

THE WORLD'S #1 BESTSELLING WRITER

JAMES  
PATTERSON

& MAXINE PAETRO

12<sup>TH</sup>

The new  
WOMEN'S  
MURDER  
CLUB  
novel

OF NEVER

## Chapter 2

WHEN JENNIFER HERMAN'S dismembered body turned up in eight separate garbage bags, and when seven-year-old Lily Herman hadn't been found despite the exhaustive police search conducted over a six-month period, Keith Herman was tried in the press and found guilty of murdering them both.

The intense media attention had whipped up a lot of hatred toward Keith Herman. It made it nearly impossible to find a jury who hadn't watched the network specials, hadn't seen the rewards offered for information about the missing child, and hadn't formed an opinion as to the guilt of the accused.

And so jury selection had taken almost three weeks.

Now the press filled half the gallery in courtroom 202, Superior Court of California, County of San Francisco. The other half of the room was filled with citizens who had lined up early enough that morning to have scored one of the precious seats.

At 8:23 a.m. Yuki was at the prosecution table in the blond-wood-paneled courtroom. Her lap-top was open and as she went through a long

e-mail from Red Dog, she hoped all her witnesses would show up to testify—that they hadn't been silenced or intimidated (or worse) by the opposition.

Across the aisle, at the defense table, sat two ordinary-looking men who were actually two of the scariest people Yuki had ever met. Keith Herman was paunchy, bald, and had black eyes that looked like bullet holes in his unlined, babyish face. Not all psychopaths look homicidal, but Keith Herman did. Herman had never shown any remorse, not while identifying the sections of meat that had once been his wife, not while discussing his missing daughter.

Herman's attorney, John Kinsela, was tall with thinning gray hair and a bloodless complexion that made him look as though he climbed out of a coffin at night. Unlike his client, Kinsela was smooth. He expressed sadness and regret. He listened thoughtfully and spoke well and persuasively on camera. He passed as a reasonable facsimile of a person. A little digging into his past had turned up five divorces and the ownership of a Glock semiautomatic, which he carried at all times.

Yuki had been with these ghouls through countless hours of depositions and felt that she knew them too well.

She had dressed this morning in a bright red suit because she had a slight build, could look younger than her years, and because of the fact that red made her look and feel more powerful.

You couldn't hang back in red. You couldn't hesitate. You really had to live up to red.

She also wore a gold star on a chain around her

neck, a graduation-from-law-school gift from her mother, who had been murdered several years earlier.

Wearing the star kept Keiko Castellano present in Yuki's mind and might even help her to win. She had to win.

This was a tremendous opportunity to get justice for the victims, to become a hero to female victims everywhere. It was also an opportunity to be humiliated by a savage attorney and his perverted, murdering client.

It was her job to make sure that Keith Herman didn't get out of jail—ever.

The buzz in the gallery intensified, then cut off suddenly as the door leading from the judge's chambers opened behind the bench and Judge Arthur R. Nussbaum entered the courtroom.

## Chapter 3

YUKI HALF LISTENED as Judge Nussbaum instructed the handpicked jury of six men, six women, and four alternates, who were as diverse a group as could be imagined: black, white, brown, white-collar, and blue-collar.

Nussbaum had been a clever trial lawyer, but the judge was new at his job and Yuki was sure he would play this one by the book.

When he asked her if she was ready to begin, she said she was. Gaines whispered, "Go get 'em," and Yuki stood, greeted the jury, and walked confidently to the lectern in the well of the courtroom. Then, without warning, she blanked. She couldn't remember the first sentence in her opener, the key that would unlock her carefully wrought statement.

Yuki looked over at Gaines. He smiled, nodded, and her mind unfroze.

She said, "The defendant, Keith Herman, is a killer, and the evidence in this case will show you that the people who depended on Mr. Herman, the ones who looked to him for protection and love, are the people who should have feared him the most."

Yuki paused to let her words sink in, looked at

every member of the jury, and began to lay out her case.

"On March first, a day like any other, Keith Herman trucked his daughter's lifeless body into the backseat of his Lexus, and she was never seen again. Jennifer Herman, Keith Herman's wife, never reported her daughter missing, because as her husband was driving off with their daughter, Jennifer Herman was already dead by her husband's hand.

"You will hear testimony that before she disappeared, Jennifer Herman told a friend on several occasions that she was afraid of her husband and that if anything ever happened to her, the friend should go to the police. Which this friend did. Had Lesley Rohan not called the police, they wouldn't have looked for Jennifer Herman and her body would have been buried under several tons of garbage in a landfill.

"You will hear testimony from another witness, an undercover police officer, who will tell you that he was offered one hundred thousand dollars by the defendant to kill Jennifer Herman."

Yuki's mind unclenched. She knew that she had gotten into the rhythm and the beat of her perfectly choreographed and well-rehearsed presentation. She was in a great groove.

She told the jury about the witnesses she would introduce—the sanitation worker who found the body of Jennifer Herman in eight separate garbage bags and the forensic pathologist who would talk about Jennifer Herman's cause of death.

She walked to the counsel table and picked up an 8 x 10-inch color photo of a young child with

dark wavy hair and a captivating smile. Carrying the picture in both hands, Yuki showed it to the jury as she walked along the length of the railing.

"This beautiful child is the defendant's daughter, Lily, who has been missing for over a year. You will hear from a neighbor's housekeeper, Maria Ortega, that a month before Lily disappeared, she became moody and withdrawn and that there were bruises on her arms and legs. Ms. Ortega will testify that she reported her suspicions to the police.

"The state," Yuki said, keeping eye contact with the jury, "does not have to prove motive, but if I were sitting in the jury box, I'd be asking, 'Why would the defendant, a man with wealth and means, decide to put his entire life in the toilet? Why would he kill the beautiful woman who was his wife, and the wonderful little girl who was his daughter?'"

"Did Mr. Herman abuse his little girl, and did his wife catch him at it and try to protect their daughter?"

Kinsela shot to his feet. "Your Honor, this is argument."

"Overruled."

Yuki didn't hesitate.

She stepped on the gas.

She said to the jury, "Did Mr. Herman physically abuse his little girl? Did Mr. Herman kill his wife when she tried to protect their daughter? What was his motive for murdering his loved ones?"

"That question is going to haunt me for the rest of my life."

what passed for laughter in his corner of the underworld. Yuki's cheeks burned, but she didn't even flick her eyes in opposing counsel's direction. She had to bring her opening home.

She moved her glossy black hair away from her face, hooked it around her ears, and said to the jury, "The defense will tell you that there is no evidence connecting the death of Jennifer Herman to Keith Herman. They will say that Keith Herman's fingerprints and DNA were not on the garbage bags—that in fact, Mr. Herman never saw his wife or daughter the day our witness saw him leave his house and put his daughter into his car.

"The defense will impugn the character and the veracity of Mr. Herman's lover.

"They will tell you that the defendant was misidentified by his neighbor and will maintain that since the body of Lily Herman has never been recovered, there is no evidence that she is even dead.

"So I ask you and I ask them," Yuki said, pivoting so that she was staring the defendant and his counsel down. "Where is Lily Herman? Where is that little girl?

"The defense will tell you that the people's case is all based on circumstantial evidence. We have nothing to hide. We cannot put a gun in Mr. Herman's hand. But circumstantial evidence is real evidence.

"If you go to bed one night and in the morning you see snow in your front yard and there are footprints in that snow, that is circumstantial evidence that snow fell during the night and that someone walked across your yard. You don't have

## Chapter 4

WHEN SHE STOOD behind the lectern, Yuki felt like a little kid peering up over the edge of a table. So she stayed close to the jury box and spoke loudly enough for everyone in the courtroom to hear.

"We can't know what was in the defendant's mind when he took the lives of his wife and daughter, and the victims can't tell us," she said.

"We don't have to know or prove motive, but we do have a witness, Ms. Lynnette Lagrande, who will testify that the defendant wanted to ditch his family. She will testify that she was in love with Keith Herman, that Mr. Herman said that he loved her and wanted to marry her. And so Ms. Lynnette Lagrande, a model citizen, patiently waited for Mr. Herman to make good on that promise for the last three years."

There had been no coughing in the gallery, no shuffling in the jury box, and even when the defense team attempted to distract the jurors and the audience, Yuki had kept all the attention on herself.

But when she said that Lynnette Lagrande would give evidence proving that the defendant wanted to leave his family, John Kinsela snorted—

to actually see the snow falling to conclude that there was snowfall.

"So why are we all here today, ladies and gentlemen?"

"We submit to you that Keith Herman did brutally kill Jennifer and Lily Herman so that he could, for once and for all, be free to pursue his life as a wealthy widower and come to the party with no baggage and no financial overhead.

"We cannot let him get away with it. At the conclusion of this trial, you will have evidentiary proof that the defendant did callously commit two premeditated murders."

The words were just out of Yuki's mouth when John Kinsela laughed noisily again and once more drew the eyes of the jury to himself.

Yuki sharply objected.

Judge Nussbaum sustained her objection and Kinsela apologized for the interruption. But he had stolen her moment, broken the mood. And he had the jury's rapt attention as he stood to make his opening statement.

## Chapter 5

JOHN KINSELA BUTTONED his jacket and ran his hand across the lower half of his face. He achieved a look of contrition, as though he was sorry for the interruption.

It was all theatrics.

Yuki hoped the jury could read him as the drama whore he was.

"Folks, again, I'm sorry to have made light of the state's opening statement. It was rude, but unintentional. The prosecutor is doing her job, a very difficult one, I assure you, because there is no evidence linking my client to any crime."

Kinsela put his hands into his pockets, sauntered out into the well, and continued his conversation with the jury.

"As the prosecutor said, there is no blood, no DNA, no gun in Mr. Herman's hand. There is no direct evidence against Mr. Herman, because my client didn't kill anyone, and the circumstantial evidence, such as it is, does not tie him to the death of his wife.

"Mr. Herman is one of the victims here. He loved his family and is devastated by their loss. And yet, as Ms. Castellano told you, he was having an affair with Ms. Lagrande.



"For a married man to have an affair may be bad behavior, but it's not a crime. If it were a crime, about sixty-five percent of married men in the United States would be in the slammer."

There was a raffle of laughter in the courtroom, which Judge Nussbaum banged into silence with his gavel. He admonished the audience, and told them that he could have individuals removed or the entire courtroom emptied.

"You are here at my discretion," Nussbaum warned. "Go on, Mr. Kinsela."

And Kinsela did.

"Ms. Lagrande has a little cottage in the woods a few hours up the coast. She and Mr. Herman drove up there in her car on the afternoon of February twenty-eighth. My client was spending the night with Ms. Lagrande when the crimes presumably took place. They didn't see anyone and no one saw them. That is often the nature of a clandestine affair.

"Now, Ms. Lagrande is going to tell you that she was not with Mr. Herman the day that Jennifer Herman's body was found, the day Lily Herman tragically disappeared. She'll say Mr. Herman is making that up to give himself an alibi.

"Why is she going to betray Mr. Herman? Because they fought that weekend and Mr. Herman ended the affair.

"Ms. Lagrande is a woman scorned, and she's not just my client's alibi, she is the prosecution's entire case.

"The neighbor misidentified Mr. Herman and a car that is the same model as the one Mr. Herman owns. Lily Herman did have bruises, but she had

them because she had a temper tantrum. Her father wouldn't buy her a dress she wanted and she flailed and kicked at Mr. Herman and he tried to restrain her. There was no beating, no call to the police, nothing like that.

"If he could, he would buy her a million dresses now.

"Mr. Herman did not report that his wife and daughter were missing on March first because he didn't know it. He was occupied with Ms. Lagrande at the time of this tragedy, which has unquestionably destroyed his life.

"That's it, folks. That is our case. Mr. Herman didn't kill anyone. This trial is about whether or not you believe Ms. Lagrande beyond a reasonable doubt."

John Kinsela thanked the jury and sat down. For a second, Yuki couldn't quite believe that Kinsela had singled out her star witness, shot a cannonball at her, then took a bow.

Yuki had hoped he would do exactly that. It was now in Kinsela's best interest to strip Lynnette Lagrande's testimony bare, break her, and throw her bones under the bus. He could only do that if she testified.

Her witness would appear.

Lynnette Lagrande, a woman with an exotic dancer's name, was in fact a grade-school teacher, twenty years younger than the defendant, and possessed of a spotless reputation. She'd never gotten so much as a parking ticket in her life.

Gaines showed Yuki the cartoon he had doodled on his iPad. It was a Yuki character dunking a basketball into a net. Yuki never liked to say that a case was a slam dunk.

But the battle was shaping up and Yuki liked the look of the field.

"We're good," she whispered to Gaines as the judge called the court into recess. "We're looking good."



## Chapter 12

THE COURTROOM WAS so packed that members of the press were standing together like matchsticks at the back of the room. TruTV cameras rolled, and Yuki saw Cindy Thomas sitting four rows back on the aisle.

Cindy winked at Yuki, who smiled before turning to say, "Your Honor, the people call Mr. Graham Durden."

A tall black man in his late fifties entered the courtroom from the rear, looking straight ahead as he walked purposefully up the aisle and through the wooden gate to the witness box. He was sworn in, then took his seat.

Yuki greeted her witness and began with questions that established his identity and his role in the case.

"Mr. Durden, what is your address?"

"Fifty-seven Lopez Avenue."

"Is Mr. Keith Herman your neighbor?"

"Yes. He lives directly across the street from me."

Yuki noticed that Durden's hands were shaking. It was understandable. The man was a witness against a killer. If Keith Herman got off, Graham Durden would still be living directly across the street from him.

"Mr. Durden, did anything unusual happen on the morning of March first last year?"

"Yes, I'll never forget it."

"Please tell the court about that morning."

"I had gone out to get the newspaper off the porch and I saw Mr. Herman carry his daughter's dead body out to his car. I could tell that Lily was dead. He put her into the backseat and drove away."

There was a gasp in the gallery, a satisfying intake of breath, and the jury appeared absolutely gripped by what they had heard.

"Did you call the police?"

"Yes, I did."

"Did the police question the defendant because of your phone call?"

"Yes. The day after I called nine-one-one, I was asked to come into the station for a lineup. I positively identified the man who put the body of Lily Herman into his car."

"Do you see that man here today?"

Durden said he did, and at Yuki's request he pointed to the man sitting next to John Kinsela at the defense table.

"How well do you know Mr. Herman?" she asked.

"I've known him for about five years. I knew Lily since she was three. She likes my dog, Poppy. They used to play on my lawn. I know the man's car, too. Lexus. A 2011 four-door sedan."

"So you are absolutely sure that the man you saw on the day in question, the man putting Lily Herman into the back of the Lexus, was the defendant, Keith Herman?"

"Yes, I'm sure."

"Thank you, Mr. Durden. I have no further questions."

Yuki returned to her seat at the prosecution table. There was some foot shuffling in the gallery, and people coughed on both sides of the aisle.

Judge Nussbaum scratched his nose, made a note on his laptop, then said, "Mr. Kinsela, your witness."

## Chapter 13

JOHN KINSELA STOOD. He didn't snort or mug for the jury. In fact, he looked quite grave as he faced the witness.

"Mr. Durden, have you ever testified in court before?"

"No, sir."

"It's a little nerve-racking, isn't it?"

Yuki thought it was a question meant to rattle the witness, but it allowed the jury to see defense counsel as sympathetic, treating the witness with respect. If she objected, she could irritate the jury.

"I'm feeling fine," said Graham Durden. He folded his hands in front of him.

"Good. Now, Mr. Durden, you swore to tell the truth, and yet in truth, you weren't a hundred percent sure that the man you saw on March first was Mr. Herman, isn't that right?"

"It was Mr. Herman. I know Mr. Herman."

"You told the police—and I'm reading from the transcript of your phone call to nine-one-one—I'm ninety percent sure that the man getting into the car was Keith Herman."

"I said that, but it was a figure of speech. It was definitely him. And Keith Herman was carrying Lily out to the car. Put her body into the backseat."

"What kind of car was that again, Mr. Durden?"

"A late-model Lexus sedan, 2011."

"And what color was the car?"

"Black."

"Now, you told the police it was a dark-colored Lexus, isn't that correct?"

"Black is dark. I should know."

There was a smattering of nervous laughter in the gallery. Yuki wasn't concerned. Graham Durden was a high school principal. He was about as credible a witness as there was. He had described the car as "dark." And yes, black was dark. He had told the police he was 90 percent sure he saw Herman. He was being careful.

"So just to be sure we're both on the same page," Kinsela said, turning to give the jury a good long look at the gravity of his expression.

"You saw Mr. Herman put his daughter into a dark Lexus sedan on the street outside his house."

"That's right."

"Did you get the license plate number?"

"That car is always parked right there. I *know* the car."

"Yes or no: did you get the license plate number of that dark Lexus, Mr. Durden?"

"No."

"Now, as to the body of the girl you say you saw the defendant bring out to the car: did you one hundred percent identify that body as Lily Herman's?"

"One hundred percent," Durden said angrily.

"One hundred percent."

"And how do you know she was dead?" Kinsela asked mildly.

"Her head was hanging back. She was limp."

"Could she have been asleep? Did you feel her pulse?"

"What?"

Yuki said from her seat, "Your Honor, counsel is badgering the witness."

Judge Nussbaum said, "Overruled. Mr. Kinsela, pick one question and ask it again."

## Chapter 14

YUKI FELT TREMORS as the ground shifted beneath the witness box. Graham Durden dared a look in her direction, and she could see from the tight set of his lips that he was angry.

Durden didn't like to have his integrity questioned. And Kinsela was working him over with the finesse of a fishmonger wielding a boning knife. Yuki had rehearsed with Durden, warned him that Kinsela would try to impeach his testimony. Durden had assured her that he felt confident and steady, saying repeatedly, "I know what I saw."

Kinsela said, "Okay, Your Honor. I apologize for running on like that. Mr. Durden, how did you know that the child was dead?"

"She looked dead."

"She *looked* dead. And how far were you from the man who put the child into a dark sedan?"

"I saw them from my front steps. Fifty yards."

"Fifty yards." Kinsela paused to let the jury think about fifty yards. A hundred and fifty feet. Kind of far away. Then he said, "And did you have an unobstructed view, Mr. Durden?"

"Yes."

Kinsela walked to an easel, yanked down a

piece of paper, and revealed an aerial photograph of Lopez Avenue between Sotelo and Castenada. The easel was positioned so that both the jury and the witness could see the image clearly.

Kinsela said to Durden, "Is this a photograph of your street?"

"Yes."

"And this house marked A—is this your house?"

"It is."

"This house marked B. It's Mr. Herman's house, isn't it?"

"Yes."

"What do you see between your house and Mr. Herman's house?"

"The street."

"Yes, we all see the street. And do you see trees? A line of trees on both sides of the street?"

"I could see Keith Herman plainly, carrying his daughter in his arms, putting her into the backseat of his Lexus—"

"You saw a man putting a girl into which side of the car, Mr. Durden? The side of the car facing your house? Or did he open the door on the side closest to the Herman house, so that the car was between you and the action you've described?"

"I saw Keith Herman carrying Lily."

"Please answer the question, Mr. Durden."

"He put her into the car on the side nearest his house."

"Okay. Thank you. Now, after that... when the man you saw that morning got into the driver's side of the car, his back was to you, wasn't it, sir? How could you possibly tell that it was Keith Her-

man, and not another man of average height and build, getting into a dark sedan?"

Kinsela paced in the well, head down as he continued with his battery of questions.

"Isn't it possible, sir, that you saw a car like Mr. Herman's car parked in front of Mr. Herman's house, and from that you drew an understandable conclusion that the man was Mr. Herman? Isn't it possible that you actually saw the *kidnapper* taking the child, not Mr. Herman?"

"Your Honor, I object to Mr. Kinsela bombarding the witness with questions. Again, if there is a real question in there, what is it?"

"Sustained. Please phrase *one* question, Mr. Kinsela. That's a warning. Don't do this again, or you will be fined."

"Sorry, Judge. I got carried away. Mr. Durden, given the distance, the visual obstacles, and that there are over sixty thousand dark Lexus sedans in San Francisco, could you have been mistaken when you stated that Keith Herman brought his daughter out to the car parked across the street from your house?"

"I saw Keith Herman," Durden said doggedly. "I saw him. I saw him one hundred percent."

"I have no further questions for this witness,"

Kinsela said, turning his back on Graham Durden. Judge Nussbaum said, "Ms. Castellano?"

Yuki stood.

"Mr. Herman, you're wearing glasses. Were you wearing them on the morning of March first?"

"Yes, I was."

"And what is your vision when you're wearing your glasses?"

"Twenty-twenty."

"Have you ever been diagnosed with a mental disorder?"

"No. Never."

"Thank you. That's all I have, Your Honor."

"The witness may step down," said the judge.



## Chapter 21

MARIA ORTEGA WAS a naturalized American citizen, but she looked scared, as if Immigration were waiting to deport her when she stepped off the witness stand. Yuki knew that Ortega was timid, but even if Kinsela crushed her on cross, her story would be on the record and firmly in the jurors' minds.

Yuki smiled at the young woman in the demure navy-blue dress and walked toward the witness box.

"How are you today, Ms. Ortega?"

"Fine," she said in a near whisper. "Thank you."

"Will you tell us where you worked in December of last year?"

"I work for Mr. and Mrs. Sean Murphy on Lopez Avenue."

"And what did you do for the Murphys?"

"I clean their house every day."

"And is the Murphy house near the house where Keith Herman lived with his family?"

"Yes. They live three houses away."

"Okay. Mr. Kinsela, you mind if I borrow your overhead view of Lopez Avenue?"

"Since you're unprepared," Kinsela said.

"Thank you, Counselor," Yuki said, smiling for the jury. She pointed to the house three doors north of the Herman house. "Ms. Ortega, is this the Murphy house?"

"Yes."

"So can you tell us about a certain conversation you had there with Lily Herman? And please speak loud enough for the jury to hear you."

"I was sweeping the walk and Lily was riding her bike on the sidewalk. She stopped to say hello."

"What made this conversation memorable to you?"

Ortega wrung her hands. "Lily looked like she had been crying. She got off her bike and it fell to the ground. She ran to me for comfort. Into my arms."

"Please go on, Ms. Ortega."

"I hugged her and she started to cry some more. She said her father shook her. She pulled up her sweater. She showed me bruises on her arms," Ortega said. "They look like they were from fingers. Squeezing hard."

"She had these bruises on both arms?"

"Yes. And on her neck. I saw marks."

Yuki counted to ten, letting Ortega's words soak into the room before she spoke again.

"And did you ask Lily about these marks?"

"Oh, yes."

"And what did Lily say?"

The witness followed Yuki with her eyes, as if Yuki were a clock and Maria was desperate to know the time.

"Lily told me that her father grab her. And that he shake her. And that he tell her he would like to kill her."

"Objection, Your Honor. This is hearsay and it is prejudicial. I move that the testimony be struck and the jury be instructed to disregard it."

Nussbaum said, "I'm still the judge, Mr. Kinsela. Both you and Ms. Castellano come here so that we can have a quiet chat."

Yuki and Kinsela crossed to the bench and Yuki said, "Your Honor, the witness reported this incident to the police on the day Lily spoke to her. It's in the police report. Opposing counsel knows this and the sole purpose of his objection is to intimidate the witness."

"No more shenanigans, Mr. Kinsela. Ms. Castellano, continue with your direct."

Yuki went back to the witness and asked Maria Ortega if she had called the police to report the incident. Ortega said she had. Yuki asked her the name of the police officer and she said, "Officer Joseph Sorbera."

"When Officer Sorbera came to the Murphy house in response to your call, what happened?"

"I talked to him for a minute, then Mr. Murphy told the officer that I was confused. That I was... 'hysterical.'"

"What happened after that?"

"They fire me," she said.

"Did they give you a reason?"

"I not supposed to make Mr. Herman mad."

Yuki said, "Were the Murphys afraid of Mr. Herman?"

Kinsela said, "Objection. Leading the witness and also inappropriate as hell."

"Sustained."

Yuki said, "I withdraw the question. Ms. Ortega, did you ever talk to Lily again?"

Ortega burst into tears. Yuki handed the young woman a tissue, and after a moment, asked her if she could continue.

Ortega nodded and regained her fragile composure. She said, "I never saw her again." She said it more strongly the second time. "I never saw her *again*."

"Thank you. Your witness," Yuki said to Kinsela.

Kinsela had turned his back on the witness and was talking behind his hand into his client's ear.

"I have nothing for Ms. Ortega," Kinsela said over his shoulder.

Yuki felt a rush of elation. Kinsela knew he wouldn't be able to shift Maria's testimony, so he put on a show to say she was unimportant. She was sure Maria's testimony had moved the jury.

Point to the prosecution. She was ready when Nussbaum said, "Ms. Castellano, please call your next witness."

## Chapter 22

YUKI CALLED PATROLMAN Joseph Sorbera, the cop who responded to Maria Ortega's call regarding Lily. Sorbera was a solid guy, had been on the job for fifteen years, and Yuki knew he would be a very credible witness.

Sorbera told the jury about his brief interview with Maria Ortega, who had told him about the bruises on Lily Herman's arms and neck. He also verified that Sean Murphy, Ortega's employer, did tell him that Ortega had what he referred to as post-traumatic stress disorder from an attack when she was a teen—and that she couldn't be believed.

"And then what did you do, Officer?"

"I went to the home of Keith Herman."

"Did you speak with Mr. Herman?"

"No. He wasn't there. I spoke with Jennifer Herman, his wife."

"And what did she tell you about the reported incident?"

"She said that her husband yelled at the child for breaking a glass, saying she could have hurt herself, but that he hadn't touched her."

"Did you ask to talk to Lily?"

"Yes. Mrs. Herman brought the little girl to

the door. She said that she hadn't been hurt and that she didn't know what Ms. Ortega was referring to."

"How did these two people seem to you, Officer Sorbera?"

"They both seemed scared out of their freaking minds."

"What did you do next?" Yuki asked.

"I gave Mrs. Herman my card. And I told her that if she remembered anything, or wanted to talk to me for any reason, she should call me."

"Did you report the incident to Family and Children Services?"

"Yes. But without corroboration from the child or the wife, they considered the incident closed."

Yuki said, "Did you consider the incident closed?"

"Pretty much," Sorbera said. "I didn't hear from Mrs. Herman, but when the bags of human remains were identified as her body and the child was reported missing, I went to my captain and told him about the incident."

"Thanks, Officer. I'm done, Your Honor."

When Kinsela had no questions for Sorbera, Yuki called her next witness to the stand.

## Chapter 23

GARY GOODFRIEND WORE a fringed buckskin jacket, distressed jeans, and a plaid shirt. He swaggered as he came up the aisle, then walked through the gate as though he were bellying up to a bar.

Yuki took a sip from her water bottle and watched as Goodfriend was sworn in. The man was cocky. He had an ego. But he had also come forward and volunteered to testify for the prosecution.

He was an uncontrollable yet important witness, and Yuki had decided to take a chance on him.

When he was seated, she greeted him and asked him about his business.

"I'm an FFL. A licensed gun dealer. I have a store over in Castro Valley."

"Do you know the defendant?"

"I met him at a Calgun firearms show. I had a booth there. I talked to him for about ten, fifteen minutes."

"Did you sell him a gun?"

"Yes. I sold him a Beretta Px4 Storm. It's an exceptional weapon. Mr. Herman had a CCW and he paid cash."

"Can you tell us what CCW stands for?"

"Carrying a concealed weapon—a permit."

"Did you sell more than one gun at the gun show?"

"About fifteen guns that day. Another dozen the following day."

"And what was it about Mr. Herman that made him stand out in your mind?"

"He was talking to another customer while I rang up a sale. Something he said just stayed in my mind."

"And what was the nature of that conversation?"

"Two guys shooting the bull about guns. What they owned. What they liked. What they liked to shoot at."

"And what did Mr. Herman like to shoot at?"

"Mr. Herman told the other guy that he had a rat problem."

"Do you know the name of the other guy?"

"No, I didn't sell him a gun. I never saw him before or since."

"So you overheard Mr. Herman say he had a rat problem. What did the other guy say to that?"

"He said, 'Rat problem? You mean like a snitch?' And Herman over there said, 'No, a *rug rat* problem.'"

"What did you take 'rug rat' to mean?"

"A rug rat is a kid. A child. At the time, I thought he was just, you know, joking, but when I heard about his wife turning up dead and his kid going missing, I remembered what he said and it got me worried."

"Did you call the police?"

"Yes."

Yuki showed the police report to the judge and to Kinsela, then handed it to the clerk, along with the sales receipt for the gun. These items were entered into evidence.

Then she thanked Gary Goodfriend and turned him over to the defense for cross-examination.

## Chapter 24

JOHN KINSELA GOT to his feet behind the prosecution table and stayed there. He looked bored as he questioned Yuki's witness from across the room.

"Mr. Goodfriend, you say you sold thirty guns, more or less, at the gun show that weekend. Is that right?"

"Yes. More or less."

"And presumably you talked to more than those thirty people who bought guns from you."

"Oh, sure. I talked to hundreds of people."

"But you've told us that you remember Mr. Herman distinctly two years later. Is that right?"

"He's a memorable person."

"Memorable because he said he had a rug rat problem. Is that correct?"

"Yes, it is."

"And as I understand it, you took that to mean that he was buying a gun to kill a child?"

"You could take it to mean that."

"Seriously? But you didn't notify the police at that time, did you?"

"No. It just sounded like bull. Creepy bull, but bull."

"Did the defendant also tell you directly that he had a rug rat problem?"

"Nope."

"Would it surprise you to hear that, in fact, Mr. Herman's house did have rodents? And that he hired an exterminator?"

"If you say so, I believe you."

"Thanks. Now, apart from the overheard conversation, and whatever you two said during the gun transaction, did you have any conversations with the defendant at any other time?"

"Nope."

"So apart from the joke he made with this 'other guy,' you had no additional reason to believe that Mr. Herman meant to harm his daughter."

"No. Not really."

"That's all, Mr. Goodfriend. Thanks for your testimony."

Goodfriend leaned forward and addressed Kinsela's back. "Just his reputation as a criminal defense lawyer who is said to eliminate prosecution witnesses. Which means I'm putting my life on the line here."

Kinsela spun around to face the judge. His face was red and he was clearly surprised by Goodfriend's postscript.

"Your Honor, move to strike. The witness's remark is hearsay on its face and highly prejudicial."

Yuki was ready with a response.

"Your Honor, Mr. Goodfriend answered Mr. Kinsela's question and now he's objecting to the witness's answer."

"He offered his opinion on my client's character, which was *not* asked for," said Kinsela.



"All right, all right. Mr. Kinsela, before I instruct the jury, do you have any other questions for Mr. Goodfriend?"

"No, Your Honor."

The judge told the clerk to strike Goodfriend's last comment from the record. Then he instructed the jury that the witness's characterization of Mr. Herman and his further opinion that his life was in danger were not evidence and that the jurors were not to consider it during their deliberations.

Yuki controlled herself, but she was elated. Nicky Gaines nudged her. He was grinning like a jack-o'-lantern. Another point for the prosecution. Hey: Team Yuki was on a roll.

## Chapter 31

FLOYD MESERVE WAS clean-shaven, neatly dressed, his hair in a ponytail short enough to reveal the tattoo of a naked woman just above his collar.

Yuki approached her witness and said, "Lieutenant Meserve, what is your job title?"

"Lieutenant, Crimes Against Persons Division, Northern District, SFPD."

"Do you know the defendant?"

"Yes, I met with him on February twentieth of last year."

"What were the circumstances of your meeting?"

The jurors were attentive, some of them leaning forward in their seats. The gallery was still. Yuki was absolutely sure there would be no surprises with Floyd Meserve.

"I was working undercover at the time," said Meserve. "One of my CIs told me that a lawyer was looking for a hit man. I told him that I could pose as such."

"Did this confidential informant give your contact number to the defendant?"

"Yes."

"And did the defendant contact you?"

"Yes, the same day. We set up a meeting."

"When did you meet the defendant?"

"I met the defendant in a parking lot outside

the Westlake Shopping Center on Southgate Avenue at five in the evening. We each drove there in our own vehicle. The defendant wanted me to talk to him inside his car, but I told him I don't do that. He had to get into my vehicle."

"And why did you want him to get into your vehicle?"

"I had a video recorder set up."

"I see. So did Mr. Herman get into your car?"

"Yes. He got straight to the point."

"What did he say?" Yuki asked.

"He said he wanted me to dispose of his wife because she was abusing their daughter. And he said he wanted me to kill his daughter, too, because he said his wife had ruined her."

"He wanted you to kill a seven-year-old?"

"That's what he said."

"And what did you say to this proposition?"

"I asked him if he was sure. He said he had thought about it for a long time. So I told him it would cost him a lot to take out a woman and a child."

"Was a dollar amount discussed?" Yuki asked.

"We negotiated the price of one hundred thousand for both people. Half down, half after proof of the hits."

"Did your recording equipment capture this conversation?"

"Yes, it did."

Yuki said, "Your Honor, I'd like to show the video to the jury."

"You have the transcript?" the judge asked.

"Right here, Your Honor."

"I'll take that, and if you would give a copy to the defense, you may roll the video."

## Chapter 32

NICKY GAINES TAPPED on his keyboard and, after a couple of fumbles, the video projected onto the monitor in the courtroom. Yuki watched along with the jury as the time- and date-stamped recording started with Keith Herman getting into the undercover cop's car.

*Oh, man, Yuki thought. No way Kinsela could discredit this.*

The images were black-and-white, medium quality, shot from the window on the driver's side. The angle was across Meserve's lap, and it took in Keith Herman's face and upper torso. Herman had been bearded when the film was shot, and he had worn a blue baseball cap.

On video, Floyd Meserve told Keith Herman that his name was Chester, then he listened as Keith Herman said, "My wife is mentally ill—schizophrenic, you know? She's sweet as pie, then she turns on a dime. She beats our little girl for no reason, and abuses her in other ways you don't need to know, but my little girl has also turned mental. I mean psycho. I don't want her to go through the hell of being a mental case for her whole life. Or being drugged to the gills, either. It's a crying shame."

Meserve said, "You thought of getting a divorce? Filing for custody of the child?"

"Many times, but my wife is foxy. She'll take everything, including the kid, and leave me broken and ruined. No. This is the best way. I want it to be quick, you know? Shots to their heads. No fear, no pain. Make it look like a robbery. Take my wife's ring. It's worth a ton. It cost thirty grand. I don't know what you can get for it, but it's a good bonus, anyways."

Meserve, a.k.a. Chester, said that he needed pictures of the wife and child, ten thousand dollars as a down payment, and that the client had to furnish the gun.

Keith Herman agreed to the terms and agreed to meet Chester in twenty-four hours—"same time and place, and I'll bring the stuff."

The video brightened as Herman opened the door and got out of the car. When he was alone, Meserve spoke through his microphone to the cops in the surveillance van. "Did everything come in clear?"

The screen went dark and the lights came up in the courtroom. Yuki stood beside her witness and said, "Lieutenant Meserve, did you meet with this man again to receive the down payment and photos?"

"I was there, but he failed to show," Meserve said. "Later that day, my snitch informed me that someone had rattled me out. The deal was blown and so was my cover."

"Did you have enough to charge the suspect?"

"I didn't have his full name, so I couldn't do anything but sweat. Even if I'd known him, no money changed hands, which woulda made an indictment impossible."

"Did you believe that he intended to have his wife and child murdered?"

"Without a doubt."

"That's all I have, Your Honor," Yuki said.

John Kinsela's expression was unreadable, but he revealed his agitation by jingling the coins in his pockets.

He said, "Lieutenant Meserve, you didn't know the defendant's name. He didn't give you any money or pictures of the targets, and he didn't give you a gun?"

"No."

"So he hadn't committed any crime?"

"That's correct."

"And you don't know if he was looking for a hit man or if he was trying on an idea he never intended to go through with, or even if the man in your vehicle was my client."

"Objection. What is counsel doing, Your Honor? He seems to be arguing his case, not questioning the witness."

"Sustained. Stop doing that, Mr. Kinsela, or you will be fined."

"I'm sorry, Your Honor. I don't have any other questions. This witness has completely satisfied my curiosity."

"Ms. Castellano. Redirect?"

Yuki stood and addressed the witness from her table.

"Lieutenant Meserve, when did you learn the full name of the man who tried to hire you to kill his wife and daughter?"

"On March first of last year, when Jennifer Herman's dismembered body was discovered."

"The man who contacted you about two weeks

earlier, on February twentieth, and ordered a hit on his wife and child. Is he sitting in this courtroom?"

"Yes."

"Will you point him out?"

Keith Herman showed no emotion as Meserve pointed a finger at him as if it were a loaded gun.

"The defendant. That's him. I'm positive."

"Thank you, Lieutenant. You may step down."

## Chapter 33

AFTER THE UNDERCOVER cop stood down, Yuki introduced Lesley Rohan, a strikingly attractive and wealthy friend of Jennifer Herman's, who told the court that Jennifer had been afraid of her husband.

"Jennifer was sitting at my dining table, shaking her head and crying. She told me that if anything happened to her, I should call the police and tell them that Keith did it," said Rohan. "Jennifer's arms were bruised and she had a black eye. I suspected for a long time that Keith was abusing both Jennifer and Lily."

"Objection," said Kinsela. "Speculation, Your Honor."

The judge said to the court reporter, "Ms. Gray, please strike the witness's last sentence. Thank you. Just tell what you know, Ms. Rohan. Not what you think."

"I'm sorry, Judge Nussbaum."

"Please go on, Ms. Castellano."

Yuki said, "Ms. Rohan, did Jennifer ask you to do something for her?"

"Yes. She asked me to take pictures of her and keep them safe."

"Your Honor, I'd like to introduce these photos

of Jennifer Herman, dated February fourth of last year."

After the pictures were entered into evidence and Yuki was sitting at the prosecution table, Kinsela addressed Ms. Rohan.

"Do you know for a fact that those bruises were put there by Keith Herman?"

"Jennifer told me he did it."

"But do you *know* that Mr. Herman inflicted those bruises on Jennifer? You didn't see him do it, did you?"

The witness squinted. She looked like she'd been struck across the face.

"No. But why would Jennifer lie?"

Kinsela said, "We just don't know. Do we?"

Yuki called Ty Crandall from the sanitation department, who told the jury about finding the bags of human remains and that ever since he found them he no longer could sleep through the night. Although he was healthy, he had resigned from the city at half pension.

Kinsela had no questions for the sanitation man.

Forensic pathologist Dr. Roy Barclay testified that he had examined the body parts that had been parceled into the eight construction-grade garbage bags. He said that the parts were conclusively from the body of Jennifer Herman.

Barclay told the jury that he had determined the cause of death to be a bullet fired through the left eye at close range, the manner of death to be homicide, and that the time of death would have been within eight hours of the discovery of the parts. He sent the bullet to his ballistics department.

Kinsela asked, "Did the bullet match a gun in the national ballistics database?"

"No. It's consistent with four or five firearms."

Kinsela thanked the witness and had no other questions.

After the forensic pathologist stepped down, Judge Nussbaum called for a lunch recess. Nicky and Yuki had sandwiches at her desk, buttoned up every detail, and when they returned to the courtroom one hour and twenty minutes later, Yuki called her star witness, Lynnette Lagrande.

Lagrande was critical to the prosecution's case. And because she had been photographed by the press, and because Mr. Herman had a reputation for having witnesses threatened, terrified, and possibly killed, Yuki had kept her witness in a safe house with 24-7 security for the last two months.

Now the bailiff called her name.

As if they were at a church wedding, as if the organ music had just begun, the jurors, the attorneys, and the audience in the gallery turned as one to watch Lynnette Lagrande come up the aisle.

## Chapter 34

YUKI, LIKE EVERYONE else in Arthur R. Nussbaum's courtroom, watched Lynnette Lagrande come through the wooden gate in the bar, which separated the gallery from the judge, jury, and prosecution and defense tables. She was wearing a black-and-white print dress with a high collar and a hem that hit midcalf. The thirty-year-old woman was so stunning that the simple dress only enhanced her spectacular figure.

Lagrande swore to tell the truth, then took her seat and crossed her legs at the ankles. When she moved her wavy black hair away from her eyes, she revealed her beautiful, heart-shaped face.

Yuki walked up to the witness and asked, "Ms. Lagrande, what kind of work do you do?"

"I teach first graders at John Muir Elementary School. I've had this job for four years and I love it."

"Are you acquainted with the defendant?"

"Yes, I am."

Lagrande didn't look at Keith Herman, but he fixed his sharklike eyes on her.

"How did you come to meet Mr. Herman?"

Yuki asked.

"Two years ago, Lily Herman, Mr. Herman's



daughter, was in my class. I met him one day when he came to pick her up after school."

Under Yuki's questioning, Lagrande described the course of her relationship with the defendant: parent-teacher conferences, accidental meetings in town, then a lunch with Mr. Herman that turned romantic and was the start of a liaison that had continued for more than a year.

"How would you characterize your feelings for Mr. Herman at this time last year?"

"I loved him."

"And did he ever tell you how he felt about you?"

"He claimed to love me."

Yuki brought a packet of letters and e-mails from the prosecution table to the witness stand and showed them to the witness.

"Do these cards and printouts of e-mails belong to you?"

"Yes. They're mine."

"Your Honor, I'd like Ms. Lagrande to read some passages from this correspondence and then I'll introduce all of it into evidence."

Kinsela said, "Your Honor, the defense concedes that the defendant expressed feelings of love for the witness."

"The tenor of the correspondence goes to motive, Your Honor," said Yuki.

The judge was attacked by a fit of sneezing. Everyone in the courtroom waited him out. A few people, including Yuki Castellano and John Kinsela, blessed him.

The judge blew his nose. He thanked everyone, then he said, "I'm not going to deprive the jury of the opportunity to hear these communications, Mr. Kinsela. Ms. Castellano, please proceed."

## Chapter 35

YUKI SAID, "MS. LAGRANDE, will you please read these e-mails aloud, including the dates?"

Kinsela leaned in and whispered to his client, but Keith Herman didn't acknowledge his lawyer or seem to be aware of him at all. He seemed transfixed by the sight of his former lover.

Lynnette Lagrande bent her head and read from the pages in front of her.

"December twenty-fourth. Lynnie, I know I promised to be with you on Christmas and I am so sorry that I have to let you down. There is no place I'd rather be than in your arms and in your—"

The witness looked up and said to Yuki, "He goes on to say how it makes him feel to have sexual relations with me, and if you don't mind, I'd rather not read this out loud."

Yuki said, "You can skip that passage and just read the last paragraph."

"Okay."

"When you open your present in the morning, I hope you will know how much I love you. With all my love, the K-guy."

"Please read your response, Ms. Lagrande."  
The witness sighed.

"December twenty-fourth. Keith—I don't want presents. This is hurting me too much. It's really unfair to all of us. Fondly, Lynnette."

"Please read the next e-mail."

The witness read e-mails for the next fifteen minutes. But the correspondence consisted, emotionally, of a two-step dance.

The defendant wrote that he loved Lynn timer without reservation and that he would do anything to be with her.

Ms. Lagrande wrote back that she was suffering from his attentions, not because she didn't return his feelings, but because she did.

Yuki asked the witness to read the e-mail dated February 27, two days before Jennifer Herman's dismembered body was recovered. The beautiful woman dabbed at her eyes, sipped from her water bottle, then read:

"Lynn timer, I know you don't believe anything I say anymore, but actions speak louder than e-mail. We will be together by this time next week. I promise you that. All my love, Keith."

Lynnette Lagrande put the papers in her lap and put her hands to her eyes. Her sobs were soft but her shoulders shook.

Yuki said, "Do you need to take a minute?"

After a moment, the witness said, "I'm okay."

Yuki waited until Lynnette Lagrande seemed composed, keeping her own face composed as

well. This entire day was going perfectly. Couldn't be better.

She asked, "Did you see Mr. Herman on February twenty-eighth, the day before his wife's body was discovered?"

"No, I did not."

"Did he write to you?"

"I don't know. I changed my e-mail address and my phone number. I left my apartment and moved in with my sister."

"To be clear, did you see the defendant at any time after he wrote to you on February twenty-seventh, saying that the two of you would soon be together?"

"No. He wants me to give him an alibi, but I can't lie for him anymore. I didn't see him in February at all."

"Thank you very much, Ms. Lagrande."

## Chapter 36

NICKY GAINES TYPED on his tablet, "Red Dog was standing in back. Caught yer *amazing* direct."

Yuki smiled at Gaines, deleted the message, and turned her attention to Kinsela, who, to date, hadn't been worth the two grand an hour Keith Herman was paying him.

Kinsela approached Lynnette Lagrande and put his hand on the witness stand, as if he were gently touching the witness herself.

"Ms. Lagrande, what was the Christmas gift that Mr. Herman gave you?"

"A diamond necklace."

"Do you know the value of that necklace?"

"Not really. Maybe twenty-five thousand dollars."

"And do I understand correctly that you kept the necklace?"

"I kept it. It was for pain and suffering."

"Really? A legal term. Well. Ms. Lagrande, did you also accept a new Lexus sedan from the defendant in January of last year?"

"Yes. Keith gave me a car. It was a birthday present."

"I believe the going rate for that car is in excess of sixty thousand dollars, is that correct?"

"I don't know."

"You kept the car."

"Yes."

"It's worth more than your annual salary, isn't that right, Ms. Lagrande?"

"Yes. I suppose it is."

Kinsela walked to the witness stand, then asked loudly, "Did the defendant ever give you money?"

The witness tossed her hair defiantly. Yuki leaned forward. Lynnette knew Kinsela was going to go after her, and Yuki had coached her to remain calm and matter-of-fact—take a moment to think before answering if she were attacked.

But the witness answered angrily, "I'm not a whore, Mr. Kinsela. Do *not* call me a whore."

"Your Honor?"

"Ms. Lagrande, you must answer the question or I will be forced to find you in contempt. Mr. Kinsela. Please ask the question again."

"Did you receive cash from the defendant? Yes or no."

"Yes. And so what?"

"Did you tell him that you liked nice things?"

"I don't remember."

"Ms. Lagrande, were the expensive gifts and cash the reason you dated the defendant, who was, after all, a married man?"

Yuki stood, said, "Your Honor, objection. Opposing counsel is badgering the witness."

"Overruled, but get to the point, Mr. Kinsela."

"Okay, Your Honor. Ms. Lagrande, were you looking for a big payday when Mr. Herman finally left his family? Is that why you accepted expensive gifts even though you plainly didn't return the defendant's feelings?"

"I *did* return his feelings. I *did* love him. I still *do*."

"I believe that you do love Mr. Herman. That's why you spent the weekend with him at the time someone else was murdering his wife and child. In fact, weren't you making love with the defendant that entire weekend, Lynnette?"

"No, no, no. I was not with him that weekend. No."

"When the murders were discovered, and Mr. Herman was arrested, and this whole sordid affair was coming to light, you decided to finally cut him loose so that your reputation wasn't trashed, isn't that right? You'd rather betray your lover than tell the truth about your actions, right, Lynnie? You say you're not a whore, but exactly what kind of woman would you say you are? Would you say that you're fickle? Or disloyal? Or would you just call yourself a user? Which is it?"

*"What kind of woman are you?"*

John Kinsela continued to glare at Lynnette La-grande even though Yuki objected loudly, even though the judge repeatedly slammed his gavel against the block and found Kinsela in contempt. Even though Kinsela's questions were stricken.

Kinsela looked triumphant and Yuki felt his triumph like an ax through her star witness's credibility. Kinsela had bullied the first grade schoolteacher with the heart-shaped face, painted her as a gold digger, muddied her character, cast doubt on her testimony, and threw a bright light on the legal concept of reasonable doubt.

Yuki felt blindsided.

Nussbaum said, "Redirect, Ms. Castellano?"

Lynnette had her head down and was sobbing into her crossed arms.

Yuki didn't know what she could do to rehabilitate the woman who had taken great big gobs of money from the man she said she loved.

## Chapter 37

YUKI BROUGHT A box of tissues to the stand and let Lynnette take a couple of seconds to pull herself together. Yuki had made a mistake not to have realized that Kinsela was going to use Keith Herman's gifts against Lynnette.

It was a sickening oversight. But was it fatal?

As Lynnette dabbed her eyes, Yuki thought out her redirect with the speed of a supercomputer, and when the witness seemed more or less composed, Yuki said, "Lynnette, did you ever try to hide the fact that you received gifts from Keith Herman?"

"No, of course not."

"Did these gifts always come on holidays?"

"Yes."

"Did Keith ever tell you why he bought you such expensive presents?"

Yuki took a slow turn away from the witness stand, headed toward the lectern, and stole a look at the jurors. They were attentive. For the moment, that was all she could hope for.

"Could you repeat the question?" Lynnette said. She was still looking shaky, Yuki thought, but shaky was vulnerable and vulnerability was better than defiance any day.

"Lynnette, did Keith ever tell you why he bought you such expensive gifts?"

"He said different things at different times."

"Go on," Yuki said.

"He said that until he was free, this was the only way he could show me how much he cared."

"Anything else?"

"He said that he felt guilty for my pain and suffering."

"Pain and suffering. Those were *his* words?"

"Yes."

"The money that Keith gave you—what was it for?"

"He gave me twenty-two thousand dollars to pay off my student loan. I appreciated the help. I don't make a large salary."

"Did you expect to cash in—that is, get rich—from marrying Keith Herman?"

"I knew he had money. But the only thing that was important to me was that we had a real relationship, with holidays together, and that I could be with Lily. I wanted to be able to go out into the open, to stop feeling bad because I loved someone else's husband. And when I saw that I couldn't have that, I tried to break it off with Keith many, many times."

"And Keith pursued you, isn't that right?"

"Yes."

"You testified that you changed your phone number. You moved out of your home."

"Yes."

"On the weekend of February twenty-eighth through March first, were you with the defendant?"

"No. I was not. I was alone in the hunting

cabin my father left me in Oroville. I don't have a TV there. I don't even get a cell phone signal. I just wanted to be by myself."

"So when the defense tells the court that Keith Herman was with you the weekend his wife and daughter were murdered, that's a lie, isn't it?"

The witness winced ever so slightly. Yuki took it to mean that Lynnette still loved Keith Herman.

"Yes," she said. "That's a lie."

"Thank you, Ms. Lagrande. I have nothing more for this witness, Your Honor."

Kinsela had nothing to add, a good move on his part, Yuki thought. If one juror believed that Lynnette Lagrande was a money-grubber and a liar, Kinsela had done his job.

Yuki watched Lynnette Lagrande step down from the stand. She had recovered much of her poise. Looking neither left nor right, she walked up the aisle and back out through the front door of the courtroom.

Had the jury believed her?

All of them?

Honest to God, Yuki didn't know.



## Chapter 52

YUKI AND HER associate, Nicky Gaines, returned from the lunch recess a few minutes before court reconvened and took their seats.

Yuki had rested her case, and now it was the defense's turn to present theirs. She hoped like mad that her case was strong enough to hold up no matter what Kinsela said to convince the jury that Keith Herman, a subhuman piece of garbage, was not guilty.

Yuki thought about Patricia Reeves, a woman who was tried for the murder of her two-year-old daughter. Reeves's lawyer had stated that his client had been sexually abused by her father and that the father had been complicit in covering up the child's accidental death.

In Yuki's opinion, the defendant had lied, the lawyer had lied, too, and Patricia Reeves had gotten away with murder.

Like Reeves's attorney, Kinsela was a master of the ad hominem attack. He'd assaulted Lynnette Lagrande's character to discredit her. And he would certainly come up with a load of random bullcrap in his client's defense.

Thinking over Kinsela's case, looking for holes in her own, Yuki didn't see any quicksand.

Come to think of it, she also didn't see the defense.

Yuki poked Gaines with her elbow and angled her chin toward the defense table. No one was there; not the lawyers, not Keith Herman. Where were they?

Just then, Judge Arthur R. Nussbaum came through his private door and the bailiff called the court to order. Nussbaum saw the void at the defense table, called the bailiff over to the bench, leaned down, and whispered loud enough for Yuki to hear, "Have the clerk call Kinsela. Find out where the hell he is."

Worst-case scenarios were now rising in Yuki's mind. Had Keith Herman escaped from jail? Had he hanged himself? Had her wish that John Kinsela would eat shit and die actually come true?

The judge apologized to the jury for the delay, saying, "If the defense and the defendant aren't here in five minutes, I'm going to adjourn court for the day." Then he muttered, "And there will be hell to pay."

Five minutes passed. Very. Very. Slowly.

The bailiff returned to the bench and had another whispered conversation with the judge, which was interrupted by a young lawyer in a severe charcoal-gray suit and high heels coming up the aisle in a great clacking hurry.

"Your Honor, I'm Linda Gregory from Mr. Kinsela's office."

"What's going on, Ms. Gregory?"  
"May I approach?"

As the attorney came toward the judge, the doors at the end of the aisle opened again. Nicky said to Yuki, "Lookit this, will you?"

Yuki turned and saw Keith Herman, handcuffed and flanked by two armed guards, walking toward the bar. He was smiling as if he'd just gotten a free pass to the good seats in heaven.

A woman in the gallery said loudly, "Oh, my God."

Two more people had come through the double doors; John Kinsela was holding the hand of a cute little girl with honey-blond hair. The child was about eight, wearing jeans, a floral print shirt, and a pink hoodie. She looked neat and clean.

Yuki's heartbeat sped over the legal limit. She recognized that little girl. From the rustle and gasps in the gallery, everyone did. This child's picture had been on the news and had circumnavigated the Internet a million times since she'd gone missing.

Kinsela stopped in the aisle beside his table and said to the judge, "I apologize for being late, Your Honor, but I received an urgent call just an hour ago. Then I needed my client to confirm this little girl's identity."

"Explain yourself, Mr. Kinsela."

"Judge, I'd like to introduce you to my client's daughter, Lily Herman. She was found alive and well, sitting on the front steps of her former home."

"We respectfully request that you dismiss the charges against Mr. Herman."

## Chapter 53

YUKI THOUGHT SOMETHING was very wrong with Lily Herman. The child seemed distracted, as if she were seeing things from a distance or through a filter. She had to have been traumatized, or maybe she was drugged. Where had she been for the last year? What had happened to her?

The judge sat behind the desk in his chambers, opened his drawer, and said, "Lily, I'm a bit of a chocolate nut. How about you? Do you like M&M's?"

"I like Jell-O," Lily said. "The purple kind."

Nussbaum said, "I'm sorry, Lily. I'm out of Jell-O. We'll be able to get you some after we talk. Do you mind if I ask you some questions?"

Lily kicked her feet under the judge's side chair, looked around, blinked at Yuki, then slid her gaze over Kinsela, who was sitting in a chair against the wall. Kinsela smiled, but the child turned away and brought her attention back to the judge. He asked her if she knew the difference between a lie and the truth.

"Yeppers. I know the difference."

"It's very important, so important that you have to swear to God to tell the truth."

"No problem," said the eight-year-old. "I swear to God."

"What's your full name, dear?" Nussbaum asked.

"Lily Baines Herman."

"And how old are you, Lily?"

"I don't know."

"Do you know what month this is?"

"Is it summer yet?"

"Not yet, but soon," said the judge. "You've been missing for a long time. Everyone has been worried. Where have you been?"

"In a room. In a house," she said. "I had a TV and a little tiny tabby kitten. Pokey."

Lily's gaze wandered again as she took in the rows of law books, the many-paned windows, the heavy furnishings, and the landscape paintings. Yuki would have given a million bucks to know what she was thinking.

"Who else lived in this house?"

"Marcia and Alan."

"Do you know their last names?"

"Nopey-nope-nope."

"Are you related to them? Are they family members?"

"No way!"

"So help me out, Lily. Tell me all about these people and how you came to be living with them. Okay?"

"Okay."

Yuki, Kinsela, and Judge Nussbaum waited for the little girl to elaborate on her one-word answer. Finally, she stopped swinging her legs and began to speak as if she were reading or playing a part.

"They had masks. Different ones on different

days. Like devil masks. Like pig masks. They told me their names but I never saw their faces. I had my own room and a bathroom and I had a computer for games. I had three meals a day and a snack before bedtime."

"Could you use a phone?"

"Nopey-nope-nope."

"You were kidnapped," the judge said.

Lily shrugged. "They didn't hurt me." Then, "I miss Pokey."

"Did your father have anything to do with this, Lily? For instance, was he keeping you safe? Is that what he told you?"

"My daddy didn't know where I was or he would have come to get me. He loves me. He would have given Marcia and Alan a beating."

"Did Marcia and Alan take you home this morning, Lily?"

"When can I see my mommy?"

## Chapter 60

YUKI HAD JUST about gotten a grip on the astounding fact of Lily Herman's reappearance when John Kinsela called his first witness.

"The defense calls Gary Goodfriend."

Yuki said, "What?" just loud enough for Nicky to hear. Her associate shrugged and looked at her with big eyes, as surprised as she was that their witness had been called by the opposition.

Yuki watched as the gun dealer who had sold Keith Herman a gun passed her chair on his way to the witness stand. He was wearing the same fringed buckskin jacket he'd worn when he was a witness for the prosecution, but the swagger was gone now that he'd gone over to the other side.

Goodfriend swore on the Bible and took his seat. Yuki looked directly at him, but he avoided her eyes.

Kinsela jingled coins in his pocket as he asked his witness, "Mr. Goodfriend, did you call my office yesterday afternoon?"

"Yes. I did."

"And why did you call me?"

"Because I was having a whatchamacallit—guilty conscience."

"Will you please tell the court what you told me?"

"I told you that I don't really remember if it was Keith Herman who made that comment about having a rug rat problem, or if it was some other customer."

"But you testified that it was Keith Herman."

"I misremembered," Goodfriend said now. "I definitely sold Keith Herman a gun. I've got the yellow copy of the sales slip. But like I said, I sold thirty guns that weekend. There was a lot of talking all around. It was noisy. It was a trade show, you know. And, what I'm thinking now is that I got confused."

Kinsela said, "So to be clear, you're retracting your earlier testimony. You no longer believe that Mr. Herman wanted to kill his daughter."

"That's right."

"Thank you for coming forward, Mr. Goodfriend. That was an act of good citizenry."

The judge said to Yuki, "You've got some questions, Ms. Castellano?"

"Just a few, Your Honor." Yuki struggled for composure. No good to let Kinsela see that he'd rattled her. She relaxed her face and smiled.

"Mr. Goodfriend, I want to understand the timeline of your memory reversal."

"Okay. Sure."

"Last week you swore on the Bible that Mr. Herman had made a comment that you took to mean that he wanted to shoot his child."

"Uh-huh. But that was then."

"You realize that either that statement or the one you just made is a lie. Do you know that perjury is a felony?"

"I wasn't intentionally telling a lie. I just remembered it one way and then, yesterday, I remembered it a different way."

Yuki sighed. "You also stated that you believe that Mr. Herman is a violent person. Have you been threatened?"

"Mr. Herman is in jail."

"I understand that, Mr. Goodfriend. Did *anyone* put pressure on you to retract your testimony?"

"The only one that put pressure on me is you."

"Me?"

Yuki was dumbfounded. What was this guy saying? She hadn't been sure of him when he contacted her, but he had checked out as a legitimate gun dealer, with no record of any kind. His testimony had been good for her case because he had described the defendant's violent personality for the jury.

Goodfriend said now, "When I came to you and said I thought the defendant had made a threat, you said, 'Are you sure?'"

"Yes, and you said you were."

"Well, I *wanted* to be sure because of you putting pressure on me to get it right. I thought I was sure. Now I'm not sure anymore."

"So maybe your original memory was wrong. Or maybe your original memory was correct?"

"Huh?"

"Your Honor, I'm done with this witness. I reserve the right to charge him with perjury once I determine if he has even the most basic grasp of the truth."

Kinsela snorted from across the room.

The judge said to Yuki, "Duly noted," and told Gary Goodfriend that he could step down.

Nussbaum looked at the big white-faced clock over the exit door, then said, "Seems like an appropriate place to adjourn for the weekend."

## Chapter 69

THE LAST THING Judge Nussbaum had said before adjourning court for the weekend was "I can hardly wait until Monday, Mr. Kinsela, to see what you've got up your sleeve."

Kinsela had laughed through his nose, and Keith Herman had nearly grinned his face off, but Yuki hadn't been amused.

She had left the courtroom and gone directly upstairs, where she found Red Dog Parisi conferring with Chief Jacobi. She pulled a chair up to Parisi's desk and the three of them discussed Lily Herman's kidnapping, her mysterious return, and what effect the child's reappearance might have had on the jury. They also reassured each other that the gun dealer's recanting of his earlier testimony was meaningless.

The next day, Yuki, Nicky, Red Dog, and all the ADAs had gathered to pick their case apart and to critique the new structure of Yuki's closing argument. They worked on Sunday, too, and even met again this morning to evaluate the media coverage and to incorporate last-minute thoughts.

The mind meld had been productive and Yuki was glad for the team's support, but she was still uneasy.

Damage had been done. She'd told the jury in her opening statement that Keith Herman had killed two people, not one. And while the case was still about the murder of Jennifer Herman, Yuki knew that Kinsela had damaged her standing with the jury. And, by the way, he could slip another knife between her ribs before he was done.

There was only one witness on Kinsela's list. It was another of the prosecution's former witnesses—undercover cop Lieutenant Floyd Meserve.

Meserve was a good guy and a good cop.

Keith Herman had tried to hire Meserve to kill his wife and child. No question about it. Their interview had taken place in Meserve's vehicle and had been recorded on video. The video had been shown to the jury. Keith Herman had told Meserve that he wanted Jennifer and Lily killed.

Now, as Yuki sat with Nicky at the defense table, waiting for court to reconvene, Yuki muttered to her associate, "How could Kinsela possibly use Meserve against us? How?"

The minute hand on the big clock moved. The bailiff announced that court was in session. The judge entered the courtroom and so did the jury. The judge banged the gavel, made some general remarks, then asked Kinsela if he was ready to begin.

Kinsela said, "Your Honor, we call Lieutenant Floyd Meserve."

Meserve came through the front doors of the courtroom. He wore a cheap plaid sport jacket, a starched shirt, and a wide blue tie. His pants were shiny and so were his shoes. His ponytail had been hacked off—an amateur job, as if he had done it himself.

The lieutenant in charge of Crimes Against Persons looked pissed off as he was sworn in. He took his seat in the witness box and John Kinsela, appearing fresh and invigorated in a light gray suit and yellow tie, came toward him.

Yuki thought Kinsela definitely had something up his sleeve, but she couldn't fathom what kind of something it could be.

## Chapter 70

JOHN KINSELA GREETED his witness, Lieutenant Meserve, then asked him, "Are you familiar with Lynnette Lagrande?"

Meserve sat back in his chair and looked genuinely puzzled before he said, "I don't understand what you mean by 'familiar.'"

"Let me put it this way. Do you *know* Lynnette Lagrande?"

"Yes, I know her," said the former undercover cop.

"How would you characterize your relationship with her?"

"Social. I go out with her. Dinner and such."

Yuki felt a chill at the back of her neck. What the hell was this?

"That's what we call in this country dating, isn't that right?"

"Your generation calls it dating."

"Well, humor me and the jury and let's both call it dating, okay? So how long have you been dating Ms. Lagrande?"

"I really don't remember."

"Long enough to become familiar with her?"

Kinsela snorted at his own joke. Someone in the gallery let out a high-pitched giggle, which caught on and became a wave of tentative laughter.



Yuki stood up and said, "Your Honor, I object in the strongest possible terms to the way Mr. Kinsela is fooling around at the expense of this court and the jury's time. And in the process, he's taking liberties with Ms. Lagrande's reputation."

Nussbaum said, "Sustained. Mr. Kinsela, this is a murder trial. Don't do that again. This is your last warning."

Yuki sat down hard in her seat and tried to comprehend the bombshell that had just landed in Judge Nussbaum's courtroom.

Had she heard it right?

Floyd Meserve was currently a lieutenant in the police force. A year ago, he had been an undercover cop. He had put a video setup inside his vehicle and interviewed Keith Herman, a thug of a lawyer with a reputation for child abuse and jury tampering and maybe far worse. Herman had sought out Meserve, thinking he was a hit man, a contract killer. And Herman had said he wanted to have his family killed.

Now this good lieutenant was telling the court that he was dating Lynnette Lagrande, Keith Herman's former girlfriend.

How had he met Lynnette?

And why was John Kinsela asking Meserve about dating Lynnette, anyway? What could that have to do with the case against Keith Herman? There was more to come, Yuki could feel it. Something big was about to blow.

## Chapter 71

KINSELA STOOD SIX FEET from the witness box with his hands clasped behind his back.

"I'm sorry, Your Honor," he said. "I didn't mean to make light of the proceedings."

From the smile in Kinsela's pale blue eyes, it was clear to Yuki and everyone else in the courtroom that Kinsela was enjoying himself enormously.

The judge said, "Watch yourself, Mr. Kinsela. Don't make me angry."

Kinsela apologized again, and then he continued his examination of the witness.

"Lieutenant, were you dating Ms. Lagrande at the time you met with Keith Herman?"

"You mean at the time when Keith Herman asked me to kill his wife and kid?"

"If that's what he actually did. But let me be more precise. Were you dating Ms. Lagrande before February of last year?"

"I guess so."

"Please answer yes or no."

"I don't keep a date book, for Christ's sake. What do you think I am? A fifteen-year-old girl?"

Kinsela said, "Your Honor. Please tell the witness to answer the question."

The judge spoke to the witness. "Lieutenant Meserve, you will either answer Mr. Kinsela's questions truthfully or you will be held in contempt of court. You will be fined and jailed. Do you understand?"

"Yes, sir, Your Honor."

"Go ahead, Mr. Kinsela."

Kinsela let the moment drag out for a second or two, then said, "Who was the informant who referred Keith Herman to you, Lieutenant?"

"I can't reveal my sources."

Kinsela put his hand on the witness stand and leaned toward the witness. "Let me help you, Lieutenant. Lynnette Lagrande sent Keith Herman to you for the purpose of arranging the murder of Jennifer and Lily Herman, isn't that right? Lynnette Lagrande was your so-called confidential informant."

"I—I—I refuse to answer on the grounds of the Fifth Amendment."

"You're afraid you'll incriminate yourself, Lieutenant? Is that because Lynnette Lagrande conspired with you to put Keith Herman up to contracting hits on his family? Isn't it true that it was *Lynnette* who wanted Jennifer and Lily Herman dead? She wanted to marry Keith Herman for his money, and then Keith would have an accident. The fatal kind."

"I take the Fifth. Didn't you hear me—"

Kinsela kept going, ran right over what Meserve was saying. "And then, after Keith Herman was in the ground, and Lynnette was a wealthy widow, she could share her life and her new fortune with you. Isn't that the way it was supposed to go? Isn't that why you refuse to answer my questions?"

Meserve's face was florid and yet the skin around his eyes had gone white. He shouted, "Killing Lily was *Keith's* idea."

"Is that so?" Kinsela said. "You're saying Mr. Herman wanted his daughter killed, and yet Lily is alive, isn't she? And Jennifer Herman is quite definitely dead."

## Chapter 72

JOHN KINSELA WAS in his glory and he was basking in it.

Yuki shot to her feet, saying, "Objection, Your Honor."

"On what grounds, Ms. Castellano?"

She made sure to modulate her voice so that she didn't sound as furious as she felt. "On the grounds that Mr. Kinsela brought in this so-called rebuttal witness for one reason—to discredit him and to confuse the jury. He's confused *me*. It's absurd. It's insane. It's total bull."

The judge said, "He's entitled to question the witness, and you're entitled to cross-examine the witness—"

"I'm turning state's evidence," Meserve shouted. "I'll testify that Lynnette Lagrande was behind everything. Judge, I haven't perjured myself. I didn't kill anyone. Lynnette wanted Keith dead, that's true, and I was seeing her, but that's not important because I did nothing wrong—"

Meserve's speech was cut off by the word "Liar," screamed from the back row of the courtroom. Lynnette Lagrande was on her feet, shouting at Meserve, "You liar. You bastard. You weak, lying murderer!"

It was as if someone had shouted "Fire" inside a circus tent.

Yuki saw Jacobi stand up in the back of the gallery. He edged out to the aisle, then walked rapidly toward Lynnette Lagrande. He said her name and she whipped her head around, her face still twisted in anger.

"Ms. Lagrande, we're gonna hold you on suspicion of conspiracy to commit murder. You, too, Lieutenant Meserve," Jacobi said loudly. "We're going to have some questions for both of you."

The judge looked stunned. His eyes darted around the courtroom as outbursts flared like fireworks going off on all sides. People in the gallery panicked and rushed for the aisle and the exit even as police poured through the courtroom doors.

Kinsela stood at the defense table with his client and shouted, "Judge Nussbaum, I move to dismiss. There is no case against my client. Lily Herman is alive. There is no evidence tying Keith Herman to the death of Jennifer Herman. Lynnette Lagrande is the responsible party—"

Lynnette Lagrande had become a wild woman. She screamed at Jacobi, "Get away from me," and lashed out at him with her nails. Jacobi was almost thirty years older and weighed a hundred pounds more.

He put his hand on her shoulder so that she couldn't touch him, then said in a booming voice, "Now you're also under arrest for assaulting a police officer. Put your hands behind your back."

Kinsela shouted to the judge, "Your Honor, I strongly urge you to dismiss the charges and release Mr. Herman—"

A juror sitting in the front row of the jury box,

a woman in her sixties named Nina Tancho, stood up abruptly and shouted, "I can't take this anymore. You people are all insane."

The judge slammed down his gavel again, *bam, bam, bam*.

*"Everyone freeze."*

There was a moment of relative silence into which Judge Nussbaum said, "I'm declaring a mistrial. Mr. Herman, you will be returned to your cell for now. Bailiff, please take the jury back to their room. Sheriff Calhoun, clear the courtroom."

"Mr. Kinsela, Ms. Castellano, please stay where you are."

Cops pushed and pulled a handcuffed Lynette Lagrande toward the exit. Her pretty face was unrecognizable as she screamed, "I did nothing wrong. This is slander. I'm going to sue you, Mr. Kinsela. I'm going to sue—everyone. I'm *innocent*."

Floyd Meserve called out to Kinsela, "I need representation, Mr. Kinsela. I need you right now."

Kinsela said, "You can't afford me, Mr. Meserve. But here's some free advice. Shut the hell up."

The golden-haired little girl who had been sitting in the courtroom beside Lynette Lagrande darted through the crowd and ran to her father. She was bawling as she grabbed him around his waist and cried out, "Daddy, let's go home."

Nicky Gaines went to the little girl and peeled her away from Keith Herman. "Lily, you'll see your dad again soon. You just have to stay with your grandma for another few days."

Yuki stood in one place and stared inward. What had just happened?

Had Lynette Lagrande, the beautiful and prim schoolteacher, just sprouted hair on her palms? Was Floyd Meserve, the good cop, a simple-minded dick who had in fact killed Jennifer Herman because he loved Lynette Lagrande? Who had kidnapped the child—and why? And what did Keith Herman have to do with all of the above?

All that Yuki knew for sure was that if the judge hadn't declared a mistrial, Keith Herman would have gotten off. Because reasonable doubt of this magnitude hadn't been seen in San Francisco in the last fifty years.