JUDGED

“All rise!”

Judge Horace Halloway III took his seat and rifled through the short stack of documentation for the day’s docket. Eyeing a sealed envelope on top, he opened it and studied its contents. If he recognized details of the case, he didn’t let on. “Are all parties prepared to proceed?”

“Mark Batista for the prosecution, your honor.”

“Alicia Sparks for the defense, your honor.”

The judge looked up. “District Attorney Sparks, are you moonlighting for the defense?”

“Your honor, I was not the prosecuting attorney in this case, and my involvement will be clear soon enough.”

“I’m all ears. Proceed.”

“In case number 10118C, motion for a new trial and request that all charges against Manuel Reese be dropped, your honor. You may recall that you presided over this case three years ago. The defendant was sentenced to twenty years for hit-and-run vehicular homicide.”

“I don’t recall the case, but go on.”

“Let me refresh your memory. Theresa Longstreet was struck by a vehicle and left in a ditch to die. Circumstantial evidence at the time pointed to Mr. Reese, namely, damage to the front of his pickup truck. Based on that damage, he was convicted of striking and killing Ms. Longstreet.”

The judge nodded. “Yes, as I recall, the damage was extensive, and an expert witness corroborated the charges against the defendant. Suppose you cut to the chase and explain what new evidence you’ve found that would prompt this court even to consider reversing itself?”

DA Sparks held up a large envelope. “Permission to approach.”

Judge Halloway waved her forward, and both attorneys stepped to the bench. Sparks laid out an 8 x 10 color photo of the damage to the defendant’s pickup truck and handed a copy to Defense Attorney Batista.

“I remember now,” the judge said, studying the image. “There was still blood on the grill. Open and shut case, as I recall.”

“It seemed that way, didn’t it?” Sparks laid out a second photo. “This shows the damage in greater detail.”

The judge turned away. “I hate the sight of blood.”

“This third photo shows the undamaged hood and windshield. An expert witness testified that Ms. Longstreet was struck and flew over the pickup truck. He also stated the damage was consistent with the injuries of the victim. That was the end of the case. The court-appointed defense attorney did not contest the evidence. The jury deliberated less than an hour before finding Manuel Reese guilty.”

“And so far, you have shown us nothing to alter our opinions that justice was served. If you have a point to make, get to it.”

DA Sparks nodded. “I would like to call another expert witness.”

The outer courtroom doors opened, and a short, balding man entered wearing a gray suit and wire-rim glasses, holding a large, flat canvas carrying case. He was sworn in and made his way to an easel in the center of the courtroom.

“Can you tell the court your name and credentials? The short version, please,” DA Sparks asked.

“Robert Legend. I worked with the NTSB for twenty-five years. I now offer expert testimony in fifty court cases a year.”

“Tell us how you became involved in this case.”

“I came across it while researching a similar hit-and-run case, and discovered inconsistencies in the evidence. That’s when I contacted your office.”

“And what were the inconsistencies that jumped out at you?”

Legend loaded the easel with a stack of images. “The evidence presented by the last expert witness consisted of weak theories based on conjecture, an incompetent court-appointed attorney, and a rush to judgment.”

“That’s a rather inflammatory opening, Mr. Legend,” the judge admonished. “I hope you came prepared to prove that argument.”

Legend pointed to the first image, showing the position of the pickup truck and the victim. “Your previous expert testified that the defendant struck the victim as she walked down the middle of the road, and that the body contacted only the grill before flying over the roof. This is physically impossible. What’s more, the injuries suffered do not correlate to the scenario suggested.”

“Lip service, Mr. Legend. That’s all we’ve heard so far. Either show your proof, or call it a day.”

“Of course, your honor. We demonstrated this by recreating the scene using an artificial cadaver that mimicked the weight, height, build, and bone structure of the victim. I also purchased the same year and make of pickup truck owned by Manuel Reese.”

Legend flipped to another image. “This is the point of impact. Note the grill and hood damage as the cadaver is hit, and then hurled out in front of the vehicle, not over it. Mr. Reese’s truck had none of this hood damage. Furthermore, the injuries sustained were inconsistent with those of the victim.”

“How so?” DA Sparks asked.

“Theresa Longstreet’s pelvis was crushed by a tire that left an imprint in the skin. None of the tires on Manuel Reese’s truck matched the pattern, and her body would have ended up in the center of the road if she’d been hit this way, not in the ditch. We’re also forced to believe she was walking down the center of the road and ignoring Reese’s explanation that he’d hit a deer. His truck is still sitting in the police impound, and I extracted blood and skin samples from the grill.”

“What did those tests reveal, Mr. Legend?”

“That he was telling the truth. The blood and skin came from a deer.”

“Slow down,” the judge demanded. “Mr. Batista, explain why the prosecution is remaining silent during this presentation of exculpatory evidence?”

Mark Batista stood, buttoned his suit coat, and said, “In the interest of justice, the prosecution waves its right to cross at this time.”

“I can’t recall the last time you held your tongue in my courtroom for more than three minutes.” Judge Halloway turned back to the defense table, obviously annoyed. “Fine. Proceed, Madam District Attorney.”

“Thank you, your honor. Mr. Legend, was this the only reason you called my office?”

“No. Upon learning this wasn’t the vehicle involved, I searched the databases of collision shops within a fifty-mile radius. “

“And?”

Legend pulled up another image on the easel. “This is an SUV brought in for repairs the morning after the victim was struck. Note the damage to the right front fender, the hood, and traces of blood. Upon seeing this, I ran another simulation with the victim walking along the shoulder of the road, as corroborated by witnesses who saw her earlier that evening.”

Legend flipped to another image. “This shows the moment of impact. The victim’s legs are shattered by the bumper as her torso and head dent the hood.”

Pulling up another pair of images, he continued. “The victim is thrown forward about thirty feet. The victim was then run over by the SUV, which drove away, leaving the tread pattern across her body. The damage to this vehicle and its tire pattern match the injuries to the victim.”

“I don’t recall seeing tire tread marks in the coroner’s report,” Judge Halloway huffed.

“That’s correct, your honor. Oddly, they are absent from his final report, yet are documented in his side notes.”

“So, why didn’t this repair shop report their observations and suspicions?” Sparks asked.

“The shop owner feared backlash if he reported it to the police.”

“Why?”

“The vehicle owner was a government official.”

Judge Halloway brought down his gavel like driving a spike. “This proceeding has gone from improbable to preposterous. This court refuses to hear any more of this nonsense!”

The outer doors swung open, and three fellow judges entered, followed by half a dozen uniformed police officers.

“Please continue, Mr. Legend,” Judge Kathleen Sinclair announced. “Everyone here wants to know how this ends.”

Judge Halloway seethed as Robert Legend nodded. “The collision shop was required to list the vehicle identification number when the shop owner entered the repairs into his company’s database.”

DA Sparks stepped to the bench and laid out the new photos. Judge Halloway glanced at them briefly, then turned away, blinking, fidgeting, as beads of sweat dripped from his forehead.

“Mr. Legend,” the DA said, “did you ascertain who owned this damaged SUV?”

Legend nodded, pointing forward. “Judge Horace Halloway III.”

The judge stammered, his jaw moving with no discernible words coming out.

“You’re saying Judge Halloway struck and ran over Theresa Longstreet, leaving her to die, then presided over a trial where he sent an innocent man to prison for his own crime?”

Robert Legend’s jaw tightened as he turned, glaring at the bench. “Yes.”

The judges standing at the back of the room stepped aside to allow the police officers to pass. “Do your duty, Lieutenant,” DA Sparks commanded.

A tall, hulking officer moved forward with the others close behind. “Horace Halloway,” he said, “you are under arrest for the hit-and-run murder of Theresa Longstreet. Please step down from the bench with your hands on your head.”