

IN GOOD FAITH

Wednesday, Aug. 27

Eight men and four women. A dozen citizens, filing slowly past the defense and prosecution tables beneath the stern scrutiny of a white-haired judge. All wore the dazed look of people who've been forced to sit for days in a place they've never been, listen to the words of men and women they've never seen, and pass judgment on a fellow human being.

The gallery was sadly bereft of spectators. Misty Bell, a young female newspaper reporter with short chestnut hair and curious hazel eyes, sat dutifully holding her notebook on the front row to my left. Two seats to her right sat the victim's son, an overweight, sad-looking man in his sixties with sagging jowls and receding gray hair that curled around his ears like smoke from a smoldering cotton ball. Aside from those two and me – I was sitting in the center of the back row – the gallery was empty.

The defendant, a wiry man named Billy Dockery, stood next to his lawyer at the defense table as the jury filed past. Dockery was gangly and in his mid-thirties. His dark hair snaked past his shoulders, framing a flat face that had maintained a perpetual smirk throughout the two-day trial. He wore civilized clothing – a dark gray suit, white shirt and a navy blue tie – but I knew he was anything but civilized. Beneath the veneer was a cruel and dangerous sociopath.

His lawyer was James T. Beaumont III, a longtime practitioner of criminal defense whom I'd known casually for many years. Beaumont was in his late fifties and was somewhat of a celebrity in Northeast Tennessee. He favored fringed buckskin jackets and string ties and wore a beige cowboy hat outside the courtroom. A long, light-brown mustache and goatee, heavily specked with gray, covered his upper lip and chin. With his longish hair, clear blue eyes, and a deep drawl, he reminded me very much of Wild Bill Hickock – at least the way they portrayed him in the movies.

“Call your witness,” sixty-year old Judge Leonard Green said.

Beaumont nodded and stood. “The defense calls Billy Dockery.”

Dockery got up, ambled to the witness stand and took the oath, the smirk still on his face. I'd seen the proof in the case and knew Dockery should exercise his Fifth Amendment right to keep his mouth shut. He'd be a terrible witness. But I also knew that Dockery enjoyed the spotlight almost as much as he enjoyed thumbing his nose at the prosecution and torturing defenseless, elderly women.

After a few preliminary questions, Beaumont got to the point.

“Mr. Dockery, I'll ask you this question on the front end. Did you kill Cora Wilson in the early morning hours of November seventeenth?”

Dockery leaned closer to the microphone.

“No sir, I did not. I did not have anything to do with her death. I was not nowhere near her place that night. I ain't never hurt nobody and I ain't never going to.”

The sound of his voice made me cringe. Five years earlier, Dockery had been charged with murdering another elderly woman during a break-in at her home

His mother hired me to represent him, and after a trial, the jury found him not guilty and set him free. The next day, Dockery walked into my office and drunkenly confessed to me that he'd murdered the woman. He offered me a five-thousand dollar cash bonus, money he said he'd stolen during the break-in. I threw him out of the office, along with the money, but since double jeopardy prevented them from trying him again and since the rules of professional responsibility forbade me from telling anyone, I couldn't do a thing about it. When I read in the newspaper that he was about to go on trial for killing another woman, I wanted to be there to see his face when they sent him to the penitentiary for the rest of his life.

"Did you know the victim?" Jim Beaumont said from the podium in front of the witness stand.

"Yessir. I done yard work for her sometimes and I painted her house last year."

"Ever have any problems with her?"

"No sir. Not nary a one. Me and her got along like two peas in a pod."

"Where were you that night, Mr. Dockery?"

"I was a-campin' on the Nolichucky River more'n two miles from her house."

"In November?"

"Yessir. My mamma's got a cabin down there. It's got a fireplace and all. I go there a lot."

"Anyone with you?"

"No sir. I was all by my lonesome."

"Thank you, Mr. Dockery. Please answer the prosecutor's questions."

It was the shortest direct examination of a criminal defendant I'd ever seen, and it was smart. Up to that point, the prosecution had only been able to establish that Billy Dockery had done landscaping work for 86-year-old Cora Wilson. They established that Dockery had camped along the Nolichucky River about two miles from Ms. Wilson's home the night she was beaten and tortured to death, a fact the defense did not dispute. They established that a length of nylon rope found around Ms. Wilson's neck was the same kind of rope found in the back of Billy Dockery's truck. The prosecutor's expert witness could not go so far as to say the rope was an exact match, only that it was made of the same material, of the same weave and circumference, and manufactured by the same company. Unfortunately for the prosecution, the defense subpoenaed an executive from the company that made the rope, and he testified that more than fifty thousand feet of that very same rope had been sold within a twenty-five mile radius of the courthouse in the past five years.

The prosecution's star witness in the case, a seventeen-year-old named Tommy Treadway, had initially confessed to breaking into the house with Dockery that night but refused to sign a statement. Treadway told the police that he left when Dockery began to torture Ms. Wilson. But Treadway was released on bond after he agreed to testify against Dockery and wound up driving his car off the side of a mountain in Carter County a month before the trial. His death was ruled an accident.

The state's only other witness – besides the routine information given by the cops

and the medical examiner – was a degenerate drunkard named Timmons who said he'd overheard Billy Dockery say that Cora Wilson kept cash in her house and that he "might go get it some night." Beaumont had already destroyed the witness on cross-examination, forcing him to admit that his two primary activities as an adult had been drinking whiskey and stealing other people's identities so he could afford to drink more whiskey.

Now the assistant district attorney had his shot at the defendant. It was usually a prosecutor's dream, but Assistant District Attorney Alexander Dunn had been aloof and distracted. His case was so weak he should have dismissed it and waited to see whether any more evidence could be developed, but his ego had apparently driven him to trial.

Dunn, in his early thirties, was wearing a tailor-fitted brown suit over a beige shirt. A kerchief rose from the pocket of his jacket and expensive Italian loafers covered his feet. He stood before Dockery and straightened his silk tie.

"Isn't it true, Mr. Dockery, that you and another individual broke into the victim's home around two a.m. on the morning of November seventeenth?"

"No."

It was an inauspicious beginning, to say the least, and I sank deeper into my seat. Dunn had been ordered by the judge not to mention the dead witness, and the jury was sure to wonder why, if there was a co-defendant, he wasn't on trial at the same time or testifying for the state.

"And isn't it true, Mr. Dockery, that you beat and tortured the victim in an effort to force her to tell you where her cash was hidden?"

"No, it ain't true, and you ain't got no fingerprints, no blood, no hair, no witnesses, no nothin' to prove I was there."

"But you did tell Mr. Timmons that the victim kept cash in her home and that you intended to steal it, didn't you?"

"I never said no such thing. Timmons ain't nothing but a drunk and a liar. He was probably just looking for some reward money so he could buy whiskey."

"And you're a model citizen, aren't you Mr. Dockery? I'll bet you don't even drink."

Dockery's eyes flashed with righteous indignation. He leaned forward and put his hands on the rail in front of him.

"Yeah, I may drink a little, but I'll tell you what I don't do. I don't parade around in a fancy suit and put people on trial for murder when I ain't got a smidgen of proof."

"I object, your Honor," Dunn said. "The witness is being argumentative."

"You walked right into it, Mr. Dunn," Judge Green said. "Move along."

"Isn't it true, Mr. Dockery, that you took thousands of dollars in cash from the victim's home the night you murdered her?"

"If I did, then where is it? Y'all tore my mamma's place, her cabin, our barn, and every vehicle we own apart looking for money and didn't find a thing. And you know why you didn't find nothing? Cause I didn't *do* nothing."

Alexander Dunn's cross-examination was a monumental disaster. It ended shortly

thereafter. Jim Beaumont rested his case and Judge Green read the instructions to the jury.

The judge was long rumored in the legal community to be a closet homosexual, and he lorded over his courtroom like an English nobleman. Before I stopped practicing law, I'd appeared before Green hundreds of times, and although I hadn't laid eyes on him in a year, each grandiose gesture he made, each perfectly-formed syllable he spoke, reminded me of what a pompous ass he was. During lulls in the trial, I found myself imagining him prancing around the room in a white periwig, pink tutu and tights, leaping through the air like a fabulously gay ballet dancer.

As soon as Green finished, the jury retired to deliberate. I thought I'd be in for a long wait, but in less than thirty minutes, I saw the bailiffs and clerks bustling around, a sure sign the jurors had made their decision.

Five minutes later, they filed back into the courtroom. Green turned his palm upward and raised his right hand as though he were a symphony conductor coaxing a crescendo from the woodwinds. The foreman rose, an uncertain look on his weathered face.

"I understand you've reached a verdict," the judge said.

"We have, your Honor."

"Pass it to the bailiff."

A uniformed deputy crossed the courtroom to the jury box, took the folded piece of paper from the foreman's hand, and delivered it to Judge Green. The judge dramatically unfolded the paper, looked at it with raised brows, re-folded it and handed it to the bailiff. The bailiff then walked the form back across the room to the foreman.

"Mr. Foreman," the judge said, "on the first count of the indictment, pre-meditated first-degree murder, how does the jury find?"

"We find the defendant not guilty."

"On the second count of the indictment, especially aggravated kidnapping, how does the jury find?"

"We find the defendant not guilty."

"On the third count of the indictment, aggravated burglary, how does the jury find?"

"We find the defendant not guilty."

I watched Dockery pat his lawyer on the back and walk out the door arm-in-arm with his mother.

The son of a bitch had gotten away with it again.