart lurched and I realised that only an immature fool would have abandoned her. Surely, another guy snapped her up long ago. True, she was alone. But he was probably somewhere else in the mansion.

She slowed and smiled warmly, with no hint of malice. "Hello Brad, how are you?"

I halted and tried to stay calm. "Fine, thanks. What're you doing here?"

"Oh, I'm still good friends with Rowena. I've dropped in to see her. Have you seen her around?"

"I chatted with her a few minutes ago. I don't know where she went." My nerve broke. I tossed my dignity out the window and dove after it. "Are you here on your own?"

A frown. "Of course. What about you?"

I hid my pleasure. "Oh, still single. So, umm, how's life? You still working at *Deacon & Co?*"

"Yes, I'm a partner. There are four of us now."

"Congratulations. Still doing criminal work?"

She shifted on her feet to signal that I shouldn't probe too far. "Not much. Quite a bit of personal injuries, actually. How's the Bar treating you?"

"I'm surviving. But I'm still waiting for a mega-rich drug baron, whose assets haven't been frozen, to shower me with money."

She smiled. "Don't worry, that will happen one day—I'm sure of that."

"Thanks."

She glanced around, impatient to leave. "Anyway, I'd better find Rowena."

It was on the tip of my tongue to apologise for my past behaviour and ask her to have lunch one day, or just coffee. But I would look ridiculous. I'd play it cool and ring her up on Monday, if I had the courage.

I said: "OK. Well, nice to see you."

A hesitation. "Yes, nice to see you."

I stepped past her with leaden feet and strolled around the house, looking for Adrian while trying to recover my equilibrium. I went out onto the pool deck, where a couple of speakers were pumping out sludge metal for the delectation of

guests but not neighbours. It was easy to spot Adrian, because everybody was fully dressed, except him and Colin, who were dancing naked beside the pool.

Chapter 6

Appearing in a long trial is like walking through a long dark tunnel. You eventually step out into the blinking sunlight and wonder what happened in the world while you were away. Any new wars? A major natural disaster? A new election? On Monday morning, while sitting on a train to the city centre, I scrolled through some internet news sites and confirmed the world was still in one piece, pretty much.

When I reached Chambers, I got out of the lift and saw the reception desk was unattended. I strolled around to my room, sat at my desk and realised I was not mentally ready to start working. I had stopped thinking about the Milic trial—well, most of the time, anyway - and was focused on Patricia Ransome instead. What a fool I was to let her slip through my fingers! It's not easy to phone up a woman you have spurned and try to weasel your way back into her life. But my courage was leaking away. It was now or never.

I nervously picked up the phone and called her firm. A receptionist asked who I wanted to talk to.

"Patricia Ransome."

"And your name is?"

"Brad Kennedy."

"Please hold."

After an eternity of silence, she said: "I will put you through."

At least Patricia was prepared to talk to me. After another long silence, she came on the line, sounding terse. "Patricia here."

I talked like a salesman through a screen-door. "Hi Pat, it's Brad. It was, umm, good to see you on Saturday night. I've been meaning to call you but, quite frankly, didn't have the courage. I was wondering if we could have coffee sometime, or even lunch, if you're not too busy."

"Why do you want to see me?"

"Why?"

"Yes, why?"

I hadn't expected that question. "I've been thinking a lot about what happened—how I behaved—and I realise I was very, very stupid. I'm not asking for anything, of course. But I'd like to see you."

"It's too late for that. I'm not interested."

"But..."

"I'm not interested, OK. You made a mess of my life and then pissed off. I won't go through that again."

"I'm sorry about that. I was stupid and confused; I've learnt my lesson."

"So have I. So leave me alone."

The phone went dead and I listened to my heart thump. Shit. I really was having a run of bad luck. However, my disappointment was mixed with a strange sort of satisfaction. At least, where Patricia was concerned, I would not die wondering.

To distract myself, I spent the next hour reading through a new brief from the Legal Aid Office. My client was a teacher accused of sexually assaulting a pupil 20 years ago. The facts made me despondent and I was relieved to hear someone enter my room. "Got time for coffee, comrade?"

I looked up at Wayne Newhouse, standing in the middle of the room, leering. Wayne had thick curly hair, a chubby but not angelic face and manic eyes. He had few of the inhibitions that shackle ordinary men. As a result, his life had been littered with crises: suspended from practice for punching a prosecutor; bankrupted for not paying his tax and twice divorced. But, every time the bell rang, he rose from his stool and danced back into the middle of the ring.

In Court, he was often fearless to the point of foolishness. He asked police officers why they were persecuting his client rather than chasing real criminals, accused opposing counsel of duplicity and berated judges for not understanding his submissions. He recently accused a judge of presiding over a "star chamber" and said the only reason he knew he was in a courtroom was the furniture. The judge's complaint to the Bar Association was still pending. Wayne saw nothing wrong with his behaviour and boasted about his quip to all and sundry.

A good barrister obviously needs courage and aggression. But it sometimes seemed as if Wayne, instead of being born, was parachuted into life on a combat mission. A colleague once told me: "They don't make barristers like Wayne anymore, and that's probably a good thing."

Still, as always, his vibrant presence lifted my mood and I nodded. "Always got time for coffee."

"Good. Let's scoot around the corner."

We left our building and strolled through Queens Square. On one side was the forbidding Supreme Court tower; on the other, a huge statue of a dumpy Queen Victoria about to bowl her royal orb across the pavement.

In Macquarie Street, we grabbed a café table on the pavement, across the road from the unimposing State Parliament building. A waiter dashed forward and took our orders. Then Wayne turned to me. "How'd your trial go?"

"Straight down the plug hole."

A shrug. "What went wrong?"

I explained how I had to shake Hanrahan during cross-examination and failed. "I feel bad about losing that one. I really think the punter was fitted up."

"Don't beat yourself up. You can only play the cards you're dealt. Anyway, I'm sure Milic will feel right at home in the jug, back with his old mates. You're probably taking this harder than him."

I was being self-indulgent and changed the topic. Wayne had been appearing in a District Court trial for a defendant charged with importing heroin. "How'd your trial go? I thought it was supposed to last a few more days."

Wayne produced a rare blush. "It was, but it got aborted."

"Why?"

Wayne fingered a satchel of sugar. "Umm, a juror complained about me to the judge."

"You're kidding?"

"No, she sent him a note."

"What did it say?"

The blush turned a devilish red. "She, umm, accused me of staring at her tits all the time."

"You're joking?"

"No. The judge said her concern—whether justified or not—might prejudice her against my client and discharged the jury."

"You're definitely joking?"

"I'm not."

Had this happened to anyone else, I would have maintained my disbelief. However, this was the sort of land-mine Wayne jumped up and down on until it exploded. "Well, did you stare at them?"

A rueful smile. "Let me put it this way: I may be a barrister, but I'm also a man."

"You did?"

A shrug. "I snuck a few peeks. I mean, they were huge and only about a metre away. I could almost reach out and touch them. "

"Thank God you didn't."

"Of course I didn't. But she had no right to complain: she had a plunging neckline that almost thrust them in my face."

"You mean, it was the victim's fault?"

"She was no victim. She knew exactly what she was doing, or showing. And then she got upset when I took a peek. I was the victim!"

I would have got upset if I saw a chubby barrister with roguish eyes staring at my breasts all day. "You could have been more discreet."

"I thought I was; I've obviously lost my touch."

"Obviously."

A shrug. "It wouldn't have happened, of course, if the trial was more interesting. But the prosecution was tendering a lot of documents and I was bored out of my brain."

If a trial was aborted because I was perving at a juror, I would have crawled under the bar table, rolled into a ball and died of shame. However, Wayne was made of sterner stuff.

I said: "Have you, umm, mentioned this to Mary?"

Mary was his unaccountably lovely third wife. "Of course not. She knows I'm a pervert, but doesn't know I've been publically exposed. I thought I'd spare her that."

"Wise move. Thank God there were no journos in court."

He smiled. "That crossed my mind. One of the great things about the decline of the news media is that stuff like this doesn't get reported anymore."

As a waiter put our coffees in front of us, I wished I could sail through life with Wayne's aplomb.

Chapter 7

A floor of barristers usually elects its most senior member to be Head of Chambers. That title once conferred considerable power and prestige. However, these days, his main function was to chair meetings of the Floor committee and monitor the Floor clerk. If he wanted more power, he had to seize it himself, as Derek Hoogland did in Thomas Erskine Chambers.

Hoogland was a barrister in South Africa before migrating to Australia twenty years ago, for reasons never disclosed. After joining the Sydney Bar, he swiftly rose to become one of the top five commercial barristers in the country. When he became our Head of Chambers, six years ago, he could have easily accepted the honour without shouldering much responsibility. But that was not his way. He had to control every organisation he belonged to, even a pissy little Floor like ours. Soon, he had the Floor committee under his thumb and the staff answering directly to him. He obviously wanted to lead the Floor to a bigger, brighter future that was locked away in his mind.

Nobody opposed his power grab because nobody cared. As long as the lights came on, phone calls were answered and mail was delivered, everybody else on the Floor was happy. If Hoogland wanted to knock himself out running the show, without pay, he was welcome to do so.

Of course, there was a real danger that he would misinterpret the acquiescence of his colleagues as a *carte blanche* and overstep the mark. If he did, they would push back hard. An old barrister once told me that a barristers' floor should never give the title of Head of Chambers to someone who wanted it. That always ended in tears. I sensed that Hoogland would prove him right.

Every Friday evening, Hoogland hosted a drinks party for Floor members in his room. One measure of a barrister's status is square-meterage. His room was about twice the size of most. Glass-fronted bookcases stuffed with law reports lined three sides. The fourth side had a long window overlooking Philip Street. At one end, delicate French chairs faced a partner's desk; at the other, a chaise longue sat between two standing clocks. It was all antique reproduction furniture that arrived on the same truck. None was chipped or scratched. There was no sense of evolving taste or personal whim.

As I entered, the grey woven carpet caressed the soles of my shoes. I'd heard a rumour that Hoogland made the cleaners vacuum it all in one direction. I had no reason to doubt that.

About half the barristers on the Floor were present, chatting in small groups, according to their specialities. Hoogland stood in a corner with several barristers. He was tall and spindly, with a gaunt face that would frighten flies. Ill-hidden menace seemed to leak from his pores. His pinstripe Bar trousers belonged to a by-gone era.

He spent his life shuttling in a late-model Mercedes between his mansion in the Eastern Suburbs and Thomas Erskine Chambers, except when he jetted off overseas on a five-star holiday. Most of his clients were big corporations that wanted to get out of a bad contract or sidestep inconvenient legislation. Well-coiffed men with clean fingernails and sharp suits regularly trooped into his room for advice. When he went to court, he explained to judges why the natural and ordinary meaning of a contract or statute was not, in fact, its natural and ordinary

meaning. The real one was hidden from view. Indeed, it could only be found after consulting a pile of ancient judgments and applying a host of Latin maxims. He rarely had to cross-examine witnesses and, when he did, sounded like he was conducting a market survey. Wayne Newhouse called the commercial barristers on the Floor "Nancy boys who fight over money." He was right.

My only serious chat with Hoogland was at the Floor's most recent Christmas party when chance threw us together. When I mentioned that I did criminal defence work, he looked like he wanted to send me around to the tradesman's entrance. He explained that, during his early years at the Bar in "Sith Afrika", he represented a few "bleeks" accused of serious crimes. "They were all convicted, I'm afraid, and got long sentences. I decided that criminal work was not my forte." I bet many of his clients, rotting in prison, came to a similar conclusion.

While we talked, he kept looking over my shoulder for someone worthier of his attention. I tried to chat about rugby and discovered he was the only white South African I had ever met not interested in the sport. He probed to see if I was a wine buff and drew a blank. Then his bull-necked wife charged up and dragged him away to meet someone else.

The booze and snacks now lay on his desk. I poured a glass of white, grabbed a handful of chips and shuffled over to the fringe of the group around him. Most were barristers to whom he farmed out work. His patronage allowed them to pay off huge mortgages and cover expensive school fees. I sometimes dreamed of enjoying his favour and earning \$5,000 a day, plus GST. However, I would need to know something about commercial law, beyond what I remembered from law school, and laugh at his jokes, if I detected them.

Hoogland held up his glass. "You know, this wine reminds me of a lovely drop I had last year, driving through Alsace. I stopped at a tiny winery and knocked on the door of a tiny farmhouse..."

I listened with a quarter-ear as he described an obscure winery that produced liquid gold. Everyone else listened spellbound and caressed him with laughter that was almost erotic. Then a close confederate told a pointless tale about skiing in Zermatt the previous winter and almost being buried under an avalanche.

The conversation drifted for a while until Hoogland asked if everyone was happy with the performance of the receptionist. When met with blank stares, he complained that she frequently lost his calls and was rude to clients.

Hoogland had already chased a couple of staff off the Floor. Was he starting a new campaign? Tania seemed quite competent. Solicitors usually complain if a receptionist doesn't treat them like royalty. None of mine had complained about her.

I tried to bite my tongue, without success. "Actually, several of my solicitors have commented on how pleasant she is." That was stretching the truth, but someone had to speak up for the defendant.

Hoogland's glare slipped between several bodies and punched me on the nose. "I don't think that's the common experience. Your solicitors are probably easy to impress."

I considered defending my instructing solicitors - many of whom were had to distinguish from their criminal clients - and couldn't be bothered. "Well, I think she's fine."

"That's just your opinion."

Not being among friends and not wanting a fight, I shrugged and drifted back to the desk where I scooped up more chips. I joined a couple of criminal defence barristers chatting in the middle of the room. Geoff Hoskins was extremely tall and Felix Slater extremely fat. They looked like a comedy duo. Geoff was describing how he recently represented a client so stupid that, after robbing a liquor store, he forgot to take off his ski-mask. He drove through three suburbs before a cop in a parked patrol car spotted the mask and arrested him.

Geoff said: "When he claimed he was innocent, I asked him why he was driving in a mask. He said he was going to a fancy-dress party. I said people don't usually wear ski-masks to fancy-dress parties. He said he was pretending to be a robber. I said: 'I'll pay you that one. But why was there a bag of cash on the seat next to you?' He couldn't answer that question."

Felix said: "He pleaded guilty?"

"Yes, thank God. Got four on the top and three on the bottom."

"Well, if crooks were smart, we'd be out of business."

"Very true."

Felix described how, the day before, a prosecutor annoyed one of his alibi witnesses so much that she rose to her feet and refused to answer any more questions. "Then she walked straight out of the courtroom. The Court Officer chased her outside and demanded that she return, but she refused."

I said: "You're kidding? What did the judge do?"

"Fortunately, he aborted the trial. Now we'll have to find the stupid woman and subpoena her to appear."

The Bar Association had just announced the names of that year's crop of new silk. We discussed the 20 names and, following an age-old tradition, poo-pooed the quality of most. Indeed, we were forced to conclude it was a non-vintage year.

Felix said: "The only decent one is Ben Kennedy."

Geoff said: "Son of Alex Kennedy?"

"Yes, but definitely got appointed on merit. I've appeared against him in a couple of personal injuries matters. Always well ahead of the game."

"Wasn't he junior counsel to Terry Riley a few years ago, when Riley was murdered?"

"Yes, and he fingered the culprit. If he hadn't caused so much trouble, he would have got silk earlier."

We started gossiping about other barristers. Stories I'd heard several months or years ago came back around wearing new clothes.

My wine glass was empty and I wandered back to the desk. I was filling it up when someone said: "Hi."

I turned and saw a woman in her early thirties with hair pulled back to expose a broad, expressive face lightly dusted with makeup. She wore a plain white blouse and grey skirt. Was she visiting from another floor?

"Hi," I said warily.

"You're Brad Norton, right?"

I smiled. "You're not a process server, are you?"

She laughed. "Don't worry, I'm the new reader on the Floor."

All barristers had to spend their first year "reading" with an experienced junior barrister. Most floors gave free, if pokey, accommodation to one or two of them. Our clerk must have sent around an e-mail announcing this woman was the new reader, and I didn't open it. "Oh, then you're umm... sorry, I've forgotten your name."

"Helen Lawson."

Dick Lawson was our Head of Chambers when I arrived on the floor. Soon afterward, he was appointed President of the Court of Appeal. I mentally photo-shopped his face, to remove his sour expression, and saw a strong family resemblance. "Oh, any relation?"

"Yes, daughter."

The Bar often resembles a medieval guild into which parents introduce their children. They use their contacts to get them onto the right floors and obtain them work. Then, in the fullness of time, if they have enough muscle, they secure them silk and an appointment to the bench.

Dick Lawson obviously pulled strings to get his daughter onto our Floor and would pull plenty more to promote her career. Unless she had some deep mental abnormality—of which there was no sign—she'd go far.

I said: "Who's your tutor?"

"Frank Jeter."

Frank was a gangly guy with a big commercial practice whom I barely knew. "Let me take a shot in the dark: a friend of your father?"

A slight blush. "He was often Dad's junior."

And so it goes. "Is he feeding you work?"

"Some. I've also got some from other barristers on the Floor. I'm surprised at how busy I am."

I wasn't. Many of the barristers on the Floor were heavily indebted to her father. "What sort of work do you do?"

"Mostly commercial stuff, and some probate."

"No crime?"

"Zero. In fact, that's what I want to talk to you about. I've got to spend 10 days reading with a criminal law barrister. I asked Wayne Newhouse if I could read with him, but he refused and gave me your name."

The Bar Association would not give her a full practising certificate unless she spent ten days toddling around after a criminal law barrister. I said: "Why did Wayne refuse?"

"He said he's not a good role model."

I laughed. "That's very true."

"Really?"

"Yes, he's one of the bad boys of the Bar. He'd teach you stunts you should not try in court. So, he gave you my name?"

"Yes. Said you're a very promising young barrister."

"Hah. He was pulling your leg."

"Maybe. But can I spend some time with you?"

It would be churlish to refuse. "Sure, no problem. However, I'm not in court for a few weeks—just got lots of conferences with clients, and you won't enjoy them."

"OK. But when you do have a trial, you'll let me know?"

"Of course."

"Thanks."

She glanced at her watch and said she had a dinner to attend. As she wandered off, I looked around and decided to start my weekend as well.

Chapter 8

On Monday morning, I stepped out of a lift into the reception area of Thomas Erskine Chambers. Derek Hoogland, elbows on the counter, was talking to our receptionist, Tania Carmichael. That was not unusual. He was responsible for Floor administration and often had to talk to her. However, he disparaged her on Friday evening and now spoke to her in a low Afrikaans growl. "...You do that and you will regret it..."

She looked upset and Hoogland sensed my presence. He spun around and gave me a hawkish stare, tinged with guilt. "Ah, umm, good morning Ben." He glanced back at Tania. "I'll speak to you later."

He dashed off and I saw Tania was close to tears. "You alright?"

She stiffened her features. "Yes, yes, I'm fine."

"You sure?"

"Yes, of course."

"What was that about?"

"Oh, nothing—nothing."

It was obvious from Hoogland's comments on Friday evening and his behaviour just then that he was gunning for Tania. Maybe he had good reason and maybe, if I interfered, I would make the situation worse. Anyway, I couldn't roast Tania over a fire until she told me why Hoogland had upset her. That was how I rationalized my decision to do nothing.

I said: "OK, well, if you want to talk, come and see me."

"I'm fine."

I slunk off to my room and slung my backpack on a chair. Then I stood at the window, staring down at Phillip Street, watching lawyers and their clients hurry back and forth through the legal canyon. The local madman was wandering up and down in front of the Supreme Court tower, wearing a sandwich board that accused judges of corruption and various abominable crimes often levelled at Catholic priests. Every so often, he screamed something incoherent. Only the expletives stood out and hung in the air.

I wondered why Hoogland was upset with Tania. Was she incompetent as he claimed? Or did the nasty bastard have another agenda? Well, the whole affair wasn't my problem. I wasn't responsible for the administration of the Floor and I had plenty of other problems to deal with.

I'd just sat at my desk when the Floor clerk, Jeff Holland, stuck his head through the doorway, with several red folders under his arm. "Ben, have you got a moment?"

"Sure."

Jeff was a tall, thin man who inhabited a glass-walled cubby-hole near the lifts. He kept 30 massive egos happy with smooth diplomacy. Everyone thought he was Jeff's favourite. "It's about the Floor renovations."

Hoogland and the Floor committee he ruled with an iron fist wanted to renovate the Floor during the Christmas break. However, a majority of the Floor had to vote in favour before the renovations could go ahead. No vote had been held.

I said: "What about them?"

"I'm giving everyone a folder with the plans and some quotes from builders. Mr Hoogland wants to hold a Floor meeting this Friday evening to vote on them."

He handed me a red folder and my heart sank. I had hoped the idea would fizzle out. I should have known better. "OK, thanks."

"Alright. Any questions let me know."

As he turned to leave, I said: "Before you go, is our receptionist in trouble over something?"

He looked surprised and maybe suspicious. "Tania? No, why?"

Mentioning that I saw Hoogland bawl her out might get her into even more trouble. "Oh, nothing: just got my wires crossed."

"OK."

He disappeared and I wondered if his ignorance was an act. Hard to tell. To survive in his job, he needed more guile than Machiavelli. In any event, I had more pressing concerns, like the renovations. I nervously opened the red folder. Inside were artist's impressions of the proposed fit-out and quotes from three builders. The present dark-wood panelling, heavy furniture and overbearing bookshelves would disappear, and light walnut panelling and Scandinavian furniture would replace them. The bathrooms would be decked in marble. I already knew the quotes for the work would be ugly, and they were. They were all around the \$1 million mark, as if the builders had coordinated their bids, which they probably had. My share of the cost would be about \$30,000. My eyes swam. I almost cried.

Hoogland and the other commercial barristers on the Floor could easily afford to pay that much because their clients were much better at stealing money than mine. Hoogland probably raked in more than \$3 million a year. The personal injuries barristers, particularly those doing medical negligence work, would also find it easy. But the criminal defence barristers like me often represented the sick, crazy and poor on the government's meagre dime. Further, I was still paying off the \$300,000 loan I took out to buy my room. I did not need this hit to my finances.

I strolled around to Wayne's room and found him sitting at his desk, perusing the contents of his red folder. "What do you think?"

Wayne looked up. He had long hated Hoogland with a voluptuous passion. "I think I want to murder Hoogland."

"If you do, I'll represent you. Want a cup of coffee?"

"Sure, let's go."

We strolled around the corner to our usual café on Macquarie Street and sat at our usual outside table. A cool breeze was whistling down the street. Office workers slouched past holding paper coffee cups at chest level, as if carrying sacred objects.

I said: "I hoped the whole renovation issue would disappear, at least for a while. I can't afford \$30,000."

"Join the club. But that's chump change to Hoogland. He probably spends more on hubcaps for his German car."

"What's wrong with the present fit-out? It's only about ten years old."

"Hoogland thinks it's dated. He wants to make sure that, when partners of big law firms and captains of industry step out of a lift, they feel right at home. Did you see he wants to spend \$200,000 refurbishing the bathrooms—\$200,000 for God's sake—to make sure his clients can take a dump in the finest surroundings."

"Jesus, my clients are just happy to have toilet paper."

He laughed. "Mine too. I bet Hoogland has renovated his own home half-a-dozen times. Now he's bored and wants something else to spend his—our—money on. The guy is a maniac."

A majority of the Floor had to vote in favour of the renovations before they could go ahead. "Will he get the numbers?"

"Probably. I mean, Team Hoogland will vote in favour. That's five or six. He just needs the support of another ten idiots, and there are plenty of them."

I said: "What are you going to do?"

"Vote against it, of course."

"You going to speak against it?"

A long pause and even longer sigh. "I'm not sure. Probably not. I'll probably keep my head down, for once."

"That's not like you."

"I'm getting too old to fight over this sort of shit. It's going to happen anyway. You know, I was involved in civil wars on both of my previous floors. Boy, did they get nasty, and I was on the losing side both times."

"What caused them?"

He scratched an ear. "Can't remember, though the issues seemed important at the time. But I do remember that, on both occasions, everyone on my side suddenly retreated and left me fighting alone."

It was easy to imagine Wayne as a dead-ender. "I bet you loved that."

A frown. "It wasn't as funny as you think."

I remembered Hoogland's confrontation with our receptionist, Tania, that morning and described it to Wayne. "Any idea what that was about?"

"Nope."

"He also complained about her at drinks on Friday evening, so maybe she's on the way out."

"I wouldn't be surprised. He's hard on staff—very hard. I get on well with Tania. I'll ask her what's going on."

"OK. While I was at drinks, I also ran into our new reader."

"You mean, the lovely Helen Lawson?"

"Yep. She said she wanted to do her criminal reading with you, and you told her to speak to me."

A smirk. "Yes, I did. Frankly, I'm getting tired of young barristers, particularly female ones. They see me as an old fossil rather than a red-blooded male. It's so disheartening. So I thought of you."

"I assumed you objected to her lineage."

"You mean, the fact she's Dick Lawson's daughter? Nope. I don't like him, of course. He's a dickhead. But I don't hold that against her. I'm not that petty, yet. Did you agree to be her tutor?"

"Of course. It would be petty to refuse."

A sarcastic smile. "What a good man you are."

Chapter 9

Whenever I lost a criminal trial, I wanted to extract all lessons to be learnt as quickly as possible, then bury all memory of it in a deep hole in the back of my mind. Unfortunately, I often couldn't do that, because I still had to appear at the sentencing hearing.

The next morning, like a dog returning to its vomit, I went down to the Downing Court Complex for the sentencing hearing of Goran Milic before Judge Purcell. I met Clint Andersen inside the complex and we caught a lift down to the holding cells in the basement. A Sheriff's Officer showed us into a small interview room where our scowling client was waiting.

I had little to say to him. He had been sentenced several times before and knew the ropes. "We're ready for the hearing. Any questions?"

"Yeah. What do you think I'll get?"

"I reckon the judge will give you somewhere between six and nine years inside. So, if you behave yourself, you'll be out in five or six years."

He stood and strode around, looking agitated. "That's fuckin' bullshit. This time I'm innocent—fuckin' innocent."

I was tempted to agree. In fact, I wanted to apologise for losing the case. But that would just inflame the situation. "I'm afraid there's nothing we can do about that now."

"I've got ground for appeal, right?"

"I can't see any. The jury decided Hanrahan was telling the truth. The Court of Appeal won't second-guess that." It was definitely time to beat a retreat. "Anyway, we'll see you in court."

He shook his head as if he didn't hear me. "Fuckin' bullshit, that's what this is."

Clint and I slipped out of the interview room and asked a Sheriff's Officer to let us out of the holding area.

As we climbed the stairs, I said to Clint. "He's not a happy camper."

"That's his problem. We did our best. Don't kick yourself in the arse over this one."

We strolled into the courtroom and I saw the severe-looking Crown Prosecutor, Philip Drake, sitting at the Bar table. I sat beside him and tried to make conversation. That was not easy, because small-talk was not his forte. I bet he was hard work over lunch.

Then Judge Leon "Percy" Purcell came onto the bench. Percy was always pleasant and well-mannered on and off the bench. But his gentle demeanour hid a heart the size of a pea. He would do Milic no favours.

After Tony and I announced our appearances, the judge asked the Sheriff's Officer to bring the prisoner into court. A few minutes later, Milic emerged through a side door and sat in the dock, still scowling.

The prosecutor provided the judge with a printout of Milic's long criminal record and a pre-sentencing report that a correctional services officer, who interviewed Milic, had prepared. The report said Milic lacked contrition and his chances of rehabilitation were zero. As the judge read through the two documents, his face clouded over.

Prosecutors don't usually recommend that a judge imposes a particular sentence. Instead, they describe the sentences dished out for similar offences, to establish the appropriate range, and leave the final decision to the judge. That was what Philip Drake did. He spent 30 minutes referring to other sentences to establish the range, and sat down.

The judge gave me a crocodile smile. "Yes, Mr Norton."

My plea in mitigation lasted about 25 minutes. I argued that Milic's long and varied criminal record was not as bad as it looked and, despite the pre-sentencing report, he had good prospects of rehabilitation. The judge didn't buy any of that. His expression said that, while he understood I had a job to do, it was not much of one.

In a final flourish, I said that my client now accepted his guilt and was fully contrite. However, unfortunately, as I sat down, Milic yelled from the dock: "That's bullshit—I was fitted up. Hanrahan framed me."

The judge rolled his eyes and delivered his sentencing remarks. In a mild tone, he summarised the offence, the pre-sentencing report and Milic's previous convictions. "The evidence before me clearly shows the prisoner has no reasonable prospects of rehabilitation and is highly likely to reoffend. Further, he obviously has no remorse. That increases the need to punish the defendant."

After citing sentences handed down for similar offences, the judge sentenced Milic to eight years behind bars, with a six-year non-parole period. I thought that was a little high. But it was well within the range. There was certainly no ground for appeal.

The judge looked at the three Sheriff's Officers. "Please remove the prisoner."

Before they did, I stepped over to Milic and shrugged. "It could have been worse."

"It shouldn't have been anything. Total bullshit."

On that note, the Sheriff's Officers hustled him through the door behind the dock.

The judge went off the bench and I stuffed my brief into my bar bag.

As I headed for the rear door, with Clint behind me, I saw Detective Inspector Carl Hanrahan sitting at the back of the courtroom, watching me. Shit. My heart missed several beats, and then another. When did he slip in? He was obviously there to gloat.

He was the last person I wanted to see. However, I could not avoid him. When I got close, he smiled. "Your client didn't look happy."

"Why should he? He was fitted up."

A casual shrug and a stifled yawn. "You know that's not true. But, if it is, it doesn't say much about you, does it? Anyway, better luck next time."

I tried to think of a cutting comment. But he won and I lost. I would just look a bigger fool. I pushed through the door and took a deep breath.

"Forget about it," Clint muttered.

Chapter 10

A meteorologist would describe the atmosphere during most Floor meetings as balmy with a risk of sudden thunderstorms. Those present usually engaged in endless debates about what flowers to put in the reception area, what coffee pods to buy for the kitchen, what paintings to hang on the walls and so forth. However, every so often, for no apparent reason, old grudges were dug up and nasty words exchanged. I'd been to a few where barristers almost came to blows.

I tried to avoid them. However, I had to attend the meeting that Friday because the proposed renovations would cost me a lot of money. When I walked into Derek Hoogland's room, most of my colleagues were already present, many looking tense and clutching red folders. The conditions seemed ripe for a thunderstorm.

All chairs were taken, so I leaned against a bookshelf, beside a reproduction *Ancien Regime* standing clock. Wayne Newhouse stood opposite, in front of the window. Would he honour his vow to stay out of the fray? His nervous toe-tapping—like a boxer waiting for the bell—suggested otherwise.

Hoogland stood beside his desk talking to a birdlike woman in her mid-thirties. Nearby, a fat barrister, sitting on a delicate antique chair, shifted his weight and made Hoogland wince. Our Head of Chambers clapped his hands together. "Ladies and Gentlemen, we'd better get this meeting underway. We obviously have a quorum. The only item on the agenda is the proposed Floor renovation. The committee believes the fit-out is very tired and needs an upgrade. Everybody should have the plans and quotes from three builders. If not, I've got a few spare copies here... No? As you can see, the builders each think the work will cost about \$1 million. If we proceed, a levy will be imposed on all members.

"Now, this is Barbara Ferguson, who specialises in designing commercial fit-outs. She did my room and, I think you'll agree, did a very impressive job. I will get her to explain the proposed design."

He stepped back and Barbara Ferguson stepped forward. She was a tense looking woman with a tennis tan and pony-tail. She explained that the present fit-out was too heavy, dark and decorative. The modern trend was for workplaces to have light colours that make them airy and functional; the public areas were supposed to look joyful and accessible, with a "wow" factor. "I have tried to incorporate those principles into my design. Thank you."

The news that she designed Hoogland's room did not enhance my respect for her. Hoogland rose from behind his desk and spoke confidently, as if a yes vote was already in the bag, which it probably was. "Thank you, Barbara. Now, the big question is whether we proceed with the proposed plan and, if so, which quote to accept. Does anyone want to say anything?"

I expected that, after his dovish comments, Wayne would at least hesitate before joining the fray. Nope. He took a half-step forward. "I think that, out of courtesy to Ms Ferguson, she should be asked to wait outside while we discuss this matter."

Hoogland frowned. "I don't think that is necessary."

"I do."

"Why?"

"It will encourage a frank exchange of views."

After a long pause, Hoogland frowned and looked at the fit-out designer. "Barbara, will you please wait outside."

Looking mystified, she nodded and departed.

Hoogland glanced around. "Does anyone have anything to say?"

I expected Wayne to lead the charge. However, he said nothing while several Floor members spoke in support of the proposal. Most were junior barristers with seats on the Hoogland gravy train. A few queried whether the work could be done more cheaply. Hoogland assured them the committee had done everything possible to get the lowest price.

I almost giggled. The idea that a committee of barristers could extract a good price from builders - who regard barristers as natural prey - was laughable. At most, the committee persuaded the builders to take off the most outrageous layer of profit.

However, Hoogland didn't have it all his own way. Several present, mostly criminal law barristers, questioned whether the renovations were really necessary. Hoogland looked annoyed and kept biting his lip.

I was one of the most junior members of the Floor and didn't want to rock the boat for no good reason. I would keep quiet and vote against the proposal at the end.

I kept an eye on Wayne, who stood with his arms akimbo and toe-tapping frenetically. Eventually, he uncrossed his arms, pushed away from the wall and gave Hoogland the stare that made even hard-nosed judges tremble. "In my opinion, the present fit-out looks fantastic. It's good for at least another ten years. These renovations won't add a red cent to my income. My solicitors and clients won't give a damn. In fact, they'll probably think I'm overcharging them to pay for it."

Hoogland's scowl came from the deepest region of his soul. "I'm sure your solicitors and clients don't care what the Floor looks like. But most of us have solicitors and clients who do. When they turn up to see a barrister, they expect the Floor to look smart and elegant, not like a funeral parlour."

Wayne's cheeks went radioactive. "Rubbish. I can't believe you and the rest of the committee have wasted so much time and energy on this bullshit. Don't you have better things to do, like look after your clients? There's nothing wrong with the present fit-out. But you want to spend over \$1 million on a whim. Jesus, the only thing 'wow' about your proposal is the price."

Someone behind me muttered: "The stink is on."

Hoogland squeezed his eyes together. "How dare you. The committee has worked very hard on this for the benefit of the Floor."

"Bullshit. This is for your benefit, not mine. You're just wasting my time and money."

To my surprise, Bert Olsen, who had looked asleep because he probably was, rose to his feet. "Gentlemen, please keep this civil."

Heads shot around. Though the sun had set on Bert's career, he still had a big reputation. Indeed, he would be our Head of Chambers if he had the slightest interest in Floor politics and administration.

He hitched up his pinstripe trousers. "There's obviously a major disagreement over the renovations. We've always been a harmonious Floor and need to get this right. I think the committee should consult with members who have objections and get their feedback. Maybe some can be accommodated and savings can be found."

Hoogland looked like flames were about to shoot from his ears. "That is not possible. The design is an organic whole. You can't just snip off bits and pieces. That will ruin the whole concept. If the Floor has no confidence in what I've done, I will resign."

Wayne said, calmly: "Do you need a pen and paper?"

Bert raised his hands: "Gentlemen, gentlemen, please control yourselves. We don't need this conflict. These renovations are supposed to make everyone happy, not unhappy. Let's stand over this meeting and see what compromises can be found."

Hoogland said: "There can be no compromises."

"Let's try anyway."

Bert was the only person on the Floor with the authority to make the warring parties back down. While many barristers voiced their support for his proposal, Wayne stood like a boxer between rounds. He even flexed his shoulders to stay limber. Soon, he'd start jogging on the spot.

Thomas Blackett, a silver-thatched commercial silk, notorious for settling rather than fighting cases, stepped forward. "Gentlemen, gentlemen. Bert is right: this isn't helpful. Let's put this on the back-burner and look for some common ground."

Hoogland seemed to be gnawing an invisible bone. But he saw the writing on the wall and nodded. "Alright, the committee will get more feedback."

"Good."

"This meeting is adjourned," he snarled.

As everyone slouched out, someone behind me muttered: "Jesus, I didn't join the Bar to argue about fuckin' furniture."

I trailed after Wayne, who headed back to his room, whistling merrily. Once there, he flopped into the chair behind his desk, looking satiated. He looked at me. "Well, that felt good. I wish I could scream at Hoogland every day."

"You said you weren't going to cause trouble—you were getting too old for strife."

He feigned surprise. "Did I say that?"

"Yes."

A smile and shrug. "Well, I couldn't help myself. Something about him drives me totally nuts. Someone had to stand up to him." He frowned. "I was hoping you'd back me up. What happened?"

"I didn't get a chance. Bert stepped in before I could. Anyway, all I would have done was diminish your glory."

He smiled. "Mmm, that's true, very true. Boy, I can't wait for the rematch."

"You mean, you won't compromise?"

"Of course not. The man is a menace to the human race. Someone has got to stop him."

I was about to laugh when I realised he was probably serious.

Chapter 11

On Monday morning, calm returned to Thomas Erskine Chambers. Barristers are good at having verbal stoushes and forgetting them the next day. So everyone was polite and well-mannered, including the main combatants—Wayne and Hoogland—who steered clear of each other.

The only person who seemed upset was our receptionist, Tania Carmichael. She had lost her chirp and I wondered if that was due to Hoogland's behaviour. I made a mental note to find out why she was off-colour, but got distracted. Then I arrived at Chambers on Wednesday morning and found a new receptionist behind the front desk. She was in her early twenties, with a blonde bob and pert features. To her credit, she already looked bored.

I said: "Hello, I'm Brad Norton."

"Hi, I'm Jenny."

"Where's Tania?"

"You mean, the woman before me? Don't know. The agency sent me over here this morning."

"Is she coming back?"

"No idea, I'm afraid."

"OK. Well, any messages for me?"

"You said you're Mr Norton?"

"Yes."

"No."

I did not have a personal secretary because the Floor receptionist answered my phone and I was a dab hand at typing. But many barristers regarded typing as a dark art and even had to dictate their e-mails. Three of them shared a secretary called Margaret Hagar, who sat in a cubicle just outside my room. She was a chubby woman in her early forties, with sparkling eyes and a loud laugh.

I caught her reading the *Sydney Morning Herald* and nibbling a piece of toast. "You look flat out."

A cold eye. "I'm having a well-deserved break."

"You just got to work."

"Yesterday was a tough day."

"Of course." I leaned over her cubicle. "There's been a personnel change at the front counter."

A penetrating stare. "Oh, you noticed?"

"Yes. Our Dear Leader didn't seem to like Tania. Did he give her the boot?"

"Yes."

"Why? She seemed OK."

A roll of the eyes. "You don't know much, do you?"

"I'm a bit slow. But it hasn't held me back, yet. What happened?"

She glared. "You really want to know?"

Maybe I didn't. But I didn't want to look like a coward either. "Umm, yes, I suppose so."

"Hoogland tried to grope her and she said *no—that's* what happened."

I was shocked, but not surprised. All I knew about Hoogland's personal life was that he was married with a couple of grown-up kids. But anyone as intense and sanctimonious as him obviously had a lot of dark juices bubbling around inside.

"So he sacked her?"

"He told the clerk to sack her. Complained she was incompetent. But that was just a smokescreen."

"You think he groped her?"

Margaret scowled. "Of course he did. Tania's a good girl and he's got form, you know? He's done that before and gotten away with it. He's a sick puppy."

"Shit, I didn't know that."

She stared like a sniper. "He keeps doing it because nobody stops him. It's time someone did."

She was obviously inviting me to act. Thanks, but no thanks. I was a junior member of the Floor, trying to make a living. I couldn't prove that Hoogland groped Tania or anyone else. But, even if I could, nobody would listen to my complaints. That's what I told myself, anyway. "I'm sure your right."

"You mean, you're going to sit on your hands too?"

"All you've got is hearsay and rumour—not evidence."

"Hah, thought you'd duck the issue. You know, you're even *more* useless than my husband."

Margaret liked to say her husband was useless as a burst appendix. I slunk off to my room, knowing that I would not see her jolly side for quite a while. I would miss that.

I had arranged to have a conference that morning with a solicitor called Bill "Tex" Russell and his client, Thomas Clarke. A few months ago, police raided Clarke's home in far-western Sydney looking for stolen property and found 80 hydroponic cannabis plants in the rear shed. In his report, a police horticulturist described them as "well-formed, well-nourished and thriving". The police charged Clarke with cultivating cannabis for sale.

Tex Russell had briefed me to advise Clarke on his chances of successfully beating the charge. After reading the prosecution brief, I quickly decided he had none. Now, I had to deliver the bad tidings.

At 9.30 a.m., the new receptionist phoned to say the pair had arrived. I went out to the reception area and greeted them. Tex Russell was mousey bloke wearing a pure synthetic suit. Whoever bestowed his nickname was being ironic. However, I had a soft spot for him, because he paid my bills promptly. That made him a prince among men.

As a mark of respect, Clarke wore a rumpled business shirt and anaemic blue tie. A rat tattooed on his neck peeked over the frayed collar. For him, life was a transaction during in which very little money changed hands.

As I escorted them to my room, I smelt a heavy aroma of weed. It was possible, but unlikely, that Tex was the source.

They sat in chairs facing my desk. I sat behind it and looked at Clarke. "I've read the brief that Tex sent me. The prosecution claims you cultivated the 80 plants for sale."

"Nah, not true. I grew 'em for personal consumption." His slow speech, foggy eyes and droopy eyelids gave some credence to that assertion.

I raised an eyebrow. "Eighty plants?"

"Yeah, what's wrong with that? Lots turned out to be male plants, which are useless. You can only smoke the females."

"But, according to the police, you grew about \$100,000 worth of dope every month."

"Yeah, but I didn't sell it to anyone, right? The cops can't prove that. Who's gonna come along and say they bought dope from me? Nobody, right?"

"They don't have to prove you sold any. Because you had so many plants, the *Crimes Act* puts the onus on *you* to show they were for personal consumption."

A droopy eyelid popped up. "What anus? What's my anus gotta do with this?"

"No, o-nus. It means, the burden of proof."

His eyes shone with semi-intelligence. "Yeah, I get it. People say I'm stupid, but I got a brain somewhere. Well, put me in the witness box and I'll tell the jury I love a good bong: smoke 'em day and night."

Eighty plants. He sounded crazy; he *was* crazy. I shrugged. "Well, that's up to you. But you should seriously consider pleading guilty."

"Nah. Put me in the box; I'll explain everything. The jury'll believe me."

Only if they're also stoned. "That's up to you. But your prospects of acquittal are very, very slim."

"But the cops was lookin' for stolen property. They can't turn up for one reason, and charge me for another."

"I'm afraid they can."

"That's not fair. I thought me home was me castle."

Did he really think the cops could ignore 80 dope plants? "Maybe, but that's the law. You don't like it, you should take it up with your Member of Parliament."

Clients never like hearing that their barrister cannot abracadabra charges away. A flash of anger. "You mean *you* can't win this for me?"

"I don't think anyone can win it, honestly."

"Tex told me you was good."

I obviously wasn't going to be his barrister much longer. "I think I am good. But I can't climb into the jury box and deliver the verdict. It's my job to tell you the truth and that is what I'm doing."

Tex stopped staring out the window and looked apprehensive. "Thomas, I can assure you that Brad is good—very good."

I was tired of humouring our idiot client. If I lost the brief, so be it. "Maybe, but I can't work miracles."

Clarke said: "That's your job."

Who was he to talk? If he'd done his job better, he wouldn't be sitting in my room. I stifled a sigh, got to my feet and stuck out my hand. "I can only promise to do my best, which I will do. We'll speak again."

He disconsolately shook my hand and followed Tex out the door. I sensed I wouldn't see him again. He'd find a barrister who filled him with confidence, took his money and said goodbye when he was sentenced to gaol for a long stretch.

I didn't have to wait long to get the boot. Half-an-hour later, while reading through another brief, I got a call from Tex Russell, sounding a little embarrassed. "Ah, Brad, I've got some bad news."

I braced for the bullet. "Really?"

"Yes, well, umm, the client's decided that, well, he wants a second opinion."

"You mean, someone who'll tell him what he wants to hear?"

"Well, yes, I suppose."

"Have you advised him to plead guilty?"

"Umm, not exactly. I mean, you've already given him that advice. I don't want to go over old ground and he won't listen anyway. He's clearly sucked far too many bongos."

Tex was obviously racking his brain for the name of a barrister who would give his client optimistic advice. A tough chore.

I said: "Well, it's up to your client."

"Don't worry, I'll make up for this with another brief."

In other words, I wouldn't hear from Tex again.

Chapter 12

Half an hour later, I was still moping over the loss of Tex as an instructing solicitor when Wayne Newhouse bowled into my room wearing his usual rambunctious smile. He stopped and sniffed the air like a bloodhound. "What's that smell? Have you been smoking dope?"

"No, my previous client was."

"Hah, better not let a jury smell him."

"He's no longer my client. Didn't appreciate my straight talk."

"They rarely do."

I leaned back. "What's up?"

He cavalierly threw a leg over a corner of my desk and looked like he'd just been appointed to the High Court. "I've got an interesting new brief."

"Really? Who are you acting for?"

"Complainant in a sexual harassment suit."

"That's not your field."

"I know. But I'm doing this one as a favour."

"Who's the complainant?"

A super-smug smile. "You know her: Tania Carmichael, our former receptionist."

I almost fell off my chair. "You're kidding?"

"Nope."

She must be suing a barrister on the Floor. I recalled my conversation with Margaret Hagar. Holy Moses. "You mean, she's suing Hoogland?"

A deep frown. "Shit. How do you know that? You've ruined my fun."

"Sorry. But she's suing him, isn't she?"

"Yup. How did you guess?"

"Bits and pieces I've seen and heard. So, you're going to represent Tania in a claim against Hoogland?"

Wayne almost licked his lips. "Yup, I can't wait."

Wayne was fully entitled to represent someone suing a colleague on his Floor. Indeed, the cab rank principle required that he do so. Of course, Hoogland and his acolytes would claim he was being disloyal in some way. But most barristers on the Floor would accept that he was just doing his job. Indeed, I suspected that many, like me, would fully approve.

I mentally rubbed my hands with glee at the prospect of watching this showdown from a comfy ring-side seat. "Does Hoogland know you'll be representing Tania?"

"No. He hasn't even been served with the papers yet."

"He'll go berserk."

Wayne beamed. "I hope so. I'll show him what happens when you try to stick me with a \$30,000 bill for renovations."

"So, you're doing this for revenge?"

A smile. "Not just revenge. I like Tania and his behaviour was appalling. Revenge will be the cherry on top."

I was rather proud of him. His personality had plenty of sharp edges and pointy bits that annoyed people, and sometimes I thought he should be wearing a back-to-front jacket. But he was no coward or flunkey. He litigated with every drop of testosterone in his body.

I said: "How'd you get the brief?"

"I've always got on well with Tania. So, after she got the sack, she came and saw me. She told me how Hoogland kept making dirty suggestions and tried to grope her. When she resisted, he told the clerk to give her the boot. Anyway, I put her in touch with a solicitor I know and he sent me the brief."

"You think she's telling the truth about Hoogland?"

"Of course. She wouldn't lie about something like that. And, to be frank, I've always thought he was a spooky bastard. I wouldn't want to peek behind any doors in his head."

"Have you spoken to anyone on the Floor committee?"

"Yeah, a few of them, but they say it's got nothing to do with them. They've got their heads in the sand."

"Hoogland and some of his pals will be upset with you. But I guess you don't care."

A smile. "Hah. Watch me play the world's smallest effing violin."

Chapter 13

I spent the next few days preparing for a drug importation trial. However, on the morning of the trial, I cut a deal with the prosecutor that saw my client plead

guilty to one of the lesser charges against him. If he behaved himself inside, he would probably be out in about three years.

The next morning, I got a call from Clint Andersen, the solicitor at the Legal Aid Office who briefed me in the Milic matter.

"Yes, Clint, what's cooking?"

As usual, he sounded like he was still waking up. "Got another brief for you."

After losing a trial, it's always a relief when your instructing solicitor offers you another brief, even if he is from the Legal Aid Office. "Really? What sort?"

A long pause and a smile in his voice. "Murder."

My heart set up a backbeat. "Great. Who'll be leading me?"

"Nobody. You'll be on your own."

Wow. I had been at the Bar for six years, learning my trade in the lower courts, waiting for the chance to strut my stuff in a murder trial. I thought it would be several more years before I could. Now, the opportunity had jumped out of nowhere.

My hand holding the phone developed a film of sweat. "Is it set down for trial yet?"

"Yes."

I prayed I was available. "When?"

"It starts on 29 October and will run for about a week. You free?"

About a month away. I flipped open my diary and checked to make sure I was available. I was. Normally, I'd ask for a few details about a case before admitting I was available to appear at the trial. But this was the Big M. I'd work for nothing. "I'm available. Why aren't you getting silk?"

"Because Legal Aid doesn't pay enough to get good silk, and I'm tired of hiring second-rate bastards too lazy to read the brief. At least you do your homework and listen to advice."

"I'll take that as a compliment."

"You should. I also thought of you when I saw the names of the arresting officers."

"Oh, why?"

A dramatic pause. "One of them was Detective Inspector Carl Hanrahan."

Bad memories flooded my mind and my stomach dropped. I had hoped to never hear his name again. "You're kidding?"

"Nope. And, just like last time, our client claims he planted evidence. So you'll get to duel with him again over that same issue. You ready for Round Two?"

Definitely not. My stomach clanged on the ground. "Are you sure you want me? I lost the last duel."

"Not your fault: you had no ammunition."

"Will I have any this time?"

A pause. "Ah, no, I don't think so."

I sighed. "OK. You'd better tell me the full story. Who's our client? Who's he supposed to have murdered?"

"Our client's a 25-year-old Vietnamese guy called Tuan Ho. He's got several convictions for selling heroin on the street and done three spells inside. There's no suggestion he's big-time. Anyway, about six months ago, he murdered—sorry, allegedly murdered—a drug boss called Vincent Lee in his office behind a

restaurant in Cabramatta. The prosecution claims Tuan walked into the office and shot Lee dead—bam, bam, bam."

"Why? Didn't like the food?"

"The prosecution claims he robbed the safe—it was found open—and stole the contents."

"What were they?"

"Nobody knows."

"Does the prosecution have much evidence?"

"Plenty: CCTV footage shows Tuan Ho enter and leave the office about the time of the shooting, and the murder weapon was found in his apartment."

I groaned. "His apartment?"

"Yep. After he was arrested there, the next day, a forensics unit found the murder weapon in a wardrobe."

"Yet, he still claims he's innocent?"

"Sure does. He claims that, when he strolled into the office, Lee was already dead on the floor, chock-full of bullets."

"But he didn't call the police?"

"Nope. He was afraid they'd accuse him of murder."

"I get that, I suppose. But how does he explain the pistol found in his wardrobe?"

"He claims an arresting officer planted it."

"Oh, you mean, our pal Hanrahan?"

"Correct-o."

"Why did Hanrahan want to frame him?"

"Our client has no idea. Says the first time he met Hanrahan was when the guy turned up at his apartment, with another detective, to arrest him."

I felt a stab of panic. The last time I went head-to-head with Hanrahan, he handed me my arse, and I feared a repeat. But I couldn't cave in to fear. If I did, I wouldn't stop running. I had to treat this brief as a chance for revenge.

"OK. Where's our boy right now—in custody?"

"Yep, in Silverwater. He couldn't get bail: way too many priors."

"OK. Send over the brief. After I've read it, we'll go out and see him."

"Will do."

I didn't try to negotiate a decent fee. I would get the standard pittance the Legal Aid Office doled out, and no more.

After hanging up, I rose and paced around the room. In my first murder trial, I would have to cross-examine a cop who previously gave me a beating. I hoped I was ready for this challenge - I really did.

Chapter 14

The next morning, while sitting in my room reading a brief, I got a call on my mobile phone and saw it was from Adrian Calhoun. That was a little odd. He didn't

usually call during the day. Maybe he wanted to arrange lunch. I took the call and heard a distressed voice. "Brad, is that you?"

"Yes."

He sounded like he was being tortured. "It's Adrian. I'm in deep shit."

"Why?"

"I'm at a police station right now—the one near Darling Harbour. I've been charged with insider trading. They claim I conspired with Colin Douglas."

Oh shit. "Really?"

"Yeah, they arrested me at work and brought me down here. Marched me through the trading room, in front of everyone."

I pulled myself together and tried to think like a lawyer instead of a friend. "How long have you been at the station?"

"About half an hour. They've already charged me. I think they're about to arrest Colin and charge him too."

"Have you talked to the cops?"

His voice had a big crack in it. "They asked if I wanted to do a recorded interview. I said I wanted to talk to a lawyer."

"Good move. Don't say anything, OK? Nothing. Are they going to give you bail?"

"They said I have to apply to a magistrate."

"OK, OK. I'm heading down there right now. You'll need a solicitor. Do you want me to bring one?"

"Yes."

"OK. I won't be long."

"Thanks mate. Jesus Christ, hurry."

"I will. In the meantime, don't talk to the cops—tell them nothing."

I hung up and took a few deep breaths to compose myself. Then I phoned Sandy Westbrook, easily the best criminal defence solicitor in private practice I knew. I quickly explained the situation, and asked if he would represent Adrian and meet me at the Central Police Station.

He said: "Yes."

"OK. I'll see you outside the station in fifteen minutes."

I dashed outside. A taxi sped me down to a glass-fronted building near Darling Harbour. I was a couple of minutes early, but Sandy was already waiting.

There are two types of solicitor: those who create problems for their clients and those who solve them. Sandy was the second type. Short and thickset, with heavy eyebrows and pouchy face, he looked dodgier than most criminals he represented. But looks deceived. Apart from being very experienced and whip-smart, he really climbed down into the trenches with his clients and fought hard to save them.

I said: "Thanks for turning up. Let's go inside."

We strolled through glass sliding doors into the main foyer. A uniformed sergeant with a tight bun and tighter expression sat behind the counter.

I said: "Morning, officer. We're the lawyers representing Adrian Calhoun. You have him in custody. Can we see him?"

She glanced at a pad in front of her. "Detective Inspector Watson is the arresting officer—I'll contact him."

She picked up a telephone, called Watson and explained our mission. After listening briefly, she hung up. "He'll be here shortly."

A minute later, a lift door opened. A rail-thin man, with sharp features and wearing a blue day-glo suit, stepped out and announced he was Detective Inspector Watson. Sandy and I introduced ourselves and everyone shook hands.

I said: "I just spoke to Adrian Calhoun on the phone. He said you've already charged him."

"Correct."

"Got the charge sheet?"

Watson fished a folded piece of paper out of his jacket and handed it over. "Here's a copy. Basically, twenty counts of insider trading. We allege one of his friends, Colin Douglas, worked for a share brokerage firm. Douglas tipped off your client about big share trades the firm was going to make and your client hopped into the market first. A guaranteed money-spinner. During the last two years, they netted about \$2.5 million."

Wow. If the prosecution proved those allegations, Adrian would go to gaol for a long time. "Thanks. What's happening with Douglas? You going to charge him?"

"Yes. Some detectives are heading over to his workplace right now. We're going to charge him with the same offences. We've got a strong case against both. The evidence includes phone taps and text messages. So, will your client let us interview him?"

"Pigs will fly first."

A laugh. "Though you'd say that."

Sandy said: "You going to release him now?"

"Nope, you'll have to ask a magistrate for bail. It's a serious charge. We're worried he might flee the country or contact potential witnesses."

No point arguing. "When can you get him before a magistrate?"

"We're taking a couple of other prisoners over to the Downing Court Complex in about twenty minutes. We can add him."

At least Adrian would not have to spend the night in the cells before applying for bail. "I'll be obliged if you do."

"I'll arrange it."

"Good. Can we see him now?"

"Of course. He's down in the cells. Follow me."

Watson led us over to the lifts and we caught one down to the basement. On the way, I skimmed through the charge sheet to confirm it alleged 20 counts of insider trading over the last two years.

We all stepped from the lift into a small area where two uniformed officers sat watching a wall of surveillance screens. Watson unlocked a heavy iron gate and led us down a passage with cell doors on each side. The last door was open. Inside, Adrian, wearing a designer suit and no tie, sat on a bare foam bed. Plenty of my clients have looked upset or frightened after being arrested. None looked as disoriented as Adrian. He had always had the "success" card in his back pocket. Now he had tumbled from heaven and landed in a strange world. His worst nightmares did not prepare him for this. "Brad. Thank Christ. This is unbelievable."

"We're here to help."

The Detective Inspector said: "I'll come back when it's time to take him to court."

I said: "Thanks."

Watson left and I turned to Adrian. "This is Sandy Westbrook. He's a solicitor with lots of criminal law experience."

Adrian nervously shook Sandy's hand. "Thanks for coming."

I said: "You're in a right pickle, aren't you?"

"I know. But it's bullshit—all bullshit."

The charges didn't sound like bullshit to me. Adrian was an old and close friend, and I wanted to believe him. But he often gambled on shares and horses. Maybe he needed quick money. My mind flashed back to Adrian and Colin in the *Grease Monkey Bar*, several weeks ago, high-fiving to celebrate a successful transaction. Was that transaction an insider trading scheme? I bet it was. "I understand. But we don't need to discuss the details right now."

"OK. Do you know if they've arrested Colin? The cops claim he was my accomplice."

"Watson said they expect to arrest and charge him sometime this morning. But forget about him. Your top priority right now is to get out of here. I guess you've been told you need bail?"

"Yes."

"The police will take you to Downing Court Complex in about twenty minutes. Sandy and I will wait for you there. When you're brought up before a magistrate, I'll ask for bail."

"Will I get it?"

"Yes. There will be conditions. But it won't be a problem."

He put his head in his hands. "Jesus, I just want to cry."

"I understand."

Sandy and I explained how the court system would deal with the charges against him, and his options, until Watson returned on schedule.

Watson said: "Alright, time to take him to court. I'll let you two gentlemen out first."

Sandy and I farewelled Adrian and followed Watson up to the foyer, where we said goodbye to him. It took us ten minutes to walk to the Downing Court Complex and catch a lift up to the fifth floor, where a dozen courtrooms surrounded a large waiting area.

We located the courtroom in which the Local Court bail magistrate was sitting. It was crowded because she was also sentencing drink-drivers who had pleaded guilty. We found a couple of seats in the gallery and listened to the police prosecutor and the solicitors for the defendants argue over the appropriate punishment. Driver's licences were cancelled willy-nilly. After about twenty minutes, Detective Inspector Watson and a female colleague entered and approached the bar table. Watson spoke briefly to the bulky police prosecutor and gave him some documents.

When the magistrate finished sentencing the defendant before her—another cancelled licence—the police prosecutor announced that prisoners wanted to apply for bail. Those in custody always had priority. The Magistrate ordered that the first prisoner be brought into court.

The side door behind the dock opened and a couple of hard-looking Sheriff's Officers escorted Adrian into the dock. He sat down and everyone stared at him. He was less well-groomed and poised than usual. But he obviously belonged to a

social class that rarely intersected with the criminal courts. It was as if he got lost and accidentally wandered into the dock.

The magistrate said: "Is the prisoner represented?"

As I headed for the bar table, I glanced around to see if Watson had tipped off any journalists about the bail application. No sign he had. Excellent. I looked at the Magistrate. "As the Court pleases, my name is Norton. I appear for the prisoner."

"Thank you, Mr Norton."

The police prosecutor provided the Magistrate with the charge sheet and a fact sheet that summarised the main allegations against Adrian. He provided me with copies of both documents. I skimmed through the fact sheet, which alleged that Adrian and Colin used inside information to make 20 different share trades that netted them approximately \$2.5 million. There was a list of each trade and the profit made.

The police prosecutor said that bail should only be granted on the basis that Adrian report to a police station every few days, surrender his passport and agree not to approach Colin Douglas or any potential witnesses. I said the prisoner accepted those conditions.

The Magistrate then granted bail on those conditions and stipulated that, if Adrian breached any, he would forfeit \$50,000. Because she released him on his "own surety", he didn't have to lodge the money with the court.

The Magistrate looked at Adrian. "Mr Calhoun, after you've signed a copy of the bail form, you're free to go."

The Magistrate's Associate typed up a bail form on her computer and printed it out. She gave it to Sandy, who got Adrian to sign it. Sandy handed it back and Adrian stepped out of the dock, clearly shaken.

I nodded goodbye to Watson. We strolled out of the courtroom and caught a lift to the ground floor. As we descended the front steps, I looked around nervously for TV cameras or reporters. None, thank God. The cops love running media campaigns in high-profile cases. This time they were obviously a bit slow off the mark. But they would soon issue a press release that announced the charges. It would get saturation news coverage.

I said: "I think a cup of coffee's in order."

We went around the corner to a crowded cafe that Sandy and I sometimes frequented. Adrian slumped in a chair, looking shattered. A waiter appeared and we all ordered coffee.

Adrian sighed. "Thank God I'm out of there."

I said: "You haven't spoken to your parents yet, or Rowena, have you?"

He looked ashen. "Not yet."

"Do that as soon as possible. The Federal Police will put out a press release fairly soon saying you and Colin have been charged with insider trading. Then the balloon will really go up."

He looked like I had slapped him. "Oh, Christ."

"Do you want me to come with you when you talk to them?"

"No, I'd better do that myself. Rowena's office is about a block from here. I'll see her first, then my parents."

"You sure?"

"Yes."

I was secretly relieved to avoid what would be painful scenes.

Adrian grimaced and stretched his arms. "Christ, this is a nightmare. The charge is total bullshit, of course. But, umm, if I'm found guilty, will I go to gaol."

Judges rarely get to sentence white-collar criminals and, when they do, like to show the legal system punishes the high and low with equal vigour. So, if Adrian pleaded guilty, a judge would probably give him about four years, non-parole. If he was convicted after a trial, he would probably get a couple more years. "That's almost certain."

"Hell. So what happens next?"

"Obviously, you've got to comply with your bail conditions. Don't play games. Sandy will also have to instruct a barrister to represent you at the next court date, when you'll be expected to enter a plea. The barrister will advise you on your prospects and how to plead."

"Will you represent me?"

I shook my head. "Sorry, I don't represent close mates—it's not smart—and you can afford the best, so you should get the best. Sandy will organise someone."

"I want you."

I shook my head. "Mate, it's not an option. I could not be objective; my judgement would be distorted."

A frown. "You sure?"

"Yes."

A sigh. "OK. So, who's the best?"

I looked at Sandy. "Frosty O'Toole?"

A nod. "I'd pick him."

Adrian said: "He's good?"

I could count on the fingers of one hand the number of silk I admired. Dennis "Frosty" O'Toole was one of them: a vinegary warrior with good judgement and plenty of courtroom cunning. If he thought Adrian should plead guilty, he would not mince words. "He's excellent. In your shoes, I'd brief him."

"OK." Adrian turned to Sandy. "Will you bring him onboard?"

"Sure."

Our coffees arrived. Adrian hastily gulped his down, lurched to his feet and emitted a long sigh. "I'd better speak to Rowena and my parents before they hear about this on the news. Jesus, this is going to be hell. My life is now a smoking ruin."

I tried to keep my distance from clients caught in the maw of the criminal justice system. Getting personally involved did not help them or me. But I felt Adrian's pain. He had entered a long tunnel from which he might never emerge.

I said: "You sure you don't want me to go with you?"

"No, I've got to do this on my own."

"OK. But we'll go bike riding on Saturday morning, right?"

"Of course."

I rose and gave him a long hug. "Life is hell right now, but things will get better—believe me."

A long, grey sigh. "I doubt that—I really do. OK, I'll speak to you both later."

He tried to straighten his shoulders, without success, and stumbled off into a dark future.

Chapter 15

That evening, every television news program reported the charges against Adrian and Colin. While the newsreaders described them, photographs of Adrian and Colin, and footage of the office buildings in which they worked, appeared on the screen.

I still felt depressed when I got to work the next morning. Fortunately, I had a big distraction. The brief from the Legal Aid Office in *R v Tuan Ho* sat on my desk. There were three white folders and a short covering letter from Clint Andersen. The letter followed the standard formula.

"The Legal Aid Office acts for Mr Tuan Ho who has been charged with murdering Mr Vincent Lee on 27 July last year. Counsel is instructed to advise and appear on behalf of Mr Ho at the trial of this matter."

The first document in the folders was the charge sheet. The next was a witness statement of Tuan Ho that Clint drafted after interviewing him in prison. After that came the "Prosecution Brief" served on Clint. It contained numerous witness statements, expert reports, crime scene photographs and DVDs in plastic sleeves.

After three hours of reading, I knew that Tuan Ho, now aged 25, was the son of Vietnamese refugees. His father abandoned his family soon after Tuan Ho was born. His mother worked menial jobs to support her three children and had little time for parenting. Tuan Ho left school at 13 and became one of the "dust of life" pushing heroin on the streets of western Sydney. At 15, he was convicted of trafficking and spent two years in a juvenile detention facility. While inside, he graduated from high school with surprisingly good grades. On his release, he went back to selling smack, and floated in and out of prison. However, he was never arrested for violent behaviour or trafficking a large quantity of drugs. He seemed to have started at the bottom of the drug trade and stayed there, a loser without viciousness.

The murder victim was a Chinese guy called Vincent Lee, who owned the Kam Fuk Restaurant in Cabramatta. He was no cleanskin. The prosecution brief included a police intelligence report which said that, according to "*reliable information*", he was a major importer and supplier of heroin. Indeed, he had two convictions for heroin trafficking and spent a total of eleven years behind bars. At least I could hint to the jurors that whoever killed Lee performed a social service. That might persuade them to cut my client some slack.

The prosecution's case was that, at 10.10 a.m. on Tuesday, 27 July, the previous year, Vincent Lee parked his Audi in the large car park behind the Kam Fuk Restaurant and entered his rear office. He was the first person to arrive. At 10.40 a.m., Tuan Ho parked his Toyota hatchback in the same car park, entered

the office with a pistol and forced Lee to open his safe. He stole the contents, shot Lee dead and fled back to his car at 10.47 a.m.

A few hours later, a police scientific officer filmed the crime scene with a video camera. His 20-minute film was on a DVD in a plastic sleeve. I pushed the DVD into my computer and watched the film on the screen. Vincent Lee lay in a huge pool of blood, below an open wall safe. A toppled chair lay beside him.

The prosecution had two key pieces of evidence that implicated Tuan Ho. The first was footage from a CCTV camera mount behind the restaurant. It was on another DVD in a plastic sleeve. I pushed that DVD into my computer and watched the footage on the screen. It had a rolling date/time stamp in the bottom left-hand corner. It showed Vincent Lee enter the restaurant carrying a small carry bag at 10.10 a.m. Then Tuan Ho entered at 10.40 a.m. and hurriedly left at 10.47 a.m. His heavy duffle coat could have easily concealed a pistol and valuables stolen from the safe.

The other key piece of evidence implicating Tuan Ho was the discovery of the murder weapon in his apartment. A few hours after the murder, Homicide detectives and a restaurant employee watched the CCTV footage of the rear of the restaurant. The employee identified Tuan Ho and the detectives issued a warrant for his arrest.

Then Detective Inspector Hanrahan entered the scene. The next afternoon, he heard about the warrant and asked an informant where Tuan Ho lived. The informant gave him the address of an apartment in Canley Vale. Hanrahan and an offsider, Detective Sergeant Derek Mostyn, drove over to the apartment, bashed down the door and arrested Tuan Ho on suspicion of murder.

A couple of hours later, a police forensics unit searched the apartment and found a pistol wrapped in a cloth in the bottom of a wardrobe. Laboratory analysis showed it was the murder weapon and Tuan Ho's DNA was all over it.

In his witness statement, Tuan Ho claimed he was innocent. He claimed he once worked as a casual waiter at the Kam Fuk Restaurant. On the morning of the shooting, he visited Vincent Lee to ask for his old job back. He parked in the car park, strolled into Lee's office and found him lying on the floor, with several bullet holes in his chest and covered in blood. After confirming that Lee was dead, he feared he would be accused of killing him. So he dashed back to his car and drove off.

He also claimed Detectives Hanrahan and Mostyn planted the murder weapon in his apartment. After they arrested him there, Mostyn escorted him down to their parked car, but Hanrahan remained behind for about ten minutes. According to Tuan Ho, Hanrahan must have rubbed the pistol on the bed sheets to cover it with his DNA and planted it in the wardrobe.

I rose and paced around. It was suspicious that two drug squad detectives turned up to arrested a murder suspect. Further, I knew Hanrahan had no inhibitions about planting incriminating evidence.

However, just because Hanrahan was a dirty bastard did not mean he acted improperly this time. Further, he had no obvious motive to frame Tuan Ho. Indeed, the only possible motive was that he or his offsider shot Vincent Lee and they decided to make Tuan Ho the bunny. That was the only way they could have acquired the murder weapon before planting it in the wardrobe. However, that

scenario was highly improbable. Further, even if it was true, my chance of proving it was zilch.

My excitement about appearing in my first murder trial was fast evaporating. When Clint Andersen offered me this brief, he was obviously displaying a morbid sense of humour.

I picked up the phone and called Clint at the Legal Aid Office. When he came on the line, I said: "Brad here. I've read the Tuan Ho brief."

"What do you think?"

"I think our client is going to hit the canvas. Hanrahan is a crook. But that doesn't mean he's done something dodgy this time. And, even if he has, I don't see how we prove that."

"I agree. It looks pretty grim. But you might come up with something."

"What? I don't exactly have a great track record against Hanrahan."

"You should have more faith in yourself."

"I don't because *he* shattered it. Anyway, is there any chance the prosecution will reduce the charge to manslaughter if our client pleads guilty?"

"No sign it will. But that's irrelevant. Our client won't plead guilty. He maintains he's innocent. Very stubborn."

"With his record, a judge will give him 20-plus."

"He knows that."

"OK. He's in Silverwater, right?"

"Yes. When do you want to go and see him?"

"Day after tomorrow?"

"Fine. I'll ring the gaol and make an appointment."

"Good. What's he like?"

"Rather sweet, actually, for a drug dealer. Doesn't look like he'd shoot someone three times. But I've learnt that murderers come in all shapes and sizes. That's one of the things that makes this job fascinating."

The Floor's reader, Helen Lawson, had said she wanted to tag along if I appeared in an interesting trial. Surely, a murder trial fitted the bill. I said to Clint: "Oh, just one last thing: the reader on my Floor wants to do some of her criminal reading with me. Can she tag along with me during the trial? She won't sit at the bar table, of course—she'll just be observing."

Clint said: "Of course she can, as long as she understands she's just an observer."

"She will. You won't even have to buy her lunch."

"Music to my ears."

I hung up and strolled along to the reader's room. I opened the door of a room about the size of a pantry and found Helen sitting at a tiny desk piled high with white folders, typing on a laptop.

I said: "Aren't you worried about an avalanche?"

She looked up. "Hi. It's a bit precarious, isn't it? I've been briefed in a big trade practices matter. The hearing will start sometime next year and run for about six months."

I thought about how much money she would make and almost winced. "Congratulations. How did you get the brief?"

"Derek Hoogland recommended me to his instructing solicitor. He's got two other juniors."

I wasn't surprised. When her father was at the Bar, he sent lots of work in Hoogland's direction. Now Hoogland was repaying that debt via the daughter. That was the cycle of life at the Bar.

I said: "It'll probably settle."

"Oh, really? Why?"

"Most commercial cases do. Both sides spend a fortune preparing for the hearing and then decide they can't afford to lose. Anyway, have you done your ten days of criminal reading yet?"

"Nope. Only a few days."

"Good, then I'm about to offer you the chance of a lifetime."

"What?"

"I've got a murder trial in about a month. You can observe that, if you want."

Her eyes widened. "Murder?"

"Yep, the Big M, or 'mudder' as they say in Scottish crime shows."

"Wow. Have you ever done one before?"

"Nope, we'll both be learning on the job."

"OK. You going to win it?" Her enthusiasm was rather infectious.

"Highly unlikely. I'm just hoping to finish a close second."

She giggled. "When's the hearing?"

I gave her the dates. She flipped through a diary which, I noted, had many dates crossed out. She was doing well. "Yes, yes, I'm available."

"Good. Welcome aboard. The client's in gaol right now. My instructing solicitor and I are popping out to see him the day after tomorrow. You can come along too if you want—it'll count as a day of criminal reading."

She grimaced. "I wish I could. But I've got a hearing that day, in the Local Court, about the colour of a dividing fence."

"The colour?"

"Yes. The neighbours have been fighting over it for years. One paints it one colour and, the next day, the other paints it another."

"Can't they sit down and sort this out."

"There was a mediation a few months ago. I hear they almost agreed on a colour, but it was not to be."

I reflected sadly that she would probably earn more for appearing for a lunatic at a Local Court hearing than I would get for defending Tuan Ho in a murder trial.

"If people weren't mad, we wouldn't have a job. Good luck."

"Thanks. But I'll definitely be available for the murder trial."

"Good. The brief's on my desk if you want to glance through it."

"I will."

I realised, to my surprise, that she really meant that.

Chapter 16

The next morning, a prison guard ushered Clint Andersen and me into a small interview room in the Remand Centre of Silverwater Prison. He left and we sat at a small white Formica table waiting for Tuan Ho. Five minutes later, the door opened and a different prison guard led in a small Vietnamese guy who almost disappeared inside his lumpy green jumpsuit. After telling us to push the buzzer on the wall when we finished, the guard left.

We all shook hands and introduced ourselves. Then we sat around the table and I asked Tuan Ho to give us some personal background. Without a hint of self-pity, he described how his single mother brought him up in serious poverty and he became a street-dealer at an early age. He shrugged. "I've been to prison three times. The cops should pick on someone else."

Like many Vietnamese I'd represented, he had an open face, flashing smile, soft voice and polite manner. He didn't look like a gunman—if there was a type—and treated his present predicament with a large slab of amused detachment. Buddhism was obviously a good religion for criminals. Maybe I should recommend it to all my clients.

I said: "OK, so tell me: how well did you know Vincent Lee?"

Though born in Australia, Tuan Ho had a faint sing-song accent. "I knew him pretty good. I worked at the Kam Fuk sometimes as a waiter. That was why I went to see him, to get a job."

I bet he was lying: he visited Vincent Lee because he sold smack for the guy. However, thankfully, he did not burden me with that information.

"Were you carrying a pistol?"

"Course not. I don't own one; I've never used one. Only crazy guys carry pistols. You carry one, you get shot, right?"

"So you parked in the car park and went into the restaurant?"

"Yep. The back door was unlocked and I went through the kitchen into Vincent's office."

"Was anybody in the kitchen?"

"Nope, it was still early."

"So, nobody saw you?"

"Correct."

"What did you see in the office?"

"Vincent was dead, of course. He was on the floor, covered in blood."

"Did you touch him?"

"Course not. Didn't need to. Just sorta waved my hand in front of his eyes. He was dead, dead, dead, poor bastard."

"And you didn't shoot him?"

"Course not. I done lots of bad shit in my life, including stuff I never got caught for—I admit that—but I've never shot anyone, *never*. My trouble on the street is that people push *me* around; I don't push *them* around. That's why I get ripped off sometimes. But they know I'm not packing, so they don't shoot me."

It's always hard to assess whether a client is telling the truth. I've represented liars who sounded like the Pope and honest guys who sounded like real estate agents. Further, we instinctively believe people would not lie to us. So, while I sensed Tuan Ho was telling the truth, I was not sold on the idea. But, in a larger

sense, it didn't matter one way or the other. My job was to sell his story to a jury, not pass judgment on it.

"Why didn't you call the police?"

"I was going to. But cops are always throwing me in gaol. I was shit-scared they'd fit me up, and I was right, huh? So I ran away. I didn't know there was a camera outside."

"Where did you go?"

He laughed. "I went home and watched a lot of TV, thinking: 'Shit, I hope they don't find out I visited Vincent'."

I laughed. "Did they?"

A crinkly smile. "You bet. Next day, just after lunch, I was watching TV with a big bowl of chips on me lap when two cops busted down the door."

"Hanrahan and Mostyn?"

"Yes."

"Had you seen them before?"

"Nope, never."

"What happened after they broke in?"

"They waved their pistols around, of course, and told me not to move. I almost packed me dacks and the chips went everywhere. I asked who they were and one of them—Mostyn, I think—said they were detectives arresting me for murdering Vincent Lee."

"What did you say?"

"I said: 'You've gotta be fuckin' kidding.'"

"Fair enough. What happened then?"

"Mostyn handcuffed me and took me down to their car."

"What about the other detective?"

"The handsome one—Hanrahan—stayed behind in the apartment for maybe ten minutes. Then he came down to the car."

"When he reached the car, did the detectives say anything to each other?"

"Yeah, Mostyn said: 'You done it?' and Hanrahan said 'Yes'."

"Did you know what they were talking about?"

"Nope. I only found out later, when the Homicide guys said a pistol was found in my wardrobe."

"Then the detectives took you to the police station?"

"Not straight away. Hanrahan phoned someone and told him to send some cops over to guard the crime scene. About ten minutes later, some uniformed guys turned up. Then Hanrahan and Mostyn took me to Parramatta Police Station and handed me over to a couple of Homicide detectives."

"When did you find out about the pistol in the wardrobe?"

"When the Homicide detectives interviewed me at the station."

"So, you think Hanrahan planted the pistol?"

"Must have. That's why he hung around in the apartment after Mostyn took me down to the car."

"Why would he plant the pistol?"

"He obviously wanted to frame me to protect the real killer."

"And who was that?"

"Musta been him or Mostyn, right? I mean, that's the only way they could have got their hands on the pistol. They topped Vincent and then heard I was the main suspect. So they arrested me and planted the pistol in my apartment."

His thinking chimed with mine. "Maybe, but we've got absolutely no proof they had anything to do with the murder."

"I know. Can we get some?"

"I doubt it. Clint and I are not cops. We don't investigate crimes. We're just lawyers."

I was tempted to tell him that I knew, from experience, that Hanrahan liked planting evidence. But I could not reveal that at the trial, so there was no point doing so now. Tuan Ho would just get over-excited. We had to focus upon what we could prove.

He shrugged. "I guess so."

"So, right now, the case against you is very strong. You should seriously consider pleading guilty and asking the judge for leniency. If you're lucky, the prosecution might reduce the charge to manslaughter."

Tuan Ho shook his head. "No way. I didn't kill Vincent and I shouldn't go to prison for it."

Clint leaned forward in a fatherly manner. "Tuan, you know that, in court, innocence isn't always the winning card. If you're convicted of murder, the judge will put you away for at least twenty years, non-parole. Plead guilty and you'll serve a lot less."

A rare frown. "How much less? I'd still serve maybe fifteen years, non-parole, right?"

"Yes."

"Then what's the point? Anyway, I'd have to admit I shot Vincent, right?"

"Yes."

He shook his head. "I won't do that. I liked Vincent. He was a nice guy. This is all bullshit. They claim I shot a guy then, like a total dummy, went home and put the murder weapon in my wardrobe. I'm not that stupid."

Most criminals have strong moral principles. It's just that those principles are fewer in number and less organised than most people's. So, I wasn't surprised that, despite the mountain of evidence against him, Tuan wanted to take a stand. I didn't know whether to applaud or condemn him. He was certainly creating a lot of trouble for himself, and me.

"That's up to you." I glanced at Clint. "Any more questions?"

"Nope."

I look back at our client. "Alright then, we'll be on our way. We'll be in touch."

Tuan Ho shook my hand. "OK. You know, you seem smarter than the other barristers I've had."

"Thanks."

A smile. "Though some were pretty fucking dumb."

I was warming to him. "Thanks, anyway."

I pushed the buzzer on the wall. A new guard opened the door and took our client away. Then he came back and escorted Clint and me out of the building to the front gate.

As we strolled into the car park, Clint said: "Told you he was a nice guy, didn't I?"

"You did. Is he too nice to be a murderer?"

Clint laughed. "Nobody's that nice. We're all murderers waiting for the right provocation. Still, the jury might like him."

"True. But it will like Hanrahan even more."

We got into my Honda Hatchback and I drove out of the car park. "When are we going out to the crime scene?"

He sighed. "Do we have to?"

Clint had instructed counsel in dozens of murder trials and probably lost most of them. This trial meant a lot more to me than him.

I said: "Yes. You briefed me because you thought I would be thorough. Well, that's what I'm being. Don't worry, I'll buy you lunch. I know a great Vietnamese restaurant in Cabramatta."

His face brightened. "OK. I'll be nice to get out of the office for a while; I'll arrange it."

"Sometime next week?"

"Fine. But it won't do any good. Tuan Ho is screwed."

Chapter 17

The next morning, when I reached Chambers, I decided to look through the brief in *R v Tuan Ho* again, in case I had overlooked some flaws in the prosecution case. The brief had disappeared from my desk. Where was it? Maybe Helen took it.

I strolled down the corridor to her tiny room. The door was open and she was typing on her laptop under the same precarious cliff of folders. The three folders containing my brief were tucked under her chair.

I said: "Hi, how did the hearing about the fence go?"

She looked up, distracted. "Oh, we settled. An independent painter will paint it once a year."

"What colour?"

"Up to the painter."

I bet that settlement fell apart. "Good work. Have you read the brief in *Tuan Ho*?"

"Yes, most of it. Fascinating. You've got a tough job, haven't you? You've got to prove those two cops—Hanrahan and Mostyn—planted the pistol."

Her diligence was impressive because she wasn't briefed and wouldn't get paid. It made me nostalgic for the days when I valued experience more than money. "Yep. And, unfortunately, I know Hanrahan is a crooked bastard who would plant a murder weapon, but I can't tell the jury."

"How do you know he's dodgy?"

"He planted evidence that resulted in another one of my clients getting convicted."

Her face showed a hint of disdain. "You didn't expose him?"

"Correct. He hit all of my questions out of the park. The jury thought he was the burning bush."

She looked amazed at my incompetence. "So you can't use the evidence in that trial in this one?"

"Correct."

"And you want revenge?"

"I want my client acquitted." And I wanted revenge. "Now, can I have the brief back? I want to waste more time reading it."

"Oh, sure." She reached down, picked up the folders and handed them over.

"Thanks. Now, sometime next week, my solicitor and I are going to visit the crime scene in Cabramatta. You're welcome to come along."

She grinned. "Oh, I'd love to. There's a Latin name for the crime scene, isn't there. They told me at law school, but I've forgotten."

"The *locus delecti*?"

A laugh. "Yes, that's it. What're you hoping to find at the *locus delecti*?"

"A vital clue that will turn the prosecution case into a smoking ruin."

An uncertain laugh. "You're kidding, right?"

I smiled. "Definitely."

"Then why are you going out there?"

"Because I'll look slack if I don't. A visit to the crime scene—sorry, *locus delecti*—is a box I've got to tick, that's all."

"I understand. Anyway, I'd love to tag along."

Did I have her enthusiasm when I started at the Bar? It was hard to remember. "I'll be in touch."

Chapter 18

The following Tuesday, at 10 a.m., Helen Lawson and I strolled out of Thomas Erskine Chambers and headed for the car park under St Mary's Cathedral where I left my Honda Hatchback. I was going to drive us to the *locus delecti*.

As we strolled between the Morton Bay Fig trees in Hyde Park, she said, casually: "Have you heard about the claim against Derek Hoogland?"

I had to be cautious. She was his junior in at least one big commercial case and might already be an acolyte. "I've heard a bit about it."

"It's a claim for sexual harassment, right? A receptionist has sued him?"

"That's what I've heard."

"She claims he groped her?"

"So I'm told."

"Wow. Is it true?"

Of course it was true. But I still didn't know where her allegiances lay. "I wasn't there and haven't cross-examined either party. We shall see."

"Surely, Derek wouldn't do something like that."

Surely, he would. "Hard for me to say: I don't know him very well."

A suspicious stare. "You're not rushing to his defence, are you? In fact, nobody's rushing to his defence."

"That's because he's not very popular."

"Why not?"

Because he does a good imitation of a Bond supervillain. I shrugged. "Not for me to say."

"You're being very obtuse."

I smiled. "I am, aren't I?"

"OK, so who's appearing for the receptionist?"

I smiled. "Someone you know too well."

"Really?"

"Yes. In fact, he's on our Floor."

She laughed. "You're kidding?"

"Nope."

"Who?"

"Wayne Newhouse."

"Shit. Why did he get involved?"

"Because he detests Hoogland and likes the receptionist."

"Why does he detest Derek?"

"Wayne doesn't like people with power and authority; he prefers to cut them down to size."

"Are people on the Floor upset that he's acting for the receptionist?"

"I don't think so. He's just doing his job in his usual abrupt and insensitive manner."

"He doesn't care if Derek gets upset?"

"That will be a bonus as far as he's concerned."

"He's an interesting guy."

"Fascinating. But please don't try to copy his style. That would be a mistake. At least, during your early years at the Bar, you should try to make friends, not enemies."

She smiled. "I guess you're right."

We entered the underground car park and got into my vehicle. I drove around to the tall glass building that housed the Legal Aid Office. Clint Andersen stood on the pavement, holding a small backpack and looking like he slept the night in his car. I had warned him that Helen was coming along. He climbed onto the back seat and nodded to her. "Hello, I'm Clint Andersen."

"Hello, Helen Lawson."

As I pulled away from the curb, Clint said: "Brad said you're Richard Lawson's daughter."

"That's right."

"He has a big reputation. I haven't read any of his judgments, I'm afraid, because he only hears civil appeals, but I'm sure they're very good."

I said: "You don't read any judgments—full stop."

A grin. "Mmm, I guess that's true. My brain won't process any more law." He glanced back at Helen. "So, you're doing your criminal reading with Brad?"

"Yes. I hope you don't mind me coming along."

"Of course not. The more the merrier."

"Do you usually go out to crime scenes?"

"No, but this is a murder case and I'm feeding off Brad's enthusiasm."

"He's enthusiastic?"

"Very. I haven't seen such a hungry barrister for ages."

"That's good, isn't it?"

A dramatic sigh. "Yes, but very tiring."

I had to laugh. I negotiated the tight streets of the city centre and swung onto a freeway heading west. The roads grew wider, gaps started appearing between buildings, the pavements sprouted cracks, the graffiti grew more despairing, and the air became hotter and dustier. Big trucks rumbled back and forth.

The Cabramatta shopping area—"Little Saigon"—was full of Vietnamese stores and even had a Buddhist temple. Little old men played mah-jong in the park. I drove past the Kam Fuk Restaurant. The front windows were shuttered and a big "FOR LEASE" sign stood on the awning.

I circled the block and parked in the huge car park behind the restaurant—the one Vincent Lee and Tuan Ho used on the fateful morning. As we got out, I saw it mostly serviced the *Coles Supermarket* next to the restaurant. We strolled around to the front of the restaurant, which had a laneway running down the side.

A uniformed policeman stood on the pavement, waiting for us. The pride of the force is rarely sent to give defence lawyers access to crime scenes. This guy had several layers of un-jolly fat and a suspicious stare. He should have got a job that didn't require him to tuck in his shirt.

Clint introduced the three of us and he identified himself as Constable Wilson, from the local station. The constable unlocked the dragon-engraved front door, told us not to disturb anything and led us inside. His rolling gait emphasised the big pistol clanking on his hip.

The large dining area had hanging scrolls on the walls and a sick-green carpet, but no furniture. The huge fish tank in the middle was empty. The odour of soy sauce hung in the air.

"I used to eat here," the police officer said wistfully. "Good food."

"I assume that, after the shooting, it didn't reopen?"

"Correct."

He led us through the kitchen into a small office where two gunmetal grey filing cabinets stood behind a pinewood desk. A framed photo of Chiang Kai-Shek hung, for some reason, on the wall.

Cleaners had removed all traces of blood. The only signs of violence were a high-backed swivel chair lying on its side and a couple of bullet marks in the side wall. The small wall safe behind the desk was still open and still empty.

I closely inspected the safe and the bullet holes in the wall, because I felt obliged to do so. I idly pulled open the desk drawer. Just stationery and several packs of chewing gum.

I turned to the police officer. "I understand Lee was a big drug boss."

He shrugged. "You'll have to ask the detectives. I just pound the pavement. Finished?"

"Yup. But we'd better have a look out the back."

We followed the police officer out of the office and through a side door which took us onto the lane running down the side of the building. We followed it for

about five metres until we reached a large concrete apron behind the restaurant. Beyond an open gate was the car park in which Vincent Lee and Tuan Ho parked before Death came prowling. I glanced up and saw the CCTV camera that filmed them enter the restaurant and Tuan Ho leave.

Visiting the scene had taught me nothing new. I sighed and looked at the cop. "OK, that's enough sleuthing. Let's get out of here."

We followed him back through the dining area and out the front entrance. The cop locked the front door and slouched off, pistol still clanking.

Helen looked cheeky. "Have you cracked the case?"

"Nope, but I am hungry." I glanced at both of them. "What about lunch? There's a great Vietnamese soup restaurant around the corner. Went there the last time I visited a crime scene out this way."

They both nodded and followed me around the corner to a shabby-looking restaurant with a big lobster tank against one wall. It was just before noon and there were plenty of empty tables. We sat near the back and Helen went off to the toilet.

Clint muttered. "She's a good looking sort."

I squinted at a menu. "I didn't know you were paying attention."

"I'm as horny as the next man. In fact, after being married for twenty-five years, I'm a lot hornier than the next man. Anyway, I think she's interested in you."

That made me peer over the menu at him. "No, she's not."

"Yes, she is. I can tell."

"How?"

"When she looks at you, her eyes get bigger."

"No, they don't."

"I'm sure they do. Is she seeing anyone?"

"I have absolutely no idea."

Helen returned, sat down and looked at me with, I thought, normal-sized eyes. What was Clint squawking about? She said: "You know, last week, I inspect some sewage pipes that broke and flooded a factory. This is a lot more exciting. I've always wanted to do some criminal defence work."

I said: "You've watched a lot of courtroom dramas, haven't you?"

A faint blush. "A few."

"You're right: the work is exciting and interesting. But there are drawbacks: the stakes are high, the money is lousy and your clients are often dumb, poor or flat-out crazy. Lots are rapists or child molesters. Life has treated them like shit and they've hit back. And, if you get them off one charge, they'll end up in gaol for another. If Tuan Ho wins, he won't be free for long."

"But you still enjoy the work?"

"Of course."

Clint snorted. "He enjoys it because he can get up in court and spout a lot of crap to juries. The government rounds up 12 innocent victims, puts them in a jury box and makes them listen to him. They can't run and they can't hide. It's cruel."

It was hard to believe I promised to pay for his meal. "That's not true. I enjoy the job because I can raise the rusty sword of justice to protect the weak and innocent."

He snorted and displayed mock horror. "Oh, God, you're a do-gooder. I never realised."

I grinned. "I'm not ashamed of that."

"You should be."

When our food arrived, Clint shovelled his down and finished first.

I said: "How was it?"

He dabbed his mouth with a serviette. "I'll be back."

When Helen and I finished, a waiter brought the bill.

She said: "I'll chip in."

I shook my head. "Don't you dare. One of the great traditions of the Bar is that the senior barrister always pays for lunch."

Clint leaned forward. "...including the solicitor's lunch."

"Correct. The last time a solicitor tried to pay for lunch, the barrister had a heart attack and was never the same again."

She frowned. "That doesn't seem fair. These days, solicitors often earn a lot more than barristers."

Clint said: "I'm just a public servant."

She rolled her eyes.

After I paid the bill, we strolled out onto the pavement. I looked up and down the street, now packed with shoppers and office workers hunting for lunch, and switched my mind back to the Tuan Ho case.

Clint said: "We heading back to town?"

"Not yet. If Hanrahan and Mostyn planted the murder weapon in Tuan Ho's apartment, they obviously acquired it before that."

"Of course."

"In other words, one of them must have used it to murder Vincent Lee."

"That sounds right. But you're assuming our client told the truth about the pistol being planted."

"Of course. But it's for the jury to poke holes in his story, not us."

"Fair enough."

"So, if one of them shot Vincent Lee, how did he enter and leave the restaurant? He obviously didn't use the rear exit, because he doesn't appear on the CCTV footage. So, he must have used either the front entrance or the side lane."

"That makes sense."

"So, let's see if any CCTV cameras cover the front of the restaurant."

Clint's sigh said he wanted to return to his office and have a nap. "OK."

We strolled around the corner to the front of the restaurant and saw no CCTV cameras attached to the building. Damn. The building on the right was a grey brick *Coles Supermarket*. No CCTV cameras on its façade either. Shit.

On the other side was a pawn shop called *Cash is King*. I strolled over to the front entrance and saw a CCTV camera tucked under the awning. Great.

I turned to my companions. "I want to pop into the pawn shop."

Clint said: "Why?"

I pointed at the camera. "That."

Inside, metal racks running around the walls were laden with guitars, stereo systems and other pawned items. At the back of the store was a glass-topped display counter. A ginger-haired guy with freckles and matching gold ear studs

stood behind it, telling an elderly customer that a cordless drill on sale was in top condition. The wary-looking customer said he'd speak to his wife about it and strolled off.

Ginger-nut turned and eyed us suspiciously. A tattooed dragon was wrapped around his right arm. An ex-con?

I said: "Hello, my name's Brad Norton. I'm a barrister. I act for the guy charged with murdering Vincent Lee last year."

"You mean, the guy murdered next door? Wow. What're you doing here?"

"We're checking out the crime scene. The trial's about two weeks away."

"You mean, your client pleaded not guilty?"

"Yep."

A snaggle-toothed grin. "You going to get him off?"

Why be coy? "Of course, that's my job."

"Shit, you're confident. Wish I had you when I was on trial."

"What were you charged with?"

A dismissive wave. "Not relevant. But I bet your client goes down. It's fuckin' obvious he was the shooter."

I grinned. "Why do you say that?"

"He wuz seen running from the restaurant and had the murder weapon in his apartment, didn't he? Open and shut case."

"He says the murder victim was already dead when he arrived."

A loud snort. "Yeah, right. Then why did he run like a jackrabbit?"

Hopefully, this guy wouldn't be a juror. "He feared his presence at the scene might be, well, misconstrued."

His laugh made heavy ginger eyebrows waggle violently. "You'll need a hell of a lot more than a big word to keep him out of gaol." A shrug. "Or maybe not. Lots of dumb-shits around. If you're lucky, there'll be some on the jury."

I almost nodded. "Were you in this shop when the shooting happened?"

"Yeah, but I didn't hear any shots or anything. In fact, I didn't know anything was up until I heard the police sirens."

"When you heard them, did you have customers?"

A wrinkled brow. "Hard to remember; I don't think so."

"Did you go outside?"

"Just onto the pavement to watch the cop cars arrive. Then I stayed in here until a couple of uniformed cops turned up an hour later."

"What did they want?"

"Wanted to know if I saw anything."

"And you said you didn't?"

"Exactly."

"You're got a surveillance camera outside, haven't you?"

"Yep, one outside and one inside."

"What does the one outside film?"

"It's on the screen up there." He pointed to a wall-mounted television at the end of the counter. The split screen displayed colour footage from both cameras. The outside camera filmed the pavement in front of the entrance, but not as far as the restaurant.

I said: "Do you still have the film the outside camera took on the day of the shooting?"

"Nope."

"Why not?"

"The cops took it."

"Which cops?"

"The ones I just told you about. They asked for any surveillance footage in case it showed the shooter; said that was their standard M.O."

"You gave it to them?"

"Of course. I like to stay tight with the cops, 'cos they can put me out of business if they want. I gave them twelve hours of film. Said they'd need plenty of popcorn, hah, hah."

"What was the film stored on when you gave it to the cops?"

A scowl. "It was originally stored on the hard-drive of my computer. I transferred it onto a big flash drive, which the bastards still haven't given back, of course."

"What happened to the film on the hard-drive?"

"Got erased, of course. It's on a seven-day loop."

Damn. "And you didn't keep a copy yourself?"

"Why would I?"

I looked at Clint. "Did the DPP send you that footage?"

"Nope. Either the cops didn't give it to the DPP or the DPP didn't think it was worth passing on."

I bet the DPP got the film and decided it wasn't relevant. But I wanted to make my own assessment of that. "OK. Will you ask for it and any other CCTV footage they might have? We don't have much time."

Clint was a reluctant worker. However, for once, probably to impress Helen, he sounded decisive. "Will do."

"Thanks. And ask them for Hanrahan and Mostyn's notebook entries on the day of the shooting and the next day when they arrested Tuan Ho."

"OK."

We returned to my car and I drove them back to town. I probably should have turned the crime scene over in my mind like a good sleuth. Instead, I wondered if Clint was right about Helen being interested in me. I really had no idea. But one thing was certain. At least, for the moment, I wasn't interested in her. She was pleasant and attractive. But I had a murder trial coming up and I had to focus on that. The rest of my life had to go on hold.

Chapter 19

As the murder trial drew close, a metal band around my head slowly tightened and I lost an hour of sleep every night. The best antidote to stress is preparation. So I spent the week before the trial soldering the facts of the case into my brain, planning cross-examinations and rehearsing submissions to the jury. The Legal Aid Office would not pay a penny for any of that work.

I was not concerned that the prosecution could prove Tuan Ho entered and left the Kam Fuk Restaurant around the time Vincent Lee was murdered. Tuan Ho's claim that he found Lee dead and then panicked was at least plausible. But I was deeply concerned about the evidence that the murder weapon was found in his apartment the following afternoon. I had to create at least a reasonable suspicion that Hanrahan and Mostyn planted it. Otherwise, the jurors would not draw a breath before convicting my client.

However, creating a suspicion would be hard because, as I knew from personal experience, if they handed out an Academy Award for Best Witness, Hanrahan would win every year. I also had no doubt that Mostyn would give him stiff competition. Further, if I wanted to convince the jury that Hanrahan and Mostyn planted the pistol, I had to allege they had a motive to do so. As far as I could see, the only possible motive was that *they* murdered Vincent Lee and wanted to transfer blame. But I had absolutely no proof of that.

That meant I was desperate to watch the CCTV footage taken outside the *Cash is King* pawn shop around the time of the murder. Maybe, if I was spectacularly lucky, it would show Hanrahan or Mostyn passing the pawn shop on their way in or out of the Kam Fuk Restaurant. For that reason, I had badgered Clint Andersen to write to the DPP and ask for that footage and any other surveillance footage the police collected after the shooting. I also told him to request the entries that Hanrahan and Mostyn made in their notebooks on the day of the shooting and the next day. He eventually succumbed and grumpily wrote the letter.

The trial was due to start on a Monday. On the Thursday beforehand, Clint phoned me. "The DPP responded to my letter: there's good news and bad news."

"The good news first."

"OK. They have the CCTV footage from the pawn shop; they didn't include it in the prosecution brief because they didn't think it was important."

The DPP obviously thought Tuan Ho's guilt was beyond dispute, so the only CCTV footage that mattered was from the rear of the restaurant. "Is that the only surveillance footage they've held back? Is there any more?"

"Nope. They say that's the lot."

"Have you looked at it?" I was being polite. Clint was too lazy to watch the film.

"I haven't had a chance; it's about 12 hours long."

"OK, and the bad news?"

"They sent me extracts from Hanrahan and Mostyn's notebooks."

"And?"

"No entries on the day of the shooting: they were both rostered off."

"Both?"

"Yup."

"And the next day?"

"The entries just mention that they arrested Tuan Ho. That's hardly controversial."

Damn. That meant the pawn shop CCTV footage was probably my last chance to pin the murder on one of the detectives. "OK, will you send over the footage straight away?"

"Yep, we'll even pay for a courier."

"I'm honoured. Thanks."

Two hours later, a courier delivered a small parcel from Clint containing a flash drive. I stuck it into a computer port and saw, on the screen, the pavement outside the pawn shop. The colour footage had good resolution and showed clearly the faces of passing pedestrians. I had found, on the internet, a photograph of Mostyn escorting a manacled prisoner into a police station, so now I knew what both detectives looked like. I fast forwarded the footage to 10 a.m. and played it at normal speed, hoping one of them would appear. Sometimes, I even froze the screen to study the face of a pedestrian who looked a little unusual. However, during two hours in front of the screen, I saw no sign of Hanrahan or Mostyn. Indeed, most of the pedestrians looked innocuous. The only one who really piqued my curiosity was a bulky guy in a leather jacket and jeans. He scuttled in the direction of the restaurant at 10.20 a.m. and returned at 10.35 a.m. carrying a small bag. However, I didn't recognise him and dismissed him from my mind.

Of course, the mere fact that Hanrahan and Mostyn did not appear on the surveillance footage did not clear them of murder. One of them could have easily approached the restaurant from the other direction or from straight across the street. However, the fact remained that, after viewing the footage, I had no evidence that either detective was involved in the murder of Vincent Lee.

That put me in an ethical bind. I could accuse the detectives of planting the pistol in my client's apartment, because my client gave me clear instructions, based on first-hand knowledge, that they did. But I could not go further and, based on pure speculation, accuse them of murder. If I did, I would piss off everybody in the courtroom, including the judge, who would probably abort the trial and report me to the Bar Association. As a consequence, my defence of Tuan Ho would be hamstrung: I could accuse the detectives of planting the murder weapon, but not say what their motive was. Perhaps, if I was lucky, the jury would insert the missing piece. But I would be surprised if they did.

Maybe I was being too precious about throwing mud at the detectives. The greatest benefit of belonging to a set of chambers is that you can quickly buttonhole a veteran barrister for advice, and he is honour-bound to provide it. I wandered along the corridor and into Bert Larsen's room, where he sat behind his desk, reading a newspaper.

I said: "Bert, got a moment?"

He folded the paper and tossed it onto his desk. "Of course. Take a pew."

I dropped into a battered leather armchair. "I've got a murder trial coming up and need some advice."

"Is this your first one?"

"Yup."

"Congratulations. You nervous?"

"Definitely."

A smile. "Good. No tight gut, no music. What's the problem?"

I summarised the prosecution case against Tuan Ho and his allegation that the two detectives planted the murder weapon in his apartment. "I know I can accuse them of planting it. The big question is whether I can go further and accuse them of murdering Vincent Lee. I reckon that's the only way they could have got their hands on the murder weapon. But that's pure speculation on my part. I've got no

evidence. So I don't think I can accuse them of murder, even if that leaves a big hole in my case."

A wrinkly smile. "You're right. You can't go that far. That's a damn heavy accusation that needs at least some concrete evidence to support it."

I sighed. "That gurgling you hear is the sound of the defence sinking to the bottom of the ocean."

A wry smile. "Maybe, if you're lucky, the evidence you need will turn up or one of the detectives will drop a clanger in the witness box."

"What if that doesn't happen?"

"Do what all good barristers do when they've got a lousy case."

"What's that?"

"Look confident at all times."

Chapter 20

On Friday evening, after gorging myself for a week on the facts of *R v Tuan Ho*, I could digest no more. I wearily rose to my feet and vowed to go home and spend the weekend *not* thinking about the case.

I failed miserably in that endeavour. Throughout the weekend, in the back of my mind, the trial tramped remorselessly towards me. Appearing in a murder trial required no extra skill. But I discovered the pressure was greater, on me anyway. My client was accused of committing the ultimate crime and would, if convicted, spend a huge chunk of his life behind bars. I wanted to know that, if he was convicted, I did the best job possible.

Detective Inspector Hanrahan also preyed on my mind. His involvement in the case was probably innocent and coincidental. But if he did frame my client, I wanted to expose him. I certainly did not want to receive another forensic beating.

The only time I really stopped worrying about the trial was on Sunday afternoon, when I went bicycle riding in Centennial Park with Adrian Calhoun. It would have been indulgent to keep worrying, because his problems clearly dwarfed my own. In the two weeks since he was charged with insider trading, his eyes had recessed, deep new lines had appeared on his face and he had lost a lot of weight.

We met up outside the main gate and rode along the four-kilometre cycle track inside of the park. It was a lovely afternoon, without a speck of cloud. The lazy sun extracted a small amount of sweat. Ducks in convoys voyaged around the sparkling ponds. Adrian was especially energetic and we powered around the track until we were both exhausted.

Afterward, we drank beers at a local pub. He said he had an appointment to see Dennis "Frosty" O'Toole SC in a few days' time to discuss his prospects. However, he obviously didn't want to talk about the charges against him, so we chatted about sport and friends instead.

That night, I slept better than expected, but still woke early. While dawn climbed over the balcony and sat on the end of my bed, I stared at the ceiling and listened to a breakfast announcer yabber about his wonderful weekend. I tried to

savour the calm before the storm. But my gut soon turned hollow. Eventually, I got out of bed and slouched into the kitchen. It's very easy, during a big trial, to skip meals and fritter away stamina, so I forced a big bowl of porridge into my queasy stomach.

I caught a train to the city and tramped into Chambers, where I sat behind my desk and resisted the temptation to flip through my brief *again*. Instead, I read the *Sydney Morning Herald* with wavering attention. Time moved on hobbled feet. All I wanted now was for the trial to begin.

Helen Lawson appeared just before nine o'clock. She wasn't robed because she wouldn't be sitting with me at the bar table; she wore a well-cut business suit and heavy makeup instead, as if this was a special occasion. My funeral?

She looked excited. "How do you feel?"

I smiled. "Alright. But if I start panicking in court, slap me across the face, OK?"

She laughed. "Don't worry, I'll give you a big uppercut."

"Don't miss."

Wanting a distraction, I asked what she did over the weekend. She burred about shopping for clothes and seeing a movie about Spanish bullfighting, of all things. I nodded and grunted, but my brain kept drifting off to compile a list of things that could go wrong in the forthcoming trial.

While Helen described the death of the bullfighter—was this a movie or a documentary?—the receptionist phoned and said that my instructing solicitor, Clint Andersen, had arrived. I told her to send him around.

A minute later, Clint strolled into my room, pushing a metal trolley that held the prosecution and defence briefs. His promptness surprised me. I had known him to arrive half-an-hour *after* a trial started. Maybe he made an exception for murder trials.

"Morning all," he chirped and looked at me. "Ready?"

"Yep, but not confident."

"Join the club. Wish we could torture our client until he pleads guilty."

"I don't think that would change his mind. Have you looked on the court website to see which judge we've drawn?"

"Yep, it's *Wrong Stevens*."

I shrugged. "Could be worse."

Helen said: "*Wrong Stevens*? Why's he called that?"

I said: "His real name's Ron Stevens. A few years ago, the Attorney General wanted to offer a Supreme Court appointment to a silk called Ray Stevens. However, a flunky accidentally rang up Ron and offered him the gig. Ron was not a high flier. So he grabbed the offer with both hands and ran around telling everyone about his good fortune."

"My God. Why didn't the A-G say it was a mistake?"

"That would have been too embarrassing for all involved. Better to have the wrong person on the bench."

"You're kidding? So what's he like?"

"Actually, he's not bad. He's not flashy, but he calls a fair game. The only problem is that, if Tuan Ho goes down, he'll throw the book at him. He's definitely a punisher."

"That's a worry."

I turned to Clint. "Which courtroom are we in?"

"The old Banco Court."

Only a hundred metres away. "Good."

There was no point chatting about the case. So we discussed the movie Helen went to see. However, I was preoccupied with the forthcoming trial and kept losing the thread of the conversation.

At 9.30 a.m., I opened a small cupboard, fished out my gown, bar jacket and jabot, and the wig I kept in a biscuit tin, and slipped them on. I turned to the others and smiled. "Alright folks, it's court time."

As I headed for the door, Helen said: "By the way, what happened to Ray Stevens?"

"You mean *Right* Stevens? He's still waiting for the A-G to offer him a judicial appointment."

"Poor guy."

It was good—no, great—to get moving. As I led them out of the building and along Phillip Street, my nerves started to settle.

We passed through the shadow of the 23-storey Supreme Court tower and reached the Old Supreme Court Building. The original part was built during the early days of the colony, when murder trials only lasted an hour or two and those convicted were strung up in the yard. Various extensions had created an irregular sandstone structure.

After being searched at a security checkpoint, we descended a flight of stairs to the holding cells. A Sheriff's Officer opened a heavy metal door and escorted us to a tiny cell with a white Formica table. Tuan Ho sat waiting for us, wearing an insincere suit and looking preternaturally calm.

I introduced Helen and explained that she was present for work experience and I would do all the talking in court. His shrug indicated one barrister was as good as another one.

I considered asking again if he wanted to plead guilty. But he had clearly said he didn't and, if I displayed my doubts, might lose confidence in me. So I had little to say, except warn him not to laugh, smile or otherwise annoy the jury.

We left him and climbed the stairs to the Banco Court, the most splendid courtroom in the state. Added to the courthouse in the 1860s, it had a large skylight embedded in an ornamental zinc ceiling. The furniture was all made of intricately carved cedar and included a massive canopy over the judge's bench. A slightly raised jury box on one side faced the prisoner's dock on the other. A spacious public gallery jutted out over the well of the courtroom. Everyone sat on leather cushions. It was built during the days when judges sat closer to God and courtrooms provided the best theatre in town.

I'd hoped the Director of Public Prosecutions would allocate a second-rate Crown Prosecutor to this trial. Instead, Jane Tomasic sat at the bar table, arranging her folders. She was a formidable opponent with a quick mind and lots of jury-charm. I fell in love with her pert features and big eyes the first time I saw her in court, prosecuting one of my clients. After he was convicted, I asked her out for a drink.

"I'm afraid, I must decline."

"Why? I'm told my manners are much improved."

She smiled. "I'm sure they're excellent, but my girlfriend wouldn't approve."
"Oh."

Later, I heard she lived in a Paddington terrace with a bank executive girlfriend and two cats. What a crying shame.

Prosecutors are supposed to be balanced and impartial officers of the court, but I've seen little evidence of that. Like everybody else in the legal game, they like to win and hate trudging back to their office to tell their boss that another scumbag was back on the street because they played it nice. It was much smarter, career-wise, to hide evidence and mangle the facts. Jane was more honest than most, but less honest than she pretended. Her presence was not good news for my client.

I said: "I see I have a worthy opponent this time."

She looked up and smiled. "Brad, you're appearing for the defendant?"

"Yep."

"Not being led?"

"No. Allowed out on my own. Let me introduce Helen Lawson, who's doing her criminal reading with me."

Jane raised her wafer-thin eyebrows. But she was too polite to ask if Helen was the daughter of the President of the Court of Appeal. They shook hands. "Hello, you have my sympathy. I hope you survive the experience."

I said: "Gee, you're in a mean mood."

A sharp frown. "I'm entitled to be: your client's wasting everyone's time."

"How?"

"He's obviously guilty."

"He firmly denies that."

She laughed. "Really? Then who shot Vincent Lee?"

"I don't have to finger the culprit. That's your job." I struck a relaxed pose. "But look, I'm sure I can persuade him to plead guilty to manslaughter, if you'll drop the murder charge. What do you say?"

She shook her head. "Nope. I couldn't sell that to the Director. He pleads guilty to murder or nuffin'."

A defiant shrug. "You'll live to regret your stubbornness."

"Why?"

"Wait and see," I said, trying to sound ominous. "Anyway, did you get our letter saying who we want available for cross-examination?"

She frowned. "Yep, they'll be here when needed."

"Good."

"Though why do you want to cross-examine Hanrahan and Mostyn? All they did was arrest your client? Let me just read out their witness statements."

I shook my head. "No, I want to cross-examine them. They're probably not important, but I've got to look like I'm earning my fee."

A suspicious look. "You're up to something, aren't you?"

A bland smile. "Of course not."

"Yes, you are." Raised eyebrows. "Oh, I get it: you're going to accuse them of planting the murder weapon, aren't you? You won't get anywhere with that and you'll just piss off the jury, big time."

It was hard to fault her reasoning. But I remembered Bert's injunction to look confident at all times. "Be patient and all will be revealed."

I moved over to my side of the bar table and started taking folders off the metal trolley and arranging them on the table. Clint and Helen sat behind me.

I finished my chore and glanced around at the dozen or so spectators, mostly elderly, in the public gallery. They looked like murder-trial groupies rather than relatives or friends of Tuan Ho. Half-a-dozen reporters sat in the press box next to me. The nearest was Carol Rolfe from the *Sydney Morning Herald*, who I knew quite well. Chubby and good-humoured, she spent a lot of time chewing on the end of a pencil, which she was doing right now. Occasionally, when she wrote an article about a trial in which I appeared, some of her reporting was accurate.

I said: "Hello Carol, will you be here for the whole trial?"

She looked shocked. "Of course not. I'll probably just stay for the prosecution's opening address and shoot through."

"That's not very balanced."

"Tell my editor. He expects me to be in three courts at once. At eleven, I've got to cover the bail hearing of that rugby league player charged with rape."

"You can't miss that," I said sarcastically.

"Of course not." She grinned. "But I might come back for the prosecution's closing address."

"What about mine?"

"I'll pop in, if I'm not busy. I like listening to you."

I rolled my eyes. "Thanks."

A minute later, the invisible hand of the Judge's Tipstaff rapped three times on the door behind the bench. Everyone stood and the Tipstaff led Justice Ron Stevens through the door. The judge, wearing a wig and a scarlet robe with grey silk facings, scurried onto the bench like a fugitive. I sometimes wondered if he knew a mistake put him on the bench. He acted like he did.

As usual, at the beginning of a trial, my nerves subsided. There was no point worrying anymore about whether I had done enough preparation or would do a good job. The prosecution would soon start pumping out evidence and there would be no time for doubts or second thoughts.

The judge had a fluty voice. "Morning, everyone."

Jane Tomasic said: "Morning, your Honour. I appear for the prosecution."

"Thank you, Madam Crown."

"And I appear from the accused, your Honour."

"Thank you, Mr Norton." He turned to the Sheriff's Officer loitering at the side of the court. "Alright, Officer, bring up the accused."

A minute later, Tuan Ho climbed the stairs that finished in the dock, with two burly Sheriff's Officers behind him. He sat down and smiled deferentially at the judge, the prosecutor and me. He looked too young and fresh-faced to have murdered anyone.

The judge asked his Associate, sitting just below him, to arraign the accused and I signalled for Tuan Ho to stand. The Associate read out the murder charge and asked Tuan how he pleaded. He spoke nonchalantly: "Totally not guilty".

I leaned over to Jane Tomasic. "You see, I told you so."

She didn't smile.

A Sheriff's Officer led twenty prospective jurors into the courtroom and sat them in the public gallery. Each received a small disc with an identification number.

The Associate drew numbers from a ballot box until twelve were selected and sat in the jury box.

The judge told them the case would last about four days and asked if any had a pressing reason to be excused. When several cited work or family commitments, he apologetically said those reasons were not pressing enough.

Jane Tomasic made no preemptory challenges and I challenged a couple of sour-looking old guys who probably didn't like Vietnamese toughs. They were quickly replaced and each of the jurors swore an oath to faithfully discharge their duty.

The Associate read out the charge again and the judge turned to the jury. "Members of the jury, you will have to decide whether the accused, Tuan Ho, murdered Mr Vincent Lee at the Kam Fuk Restaurant on 27 July last year. During the trial, I will give you guidance about the law and the facts. You will now hear the opening address of the Crown Prosecutor." He looked at Jane Tomasic. "Madam Crown..."

She rose and looked at each juror in turn, as she was taught to do at forensic skills seminars. "Members of the jury, we are here because, on 27 July last year, Mr Vincent Lee was shot dead in his office at the rear of the Kam Fuk Restaurant in Cabramatta, which he owned. The prosecution case is that, at about 10.40 a.m., he was working alone in his office. The accused entered with a pistol and forced him to open his safe. We don't know what was inside the safe. But, whatever it was, the accused stole it. Then he shot Mr Lee three times and fled.

"The next day, two detectives arrested the accused at his apartment in Canley Vale. They took him to the Cabramatta Police Station, where Homicide Squad detectives interviewed him. You will be shown a videotape of that interview. During the interview, the accused denied killing Vincent Lee. He claimed that, when he entered the office, he found Vincent Lee on the floor, already dead. The prosecution will ask you to disbelieve his denial. It says a large amount of evidence proves the accused shot Vincent Lee.

"In particular, the prosecution will rely on two key pieces of evidence. The first is footage from a CCTV camera mounted behind the restaurant. It shows that, at 10.10 a.m., Mr Lee parked his car behind the restaurant and entered the rear office carrying a small bag; it also shows that, at 10.40 a.m., the accused parked behind the restaurant and entered the office. Seven minutes later, the accused ran out of the office, got into his vehicle and drove off. A cook arrived at the restaurant shortly afterward and found Mr Lee's dead body. The cook contacted the police.

"The second key piece of evidence is that the murder weapon was found, the next day, in the accused's apartment. Two detectives from the Western Sydney Narcotics Strikeforce—Detectives Hanrahan and Mostyn—will give evidence that, at about 2 p.m., they raided the accused's apartment and arrested him. Later that afternoon, a team from the Police Forensics Unit searched the apartment and found the murder weapon hidden in a wardrobe. Obviously, members of the jury, only the murderer would have had that weapon."

Her delivery was relaxed and calm, and the jurors were transfixed. The prosecution certainly had a strong case against my client. My goodness, it did. I feigned boredom while fighting an internal war against defeatism.

As Jane Tomasic sat down, all of the reporters scurried out of the courtroom with just enough time to file their copy before attending the bail hearing of the rugby league player.

Defence counsel is entitled, after the prosecutor's opening address, to outline his client's defence. I had very little to outline. So I rose to my feet and smiled. "Good morning, members of the jury. My name is Brad Norton and I appear for the accused, Mr Tuan Ho. I will keep my remarks brief at this stage. I just want to make it clear that Mr Ho denies that he murdered Vincent Lee. Yes, he visited the restaurant as the prosecution alleges. He went there to ask Vincent Lee for a job as a waiter. However, when he walked into the office, Vincent Lee lay on the floor, already dead. Obviously, at that point, he should have called the police and the ambulance service. However, he panicked and ran away. That makes him a fool, not a murderer. Further, he denies ever having the murder weapon in his possession and denies putting it in his wardrobe. Thank you, for your time."

The judge looked a little surprised at my brevity. However, he quickly turned to my opponent. "Madam Crown, are you ready to go into evidence?"

"Yes, your Honour. First, I want to show footage from the CCTV camera behind the restaurant. I don't think its authenticity is in doubt."

The judge glanced at me and I said: "It's not, your Honour."

"Alright then, let's see it."

Jane gave a DVD to the Associate, who inserted it into a DVD player. Sharp colour footage of the area behind the restaurant appeared on the big screens that hung on each side of the courtroom. The footage had a rolling date-time stamp in the bottom left-hand corner. The Associate hit the "play" button and the jurors watched Vincent Lee walk from the car park into the rear of the restaurant. Jane then asked the Associate to fast-forward the footage to 20 minutes later. The Associate obeyed and pressed "play" again. After about a minute, Tuan Ho also walked from the car park into the rear of the restaurant, wearing a duffle coat. Seven minutes later, he rushed back out and disappeared into the car park.

Jane said to the Associate. "That's enough, thank you."

The screen went blank and the Judge said: "Alright, Madam Crown, call your first witness."

The prosecution had to prove that Vincent Lee was murdered, rather than died of a bee sting, a food allergy, a mighty stroke or some other natural cause. Therefore, the first prosecution witness was a female forensic pathologist called Eileen Smail, who wore round metal glasses and looked a bit corpse-like herself.

Jane Tomasic got her to explain that Vincent Lee died because someone fired three bullets into his chest from close range. Death quickly followed. I didn't bother cross-examining her.

The next witness was the cook at the restaurant who arrived at work at 11.05 a.m. and found Vincent Lee shot dead on the floor of his office. He immediately called the police and ambulance services, which arrived ten minutes later. I didn't cross-examine him either.

Jane Tomasic then called the first police officer to reach the scene. Constable Victor Herron was in his mid-twenties, with clean-cut features and a barrel chest. He clearly enjoyed being the centre of attention in a murder trial, instead of refereeing domestic disputes or handing out speeding tickets.

He described how he arrived at the restaurant at 11.15 a.m. and found Vincent Lee on the floor of his office in a pool of blood.

The prosecutor said: "What did you do next?"

"After confirming that the deceased was, well, deceased, I immediately sealed off the office to prevent any contamination of the crime scene."

"Thank you."

I did not bother to cross-examine him either.

Constable Herron departed and Sergeant Vincent Sturgeon, a balding crime scene technician in the Forensics Unit, got into the witness box. He described how, when he arrived at the crime scene, about an hour after the shooting, the corpse was still on the floor.

The prosecutor said: "You filmed the crime scene?"

"Yes."

The jury was shown that 20-minute film. The Sergeant's camera lingered for a long time over the blood-spattered corpse, almost in a foetal position. Then it zoomed up to show an empty safe in the wall behind the desk.

When the film stopped, the Sergeant described how, after the corpse was removed, his team examined the crime scene and bagged all evidence.

"The deceased was shot three times?"

"Yes, three times in the chest, from close range. One bullet lodged in his chest; the other two passed through his body and lodged in the wall behind him."

The prosecutor gave the witness, via the Court Officer, three plastic evidence bags containing bullets. "Are those the bullets fired into the deceased?"

"Yes."

She tendered the bullets and I did not object. The Associate attached exhibit stickers to the bags and passed them to the female jury foreperson, who handed them to the other jurors for inspection.

Jane Tomasic turned back to Sergeant Sturgeon. "Now, the next day you attended the apartment of the accused in Gunning Drive, Canley Vale?"

"Yes."

"Shortly after the accused was arrested?"

"Correct. He was already gone when we arrived. There was a uniformed officer guarding the scene."

"You were in charge of the team that searched the apartment?"

"Yes, there were three of us."

"And, during that search, you personally discovered a pistol in a wardrobe in the apartment?"

"That's right."

Jane handed the Court Officer a Luger pistol in a plastic bag and he gave it to the witness. "That's the pistol?"

"Yes."

"You examined the pistol for DNA?"

"Yes."

"Did you find any?"

"Yes, I found the accused's DNA."

She looked at the judge. "No further questions, your Honour."

The judge looked at me. "Mr Norton?"

I hadn't crossed swords with Sturgeon before and did not know his strengths and weaknesses. This would be a crash course. However, one thing was certain: he would not help me. Experts, even police experts, were supposed to be independent and above the fray. But I had never met one who was. They all rode for the brand.

"Sergeant Sturgeon, you told my learned friend that your tests showed the Luger pistol had the accused's DNA on it?"

"Yes, I did."

"You don't know how his DNA got onto the pistol, do you?"

"Umm, no. That would be conjecture."

"For instance, if someone took that pistol and rubbed it on the accused's bedclothes, that would put his DNA on the pistol, wouldn't it?"

"If his DNA was on the bedclothes, yes, it would."

"Most people leave their DNA on their bedclothes, don't they?"

"I guess so."

"You examined the pistol for fingerprints?"

"Yes."

"You didn't find the accused's fingerprints on it, did you?"

"There were no fingerprints on it. It looked like it had been rubbed clean."

The Sergeant's attempt to help the prosecution gave me an opening. "If someone rubbed the pistol on my client's bedclothes, that would rub it clean of fingerprints, wouldn't it?"

He frowned. "I guess so."

I picked up my winnings and moved on. "Now, my client, Mr Ho, wore a duffle coat when he entered the Kam Fuk Restaurant, didn't he?"

"Umm, I'm not sure about that."

"Well, you were sitting in court earlier when CCTV footage of him entering the restaurant was played, weren't you?"

"Yes, I was."

"He wore a duffle coat, didn't he?"

"Oh, now you mention it: yes, he did."

"Your team found that duffle coat in his apartment, hanging in a wardrobe, didn't it?"

"I'm not sure. I'll have to look in the evidence register."

"Please do."

"It's in my briefcase, which I left over there." He pointed at the public gallery.

I looked at the judge. "Can the witness get his briefcase?"

The judge looked at the witness. "Go ahead."

The Sergeant ducked out of the witness box and recovered his briefcase from under the seat where he previously sat. Back in the witness box, he opened it, pulled out a bulky folder and leafed through it. As I expected, he nodded. "Yes, a duffle coat was taken from the wardrobe. In fact, we photographed it." He studied the photograph closely. "It looks like the one your client wore into the restaurant."

"Please give me the photograph."

Sergeant Sturgeon handed the photograph to the Court Officer, who passed it to me. It showed the duffle coat laid out on a flat surface. I tendered it, without objection.

I said: "Did you or any of your colleagues test that coat for gunshot residue?"

"We tested all the clothes found in the apartment for that."

"And you found no gunshot residue, did you?"

"Correct. We found nothing of interest on any of his clothes."

"Thank you." I glanced at the judge. "No further questions, your Honour."

While cross-examining the Sergeant, I sensed Jane Tomasic next to me was getting edgy. That was no surprise. It was now very clear to her that I would accuse Hanrahan and Mostyn of planting the murder weapon in the apartment.

As I sat down, she shot to her feet and asked for leave to re-examine the witness. I knew exactly what she planned to ask and that it was pointless to object. So, I didn't bother.

She turned towards the witness. "Sergeant, when someone fires a pistol, does that normally leave gunshot residue on that person's clothes?"

"Sometimes it does and sometimes it doesn't. The pistol shot creates a small cloud of particles in front of the pistol. Someone would only get residue on their clothes if they walked through that cloud. Further, it is quite easy to wash off the residue. After all, it's only a collection of small metal particles."

"Thank you."

I got to my feet and told the judge I had questions arising out of that answer. He told me to proceed.

I looked at the witness. "Sergeant, if a man fires three shots from a pistol in a small room, and then spends seven minutes moving around in that room, he will get gunshot residue on his clothes, won't he?"

The Sergeant saw the danger to the prosecution case. "I prefer not to speculate on that."

"You mean, you don't want to give an answer that will help the accused?"

Jane Tomasic jumped to her feet. "I object."

The judge looked at me. "Don't be argumentative, Mr Norton."

"Yes, your Honour." I'd made my point to the jury and moved on. "Sergeant, you told Madam Crown that it is possible to wash off gunshot residue, didn't you?"

"Yes, I did."

"You meant 'wash off' by putting the clothes through a washing machine, didn't you?"

"That's one method. Dry cleaning would also remove the residue."

"OK. And there are really no other ways to remove it, are there?"

"Not really, I guess."

"And you have no evidence at all that the duffle coat was dry cleaned after Vincent Lee was shot, do you?"

"Umm, I guess not. I didn't investigate that."

"And you have no evidence it was put through a washing machine either, do you?"

A frown. "Um, no, I don't."

"Indeed, if a heavy item like a duffle coat was put through a washing machine, it would take a long time to dry, wouldn't it?"

"I don't know. I haven't tested that."

"Well, heavy clothes take longer to dry than light ones, don't they?"

"That sounds right."

"Indeed, it would take the duffle coat at least 24 hours to dry, wouldn't it?"

"Like I said, I haven't tested that."

"In fact, if the accused washed the duffle coat after Vincent Lee was shot dead, it would have still been wet when your team found it in the apartment, wouldn't it?"

"I can't say."

"But you agree it wasn't wet when found in the apartment?"

"I don't know whether it was wet or not; I can't even remember who bagged it."

"If it was wet, whoever found it would have noted that, wouldn't they?"

"I guess so. But it could have been put next to a heater to dry."

"You have no evidence it was, do you?"

"No."

"You're just doing your best to help the prosecution case?"

"No, I'm not."

I looked at the judge. "No further questions, your Honour."

The next witness was a police ballistics expert. Sergeant Colin Hoth was an owlish man with grannie glasses suspended on a neck chain. On the one previous occasion I cross-examined him, he struck me as pompous and afraid to admit fault.

After eliciting evidence about his academic qualifications, Jane Tomasic asked him if the Luger pistol recovered from Tuan Ho's apartment fired the three 9mm bullets that killed Vincent Lee.

"Yes it did."

"On what basis do you draw that conclusion?"

"The rifling marks in the barrel of the pistol found in the wardrobe and those on the three bullets fired into Mr Lee are the same."

"Are 9mm bullets heavy calibre?"

"Yes."

The prosecutor looked up at the judge. "No further questions."

She looked a little surprised when I rose to cross-examine the Sergeant. What could I want to ask?

I said: "Sergeant, Mr Lee was about 175 centimetres tall, wasn't he?"

"Yes."

"He was standing when the bullets went through his chest?"

"Yes."

"And two of the bullets went through him at a slightly downward trajectory."

"Umm, yes, it appears they went slightly downwards."

"Please assume that the accused is 160 centimetres tall. If he shot Vincent Lee, the bullets would have taken a slightly *upwards* trajectory, wouldn't they?"

"Umm, I guess that's possible. But it depends on where he held the pistol. If he held it at eye level, the bullets would have taken a slightly *downward* trajectory."

"Most people don't hold a pistol at eye level when they shoot, do they?"

A shrug. "I don't agree. Everyone is different."

"Whoever shot Vincent Lee shot him from a distance of about one metre, correct?"

"Yes."

"There was no need to sight along the barrel from that range, was there?"

"Maybe not, but everyone is different."

Having, I hoped, inserted another seed of doubt in the minds of the jurors, I told the judge I had finished my cross-examination and sat down.

The judge looked at the witness. "Sergeant, you are free to go."

"Thank you, your Honour."

As Sergeant Hoth left the witness, the judge studied the wall clock which said it was 11.30 a.m. He adjourned for the 20-minute morning tea break.

I nodded goodbye to Tuan Ho as the Sheriff's Officers bossed him to his feet and escorted him down the stairs to the cells.

I turned to Helen: "Hope you're not bored."

"You kidding? This is fantastic. You're doing well."

I shook my head. "I'm just nibbling at the edges. The main battle is yet to begin. Anyway, if you've got other work to do, you should do it. You don't have to hang around for the whole trial."

"You'd have to drag me away, kicking and screaming."

I smiled. "Good. I'm going for a quick stroll to clear my head. Be back in 15 minutes."

After dropping my wig and gown onto the bar table, I strolled out of the courtroom and, to my surprise, saw Detective Inspector Hanrahan sitting on a wooden bench next to Detective Sergeant Mostyn.

As I passed them, Hanrahan gave me a quizzical look, obviously wondering why I looked familiar. A smug smile blossomed. "Oh, you again."

I slowed down. "Good morning."

A frown. "Why are we here?"

I fought to keep my smile relaxed. "To ensure justice is done, of course."

"I hope this won't take long."

"Don't worry. You'll be back crime-fighting before you know it."

A scowl. "Good."

I strolled out of the courthouse, across Queens Square and down the main path running through Hyde Park for several hundred metres before doubling back. At first, I focused on the scenery. Then my mind snapped back to the trial. I won a few concessions from witnesses I would use later to muddy the water. But they were not significant. The main game would only start when I cross-examined Hanrahan and Mostyn and accused them of planting the murder weapon in Tuan Ho's apartment. Too bad I would be fighting barehanded.

When the trial resumed, the Crown Prosecutor called to the witness box the Homicide detective who led the murder investigation. Detective Superintendent Owen Saunders had a big craggy face with a nose smeared over most of it. I wondered what happened to the guy who broke it. His grey suit looked like it wanted to hide in a wardrobe.

My opponent had called him so she could draw the threads of her case together. After getting him to explain that he headed the murder investigation, she said: "Detective Superintendent, how long after the shooting of Vincent Lee was the accused arrested?"

"The next day."

"Why did you suspect he was the culprit?"

"There was a CCTV camera behind the restaurant. We studied the surveillance film—I think the jury has already seen it—at Cabramatta Police Station with a couple of waiters from the restaurant. One of the waiters recognised the accused. I issued an arrest warrant and put an alert on COPS."

"You're referring to the Computerised Operational Policing System?"

"Yes, it's our operational database."

"Who arrested him?"

"Two officers from the Narcotics Strikeforce saw the alert and got a source to tell them where the accused lived. They went to the apartment and arrested him. Then they brought him to the Cabramatta Station and handed him over to me. I told him he had the right to remain silent and asked if he was prepared to let us conduct a recorded interview. He said he was. So, I interviewed him with one of my detectives."

"That interview was filmed?"

"Yes."

Jane turned to the judge and said she wanted to play the tape of that interview.

He looked at me. "Any objection, Mr Norton?"

"No, your Honour."

Detective Superintendent Saunders remained in the witness box while the interview with Tuan Ho was shown on the two big TV panels. I had watched it several times before and didn't bother this time. Instead, I studied the jury as Tuan Ho vehemently maintained that he only visited Vincent Lee to ask for a job and found him dead on the floor.

The interview lasted only 30 minutes. Then the prosecutor asked the Detective Superintendent what happened after the interview.

"The accused was charged with murder and remanded in custody."

"Thank you."

The judge looked at me. "Any questions, Mr Norton?"

I rose to my feet. "Just a few, your Honour." I turned towards the witness. "Detective Superintendent, the two detectives who arrested the accused were Detectives Hanrahan and Mostyn, weren't they?"

The detective ruminated for a while before nodding. "That's right."

"Neither belonged to the Homicide Squad, did they?"

"That's correct."

"In fact, they were members of the Western Sydney Narcotics Strikeforce?"

"Yes."

"They had no role in the murder investigation?"

"Only when they made the arrests."

"Indeed, it's unusual for someone outside the Homicide Squad to arrest a murder suspect, isn't it?"

The detective looked suspicious. "Umm, no, I wouldn't say that. I mean, we issued an arrest warrant and sent out an alert. After that, any officer who located the fugitive could make the arrest. I understand an informant told the detectives where the accused lived and they decided to arrest him."

"They didn't contact you before doing so?"

"No."

"It was standard practice for them to do so, wasn't it?"

The detective shifted a little uncomfortably. "I would have preferred that they contacted me first, but things can move very fast on the street."

"They didn't move fast in this case, did they?"

"What do you mean?"

"The detectives had plenty of time to call you before they broke into the apartment and arrested the accused?"

"I, umm, don't know. You'll have to ask them."

"It's also standard procedure for officers to call for back-up before trying to arrest a murder suspect, isn't it?"

"Yes, but, like I said, things can happen very fast. They may have feared the accused would try to escape before back-up arrived."

"You're just speculating, aren't you?"

"I guess so."

"So, you agree with me that, if there was no special urgency, the detectives should have called for back-up."

The detective twitched a few times. "Umm, yes."

"That back-up would have included the heavily armed Tactical Response Unit?"

"Yes."

"Instead, they arrested the accused and took him to the police station themselves?"

"Yes."

A time-honoured tactic of defence counsel in murder trials is to put the victim on trial. I embraced that tradition. "Detective Superintendent, Vincent Lee was known to the police, wasn't he?"

"Yes."

"Indeed, he had a number of convictions for drug trafficking?"

"Yes."

"For which he spent a total of 11 years in prison?"

"That's right."

"Indeed, according to police intelligence reports, at the time of his death, he was a major drug boss in Western Sydney?"

"The intelligence unit believed that was the case."

"So he would have had a lot of enemies, wouldn't he?"

"I wouldn't like to speculate."

"He was a drug boss, wasn't he? He didn't work for the Salvation Army?"

"That's correct."

"And you would expect a drug boss to have a lot of enemies?"

"It is possible, definitely."

"And one of those enemies could have shot him in the restaurant?"

"I have no evidence that occurred."

"You didn't try to identify the enemies of Vincent Lee, did you?"

"I didn't need to."

"Because you saw Mr Ho on the CCTV footage and excluded all other possible culprits?"

"Well, the next day, the murder weapon was found in his apartment."

"By narcotics detectives?"

"Yes."

"Police officers didn't find any valuables in the apartment, did they?"

"What do you mean?"

"They didn't find any drugs or money that might have come from the safe in Vincent Lee's office?"

"They found no valuables."

I looked at the judge. "No further questions, your Honour."

The judge thanked the Detective Superintendent and said he was free to go.

As the witness strode across the well of the court, the Crown Prosecutor said to the judge. "Your Honour, can I have a moment to confer with my learned friend?"

"Of course."

Jane leaned over to me and spoke in a whisper. "Hanrahan and Mostyn are outside. Are you sure you want to cross-examine them? I can just read out their witness statements."

If I wanted to submit to the jury that the two detectives planted the Luger pistol, I had to put that squarely to them during cross-examination. She obviously hoped I would back off. That wouldn't happen. "Nope, you'd better call them."

She frowned. "Alright. Which one first?"

"Let's start with Hanrahan."

"OK."

Jane turned back to the judge. "Your Honour, I call Detective Inspector Carl Hanrahan to give evidence."

Jane's young female instructing solicitor ducked out through the rear door and returned with Hanrahan, who strode towards the witness box as if he expected a medal to be pinned on his chest.

My stomach did gymnastics. I was about to accuse a senior police officer of planting a murder weapon, despite having little proof and him being a brilliant liar. This cross-examination was going to be a disaster. Suddenly, instead of wanting to win our duel, I just wanted to emerge with a shred of self-respect. Jesus.

Hanrahan sat calmly in the witness box and casually rotated his handsome head. A hot-shot cop without a care in the world. The Court Officer gave him a Bible and got him to swear an oath to tell the truth, which he did with fresh-faced sincerity. Then Jane Tomasic, using his witness statement as a guide, questioned him about how he and Detective Mostyn came to arrest Tuan Ho.

Hanrahan said he and Mostyn were driving a police car through the Fairfield shopping district when they saw, on the computer screen attached to the dashboard, an alert to arrest Tuan Ho. "I saw he had previous convictions for drug dealing. So I asked some informants if they knew where he lived. One of them gave me an address in Gunning Road, Canley Vale. It wasn't far away, so we headed over there."

"What did you do when you arrived?"

"The apartment was on the fourth floor. We climbed the stairs and heard the sound of a television playing inside; we broke down the front door and entered with our weapons drawn."

"What happened next?"

"The accused was sitting on a couch, watching TV. He ran towards the balcony, but I tackled him and Detective Sergeant Mostyn handcuffed him. We took him

downstairs and waited for uniformed officers to arrive and guard the crime scene. Then we transported him to the Cabramatta Police Station and handed him over to Detective Superintendent Saunders of the Homicide Squad."

Thank you." The prosecutor looked at the judge. "No further questions, your Honour."

The judge looked at me. "Mr Norton?"

"I have a few, your Honour."

"Please proceed."

My stomach lining started to dissolve as I stood and stared at Hanrahan, who continued looking relaxed and respectful. "You say that, when you reached Mr Ho's apartment, you heard the sound of a television inside?"

"Yes."

"At that stage, you knew Mr Ho was a murder suspect?"

"Yes."

"That he was accused of shooting someone dead the day before?"

"Yes."

"In those circumstances, it was standard police procedure to call a back-up before entering the apartment, wasn't it?"

"That was an option."

"In fact, that was standard procedure, wasn't it?"

"I wouldn't go that far. It was an option."

"You didn't wait for back-up, did you?"

Hanrahan shook his head. "I was concerned your client might get away."

"He was stuck in the apartment watching TV—he had no escape route, did he?"

"He could have left through the balcony."

"The balcony was on the fourth floor?"

"He could have climbed onto another balcony."

"If he was a monkey."

Jane Tomasic leapt up and roared. "I object."

The judge sighed. "Move along, please, Mr Norton."

I turned back to the witness. "If you waited for back-up, the back-up would have prevented a balcony escape, wouldn't it?"

The detective shrugged. "Maybe, but I like to get things done. I'm that sort of guy."

"You mean, you don't follow standard police procedure if you don't feel like it?"

Hanrahan kept his cool, unfortunately. "In police work, nothing is carved in stone."

"After you arrested the accused, Detective Mostyn took him down to your vehicle, didn't he?"

"No, we both took him down there."

"You mean, you left the apartment unattended?"

A flicker of concern. "Umm, yes, I guess so, very briefly."

"That's not standard procedure either, is it?"

"There was no danger that someone would enter it."

"In fact, Detective Mostyn took Mr Ho down to your vehicle and you remained alone in the apartment for about ten minutes, didn't you?"

"That's not true."

"And while you were there, you planted a Luger pistol—the weapon used to shoot Vincent Lee—in the wardrobe of the apartment?"

A few jurors gasped. The witness showed a flash of well-contrived anger. "I certainly did not."

Jane jumped up and looked at the judge. "I object."

"Sit down," I growled.

"No, I object. Can I address your Honour in the absence of the witness and the jury?"

The judge, who now looked vaguely interested, sighed. "Yes, alright."

He turned towards the jury box. "Members of the jury, we have a legal issue to discuss. Would you please wait outside? Hopefully, we won't be long." He looked at the witness. "Would you kindly do the same?"

"Yes, your Honour."

After the jurors and witness had tramped out, the judge turned to Jane Tomasic. "Yes, Madam Crown?"

"Your Honour, I object to this line of questioning."

"Why?"

"Mr Norton is attacking the honour of a highly decorated police officer with no basis whatsoever."

The judge looked at me. "Mr Norton?"

"My client has instructed me that the pistol was planted in the wardrobe. I cannot ignore that. I'm here to put his case, not worry about the witness's feelings."

The judge looked back at Jane. "If that is what Mr Norton's client alleges, surely Mr Norton is entitled to put it to the witness."

"I think it's improper, your Honour."

"Madam Crown, it's not Mr Norton's job to question his instructions. Anyway, Detective Hanrahan is a big boy—he knows how the game's played. I disallow the objection." The judge turned towards me. "However, Mr Norton, do you intend to go further and suggest that this witness was, umm, involved in the death of Mr Lee?"

Despite the happenstance that put him on the bench, the judge was no fool.

I said: "At present, your Honour, my instructions and the evidence do not allow me to go that far." I smiled. "But watch this space."

The judge smiled back. "I will, with great interest."

The judge glanced up at the clock. "It's almost one o'clock. This is a good time to adjourn for lunch. I will resume at two o'clock." The judge turned to the Court Officer. "Please tell the jurors and witness about the adjournment."

"I will, your Honour."

"Thank you. I now adjourn."

The Court Officer ordered that everyone rise and the judge scuttled off the bench with his small team in tow.

I stepped over to Tuan Ho, who looked like he was watching the trial of someone else. "How are you going?"

A shrug. "OK. You're doing a good job."

I shook my head. "Not good enough. I'll need to do a lot better to get you off. I'll see you after lunch."

"Sure."

A couple of Sheriff's Officers, obviously impatient to have lunch, hustled Tuan Ho down the stairs to the cells.

I dropped my wig and gown onto the bar table, sighed and turned towards Clint and Helen. "Right, let's go have lunch."

We strolled out of the courthouse and across Queens Square to a cafe in Macquarie Street, where we seized an outdoor table. A waiter appeared and we ordered sandwiches, which soon arrived. Despite my tight gut, I forced myself to eat. I was burning lots of nervous energy and risked brain fade around mid-afternoon.

Helen bit into her sandwich and broke the silence. "How are we going?"

I said: "Right down the tubes."

She glanced at Clint. "What do you think?"

"Brad's right. Not his fault, of course. The only evidence we've got that the pistol was planted is the word of our client, which is worth nothing."

"You think the jury will believe Hanrahan?"

"Of course. He's a cop, he's kinda cute and we've got no ammo to fire at him."

She looked at me. "So, what's your plan?"

"I'm going to ask him lots of questions about what he did on the day of the shooting and the next day, when he arrested Tuan Ho, and hope he makes a slip."

"I thought you weren't supposed to ask a question without knowing the answer?"

"That's usually true. But sometimes, when your back is to the wall, like now, you've got no choice. You've got to throw out a net and hope to catch something."

"And if he does make a slip, you'll accuse him of murder?"

"If it's a big enough slip—but it will have to be big."

Clint and Helen chatted for a while about an Impressionist exhibition at the Art Gallery they recently attended, while I stared into the distance, trying to think up questions to ask Hanrahan while suppressing my rising panic. Stay calm, stay calm.

I wanted to get back to the courtroom early and review my cross-examination notes, so I paid the bill and we strolled back across Queens Square towards the Old Supreme Court Building. Detectives Hanrahan and Mostyn, and a third man, stood beside a coffee trolley, chatting and drinking from paper cups. The third man had a bulky frame tucked into a faded brown suit that defied all trends. He seemed vaguely familiar. Why?

The three men didn't pay any attention to us. We entered the courthouse and I noticed a CCTV camera high on a wall. Suddenly, I realised I had seen the third man before on some film. Indeed, he looked like a pedestrian I saw on the CCTV film obtained from the *Cash is King* pawn shop. Oh, Christ. Oh, bloody Christ. My brain ran hot.

I turned to Clint. "Mate, did you see Hanrahan and Mostyn outside, with a third guy?"

"Yes."

"Good, slip outside and use your phone to photograph them together. Make sure you include the third guy. Don't let them see what you're doing."

A puzzled frown. "Why?"

"I'll tell you when you get back. This is very, very important."

Looking mystified, Clint dug around inside his suit jacket and pulled out his phone. "Will do."

He went back outside and I rushed towards the courtroom with Helen behind me. Thankfully, a court officer had unlocked the door. I strode into the courtroom, sat at the bar table and glanced at the wall clock. Ten minutes before the trial resumed. I hastily turned on my laptop and located the pawn shop footage.

Helen sat next to me. "What are you doing?"

"I'll tell you soon."

When I watched the footage in my Chambers, I especially noticed a bulky guy in a leather jacket and jeans pass in front of the pawn shop at 10.20 a.m. Was he the third guy? I fast-forwarded to that time, froze the screen and studied the pedestrian with mounting excitement. He was *definitely* the third guy. My God.

I vaguely recalled seeing him walk back past the pawn shop. I fast-forwarded the footage until ten minutes later and saw him retrace his route, now holding a small bag.

Someone was using my heart as a punching bag. Just when I thought I had no chance of winning this trial, a miracle landed in my lap. The pedestrian in the footage was obviously a detective colleague of Hanrahan and Mostyn. He murdered Vincent Lee and stole the contents of his safe. Then he gave the murder weapon to the other two detectives, to plant in Tuan Ho's apartment, probably in return for a share of the spoils. In hindsight, it was silly of him to turn up to court today and chat with his mates. However, he had absolutely no reason to think that I, or anyone else, had obtained CCTV footage of him passing in front of the pawn shop.

I reviewed my deductions, looking for a flaw in my reasoning, and saw none. I *must* be right. I wanted to dance on the bar table. "Jesus."

"What?"

"I don't have time to explain. But, if I was you, I'd hang around. There's going to be fireworks."

"Don't worry, I will."

"Good."

Clint Andersen strode into the courtroom, smiling.

I said: "How did you go?"

"Got a couple of group pics that include your man."

"Good. Let me see."

He held up his smartphone and showed me two photographs. Though taken from strange angles, they clearly show the third man - the man on the CCTV footage—drinking coffee with Hanrahan and Mostyn in Queens Square.

"Well done, well done. Did they see you?"

"I don't think so. What's going on?"

"The third guy murdered Vincent Lee."

Clint would probably not blink if space junk crashed through the ceiling of his house and destroyed his television. Now, his eyes and cheeks bulged. "He what?"

"He's the murderer."

"How the hell do you know that?"

I didn't get a chance to answer because Jane Tomasic strolled into the courtroom, fully robed, and made a beeline towards me. She frowned and put a

hand on her hip. "So, Brad, how much longer are you going to cross-examine Hanrahan?"

What she really meant was: how much longer are you going to waste everyone's time? I shrugged. "Oh, not long."

"Good."

A smile. "Yes, it won't take me long to tear him apart."

She laughed. "Very funny."

I looked grave. "I'm not joking. I'm about to make him roadkill."

Her laugh had less conviction. "Bullshit."

"No, I'm serious."

She looked suspicious. "You're kidding, right?"

I smiled again. "Hang around and find out."

There were three raps on the door behind the bench and the Court Officer called for everyone to rise. The judge entered and Jane scurried back to her side of the bar table. My wig and gown lay on the bar table. I was still throwing them on as the judge sat down.

The judge looked at Jane Tomasic and me. "Are the parties ready to resume?"

"Yes, your Honour", we said in unison.

"Good." He looked at the Court Officer. "Please bring back the jury."

While the jury filed into court through a side door, I glanced over at the dock and saw that the Sheriff's Officers had brought Tuan Ho up from the cells. We exchanged quick smiles.

When the jurors were all seated, the judge looked at Hanrahan, sitting in the gallery. "Detective Hanrahan, please return to the witness box." When Hanrahan had obeyed, the judge said to him: "I remind you that you are still under oath."

"Yes, your Honour."

The judge looked at me. "Ready to resume, Mr Norton?"

"Yes, your Honour." There was a brief pause during which I heard my heart thudding. It wasn't going to slow down anytime soon. I looked at the witness and tried to sound casual. "Detective, as I strolled back to court about ten minutes ago, I saw you chatting to two men outside. Who were they?"

Hanrahan hid most, but not all, of his surprise. "Umm, I was talking to Detective Mostyn."

"I know that. But there was another man—a second man—with you."

Hanrahan stiffened and shifted in his chair. "I, umm, don't know what you're talking about?"

"Really? My instructing solicitor, Mr Andersen, used his smartphone to take two photographs of the three of you together." I turned towards the judge. "Your Honour, will you permit Mr Andersen to approach the witness and show him the two photographs he took?"

The judge's eyebrows almost got tangled in his wig. "Do you intend to tender those photographs as evidence?"

"Yes, your Honour, as soon as we can get them off the smartphone."

The judge looked at my opponent. "Madam Crown, do you object to the witness being shown the photographs?"

Jane Tomasic stood up, looking puzzled and annoyed. "Your Honour, I have no idea what this is all about, but I don't suppose I can object."

The judge looked back at me. "Your solicitor can approach the witness and show him the photographs."

Clint approached the witness box and held his smartphone in front of Hanrahan, who looked calm and relaxed, except for his white-knuckle grip on the side of the witness box.

I said: "You see that, on the phone, there are two photographs of you with Detective Mostyn and another man?"

"Yes."

"Who is the other man?"

The witness flinched slightly. "Oh, that's Detective Mannix."

"What's his first name?"

"Umm, Phil, I mean Philip."

"He works with you?"

"Yes."

"In the Western Sydney Narcotics Strikeforce?"

"Yes."

"What's his rank?"

"Umm, Detective Sergeant."

"Why were you talking to him outside the Court?"

Hanrahan's voice was getting a little dry. He thirstily glanced at the glass of water near his elbow, but knew that drinking from it would show he was under pressure. "Oh, he's in town for another trial and he popped over for a chat."

"What did you chat about?"

Hanrahan was not just a fair-weather liar: he produced the goods when the chips were down. Despite his knuckles getting whiter, he sounded off-hand. "Oh, sport and friends, and stuff like that."

I turned to the judge. "Your Honour, it will assist the jury if the photographs on the phone are displayed on the television screens. Is that possible?"

"Let me confer with my Associate."

The Associate stood and had a quiet chat with the judge. After about a minute, the Associate sat down and the judge turned to me.

"I think we have a solution. If your instructing solicitor emails them to my Associate, she will try to put them up on the screen."

"He will do that, your Honour."

The Associate wrote down her email address and the Court Officer passed it to Clint. Then, while everyone watched, Clint fiddled around with his smartphone for a couple of minutes before announcing that he had emailed the photographs to the Associate.

The Associate studied her computer. After about a minute, she gave the judge a nod.

The judge said: "Alright, show the photos on the screen."

One of the photographs of the three men that Clint took appeared on the screen. Hanrahan squirmed in his chair and used the distraction to take a big sip of water.

I said: "Now, Detective, that is one of the photographs that my instructing solicitor just showed you, isn't it?"

Hanrahan's discomfit was becoming apparent. "Ah, yes."

"And it shows you talking to Detective Mostyn and Detective Mannix outside this courthouse during the lunch break?"

"Yes."

Now chock-full of confidence, I leaned over to Jane Tomasic, nervously turning the pages of her brief, and whispered. "This is when I make him roadkill."

She frowned and kept turning the pages.

I looked back at the witness, now showing definite signs of nerves. "Detective, the pawn shop next door to the Kam Fuk Restaurant has a CCTV camera mounted outside it. I want to show you footage that camera took around the time that Vincent Lee was shot dead." Fortunately, the flash drive containing the footage was in my bar bag. I rummaged around and fished it out. "Your Honour, the surveillance footage is on this drive."

The judge said: "How long will it take to watch?"

"Only about 15 minutes."

"Has your opponent seen this footage?"

I suppressed a smile. "I expect so. The prosecution supplied it to my instructing solicitor late last week."

The judge looked at my opponent. "Is that correct?"

She said: "Can I have a moment to speak to my solicitor, your Honour?"

"Of course."

After turning and speaking hurriedly with her instructing solicitor, she stood and fidgeted with her gown. "Your Honour, I am instructed that we supplied this footage to the accused's solicitor last week. However, I haven't had an opportunity to watch it."

"But it comes from your side?"

The normally super-cool prosecutor looked flustered. "Umm, yes."

"And you accept it comes from a camera mounted outside a shop next-door to the restaurant?"

"Yes."

"On the day of the murder?"

"Yes."

"Then this is your big chance to watch it." The judge looked back at me. "Please give the flash drive to my Associate."

I handed the flash drive to the Court Officer, who conveyed it to the Associate, who inserted it into a computer port. The Associate gave me an inquiring look.

I said: "Please fast-forward to 10.19 a.m. and then play it at normal speed."

She fast-forwarded the colour footage until the rolling date-and-time stamp at the bottom showed 10.19 a.m. on 27 July. Then she pushed the "play" button. At normal speed, the features of pedestrians were easy to discern.

Pedestrians passed back and forward for about a minute until one in a leather jacket and jeans, clearly Detective Mannix, appeared on the screen.

I said: "Freeze the footage."

The screen froze and I heard gasps all around me. Maybe even the judge joined in.

Hanrahan looked like he'd just heard a cat bark. I thought of all the lies the bastard told during the Milic trial—and my inability to expose them—and felt a

surge of joy. "Now, Detective Hanrahan, you agree with me, don't you, that the man on the screen is Detective Mannix?"

The witness looked longingly at the rear door, desperate to sprint through it and keep running. His crimes were now tumbling towards him, gathering speed, like a landslide. Soon they would bury him. Even the toughest witnesses have their breaking point. Hanrahan, who knew he was about to be implicated in a murder, had obviously reached his. His suavity evaporated. He looked like a wild animal in survival mode. "Ah, umm, yes, it looks like Detective Mannix, I guess."

"You mean, the man you were chatting with outside of court a few minutes ago?"

"Umm, yes."

"What was he doing out the front of the Kam Fuk Restaurant just before Vincent Lee was shot dead?"

Hanrahan shook his head ferociously. "I don't know—you'll have to ask him. I don't know why he was there."

I turned back to the Associate. "Would you please fast-forward the film to 10.34 a.m. and hit *play* again?"

The Associate did as requested. After she hit the *play* button, everyone watched a couple of pedestrians pass in front of the pawn shop. Then Detective Mannix re-appeared, scurrying in the opposite direction, holding a small leather bag.

"Freeze it please."

Once again, the detective dominated the screen. More gasps. "Jesus," a juror said, or maybe it was the judge.

I considered leaning over and gloating to Jane Tomasic, but reminded myself that I was a classy guy. I turned to Detective Hanrahan and mentally rubbed my hands together. "You see the man on the screen?"

The detective seemed to spot something interesting on the floor between his feet. "Yes," he mumbled.

"You agree that man is Detective Mannix?"

He lifted his head as if it was granite. "It, umm, certainly looks like him."

"Do you know why he walked away from the Kam Fuk Restaurant at 10.35 a.m on the day of the murder?"

"Ah, no."

"A total mystery to you?"

"Yes."

"Do you know what he had in the small bag he was carrying?"

"No."

"So, you agree with me that Detective Mannix was in front of the Kam Fuk Restaurant around the time that Vincent Lee was shot dead?"

"I don't know when he died."

"The prosecution case is that he died around 10.30 a.m., isn't it?"

"I don't know much about the prosecution case."

I strongly suspected that Hanrahan, Mostyn and Mannix conspired to rob and murder Vincent Lee, and Mannix was tasked with doing the dirty work. Maybe one of the others drove the getaway car. In any event, after Tuan Ho stumbled upon the dead body and became the murder suspect, they decided to frame him by planting the murder weapon in his apartment.

I said: "You knew that Detective Mannix was going to rob Vincent Lee on the morning of 27 July, didn't you?"

The prosecutor leapt to her feet. "I object."

The judge sighed. "I take it you want to raise your objection in the absence of the witness and jury?"

"Yes, your Honour."

I was worried about Hanrahan talking to Mostyn before I cross-examined him. I said: "Before your Honour sends the witness outside, perhaps you could remind him not to talk to any other potential witnesses."

"Yes, of course." The judge looked at the detective. "Did you hear that Detective Hanrahan? You are not to talk to anyone outside, do you understand?"

Hanrahan nodded dumbly. "Yes, your Honour."

The judge sent the witness and jury out of the courtroom. As they trooped out, I glanced meaningfully at Clint Andersen, who immediately knew what I wanted. He got to his feet and followed Hanrahan outside to make sure he didn't warn his colleague that the jig was up.

When they had all disappeared, the judge looked at the prosecutor. "Madam Crown, what is your objection?"

"Your Honour, I can see where my learned friend is heading with his questions: he is going to accuse Detectives Hanrahan, Mostyn and Mannix of being involved in the death of Vincent Lee. He has no basis for making such a monstrous allegation."

The judge looked at me. "Is that where you are heading, Mr Norton?"

"Yes, your Honour."

A tiny smile. "Watch this space, huh?"

"Yes."

He looked back at my opponent. "Why was Detective Mannix outside the restaurant around the time of the shooting?"

She nervously rearranged her gown. "I haven't had an opportunity to obtain instructions about that."

"Well, I suggest you obtain them as soon as possible. But, whatever they are, I think Mr Norton is entitled to allege—I put it no higher—that the three detectives were involved in the shooting."

"That is pure speculation, your Honour."

"I think the allegation has a good deal more substance than that. I overrule the objection. Don't worry, if Mr Norton goes too far, I will step in. But he has not reached that point."

I don't think Jane Tomasic expected the judge would side with her. She was just protecting herself against later criticism. She nodded and looked poker-faced. "As the Court pleases."

The judge turned to the Court Officer. "Please bring everyone back."

As the Court Officer departed, I rolled my chair close to Jane's. "It's amazing how quickly a trial can shift, isn't it?"

A grumpy look. "You haven't won yet. What do you want?"

"I think you'd better start looking for Detective Mannix."

"Why?"

"I'll want to cross-examine him after I've finished with these two."

"We'll see about that."

"We definitely will."

As the witness and jury trooped back into the courtroom, Clint appeared next to me.

I said: "What happened?"

He smiled. "Hanrahan started edging towards Mostyn. Then he saw me and backed away."

"Good work."

When everyone had reclaimed their seats, I looked at Hanrahan. I had already hit him with my best shots. Now, I just had to ask a set of questions that summarised my allegations. I was freewheeling towards home. "I repeat my question: you knew that Detective Mannix was going to rob Vincent Lee on the morning of 27 July, didn't you?"

Hanrahan's suntan had evaporated and he spoke in a raspy voice. "Of course not."

"And, soon after that robbery, you spoke to Detective Mannix again, didn't you?"

"I did not."

"And Detective Mannix told you he shot Vincent Lee and stole valuables from his safe?"

If Hanrahan shook his head any harder, it would have spun off. "You're wrong—entirely wrong."

"Then you discovered there was an arrest warrant out for my client, Tuan Ho. So you contacted Detective Mannix and got him to give you the murder weapon?"

"You're barking up the wrong tree."

"You said that you and Detective Mostyn would arrest Tuan Ho and plant the pistol in his apartment?"

"No."

"And that is what you and Detective Mostyn did?"

"Totally untrue."

"And, in return, Detective Mannix gave you and Detective Mostyn a share of the loot?"

"He did not. That's ridiculous."

I turned to the judge. "No further cross-examination, your Honour."

The judge looked at the prosecutor. "Any re-examination?"

After a long pause, Jane shook her head. "No, your Honour."

"Alright." He looked at the witness. "Detective Hanrahan, you are free to go. However, I warn you that you must not talk to Detective Mostyn or any other potential witnesses about what has just transpired in court. Do you understand?"

"Yes, your Honour."

I rose to my feet. "Would you Honour please give the witness a special instruction in relation to Detective Mannix?"

The judge nodded and turned to the witness. "Detective Inspector, so you are in no doubt, you must not talk to Detective Mannix, understand?"

The detective looked sour. "Yes, your Honour."

"Good. You may leave the witness box."

As Hanrahan left the witness box, dark-faced and trembling, I remembered his smile and taunts after the Milic trial. He was now a different man.

I glanced at Clint, who knew what I wanted. As Hanrahan left the courtroom, Clint trailed after him to ensure he did not communicate with Mostyn.

The judge, looking rejuvenated, turned to Jane Tomasic. "Alright, Madam Crown, please call your next witness."

I looked down at her and whispered. "Mostyn, please."

She frowned and whispered back. "I want to confer with him first."

"Don't be stupid. You can't do that. Put him in the box."

If she conferred with Mannix she would, inevitably, reveal the thrust of my cross-examination of Hanrahan, which she was not allowed to do. After a long hesitation, she realised she was cornered and got to her feet. "Your Honour, I call Detective Alexander Mostyn to give evidence."

Once again, her instructing solicitor dashed out of the courtroom. The solicitor returned with Mostyn, who wore a pure synthetic suit and brown shoes—the standard uniform of detectives. Clint wandered in just behind him. His smile said he saw no funny business.

However, Mostyn had obviously picked up some sign—probably from Hanrahan's body language—that the prosecution ship was sinking, because he robot-walked to the witness box, sat heavily and looked around nervously. After he swore an oath to tell the truth, Jane Tomasic, now thrown off stride, nervously questioned him about the arrest of Tuan Ho. His evidence dovetailed perfectly with Hanrahan's evidence-in-chief. They obviously rehearsed together. The detective's confidence grew and, when she finished examining him, he looked pleased with himself.

The judge gave me a hint of a smile. "Any cross-examination, Mr Norton?"

I smiled back. "A few questions, your Honour."

My cross-examination of Mostyn followed the template I adopted with Hanrahan. I got the Associate to display, on the TV screens, the photographs of him standing outside the courthouse with Hanrahan and Mannix, and forced him to admit that Mannix was a drug squad colleague. Then I got the Associate to display the CCTV footage of Mannix outside the pawn shop around the time Vincent Lee was murdered. Finally, I accused Mostyn of conspiring with Mannix and Hanrahan to murder Vincent Lee, and helping Hanrahan plant the murder weapon in Tuan Ho's apartment.

Mostyn boosted my respect for Hanrahan as a witness, because Mostyn cracked much earlier. He denied all of my allegations, of course. But, as soon as he saw the photographs of him talking to Mannix outside the courthouse, he started shaking. After that, he looked like someone had slipped a noose around his neck. It was a most unconvincing display.

When the detective finally slunk out of the witness box and headed for the rear door, the judge, who had been following my cross-examination with keen interest, looked at the wall clock. "I see it's almost four o'clock. Time to adjourn for the day. I will resume at 10 o'clock tomorrow morning." He looked at the jurors. "Members of the jury, please make sure you are back here by that time. Don't be late. Alright, this trial is now adjourned until then."

As the judge rose and scurried out of court, with his Associate and Tipstaff in hot pursuit, Clint and Helen stepped up beside me. For once, Clint's seen-it-all

face wore a broad smile. "Well done—fantastic job. You really pulled a rabbit out of a hat."

I grinned. "I got lucky."

"You make your own luck in this game."

Helen also had a big smile and, maybe, big eyes. "Wow, that was brilliant. Are murder trials always this exciting?"

"I don't know. This is my first one. But don't get too excited. We're still a long—and I mean, long—way from an acquittal."

I stepped over to Tuan Ho, sitting in the dock, looking amused, if anything. He certainly looked less excited than his legal representatives. "I told you those cops were dirty bastards, didn't I?"

"You did."

"But I didn't know that Mannix guy was the shooter. You're doing good."

"Thanks. But there is still a long way to go."

"I know. The jury will get a chance to be stupid, and maybe it will be."

The two hulking Sheriff's Officers standing beside the dock looked restive. One looked at me. "Can we take him down now?"

"Yes, I'm finished." I looked at Tuan Ho. "I'll see you in the morning, OK, before court?"

"Sure. Bloody good work."

"Thanks."

I turned and saw Jane Tomasic, still seated. Her wig lay on the bar table like a dead rodent. She stared at me with a mixture of exhaustion and exasperation. "I guess you're feeling very pleased with yourself?"

I smiled. "Yup, I've hit peak self-satisfaction—top of the dial."

She sighed. "Jesus, I thought this trial would be easy. How did you find out about that CCTV footage from the pawn shop?"

"I visited the crime scene."

"Wow. I always thought they were a waste of time."

"So did I."

She shook her head. "Then Mannix, the moron, turns up to have a chat with his mates. Anyway, I assume you now want me to put him in the witness box?"

"You bet."

"Why should I?"

"Because he's a material witness. You're obliged to call him. If he has a good excuse for being outside the restaurant around the time of the shooting, he should give it. If you don't call him, I will scream to the jury until I'm hoarse that you've deliberately hidden him."

A frown. "I'm sure you will."

"And they will believe me."

"OK. But I've got to tell him, before he gets into the witness box, that you're going to accuse him of murder."

I shook my head. "You can't tip him off like that."

"Normally, you'd be right. But, if you're going to accuse him of murder, I've got to get his instructions before he gives evidence. What if he wants to claim the privilege against self-incrimination?"

"Hah, he won't do that. He's going to deny everything."

"Maybe. But it's theoretically possible."

She had a point. The rule that witnesses must be kept in the dark was, like all legal rules, subject to exceptions. This was surely one of them. I shrugged. "OK, tell him. I guess it doesn't matter, anyway."

"Why?"

"Because I'm 100 per cent certain that Hanrahan will tell him what happened in court today. He will give him a full briefing."

She frowned. "The judge told Hanrahan not to talk to him."

I rolled my eyes. "Oh, give me a break—you're not that naïve."

She paused and nodded. "I get your point."

"Anyway, I'll see you—and Mannix—tomorrow morning."

I would not need my brief overnight. It was easiest to leave it in the soon-to-be-locked courtroom. I also dropped my wig and gown onto a chair, and turned to the others. "Alright, let's get out of here."

I said goodbye to Jane Tomasic and headed out through the rear door, with the others behind me. Outside, I came face-to-face with Detective Hanrahan, sitting on a bench, obviously waiting to talk to Jane. He looked like a man heading for the protective wing of a prison, which he was.

I stopped with the other two just behind me and smiled. "Well, that was an exciting afternoon."

He scowled. "You prick."

I shrugged. "I'm sorry you feel like that. Anyway, when the time comes, I'll be happy to represent you."

Helen giggled musically behind me.

"Fuck off."

I shrugged and kept walking, wishing I could bottle that moment.

Chapter 21

Once a trial started, I usually slept quite well. That night though, excitement kept me awake. I got into bed, turned off the light and tried to dismiss the trial from my mind. Impossible. Before the trial, I thought Tuan Ho's defence was hopeless. Now, an acquittal was almost within my grasp. I might even be able to persuade the Court of Appeal to overturn the conviction of Goran Milic on the basis that the man who fingered him, Hanrahan, had a habit of perverting the course of justice. I kept telling myself to calm down and not get ahead of the game. Indeed, that day's events showed a criminal trial could change direction in the blink of an eye. It was like walking through a creaky mineshaft that could collapse at any time. I had to stay focused. Still, my last thought, before I fell asleep, was that the trial could be going a hell of a lot worse than it was.

The next morning, I had no work to do before the trial resumed and didn't arrive at Thomas Erskine Chambers until just after nine o'clock. A few minutes later, I stood in my room, gazing out the window, when Clint Andersen strolled through the door, looking almost sunny.

He said: "You know, I try not to think about my job after-hours, but I thought about Goran Milic last night."

I said: "So did I. If we win this one, we can appeal against his conviction on the basis that Hanrahan has a penchant for planting evidence. I think we'd succeed. But we haven't won this one yet - we're a long way from that. Today isn't just a lap of honour."

"I totally agree. Do you think Mannix will turn up?"

"Yep. He's got no choice; he'll get into the witness box and try to bluff his way through. I've got to stop him doing that."

Helen Lawson strolled into the room, looking excited.

I said: "Hello, looking forward to Act Two?"

"Wouldn't miss it for the world. Don't know how you can stay calm. I'm a mess and I'm just watching."

"Don't worry, I'm faking it."

I didn't want to talk about the trial and shifted the conversation onto the weather, of all things. Then, at 9.30 a.m., we strolled over to the Old Supreme Court Building. We passed through the security checkpoint and went down to the holding cells. A Sheriff's Officer escorted us into a small room with a table where Tuan Ho, still wearing his obnoxious suit, sat waiting, exuding his usual serenity. I wished I could buy a bottle of it.

The only issue we really had to discuss was whether he should get into the witness box to give his version of events. I strongly advised him against doing that because the jury might dislike him or he would make an unfortunate stumble. I preferred to submit that he gave no evidence because he had no case to answer. However, he shook his head defiantly. "Nope, I want to tell the jury what happened. I want to say my piece."

"I don't think you should."

"I hear that, but I want to say my piece."

I shrugged. "You're the boss."

I glanced at Clint, who scribbled those instructions on a pad to protect us from future complaint if the defence went pear-shaped.

We went upstairs. Jane Tomasic was already at the bar table, fully robed, thumbing through her brief. I bet she spent several hours the previous evening getting instructions from Detective Sergeant Mannix, and then conferring with the Director of Public Prosecutions and the police top brass about what to do. She would have recommended withdrawing the charge against Tuan Ho. They obviously said "no". Otherwise, she would have phoned me in Chambers to tip me off.

I said: "Late night?"

She spun around and smiled wanly; she looked tired and her makeup was, to my inexperienced eyes, hurriedly applied. "Oh, I had a few things to do."

"I bet you did. And you're going to bat on?"

"Those are my instructions," she said without enthusiasm.

"OK. Is Mannix here?"

"Yes."

"And you're going to call him next?"

"Yes."

"He will deny shooting Vincent Lee?"

"Of course. But I'm not going to extract any evidence from him. I'm going to put him in the witness box and get him to identify himself, OK? Then it's up to you."

That is the time-honoured tactic of prosecutors who have to call a witness and don't believe a damn word he's going to say.

I smiled. "Fine. Stand back and let me go to work."

"I will." She frowned and hesitated. "You know, last night, I told them to bury this one."

"They wouldn't?"

"Course not. They're just bureaucrats who won't make a decision."

"Aren't they worried about fall-out?"

"They don't have enough imagination for that."

At 10 a.m. the judge strolled onto the bench and asked the Court Officer to bring the jury into the courtroom. When all of the jurors were assembled, he looked at Jane Tomasic with a slightly cruel smile. "Who is your next witness, Madam Crown?"

The prosecutor rose to her feet and forced some confidence into her tone. "I call Detective Sergeant Philip Mannix to give evidence."

Murmurs and glances in the jury box. Jane's instructing solicitor dashed out of the courtroom and returned with Mannix. He was in his early forties with a heavy-featured and sun-blasted face. Detectives usually swagger around, particularly when approaching a witness box, but he looked like he was walking a very short plank. He sat heavily and looked around as if fearing attack.

Mannix put his hand on a Bible and swore to tell the truth without much conviction.

Jane Tomasic rose her feet. "Please state your full name for the record."

"Philip Roger Mannix," he said in a thin voice.

"You're a police officer?"

"Yes, a detective sergeant."

"In which unit?"

A long clearing of the throat. "The Western Sydney Narcotics Strikeforce."

"How long have you worked in that unit?"

The witness already had a sheen on his forehead. "About three years."

"Thank you. I have no further questions. However, I understand that my learned friend has some."

She sat and I rose to my feet. As I did, I glanced around and saw the press box was empty. That was disappointing.

I said: "Detective Mannix, yesterday afternoon you talked to Detectives Hanrahan and Mostyn outside this courthouse, didn't you?"

"Ah, yes, I did."

"You and the other two detectives are all colleagues in the Western Sydney Narcotics Strikeforce?"

"Yes, that's right."

"You have worked together on quite a few investigations?"

"Umm, some."

"So, you know the other two well?"

"I know them professionally."

"You are aware, aren't you, that this trial is about the death of Mr Vincent Lee, who was shot dead in the Kam Fuk Restaurant last year?"

"That's my understanding."

"Before his death, you knew that Vincent Lee was a major drug boss in Western Sydney?"

"I think I saw some intelligence reports that mentioned that."

"And you know he was shot dead at about 10.30 a.m. on 27 July last year?"

Mannix already had cotton mouth. "I don't know the exact date."

"But you have no reason to doubt that date and time?"

"I don't know when it happened."

"Alright. Now, tell me: where were you at 10.30 a.m. on 27 July last year?"

"I, umm, don't remember. It's so long ago. My memory isn't that good."

"Really? In fact, you entered and left the Kam Fuk Restaurant at about that time, didn't you?"

"Ah, no, definitely not. I've never been in that restaurant."

"Alright then, Detective Mannix, I want to show you some footage from a CCTV camera mounted on the pawn shop next door to the Kam Fuk Restaurant. Please keep your eye on the date-and-time stamp at the bottom."

I asked the judge to have his Associate to play the surveillance footage of Mannix walking towards the restaurant at 10.20 a.m. and then walking away from it with a small white carry bag at 10.35 a.m. On both occasions, I told the Associate to freeze the footage and asked the witness to admit he was the pedestrian on the screen. That was undeniable. So, each time, he emitted a shaky: "Yes".

When the film finished, I looked at the witness. "So, you admit that you passed in front of the pawn shop next to the Kam Fuk Restaurant at 10.20 a.m. and 10.35 a.m. on 27 July last year?"

"Umm, ah, I'm not sure."

"That's what the date-and-time stamp says, isn't it?"

"Are you sure it's right?"

"Detective, are you saying you weren't in the Cabramatta shopping district on 27 July last year?"

Lines writhed on his forehead. "No, I'm not saying that. I remember going there around that time."

I expected he would concoct an innocent explanation for his presence outside the restaurant. He was obviously about to provide it. "Really? What were you doing there?"

"I was doing some, umm, shopping."

"Shopping? What for?"

"I, umm, went to buy some jeans in the shopping centre."

"Did you buy any jeans?"

The detective knew that, if he said he did, I would ask for evidence of payment. "Ah, no, I didn't."

"In fact, you didn't go there to shop, did you?"

"Yes, I did."

"You went there to rob and kill Vincent Lee in his office behind the Kam Fuk Restaurant?"

The detective sounded like he was being strangled. "That's a lie. I had nothing to do with that."

"After you killed him, you emptied his safe of money or drugs and walked back the way you came, didn't you?"

"Absolutely untrue—totally false. A lie."

"Really? When you walked past the pawn shop at 10.20 a.m. you were not carrying a bag, were you?"

"I'm not sure."

"Really? We can watch the film again if you want?"

The detective looked horrified at the prospect of watching it again. "OK, I think you're right: I didn't have a bag."

"But when you walked back past the pawn shop at 10.35 a.m. you were carrying a small bag, weren't you?"

For some reason, the detective decided to dig in his heels. "I'm not sure what I was carrying."

"Then we will have to watch the film again." I looked at the judge. "Your Honour, will you ask your Associate to show again the second appearance of the witness?"

"Yes." The judge nodded to his Associate who quickly and efficiently fast-forwarded the footage to just before 10.35 a.m. and hit the "play" button. When Mannix reappeared on the screen, I asked her to freeze it. A still image appeared of Mannix holding a small white carry bag in his right hand.

I looked at the witness. "You agree with me, don't you, that when you walked back past the pawn shop at 10.35 a.m. you were carrying a bag?"

"Yes."

"That bag contained the contents of Vincent Lee's safe, didn't it?"

"Of course not."

"Really? Then what did it contain?"

"My shopping, I guess."

"Your shopping? You just said that you didn't buy anything."

A lock of sweaty hair was stuck to his forehead. "I made a mistake: I obviously bought some jeans and forgot about it."

"It's not a plastic shopping bag, is it?"

"Umm, no, it doesn't look like one."

"It's not the sort of bag that shops provide when customers purchase jeans?"

The witness looked like he was locked in a sauna. "Ah, no, doesn't look like it. Maybe I made a mistake about that too." A finger shot desperately into the air. "I know, I didn't go shopping for jeans—I went shopping for a bag. Yes, that's what I did, and that's the bag I bought."

The constant chopping and changing of his story provoked titters in the jury box.

"No, Detective, you found that bag in Vincent Lee's office, didn't you, and used it to carry away the contents of his safe?"

"That's a total lie."

I looked up at the frozen image on the screen and realised the white carry bag looked oddly familiar. Why? I vaguely recalled seeing it on some other video footage. What footage? Then it struck me: the tape of Vincent Lee arriving at the

restaurant. Oh, Jesus. I felt a moment of supreme bliss. If I had flapped my arms, I might have flown.

I pulled the reins on my galloping heart. "Your Honour, might the witness be shown the surveillance tape of Vincent Lee arriving at the restaurant that morning?"

The judge looked at his Associate and nodded.

While the Associate fiddled with her DVD player, Jane Tomasic gave me an exasperated look and whispered. "What's this about?"

She shouldn't have interrupted me while I was cross-examining. That licensed me to annoy her. I leaned over and spoke softly. "I'm about to deliver the *coup de grace*."

Her expression shifted to a scowl.

The Associate fast-forwarded the footage until just before 10.10 a.m. and then played it at normal speed. After about 30 seconds, Vincent Lee appeared on the big screens, walking towards the rear of the restaurant *carrying a small white carry bag*.

"Freeze it, please."

The screen froze and I studied the carry bag. It looked exactly like the one Detective Mannix carried past the pawn shop at 10.35 a.m.

I turned back to the Detective and my voice quivered. "Detective Mannix, you're aware, aren't you, that the man on the screen is Vincent Lee?"

"Ah, yes, I understand that's him."

"This footage shows him arriving at the restaurant at 10.10 a.m. He's holding a bag, isn't he?"

Mannix looked at the bag and blood drained from his face. "Umm, yes, it seems so."

"You were holding that same bag when you passed the pawn shop at about 10.35 a.m, weren't you?"

Gasps erupted around me. Prosecutors are a hardy lot and rarely show any emotion in court. However, Jane Tomasic muttered: "Oh, shit." It was that kind of moment.

The witness looked like he was a room without oxygen. His mouth moved several times as if he was slowly eating his words. Finally, some emerged. "Ah, no, it's not."

"It looks exactly the same?"

"No, it doesn't."

"Really? What's different about it?"

"It's umm, hard to say."

"Do you want to see the 10.35 a.m. footage again so you can compare the bags?"

"No, no, I don't. But they are different."

His opinion didn't really matter, because it was up to the jurors to assess whether the bags were similar, and they would have no doubt.

I said: "After you shot Vincent Lee, you used *his* bag, which you found in *his* office, to carry away the loot, didn't you?"

"No."

I was now in the home straight. Time to pull together the strands of my cross-examination. "You conspired with Detectives Hanrahan and Mostyn to rob Vincent Lee, didn't you, because you all knew he was a wealthy drug boss?"

"Absolutely untrue," the witness said in a deflated tone.

"You entered the restaurant through the front entrance and forced Vincent Lee to open his safe?"

"I did not."

Then you shot him dead and robbed the safe?"

"Untrue."

"You put the contents of the safe—either drugs or money—into a bag you found in the office and left the restaurant through the front entrance, didn't you?"

"That's wrong."

"Later, when you heard that my client, Tuan Ho, was the murder suspect, you decided, with Detectives Hanrahan and Mostyn to frame him, didn't you?"

"Wrong, wrong, wrong."

"You all decided that Detectives Hanrahan and Mostyn would arrest him and plant the murder weapon in his apartment?"

"You're making this up."

"No, you are," I snarled and looked at the judge. "No further cross-examination, your Honour."

I sat and listened to a brass band play a massive fanfare in my head.

The judge looked at the prosecutor with wry amusement. "Madam Crown, do you wish to re-examine the witness?"

Jane was staring into the distance and didn't seem to hear him.

"Madam Crown, any re-examination?"

Jane lurched aloft, looking flustered. The prosecution case was now ruined beyond repair. Best to sidle away as quickly as possible. So, I wasn't surprised when, after a long pause, she said: "Umm, no, your Honour, no cross-examination."

"Any further witnesses?"

"No, the Crown rests its case."

"Good decision," the judge said wryly and looked at me. "Mr Norton, before you open your case, are you going to make a submission?"

At the end of the prosecution case, defence counsel can submit that the prosecution case is so weak and inconsistent that no honest jury could convict the accused. It is usually tough to convince a judge of that. But, if he is convinced, he will invite, but not compel, the jury to acquit.

His query made it clear that, if I made the submission, it would not fall on deaf ears. I was going to make it anyway. But it was nice to know he was on-side.

I said: "Yes, your Honour."

The judge looked over at the jury. "Members of the jury, I'm afraid we have another legal matter to discuss in your absence. Would you wait outside, please? This won't take long."

The Court Officer hustled the jury through a side door and the judge looked at me. "Yes, Mr Norton?"

I rose and submitted that no reasonable jury could find the accused guilty beyond a reasonable doubt. "Indeed, the inescapable conclusion to be drawn from

the evidence is that Detective Mannix shot and killed Vincent Lee; then his colleagues, Detectives Hanrahan and Mostyn, planted the murder weapon in the apartment of the accused."

I spent 15 minutes summarising the evidence supporting that conclusion, including the "devastating evidence" that Detective Mannix left the murder scene holding Vincent Lee's white carry bag. "Your Honour, I don't need to discuss the demeanour of the three detectives in the witness box. The facts speak for themselves. However, insofar as their demeanour is relevant, they were clearly lying to hide their guilt. Those are my submissions, your Honour."

I sat down and the judge looked across at my opponent. "What do you say about that, Madam Crown?"

Jane Tomasic got to her feet and spent a long time arranging her robes and fiddling with her notes while pondering what to say. Her hesitation was understandable. She was a smart lawyer and knew that whatever she said would be rubbish. But she spoke bravely for ten minutes. For most of that time, she emphasised the traditional reluctance of judges to invite juries to acquit, but shied away from analysing the evidence. That did not help the judge, because he already knew the law and wanted assistance with the facts.

Justice *Wrong* Stevens owed his presence on the bench to mistaken identity. Despite that—or maybe *because* of it—he was a decent judge. When the prosecutor finished, he shook his head. "Madam Crown, the defence only has to create a reasonable suspicion the accused is innocent. Mr Norton has gone light years beyond that. Your case is a smoking ruin. I am deeply concerned that the wrong person is now sitting in the dock."

Jane Tomasic had run out of fight. "Your Honour, I've made my submissions. I can't assist the court any further." She sat down.

"Thank you, Madam Crown. After hearing the submissions of both counsel, I have decided to invite the jury to acquit the accused."

The judge told the Court Officer to bring the jurors back into the courtroom. When they had regained their seats, he said: "Members of the jury, you have heard a good deal of evidence about the conduct of Detectives Mannix, Hanrahan and Mostyn. Those detectives are not on trial; I am not here to judge them. However, in my opinion, there is a strong inference that Detective Mannix shot dead Vincent Lee and conspired with the other two detectives to plant the murder weapon in the apartment of the accused. Therefore, I invite you to acquit the accused without hearing any further evidence. I strongly recommend that you take that step. However, I cannot compel you to take it. You may decide that you want to hear further evidence. That is a matter for you. If you decide to acquit, your decision must be unanimous. Now, please retire to consider what you want to do."

The Court Officer again hustled the jurors out of the courtroom, and the judge told Jane Tomasic and me that he would return to his Chambers. When he had gone, Jane slid over to me. "Congratulations. You're going to have a big win."

Though confident the jury would acquit, I didn't want to jinx myself. "Thanks. But it's not in the bag yet."

"Are you kidding? The judge almost begged the jurors to acquit and several were smiling on the way out. They've had enough. They just want to bury this one. So do I."

During the cut-and-thrust of a trial, it is easy to forget that you have a flesh-and-blood client who depends on you. I suddenly remembered mine and strolled over to the dock, where I explained to him what was happening.

Tuan Ho said: "Will they do what the judge wants?"

"I'll be very surprised if they don't. But I don't trust juries. They do all sorts of crazy things."

"What happens if they don't acquit?"

"The trial goes on as if my application didn't happen."

"Gotchya. Then I give evidence, right?"

"I strongly advise you to go nowhere near the witness box. You can only do yourself damage."

A shrug. "You've said that before. But I want to tell the jury what really happened."

I sighed. "That's a matter for you. Hopefully, you won't get a chance." A Sheriff's Officer stepped up beside me. "Can we take him downstairs now?"

I nodded. "I've finished."

"Thanks."

The Sheriff's Officer and a colleague took Tuan Ho down the stairs to the cells, and I went over to see Clint and Helen. "Alright, let's go have a cup of coffee."

I gave the Associate my mobile phone number so she could contact me when the jury was ready to return, and we left the courtroom.

I did not have to wait long for her call. Thirty minutes later, while I drank coffee with my team at an outdoor table in Macquarie Street, basking in the sunshine and their praise, my phone beeped. I answered it. The Associate said that the jury had finished their deliberations.

My heart rapped against my breastbone. "Thank you."

I hung up and conveyed that information to my companions.

Helen said: "That was quick. Is that a good sign?"

"Yes. I'll be very surprised if they agreed this quickly to tell the judge to get stuffed."

Clint smiled. "Don't worry, it's in the bag."

I paid for our coffee and we strode back to the courtroom, where Jane Tomasic already sat at the bar table, wearing a look of resignation. Once again, I noticed the press box was empty.

The judge came onto the bench and asked that the jurors and accused be brought into the courtroom.

The jurors filed back into jury box looking happy and relaxed, as if they were already half-way out the door. That was a good sign, though I remained suspicious. My client trotted up the stairs into the dock, wearing a cheeky grin and winked at me. He had obviously convinced himself that he would be acquitted. I hoped he was right.

The judge asked the foreperson, a matronly woman, whether the jury had reached a decision.

She rose. "We have, your Honour."

"What is it?"

Despite my near-certainty that the jury would acquit, my gut started twisting. Maybe this jury was about to go rogue. My pulse raced. God, I felt like a drink. A schooner of beer would have raced down my gullet.

In a clear, steady voice, the foreperson said: "We want to acquit your Honour; we don't want to hear any more evidence."

I smiled at Tuan Ho in the dock. He laughed and gave me a big thumbs up.

The judge nodded. "Thank you. I now want to get the jury's formal verdict. Please listen to my Associate."

The judge nodded to his Associate, who read out the murder charge against Tuan Ho and asked the jury for its verdict on that charge.

The foreperson said: "We find the accused, Tuan Ho, not guilty, your Honour."

The judge looked pleased. "Thank you, Madam Foreperson." He turned to the prisoner in the dock. "Mr Ho, in the light of the jury's verdict, you are free to go."

Tuan Ho bowed extravagantly to the judge. "Thank you, your Honour."

The judge obviously wanted to tell him to stay out of trouble, but restrained himself. Instead, as Tuan Ho stepped out of the dock, the judge thanked the jury for their efforts and released them from jury duty for the next ten years. As they filed out of the jury box, he turned to Jane and me. "Do either of you have any applications to make?"

Clint leaned forward and stage-whispered to me. "Ask for costs."

I rose to my feet. "Your Honour, the accused asks for an order that the prosecution pay his costs."

The judge looked at the prosecutor. "Do you oppose that?"

In view of the way the prosecution case flew straight into a mountain, there was no point. She said: "No, your Honour."

"Then I order that the prosecution pay the costs of the accused."

Unfortunately, I would not see any of that money. It would go straight into the coffers of the Legal Aid Office.

The judge said: "Finally, I order that the registrar of this court write to the Commissioner of Police and the Chairman of the Police Integrity Commission, and ask them to investigate the conduct of Detectives Mannix, Hanrahan and Mostyn in relation to the death of Vincent Lee. The registrar should attach a copy of the transcript of this trial. I also order that the court retain the exhibits, but provide access to the Commissioner and Chairman." The judge eyed Jane and me. "Alright, thank you both for your assistance during this trial. I adjourn *sine die*."

He gave me a tiny nod of approval—the biggest compliment I'd ever get from a judge—and half-sprinted off the bench, obviously looking forward to spending an afternoon out of court.

Tuan Ho now stood beside me, looking uncertain. "I can go now?"

"Yep. You're a free man. You'll have to go back to Silverwater to pick up your gear, but they can't hold you there."

"And they can't charge me again?"

"No, they only get one chance—just one. This is over."

A lovely smile. "Good, good. Then thank you—thank you very much. You were great."

I didn't want to drown my big win in treacly false modesty. "Thank you."

I considered giving him a stern feel-good lecture about how lucky he was and how he should stay out of trouble. But, as usual, I restrained myself. I was a barrister, not a priest.

Clint appeared and shook hands with Tuan Ho. While they chatted about the trial, I turned and saw Jane Tomasic, sitting at the bar table, eyeing me. She sighed. "I thought that was an open-and-shut case. Boy, was I wrong."

I shrugged. "I thought the same until I saw Mannix chatting with the other two detectives in Queens Square."

She got to her feet. "Silly bugger. Anyway, congratulations. That was quite a win. In a way, I'm relieved. I know you won't believe me, but prosecutors don't like seeing miscarriages of justice either."

Actually, I didn't believe her—prosecutors just like winning. But why be churlish? "I know."

She shook her head and sighed again. "You know, before the trial, I had conferences with Hanrahan and Mostyn. I didn't think much of Mostyn. He was obviously a thug. But Hanrahan seemed very charming, for a cop. He even seemed honest."

"Don't blame yourself. He's a smooth bugger who fooled lots of juries over the years. But I knew he was crooked."

"How?"

I explained how Hanrahan planted 200 grams of cocaine in Goran Milic's wardrobe and I couldn't shake him during cross-examination.

"And today you got your revenge?"

I smiled. "Big time."

"Congratulations. Is Milic still inside?"

"Yep, doing six years, minimum."

"So, you'll use the evidence in this trial as the basis for an appeal?"

"Of course."

"The appeal should succeed. Good luck."

"Thanks."

I went back to my side of the bar table. The head of the Homicide investigation, Detective Superintendent Owen Saunders, had spent most of the trial sitting in the back of the courtroom. Now, his big battered face loomed in front of me. "Congratulations, Mr Norton. You destroyed months of police work and made me look like a fool. But I'm impressed. It's not every day someone solves a murder during cross-examination."

I laughed. "Oh, it's a simple trick. So, you think the three detectives were behind the murder?"

"Of course they were. I always thought there was something suspicious about the way Hanrahan and Mostyn appeared out of the blue and arrested your client. Now I know what they were up to. The murder of Vincent Lee is again an unsolved crime, and I'm going to pin it on the Three Amigos."

"You sound confident."

"I am. There's plenty of evidence against them already, thanks to you, and I should be able to dig up some more. I bet they had lots of dealings with Vincent Lee—that was how they knew what was in his safe. They're going to get kicked off

the force and serve long spells behind bars; they made me look like a fool, and they'll pay for that."

"Bravo."

The cop looked uncomfortable. "Now, before I go, I'd better apologise to your client. I don't usually do that after an acquittal, because I know the accused is guilty. But this time is different. Will he talk to me?"

I smiled. "He's a very affable chap."

"OK."

We strolled over to Tuan Ho, talking to Clint and Helen. The low-level drug dealer looked a little surprised when the hulking cop loomed over him.

Saunders tugged his right ear. "Look, umm, we obviously got the wrong guy. I'm sorry about that."

Despite being wrongly accused of murder, spending six months in prison and being dragged through a murder trial, Tuan Ho smiled magnanimously, one professional to another. "Forget it - no hard feelings. You were just doing your job."

The cop looked surprised. "Thanks. Anyway, I'll be in touch. I'll want you to give evidence against the three detectives."

"Sure, no problem. I hope you get the dirty bastards. Let me know."

"OK. What's your number?"

Tuan Ho recited his mobile number and the cop jotted it on a pad.

"Thanks, I'll speak to you later."

After saying goodbye to me and Jane Tomasic, the detective strolled out of the courtroom. Jane and her solicitor quickly packed up and followed him.

Tuan Ho looked at me. "OK, I'd better get going. Thanks for everything. Next time I get charged with something, I'll use you."

"Well, remember this: I'm not so hot if you're guilty."

A grin. "That's too bad." After thanking Clint, he said: "See you guys around."

As he strolled jauntily towards the rear door, I predicted a future dotted with criminal trials and spells in gaol. I might well see him again.

I turned to Clint and Helen. "Alright, let's have lunch."

Clint phoned his office and asked someone to collect the mental trolley holding his court documents. Meanwhile, I slipped my wig and gown, and brief, into my bar bag. I slung it over my shoulder and we all headed out of the courtroom.

In the hallway outside, I saw Carol Rolfe, from the *Sydney Morning Herald*, steaming towards us, holding a pad. She slowed and looked puzzled. "Hi Brad. I popped over to see what's happening. Why are you leaving?"

"You're too late, I'm afraid, the trial is over."

She looked surprised. "Oh? What happened?"

"The judge invited the jury to acquit and they accepted his invitation."

Raised eyebrows. "Really? Sounded like a strong prosecution case to me. What happened?"

I shrugged. "Oh, it became clear that a police detective was the real murderer, and two other detectives planted the murder weapon in my client's apartment."

She looked stunned. "Holy, shit. Was anybody else there?"

"You mean, in the press box?"

"Yes, of course."

"No."

She clutched her chest and emitted a dramatic sigh. "Thank God. That's a relief. If nobody was there, it didn't happen, right?"

"I guess not."

"Anyway, got to run."

She spun around and rushed out of the courthouse.

We followed her into the blinking sunshine and strolled across Queens Square, past the po-faced statue of Queen Victoria. The world outside seemed bigger and fresher than the last time I saw it.

Helen said: "That's unfair. You deserve some press coverage."

I shrugged. "It doesn't matter. Carol's one of the better court reporters. But she probably would have misreported everything that happened and not mentioned me. Anyway, newspaper stories don't get you briefs."

Office workers were pouring out of buildings to enjoy their lunch hour. We grabbed a pavement table at our regular cafe in Macquarie Street, and ordered sandwiches and coffee.

While consuming them, we relived the highlights of the trial and laughed at the horror on the detectives' faces when they realised they had switched from being hunters to prey. It was great fun. I tried to sound modest, without much success. But, every so often, it occurred to me that, if I hadn't seen Mannix with the other two detectives in Queens Square, Tuan Ho would have received a very ugly sentence for a crime he didn't commit. That thought generated a shiver each time.

After about an hour, Helen looked at her watch. "I'm afraid I've got to go to an appointment." She smiled at me. "Thank you for letting me tag along. That was fantastic. I still have to do another week of criminal reading. Let me know if you've got any more interesting trials."

"Will do. But this is probably the high point of my career. It may even be my last acquittal."

"I doubt that."

"You have been warned."

She said goodbye to Clint and strolled off.

My instructing solicitor watched her until she disappeared around the corner. The angle of his gaze indicated he was a legs man. "Attractive woman."

"I've noticed that."

"I think she likes you."

"You've said that before."

"And I think I'm right. You interested?"

"I haven't really thought much about her, to be frank. I've had something else on my mind."

"Oh, what?"

"A murder trial."

"Maybe it's time you did."

"Why? She's probably married anyway."

"No ring."

"You really are a sticky-beak."

"Give it some thought." He downed the last of his coffee. "Now, I don't usually drink booze at lunchtime, but we should celebrate your magic trick. If I buy a bottle of wine, will you help me drink it?"

I feigned shock. "You'll buy it?"

He grinned. "Yup, this is a once-in-a-lifetime offer, so you'd better not miss it."

I didn't usually drink at lunch either. But this was a special occasion. "How can I say no?"

"Good." Clint called over a waiter and ordered a mid-priced bottle of chardonnay. The waiter returned and poured the wine into a couple of glasses. We both took a sip.

Clint raised his glass to me. "Here's to you, mate. No matter how long you are at the Bar—or how many trials you do—this one will always be your masterpiece. I've been a criminal defence solicitor for more than thirty years and Tuan Ho had one of the most hopeless defences I've seen. But you saved his bacon."

I tried to sound modest. "I got lucky."

"You got lucky because you did the work and stayed alert. Not many of your brethren do that. Hell, you even forced me to do some work, and that's not easy."

I laughed. "Thank you."

He grinned. "So remember this trial the next time you lose half-a-dozen on the spin and you think you're completely hopeless."

"I will."

We spent the next two hours polishing off the bottle of wine, and a second one he ordered. At first, we reminisced about the trial. Then we gossiped about barristers and solicitors we knew. It was amazing how frequently they changed jobs, partners or sexual orientation. Then Clint took the discussion off-road and told me about the two years he spent, after university, backpacking through India and China, smoking heaps of dope. He obviously led an interesting and adventurous life before he shrank into a dull job and disappeared into the warm and squishy arms of the 'burbs.

Eventually, he summoned a waiter and, over my objections, paid for both bottles of wine. Then he glanced at his watch and jumped to his feet. "Jesus, it's almost four. If I don't get moving, I'll miss my train. I'll speak to you tomorrow morning."

I decided to take advantage of his good mood. "OK. Just one last thing: about my fee; you said you'd only pay for two days of prep; I think I deserve a third."

His eyes narrowed to pinpricks, as I expected. Nobody at the Legal Aid Office cared if he lost every case he touched. He'd only get in trouble if he went over-budget. "I'm not sure about that. Money is tight."

"Come on. I did more than a week of prep and you won't have to pay me for the rest of the trial."

He pursed his lips. "OK. I'll try to get it past my boss."

"You will?"

"Yes."

That meant I would make about \$6,000 for the whole trial. Not much for such hard work. But I probably would have done it for nothing.

I said: "And what about Goran Milic? You'll contact him?"

"Yep. I'll tell him what happened and ask if he wants to appeal. He'll say 'yes', of course. When I've got instructions, I'll send you a brief."

"Good."

"Hooroo."

He strolled off, a little unsteady. I really liked Clint: he was a nice guy and an excellent lawyer on the rare occasions he put his shoulder to the wheel. But I hoped he wasn't briefing me in ten years' time. If he was, I'll be stone motherless broke.

I strolled back to Chambers and realised that I was too euphoric and too full of booze to work. Instead, I caught a train to Bondi Junction and strolled a couple of blocks to my apartment.

Later, after sobering up, I cooked stir-fry vegetables while glancing out the window at the winking lights of the city centre. Not being able to share my forensic triumph with a partner made me feel lonely. That, in turn, made me think about Helen Lawson. Was she single? And, if she was, should I chase after her? A little to my surprise, I realised I wasn't interested in her. She was smart, attractive and vibrant. However, because she had spent her whole life pushing against open doors, she was also a little complacent and bland.

I hadn't thought about Patricia Ransome for several weeks. Now she pushed her way past Helen into the front of my mind. Too bad I couldn't tell her about the trial. She would have asked smart questions and we would have had a good laugh. She certainly would have kept my feet on the ground.

I pondered contacting her one last time and asking for forgiveness, but decided I had bothered her enough. Time to accept my punishment and move on.

Chapter 22

I caught a train to work the next morning. The thrill of winning the murder trial had already leached away. My confidence took a battering when I lost the Milic trial. This one restored it and gave me valuable experience. But it would do little to advance my career. There is no league table of barristers tracking wins and losses, no barrister rating system on the internet—well, not yet, anyway. The only two people who would really remember the trial were Tuan Ho and me. It would quickly dissolve in the minds of everyone else involved.

I stepped into the reception area of Thomas Erskine Chambers and saw several colleagues scurrying back and forth, preparing for court, while their solicitors and clients sat waiting. They reminded me that only the next trial is important.

I wasn't in the mood to do serious work. Instead, I sat at my desk and surfed the net, catching up on current events.

Just after ten o'clock, I got a call from Clint Anderson, who said: "I phoned Goran Milic at Long Bay; I told him how, at Tuan Ho's trial, you beat the hell out of Hanrahan and said he now has strong grounds to appeal his conviction."

"How did he react?"

"Got very excited and kept screaming that Hanrahan should be executed. I said the court can't order that. He said he's going to sue the State Government for compensation."

"So he wants to appeal?"

"Of course."

"Did you say you were going to brief me?"

"Yep."

"He didn't object?"

"No. I don't think he bears you any ill-will. It's not his decision anyway—it's mine. I'll send you a formal letter of instructions, but start working on the grounds of appeal as soon as you like."

No point trying to negotiate a decent fee. I would have to accept whatever paltry sum Legal Aid was prepared to pay. "Will do."

The opportunity to remedy the unjust result of the Milic trial shook me out of my lethargy. I put down the phone, strolled over to the window and, while pedestrians scurried past below, mentally composed the grounds of appeal.

I heard an unmistakable voice behind me. "Why aren't you in court? What happened? Did you get smashed?"

I turned and saw Wayne Newhouse leaning against the doorframe, wearing his standard leer.

"Nope, I won: *Wrong* Stevens invited the jury to acquit and they stampeded for the exit."

"No kidding? I thought you had a stinky defence."

"I did. But I reached deep into a hat and pulled out a huge bwunny wabbit. You have no idea how surprised everyone was."

His eyebrows rose high. "You don't say. Buy me a cup of coffee and you can bore me shitless about your triumph."

"It's a deal."

I rose and we strolled around the block to Macquarie Street, where we sat at our regular table outside our regular cafe. Today, the sun had its hat on and refused to take it off. A cool breeze pushed leaves along the pavement and slapped around the cafe's umbrellas.

A waiter appeared and we ordered coffee.

Wayne sighed. "OK, superman, tell me what happened."

I spent ten minutes explaining how the Tuan Ho trial unfolded without minimising, in any way, my central role in guiding events. I finished as our coffees arrived.

He took a sip. "Wow, that's quite a story. So, let me get this straight: during the trial, you potted *three* detectives for murder, obstruction of justice and associated crimes, and got *two* clients acquitted?"

"It was a good day at the office. But I haven't got Milic off yet."

"You'll have no trouble persuading the Court of Appeal to free him. Even those lunatics will see he's innocent." He shook his head. "My goodness, you're obviously a much better barrister than I thought. You'll be a silk before you know it."

I shrugged. "It was a nice win. But it won't do much to help my career. Clint Andersen will probably send me more Legal Aid briefs, though I'm not sure I want more. That's the best I can hope for."

He smiled. "True. But at least, right now, you're not wondering if you're to blame for your client getting convicted."

"True."

I knew Wayne had spent the last few days defending a conman who stole the life savings of an old lady. "How did your trial go?"

He eye-rolled. "Badly. It lurched from farce to tragedy and back again."

"What happened?"

"I advised my client not to get into the witness box. Did he listen? Of course not. He thought that, because he was a conman, he had a duty to bullshit the jury. It was a matter of professional pride. Did it work? Of course not. He ended up telling three different versions of what happened—three, for Christ sakes—and emitted a horsey laugh every time he lied. It sounded like we were in a stable. It took the jury only 30 minutes to convict him."

I giggled. "Too bad. What's happened to the sexual harassment claim against Hoogland?"

"Oh, that? We had a compulsory settlement conference last week. Didn't settle, of course. Hoogland refused to offer Tania any money. Just kept glaring at her until she started crying."

"Bastard. When's the hearing?"

"Next Wednesday."

"Good luck."

Alan pushed out his jaw. "I won't need it."

I changed the topic before he launched into another diatribe against Hoogland. "What are you doing this weekend?"

"Pam and I are going skiing. Do you ski?"

"Nope. There are lots of cheaper and easier ways to break a leg."

"Hah, it's not that dangerous, if you're careful."

"And you are?"

"Of course."

If that was true, his whole character changed on the ski slopes.

He paid for our coffee and we strolled back towards Chambers. We had almost reached Queens Square when I saw Helen Lawson strolling towards us with a tall guy I assumed was a barrister, because I'd often seen him wandering around this locale. The pair obviously knew each other well, because they were holding hands. I'd been wondering if she was in a relationship. Now I knew.

She smiled and stopped in front of us. "Hello, gentlemen. Have you two met Thomas Parker?"

I said: "No, though I've seen you around."

"Thomas belongs to Owen Dixon Chambers. We've, umm, just got engaged."

I said: "Congratulations."

Wayne said. "Yes, congratulations, though I'm very disappointed: I thought you might become the fourth Mrs Newhouse. According to my present wife, there is a slot opening up."

Thomas Parker laughed. "Sorry, she's mine."

She turned towards Parker. "Brad had that huge win yesterday that I told you about. Amazing, really."

He smiled. "Congratulations. I'm very impressed."

I shrugged. "Thanks. It was just great to finally win one."

They laughed and she said: "Anyway, we're off to coffee. See you guys later."

They continued on their way, and Wayne and I resumed our journey. I remembered Clint Andersen's assertion that she was keen on me and laughed.

Wayne said: "What are you laughing about?"

"We're hopeless at judging other people, are we?"

"You've got that right."

When we stepped out of a lift into the reception area of Thomas Erskine Chambers, I told him to be careful on the ski slopes and headed for my room.

Chapter 23

The next morning, while sitting at my desk drafting grounds of appeal for Goran Milic, I heard someone cough with an Afrikaans accent. I looked up. Derek Hoogland stood just inside the doorway, rolling on the balls of his feet as if the floor was too hot. He had only entered my room once before, to complain that I borrowed a law report and did not return it. In fact, I did not borrow that book from him, or any other books, and that was still the case. What the hell did he want?

He said: "Um, hello, got a moment?"

I contained my surprise. "Of course."

He strode up to my desk and assaulted me with a friendly smile. "Look, umm, we haven't had much to do with each other, because we work in different fields. But I've heard good things about you. I'm here because *Stark & Mellors* have briefed me to appear for the managing director of a construction company who is charged with taking kickbacks from contractors. He's pleaded not guilty. The trial will start sometime next year and probably run for about three months. I don't usually appear in criminal trials, of course, so I'll need a junior with plenty of criminal law experience to hold my hand. Are you interested in the job?"

Interested? Was he kidding? *Smoke & Mirrors* was one of the biggest law firms in the city, with a long list of uber-wealthy clients and offices that floated among the clouds. If I attached my caboose to this gravy train, I could charge my top hourly rate for at least six months of work and be sure of payment. It would take me three or four years to earn an equivalent sum from Legal Aid and the small-time private solicitors who briefed me. Yet, despite that, the partner at *Smoke & Mirrors* handling the matter would be aghast at the modest size of my bills. He would race home and tell his wife he had hired a madman.

True, I would have to endure Hoogland as my leader and overlook the fact he was obviously a groper. However, I often worked with silk I didn't like or even respect. And maybe, as the money flowed in, I would find, buried deep within his personality, some hidden qualities.

I said: "I'm very interested in the job."

"Good, I'll recommend you to my instructing solicitor. That will do the trick."

"Thanks."

While turning to leave, he pretended to have an afterthought. "Oh, just before I go: do you have any questions about the Floor renovations?"

Did he offer me the junior brief to ensure that I voted in favour of the renovations? Probably not. Even he wasn't that diabolical. However, one thing was

certain: if I opposed the plans, I could kiss the brief goodbye. He was definitely small-minded enough to whisk it away.

Until now, I had intended to vote against them: they would cost me a lot of money without improving my practice one iota. They were also rather tasteless. However, the amount I would earn from the junior brief would dwarf their cost and easily assuage the assault on my aesthetic sensibilities.

So I did a somersault. "The renovations? Oh, I don't have a problem with them."
"Excellent."

"Are you going to make any changes to the plans before the next Floor meeting?"

A steely look. "No, I don't think that will be necessary."

I half-admired the way he took no prisoners, even in a war not worth winning. "When's the next meeting?"

"Probably in a couple of weeks' time."

"Well, put me in the *yes* column."

"Good. I'll speak to you later."

He left and I pondered our conversation. It was profoundly ironic that I won an unwinnable murder trial which would do little to advance my career. But I just got a huge break because someone I didn't like offered me a junior brief.

While standing at the window, studying the pedestrians below, I planned how to spend the huge windfall coming my way. I visualised overseas trips, a new car, maybe even a deposit on a nice house; I would certainly pay off most of the loan I took out to buy my room. Excitement made me use an imaginary bat to stroke a classic on-drive that sent a cricket ball sizzling across the turf of the Sydney Cricket Ground to rattle the fence. If I kept playing shots like that, I would soon be in the Test team!

Unfortunately, Wayne Newhouse intruded into my mind. How would I explain to him that I was going to support the renovation plans of his arch-enemy? Wayne would be upset. He might even get melodramatic and accuse me of betrayal. That would be unfair because I never enlisted as a soldier in his war with Hoogland. I was operating a business and had bills to pay. I tried to think of a good way to break the news to him, without success.

Chapter 24

On Saturday morning, kitted out in helmets and Lycra gear, Adrian Calhoun and I rode our bicycles around Centennial Park. Adrian had lost even more weight, and was withdrawn and moody. I did not blame him. He had gone from being a master of the universe, with the world on a string, to unemployed and facing years in prison. He was entitled to be traumatised. I suspected part of him wanted to slough off his friends, including me, and not live under anyone's gaze. He even confessed to me that he sometimes wished his girlfriend, Rowena, would abandon him, but she had stuck fast.

After riding around the park for a couple of hours, we repaired to a local pub called *The Red Lion*, sat at the bar and ordered a few beers. Exercise always

improved his spirits and he became chattier. He even asked about my work, though he barely listened to my responses.

I said: "Have you had a conference with "Frosty" O'Toole yet about your prospects?"

"Yes, Sandy and I saw him yesterday, at his Chambers."

"What did he say?"

Adrian stared at the wall of bottles behind the bar. "He said the prosecution case is very strong and I should plead guilty to get a reduced sentence."

"Are you going to do that?"

"I've got no choice. O'Toole said that, if plead guilty, I'll probably spend four or five years inside, if I behave myself. If I fight the charge and lose, it'll be six or seven. I'd be about forty when I got out. Shit."

"If you plead guilty, you'll have to admit that you are guilty?"

He turned and looked exhausted. "Mate, I'm tired of lying to everyone. I was losing money on the horses and on shares - losing badly. I needed funds. Colin came up with the scam and I went along with him."

This was the first time he had admitted guilt. I shrugged. "We all make mistakes."

"I made a monster one. O'Toole said I should also offer to give evidence against Colin—the judge will like that and might lop some more time off my sentence. "

"You going to do that?"

Adrian again studied the bottles above the bar. His voice quivered. "I spoke to my parents about that."

"What did they say?"

"They told me to make the offer."

"Are you going to do that?"

His glass shook and he looked haunted. "I don't know—I really don't. This is so hard, because Colin's a mate; I've known him forever."

"Maybe. But he's probably getting the same advice as you. If he makes the first offer, the prosecutor might not need you."

"I don't think he'd betray me."

"Really?"

A long sigh. "What do you think I should do?"

When advising clients, I gave legal rather than moral advice. I apprised them of their legal options and the consequences of each, and left them to their fate. That was a hard habit to break. "I can't tell you. You've got to live with the decision, not me. But, whatever you do, I'll support you."

He broke down and sobbed. Other patrons looked at him with concern. Feeling, I'm ashamed to say, a little embarrassed, I led him over to a booth in the corner and cradled his head. Soon, I started crying.

Five minutes of sobbing purged our black moods and we spent the next couple of hours in good spirits, drinking and chatting about everything except the criminal charges. It was almost like old times. However, after we split up, I rode home feeling battered and bruised. The prosecution case against Adrian was obviously watertight—he had been a clumsy criminal—so I was glad he had decided to plead guilty. However, I had no idea whether he should give evidence

against Colin. Legal knowledge will only guide you for a short distance along life's road. Then you've got to find your own route.

Chapter 25

On Monday morning, I sat at my desk reading a new brief, when I got a call from our new Floor receptionist, Elizabeth, who said Wayne Newhouse was on the line.

On the line? Why didn't the lazy bastard stroll around and see me? "Alright, put him through."

"Will do."

After a pause, Wayne sounded a little strained. "Mate, it's Wayne. Afraid I've had some bad luck: broke my leg skiing."

"You're kidding?"

"Nope. Hit a tree."

"That was bloody stupid."

"I know, I know. I tried to ski around it, but it wouldn't let me."

"Are you going to be OK?"

"The doctors say I'll be fine, eventually. I'm in Cooma Hospital right now; I'll be here for a couple of days. Then I'll have to lie around home for a couple of weeks. Anyway, I need a favour."

An image of Tania Carmichael jumped into my mind and something wet slithered down my back. Christ. "What?"

"The sexual harassment case against Hoogland is set down for hearing on Wednesday. I can't make it. Your mission, should you choose to accept, it to appear for Tania."

Damn. I was right. I thought I could sit in a front-row seat, scoffing popcorn, while Wayne and Hoogland slugged it out. Normally, I would not have worried about annoying Hoogland and his small band of acolytes. They were on the periphery of my life and could not harm my career. However, my relationship with Hoogland changed dramatically when he offered me a lucrative junior brief in a corporate kickback case. If I appeared for Tania, I could kiss that brief goodbye before I even received it. Hoogland was not the sort of good sport who would accept I was just doing my job. He would become my sworn enemy in this life and the next.

I tried to wriggle my way out. "Does Tania want me?"

"Yes, I've spoken to her. She's happy for you to take the brief. It'll be on a contingency basis, of course. I hope you don't mind."

That was the least of my concerns. I kept wriggling. "Why does she need me? Lots of solicitors appear at sexual harassment hearings."

"True. But her solicitor—a guy called Vince Davies—is pretty hopeless and he's worried about appearing against silk."

"A silk? Who's Hoogland briefed?"

"Toby Hendricks."

Hendricks was a commercial barrister on our Floor, noted for his imposing helmet of silver hair and fine features rather than his legal talent. "This matter gets more ridiculous by the minute. Briefing silk for a hearing at the Human Rights Tribunal is total overkill."

"Hoogland doesn't know the meaning of the word. His first instinct is to bully. He wants to intimidate the Tribunal Member and whoever appears for Tania. That's why she needs someone with a bit of mongrel who won't get pushed around. Will you take the brief?"

Of course, I could lie that I was not available. But Wayne was a good mate and, if I didn't represent Tania, she would have a lot of trouble finding a new barrister, particularly at short notice. I tried not to be idealistic. But I didn't become a barrister to let people like Hoogland walk over people like Tania. I issued a huge internal sigh. "Sure, I'll do it."

"Great. Thanks, mate—you're a champion. I really appreciate this. Like I said, my instructing solicitor is a guy called Vince Davies. I'll tell him to contact you."

"OK. Where's the brief?"

"In a lever-arch folder on my desk. The documents are all neatly arranged for once. Give him hell."

I hung up and trudged around to Wayne's room, deeply annoyed that I was about to forfeit a lucrative junior brief. I had been mentally spending the huge sums I would receive. Now, I mentally de-spent them. I located the folder on his desk, carried it back to my room and read through it.

Fortunately, it looked like Tania and Hoogland would be the only witnesses at the hearing, so it would be fairly short. I read through their affidavits. Tania's chronicled the numerous occasions on which Hoogland made suggestive comments or touched her without permission, until he groped her in his room. In his affidavit, he denied all her allegations, of course, and claimed she was sacked for incompetence.

The next morning, I met with Tania and her instructing solicitor, Vince Davies in my room. I had told them to come straight around, lest they meet Hoogland in the reception area. Tania was the first to enter, looking tanned and tense, with Davies behind her. He was a thin guy with a weak moustache that summed him up.

Tania thanked me profusely for agreeing to appear for her.

I shrugged. "Think nothing of it."

"I hope this won't cause you trouble on the Floor. Hoogland won't be happy."

No point bleating about the fantastic brief I would lose. "Don't worry, we're not jogging buddies or anything like that."

"Good."

"Anyway, sit down." They sat facing my desk and I retreated behind it. "I've read your affidavit, but I want to hear from you what happened."

She sat straight as a board and nervously repeated the material in her affidavit. The culmination of the harassment came when she delivered some mail to Hoogland's room and he pushed her up against a bookshelf.

She shuddered and sobbed. "He put his hands all over me. It was horrible."

"What did you do?"

"Pushed him away and escaped. After that, he told the clerk I was hopeless and he should sack me."

"And that's what happened?"

"Yes. Jeff fired me. I was only on probation. It was easy." She resumed crying.

I had no doubt she was telling the truth. However, that did not mean she would win the case. The presiding Tribunal Member would be very reluctant to find that a senior silk told him a bunch of pork pies under oath. He would know that, if he did, he would seriously damage Hoogland's career and maybe his own. The Tribunal Member would be impartial. But he might not have guts.

Tania gave me a red-eyed but steely stare. "He shouldn't be allowed to get away with that. It's not fair—not fair at all. He should pay."

Anyone who thought the legal system was a vehicle for fairness was severely deluded. However, it was too late to pick apart the system. I had to build her confidence. "Don't worry, he will."

"If I win, he'll have to pay damages, right?"

"Of course. But not a huge amount, I'm afraid. The Human Rights Tribunal does not award big damages in these sorts of cases, probably because the victims of sexual harassment are not rich white men. If you're lucky, you'll get somewhere between \$30,000 and \$40,000, out of which you'll have to pay your costs."

"What are my costs?"

I glanced at Vince Davies, who said: "Mine will be about \$10,000."

That was very reasonable.

I looked at Tania: "And I won't charge you anything."

"You won't?"

"No, I don't charge friends."

"Thank you."

"Of course, if Hoogland is prepared to pay a decent sum and provide a good job reference, you should settle. Will you do that?"

"Of course."

The solicitor said: "We've already had a compulsory settlement conference. Hoogland said he wasn't interested in settling."

I said: "It was easy for him to talk tough back then. He might change his tune tomorrow morning when he sees the whites of our eyes. If he doesn't, we'll just press on. Any questions?"

They shook their heads and stood to leave.

I said to the solicitor: "I understand Hoogland has briefed Toby Hendricks?"

"That's right; that's why I told Wayne that Tania needed another barrister."

"Fair enough. Does Hoogland know I'm appearing for Tania?"

"I told his solicitor this morning, so I guess he'll know fairly soon."

They disappeared and I read Hoogland's affidavit again, looking for weaknesses to attack during cross-examination. In the back of my mind, I wondered how Hoogland would react when he found out I was appearing for Tania. Would he keep his distance? Or try to pressure me? I expected the later and was right. After about 30 minutes, I heard footsteps and loud—almost angry—breathing. I looked up. My Head of Chambers stood in the middle of my room, dead-fish eyes blazing and pallid cheeks glowing.

I hid my surprise. "Hello Derek, what's happening?"

He scowled. "Norton, you're acting for that woman, aren't you?"

His rudeness steadied me. My heart cooled and I leaned back. "What woman?"

"The former receptionist on this Floor. There's a hearing tomorrow. Wayne Newhouse was acting for her. My solicitor says you've taken the brief."

"Yes, I have. Wayne broke his leg while skiing. I've stepped into the breach."

A crimson scowl. "You shouldn't have done that."

"Why not?"

"I'm your Head of Chambers. We're colleagues. You should have shown some loyalty."

Anger heated my skin. "Why? I'm a barrister. That means I represent whoever comes through the door."

"You could have found an excuse."

Now the gloves were definitely off. "I could, but that would be slimy."

"This case against me is rubbish—complete rubbish. I never touched her. She's bitter because she was sacked for incompetence."

I recently won a murder trial against the odds and learnt a good friend would go to prison for several years. Both events had significantly reduced my tolerance for bullshit. "Don't insult my intelligence. We both know you're a groper. The only question is whether I can convince the Tribunal Member."

"That won't happen—your client has no case."

"You're being very foolish. You've got a lot more to lose than Tania."

"Why?"

"We both know you're going to tell a lot of lies in the witness box. If you're lucky, you'll fool the Tribunal Member. But, if he makes an adverse finding about your credit, the Bar Association will stick your head on a pike and display it outside the Supreme Court building. You might even be struck off. You can certainly kiss goodbye to a judicial appointment."

"Don't make me laugh. That won't happen. The Tribunal Member will believe a silk rather than a receptionist."

I always thought that a good lawyer can stand outside himself and assess a case objectively. On that basis, Hoogland got a big fat zero. "You're taking a huge and pointless gamble. Give Tania some money and a good reference, and save yourself a lot of trouble."

He looked around disdainfully at my clutter. He obviously associated tidy offices and clean desks with orderly minds, the way fools always do. A sly look. "If you appear for her, we obviously can't work together—you understand that? You won't get that junior brief."

"Are you trying to buy me off?"

"Of course not. I'm just stating the obvious."

I shook my head. "You know, I recently represented a heroin dealer. But he was a better man than you. At least he took responsibility for his actions. You can't even do that. Now, you've wasted enough of my time. I've got to prepare for tomorrow morning. I'll see you at the tribunal."

"Bastard." He stalked from the room and I realised, with relief, that I wouldn't have to be nice to him anymore. I was also right about Tuan Ho. He was a better man.

My heart-rate went back to normal and I stared out the window, pondering my next move. The bastard would be truly sorry if the news media reported on the hearing. Indeed, maybe I should ensure that happened. I reached for my phone and called Carol Rolfe, the court reporter for the *Sydney Morning Herald*.

Chapter 26

The Human Rights Tribunal pretended to provide cheap and cheerful justice to litigants. Hearings were informal and barristers did not robe. The next morning, wearing a sober suit and carrying a folder containing my brief, I strolled several blocks to the gleaming officer tower that housed it on an upper floor. I stepped out of a lift into a large waiting area with half-a-dozen hearing rooms spread around it. Tania and Vince Davies were already there, sitting in a corner.

I moseyed over and looked down at Tania. "How do you feel?"

She squeezed her hands together and smiled bravely. "Pretty crap. But I'll make it."

"Good."

Carol Rolfe from the *Sydney Morning Herald* sat about twenty metres away, fiddling with her phone. I smiled and waved, and she waved back.

Vince said: "Who's that?"

"A journo."

"What's she doing here?"

"I tipped her off. I thought her presence might persuade Hoogland to settle."

"Hah. Do you think he will?"

"I don't know. He bowled into my room yesterday and said that he's determined to fight. But push hasn't come to shove yet."

Tania said: "I would like to settle, I really would."

"Let's wait and see."

Five minutes later, a lift door opened. Hoogland emerged with Toby Hendricks and a thin man I assumed was his solicitor. Toby was a senior silk with a sizeable defamation and equity practice. Tall and handsome, he looked like a barrister from Central Casting. I had never seen him in court. However, Wayne had told me that his hands were very eloquent. "It's when he opens his mouth that the trouble starts."

Toby detached himself from his group and strolled over to me, trying to look casual. "Hello Brad. Fancy meeting you here."

"Yes, it's like a Floor get-together. I hope you're charging him your full rate."

"I can't do that. He's my Head of Chambers."

"More fool you."

He looked annoyed already. "Umm, can we have a chat?"

"About what?"

"Settling this matter."

That was a good sign. "Let's go for a stroll."

We strolled towards the far wall, and he said: "You know, I was a bit surprised to hear you had this brief?"

"Why?"

"Because we're from the same Floor, I thought you might be worried about the, umm, impact of this case on Derek. It's causing him a lot of stress."

"Really? I wasn't aware he had any feelings."

"Don't be ridiculous."

The slimy bastard was obviously testing my loyalty to my client. Best to push back. "Look Toby, I don't give a damn how much stress he's under. I've never liked him and now like him even less. I have absolutely no doubt that the allegations against him are true. That's the main reason I took this brief. So, if you have an offer, put it. Otherwise, let's get on with the show."

Toby looked a bit shocked. "What about the potential embarrassment to the Floor?"

I scowled. "Toby, I'm here to represent my client to the best of my ability. Please don't play that card."

"What card?"

"Floor loyalty."

"I'm not."

"Good. Then I'll hear no more about it."

He rolled his eyes. "Anyway, I've got an offer for your client."

"What?"

"If she agrees to drop her claim and walk away, Derek won't demand she pay his costs."

"You're kidding, aren't you? Even if she loses, she won't have to pay his costs. They're not usually awarded in this jurisdiction."

"They can be, if there is a frivolous claim."

"Stop being silly. Why don't we settle on a different basis?"

"What?"

"Hoogland pays Tania \$60,000 and agrees to give her a good job reference. Then we can all get on with our lives."

Toby scowled. "Forget it. He won't pay a cent."

"Why not? Even if he wins this case, he loses."

"What do you mean?"

I nodded in the direction of the court reporter. "That's Carol Rolfe from the *Herald* over there."

He looked alarmed. "What's she doing here?"

I delivered, with a few amendments, the speech I had mentally prepared in the lift. "Her job, of course. She's here because she knows this hearing will be front-page news. I mean, the headline writes itself, doesn't it: *Senior barrister accused of groping receptionist*. I'm sure Carol will try to write a balanced report. But I'm afraid a lot of readers will be biased against Hoogland and jump to the conclusion he's an over-entitled white male who can't keep his hands to himself. His name will be mud from one end of this city to the other. His reputation will go splat on the pavement."

Toby started looking decidedly un-debonair. "Who told her about this hearing?"

"I did."

"You bastard. That is outrageous."

"No, it's not. This is a free country. Hoogland's other big problem, of course, is the buggers in the Bar Association. They love looking progressive and trendy. If he loses this hearing, they'll drink from his skull. And he can forget about a judicial appointment."

"This is blackmail. He's not going to surrender to that."

"I admire his courage. Let's get on with the hearing."

Toby looked alarmed. "No, no. I will speak to him and get his instructions."

"Good."

He strolled off and had a furious discussion with Hoogland during which Toby pointed a couple of times at Carol Rolfe. After about five minutes, Hoogland nodded angrily and Toby strode back towards me. Toby was obviously going to offer Tania some money. To amuse myself, I tried to guess how much. \$15,000?

Toby cleared his throat. "Look, this wasn't easy. You saw how he behaved. But he'll pay her \$20,000, terms to be kept confidential, and provide a reference."

Crumbling already. I shrugged. "Won't be enough, of course. But I'll get some instructions."

"OK." He glanced at his watch. "Five minutes before the hearing starts. If you don't mind, I'll get word to the Tribunal Member that we're negotiating and ask him to stay off the bench."

"Fine."

I strolled over to Tania and Vince, and told them about the offer. Tania smiled. "Great. Should I take it?"

I said: "Vince is going to charge you \$10,000. So, if you take this offer, you'll get about \$10,000 in the hand and a reference. In my opinion, that's not enough. You should squeeze harder and ask for, say, \$55,000 and a job reference, and see what he comes back with."

"OK."

I didn't want to look too keen to settle, so I chatted with them for another five minutes before meeting with Toby on neutral carpet and conveyed the counter-offer.

He frowned. "She's being very greedy."

"She's got a good case and that's chump change to him."

"I'll get instructions."

He strolled back to see his client and, after another furious argument, came back and said Hoogland would pay \$25,000, terms to be kept confidential, and provide a job reference. Eventually, after several more counter-offers were exchanged, the parties agreed that Hoogland would pay Tania \$42,500, with the terms to be kept confidential, and provide her with a job reference.

After informing a delighted Tania that her claim had settled, I strolled over to Carol Rolfe, from the *Herald*, and said: "I'm afraid we've settled this one."

A frown. "Drat. This would have been a cracking story. What are the terms?"

I smiled. "They're confidential, I'm afraid."

"Bugger." She rose and glanced at her watch. "Oh, well, if I hurry, I can cover the sentencing hearing of that rugby league player who exposed himself. I'd better get moving."

"Where would you be without football players?"

"Out of a job, I guess." A suspicious look. "You didn't use me to settle this case, did you?"

I looked offended. "Of course not. But I'll buy you a nice lunch one day, I promise."

She laughed. "Make sure you do."

She headed for the lifts and I went back to see Toby. We sat in a small room and drafted terms of settlement and a job reference. He showed both documents to Hoogland, who signed them angrily and stormed off into a lift. Then he gave the documents to me. I gave Tania the reference and got her to sign the terms of settlement.

We strolled into the hearing room and told the attendant that we wanted to hand up terms of settlement. Five minutes later, the Tribunal Member appeared on the bench and congratulated the parties on settling the case. I gave him the terms of settlement. He noted the agreement between the parties and vacated the hearing.

The Tribunal Member left the bench and I turned to Tania and Vince, and smiled. "Alright, let's have coffee."

Chapter 27

About a week later, Wayne Newhouse hobbled back to Chambers on crutches. Soon afterward, he paid me the honour of visiting my room.

His heavy breathing and the clatter of the crutches were audible long before he arrived. I was already sitting back when he entered wearing a huge grey orthopaedic boot on his right foot.

He said: "Hello, cobber, you busy?"

"Of course not. You look like Long John Silver."

"I *feel* like him."

"Take a pew, before you collapse."

He limped over to an armchair and flopped onto it with his damaged leg outstretched. Despite his injury, he still looked like he had an extra pint of life.

He stood his crutches against the desk. "That's better."

"Will you be OK?"

"I think so. My doctor says it'll be a couple of months before I can run around kicking people in the arse again, but I can wait. Anyway, I came around to thank you for helping Tania, and for shafting Hoogland of course. Tell me everything that happened at the Tribunal."

I'd already told him, on the phone, that Tania settled her claim for \$42,500, but only gave him a sketchy account of events. Now he listened patiently, for once, while I gave him a graphic description.

When I mentioned how, at my behest, Carol Rolfe turned up at the Tribunal, he cackled madly. "Brilliant, just brilliant. He must have freaked out."

"Couldn't settle fast enough."

"I bet he was pissed off with you."

"Almost paralytic with rage. After we settled, he stormed off into a lift."

"Hah. Like all bullies, when someone stood up to him, he folded like a wet paper bag. Have you seen him since?"

"A few times around the floor. He looked straight through me."

"Get used to it. Now, finish the story."

I explained how Toby Hendricks and I batted offers back and forth until we settled the claim for \$42,500.

"An excellent result. What a fool that man is! Tania would have taken half that at the settlement conference. If he's that useless at protecting his own interests, what's he like protecting his clients'? I assume you sent Tania a bill."

"Nope, I waived my fee."

He frowned. "Why? You deserve to be paid."

I shrugged. "Every so often I like to do something virtuous, just for a bit of variety."

He smiled. "Thank you. I'm very grateful for your help, and I'm very impressed. You've had a few good victories recently, haven't you?"

"Yup, I'm storing them up for winter."

He laughed. "Which always comes. I hope that appearing for Tania didn't cause too much trouble."

Why mention that I lost the chance to be Hoogland's junior in a massively lucrative case? "Of course not."

"You know, you've caused Hoogland a lot of trouble on the Floor."

"What do you mean?"

"I've heard, on the grapevine, that support for his renovation plan is dwindling fast. In fact, he'll have to bury it."

"You're kidding?"

"Nope."

"What happened?"

"Tania's claim is what happened. A lot of people are distinctly unimpressed with the behaviour of our Dear Leader. They know he's a groper and want to put him back in his box. You know, most of the time, my colleagues really piss me off. But sometimes they act like decent human beings."

"I know what you mean. Maybe we're a bit hard on them sometimes."

A dismissive wave. "Nah, they deserve it. But that's the good news. The bad news is that we're stuck with the dickhead. We won this round, but he'll be back. We must remain vigilant at all times."

I stifled a sigh. I was now a soldier in Wayne's war with Hoogland, despite my best endeavours to avoid that fate. The only question was when he sent me over the top.

Chapter 28

Detective Superintendent Owen Saunders' investigation into the conduct of the three detectives moved a lot faster than I expected. A month later, he arrested and

charged Mannix with murdering Vincent Lee. He also arrested and charged Hanrahan and Mostyn with numerous offences, including conspiracy to murder and, for planting the pistol in Tuan Ho's apartment, interfering with the course of justice.

Those charges got saturation media coverage, of course, though my role in bringing the offences to light was scarcely mentioned. Shortly afterward, I phoned Saunders and asked if he was confident of obtaining convictions.

The detective had a smile in his voice. "Absolutely. They don't have a hope in hell. I've got a mountain of evidence. Their lawyers are already hinting their clients want to rat on each other for a lesser sentence."

A week later, I appeared before three judges in the Court of Criminal Appeal and asked them to quash the conviction of Goran Milic and order his release from gaol. I pushed against an open door. The laying of charges against Hanrahan and the transcript of the Tuan Ho trial quickly convinced them that Hanrahan had poisoned the well of justice. The Crown Prosecutor opposing me flapped around for a while, without saying anything worthwhile. The judges didn't even bother to reserve their decision. They quashed the conviction of Milic and ordered his release, and said they would publish their formal reasons at a later date. Milic was released from prison the next morning. I didn't expect, or deserve, to receive a "thank you" from him, and didn't get one.

I thought I'd heard the last of the Tuan Ho trial. However, a couple of days later, I was sitting at my desk reading a law report when someone shuffled into my room. I looked up at the portly figure of Bert Tolsen. That surprised me, because the great man rarely ventured out of his room and had never ventured into mine. What on earth did he want?

He said: "You busy? Can I sit down?"

"Of course."

Sitting on each of my two spare chairs was a small pile of law reports. He gently put one pile on the desk and sat down. "You know, I chatted with someone about you yesterday."

"Really? Who?"

"Ron Stevens. Saw him in the street. He asked if you were in my chambers. I said you were. He said you appeared before him in a murder trial about a month ago and he was very impressed; said you belted the prosecution case out of the park."

"The cards fell my way."

"Really? What happened?"

I gave him a blow-by-blow account of the Tuan Ho trial, which he seemed to enjoy. When I finished, he smiled. "Well done; good job."

"I got lucky."

"Yes, you did. But, in this game, a lot of guys miss good luck. It whizzes past them like a fast car. You did the work and got the reward. Well done."

I shrugged. "Thanks. But the trial won't help my career much. I may have impressed Ron Stevens, but he won't send me any briefs."

His mottled face broke into a smile. "I was at the Bar for 15 years before my golden run started. If you keep pushing a boulder, one day it will move."

I raised an eyebrow. "You sure of that?"

He smiled. "Pretty sure. But don't try to look too far ahead; don't worry where you're going. If I've learnt one thing in life, it's that winners don't care about winning, they just love the race."

Chapter 29

On the following Tuesday morning, I caught a taxi to Adrian Calhoun's apartment in Coogee and knocked on the front door. His girlfriend, Rowena, opened it wearing a modest blue dress and solemn expression. "Hello, Brad, thanks for coming."

I gave her a kiss and a hug. "No problem."

"He's in the living room."

I followed her up the hallway to the large living room, where Adrian, wearing a well-cut grey suit, stood looking out over the Pacific Ocean. It was a gorgeous day: the sky was a perfect blue and the horizon razor sharp.

I said: "Hello, mate."

He turned and gave me a despairing look. I was not surprised. In about an hour, a District Court judge would send him to prison for many years. I had agreed to accompany him and Rowena to court.

He tried to smile. "Hello Brad."

I raised my eyebrows. "Ready?"

His smile finally arrived. "Definitely not." He looked back wistfully at the ocean. "You know, I bought this apartment for the view. Then I completely forgot about it. Now, all of a sudden, it looks beautiful again. But, I guess, that's not surprising."

"No."

The new Adrian seemed smaller than the man I had known for most of my life, but more grown up. It was too bad it took criminal charges to bring about that change.

He said: "Is it time to go?"

"Yup."

I had asked the taxi to wait downstairs. The three of us caught it to the Downing Court Complex and got out at the bottom of the front steps. About a dozen cameramen and photographers swarmed around us. Adrian and Rowena stared straight ahead as they climbed the steps, with me beside them. The reporters on the fringes didn't bother asking questions, because the matter was sub judice.

The cameramen and photographers were not allowed into the building. We passed through the glass entrance and they fell away.

We caught a lift to the second floor and found Frosty O'Toole of Senior Counsel, fully robed, and Sandy Westbrook waiting for us in a small interview room. Adrian's parents, Alex and Barbara, were with them. Barbara gave Adrian a big hug and broke into tears. Adrian controlled himself, just. Then he and Rowena stood with their backs against a wall, holding hands.

Frosty had a reddish face, short grey beard and pugnacious manner. He looked at Adrian. "How do you feel?"

"Like crap."

"That's understandable."

Frosty did not need to discuss the forthcoming hearing with Adrian. Adrian had already decided he would not offer to give evidence against Colin Douglas in return for a lesser sentence. He told me: "I'm not a dog; I'll accept what's coming to me." I was rather proud of him for his stance. However, as it turned out, his decency was irrelevant because, soon afterward, Colin also plead guilty. He would be sentenced in a few weeks' time.

Instead, Adrian asked his father to store some possessions while he was in prison and explained where to find them. Then, at 9.58 a.m., Frosty pushed away from a wall. "Alright then, let's go and see the judge."

Adrian gave his parents and Rowena desperate last hugs, before giving me one. Then Frosty led us all down a corridor into a functional pine-panelled courtroom. About fifty family members and friends sat in the gallery. Where, I wondered, were the hundreds of people who turned up to his birthday party a few months ago? Adrian's parents and Rowena sat in the front row, and I found a seat a couple of rows back.

The Prosecutor, Terry Rourke, was already at the bar table. I rather liked him. He was a tall and lean ex-Yank who claimed he once worked as a professional bounty hunter—which may have been true—and always wore cowboy boots. Frosty sat at the bar table, with Sandy and Adrian just behind him.

I had learnt from the Court's web page that Judge Harold Blissett was going to sentence Adrian. He entered through the door behind the bench and sat down. He was a large, dishevelled man whose wig looked home-made. But there was nothing dishevelled about his brain. He was a good lawyer who would hand out the right sentence.

The Court Officer announced the matter of *R v Calhoun*. Terry and Frosty rose and announced their appearances.

The judge looked at Frosty. "Mr O'Toole, is your client here?"

"Yes, your Honour."

"Please ask him to step into the dock."

Terry nodded to Adrian, who entered the dock and sat down.

The judge looked at Terry. "Mr Prosecutor, do you have an agreed statement of facts?"

Terry and Frosty had previously agreed upon a statement that summarised Adrian's crimes. Terry gave it to the Court Officer, who ferried it to the judge, who slowly read through it.

Prosecutors don't usually recommend the judge impose a specific sentence. Instead, they just outline the sentences handed down for similar offences.

After Terry had done that, the judge said: "Any antecedents?"

"None, your Honour."

Terry sat down, his day's work done.

Sandy Westbrook had collected a large number of character references from friends and work-mates of Adrian, including me. Many were high-fliers. Frosty got to his feet and gave a bundle of them to the judge.

It took the judge almost thirty minutes to read through them. Then Frosty solemnly read aloud the highlights and emphasised the prominence of the referees. He also noted Adrian's unblemished criminal record until now, his remorse, his early plea of guilty and the devastating impact the convictions would have on his career. He asked that any custodial sentence be served in a low-security prison.

Frosty sat down and the judge asked Adrian to rise, which Adrian did. The judge's sentencing remarks were much as I expected. He said Adrian was given great opportunities in life and acted out of greed not necessity; his crimes were clearly pre-meditated; and because insider trading offences were hard to detect, the punishment should be sufficient to deter others. However, he took into account the references and high likelihood of rehabilitation. He then imposed a seven-year sentence, with a four-year non-parole period. Mercifully, he recommended it be served in a low-security prison.

Adrian turned to his parents and Rowena with tears in his eyes and mouthed "Sorry". As two huge Sheriff's Officers calmly escorted Adrian through a side door to the holding cells, all three started crying. So did many in the Court, including me.

Frosty O'Toole looked at me and raised his eyebrows. We both knew that the sentence hit the sweet-spot and offered no grounds for appeal.

Family and friends started surrounding Adrian's parents and Rowena. I quickly gave them a hug and headed for the rear door.

On the way out, I was startled to see Patricia Ransome sitting stone-faced at the back of the courtroom. What on earth was she doing here? Then I remembered she was a good friend of Rowena. She must be here to provide support. At any other time, I would have seized the opportunity to say hello and tried to break down the barrier between us. But I was too immersed in someone else's problems, for once. Our eyes met and I kept moving.

Chapter 30

I was depressed for about a week after Adrian was sentenced to prison. Then I drove down to Cooma and visited him at the low-security prison where he was sent. He had adjusted well to incarceration and, while we sat at an outside table eating sandwiches, showed a real interest in my life, for once.

I said: "You look more relaxed."

"That's because I don't have to worry anymore about what a judge will do to me; he's already done it." He grinned. "And I don't have to worry about where I'm going for a while. Now, I've just got to try and grow a little."

The next day, I arrived at chambers and found a large parcel sitting on my desk. I tore off the brown-paper wrapping and saw a folder containing a brief. The cover sheet said it was from *Deacon & Co*, the firm where Patricia Ransome was a partner. My God. I shakily opened the folder and glanced at the short letter of

instructions. I was instructed to act for a client charged with drink-driving. The letter was signed: "*Patricia Ransome*."

I slumped into my chair and waited for my heart to cool down. It took a long time.

