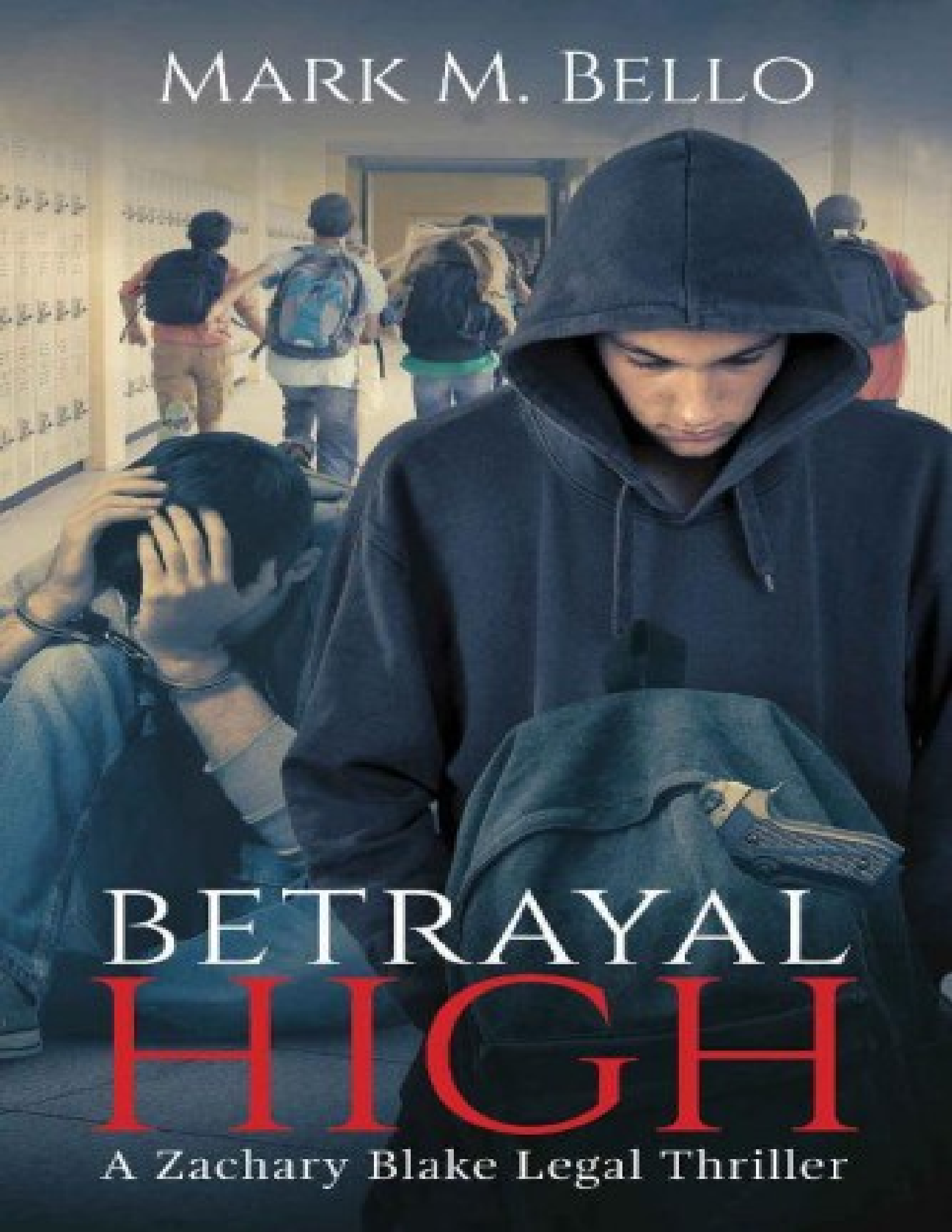


MARK M. BELLO



BETRAYAL  
**HIGH**

A Zachary Blake Legal Thriller

# **BETRAYAL HIGH**

**Mark M. Bello**

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Dedicated to the victims . . . ALL of the victims.

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# Prologue

Kevin Burns is alone in the house.

*Mom left early for work. Dad? Who the fuck ever knows where Dad is? Probably spent the night at his girlfriend's house.*

Kevin calmly walks into his parent's bedroom.

*Where does that asshole keep the keys to the cabinet?*

Kevin carefully searches through drawers and cabinets.

For some reason, he wants to leave no trace of a search.

*What the fuck difference does it make?*

The same is true of the gun storage and display cabinet.

*Don't want to break into the cabinet, but I will if I can't find the damn keys. Yes! Here they are!*

Kevin finds the keys nestled in his father's cigar box. He lifts the box and snatches the keys. He also discovers and pilfers a cigar and some matches. *I'll smoke a victory stogie after the deed is done.*

He stuffs the cigar and matches in his pocket and walks into the den. He uses the key to open the gun cabinet.

His father showed Kevin the collection multiple times. Kevin is damned excited about the vast array of weapons, even more so at the prospect of using them on some assholes.

*Dad has no idea guns inspire me, all part of my plan.*

On many occasions, when he and his father debated the Second Amendment, Kevin always took the liberal side of the debate.

*Why do Americans need so many guns? Who needs an AK47 assault rifle? Will the deer shoot back? You're an expert shot. If someone breaks into the house, and you have to shoot him, isn't an assault rifle massive overkill?*

In truth, Kevin believes none of that. He believes the Second Amendment is sacrosanct and grants him the absolute right to possess any weapon he wants. However, he wasn't old enough and didn't have the money to own guns. Today's plan requires real firepower. His plan is in place, but he continues to go over it in his mind.

*Park the Challenger in the south side parking lot. The school officer will be parading around on the north side, like he always does, high-fiving his favorite students. My hands will be full. Some idiot will hold the door for me. I'll say 'thanks,' if I like him. If I don't, maybe I'll shoot his ass.*

*I'll get the pressure cooker ready to arm, load Dad's AK47 and Lugar, walk up the south side steps to my locker, and head toward the center of campus. That's where the real assholes hang out, center stage, where they can be seen in all their glory.*

*Those fuckers are going to die today. Today, it ends for them, the massacre of massacres, a day of reckoning for those who thought I was weak, someone to be ridiculed and picked on. They will feel my wrath, receive my vengeance, and know my power. I will shoot the first person I see who has called me 'tiny' or 'flop ears' or 'tard' or any other of their favorite names.*

*You think I'm small? Maybe I am, but my gun is huge. Wait until I shove it down your throat or up your ass! I may walk softly, but I carry a big stick! Ha! Assholes! Once you encounter the size and power of my AK47, you will rethink your notions of size. You've been right all along. Size **does** matter. The bigger the gun, the larger the massacre.*

*After the deed is done, everyone will remember Kevin Burns, school shooter 2020; first of his kind in Michigan and the city of Bloomfield; prime time news on every station.*

*I'll kill at least 30 with the assault rifle and another few with the handgun. I might off 35 or so before that dumb-ass school officer, assuming he has any guts, arrives at the school center. You'll all be dying. I'll be laughing. Bang, bang, bang, bang, bang, bang, bang! HA-HA, HA-HA, HA-HA, HA-HA, HA-HA! I can't wait to get there! Death becomes you, all of you, and you become death. Bang—you're dead.*

*I hope some teachers or Principal Adams are somewhere close by. This is **your** fault. You all could have done something to stop the bullshit, but you chose to look the other way while the so-called cool kids made fun of us. Why? Aren't **all** kids important? Or is it just the rich and famous, like Kenny Tracey and his little bro'?*

*Hope I run into them. They're good guys; they never made fun of me. They know how it feels. I remember when people made fun of them for doing it with the priest. Sorry guys, but I need to make a statement, and you're both kind of famous. So, if I run into you . . .*

*Maybe their hotshot lawyer daddy will take them to school today, and I can get him too! Now there is a statement! 'Prominent attorney gunned down by tormented student, details at eleven!'*

*I hope I run into Drew Moss, the biggest prick of all! What an asshole! Perfect example of someone I am looking to hunt down today. Jake Tracey, if*

*I let him live, will thank me. That asshole Moss once gave Jake a serious beat down.*

*Mom and Dad will weep. They'll say they had no idea. Bunch of crap, of course; they're responsible. Them and those assholes who have picked on me since fucking grade school are **responsible**.*

*'You're a loser. Work harder. Get better grades.' But did they do anything to help me? Did they provide the tools? No! They made sure I was someone who others ridiculed. Others dressed in brand name clothes while I wore hand-me-downs from my loser cousins – shirts for five bucks, pants for ten at Sam's Club, and second-hand stuff from the Salvation Army Thrift Shop.*

*Mom? Dad? News flash: Life sucks. You made it that way. Your parenting skills suck. I should stay home and kill you guys first, but who knows when either of you will be home? Dad's getting drunk or laid, and Mom, the 'responsible one,' is out making a living so Dad can piss it away on booze, guns, and broads. Does she know the truth about her husband? Sure she does, and she'll have to live with an asshole for a husband and a mass murderer for a son. That's punishment enough for any woman, right?*

*Fucking school. I can put up with a lot. I've got thick skin. Life was never great, but I could cope until I went to that fucking school. Everything in that place is rotten to the core. Teachers, principals, students, even the janitors and cooks are assholes. These people are supposed to be molding young minds—well, you shitheads failed big time with my young mind. It's time to pay for your failure.*

*Who the fuck invited you to mold my mind anyway? It's my damned mind! You can't tell me how to think or what to do. It's my life and my mind. I'm going to kill every damn one of you hypocrites. Feel my wrath!*

*Jesus saves, but he can't save your sorry asses!*

# Chapter One

Kenny Tracey studies himself in the mirror. He's now eighteen years old and a senior in high school. The person staring back at him is no longer a boy. The 'adult' version of Kenny looks increasingly like his late father, handsome face, with piercing green eyes.

Kenny tries hard to keep his dad in his thoughts, but he's at a point where he hardly remembers him. Jim Tracey died in a tragic work accident when Kenny and his younger brother Jake were kids. Kenny knows if his dad were still alive, he'd be proud of him.

Kenny is going to Michigan State University in the fall. His senior year in high school is almost behind him. Assuming he gets through his Chemistry final, he'll be off to college in the fall. Kenny remembers his dad's favorite saying and cherishes the memory:

*The key to success is a solid education.*

Kenny looks forward to a new beginning where everyone doesn't know him as the boy with the lawsuit against the priest and the church. He'll be just one of thousands of college students on the MSU campus.

Kenny finishes brushing his teeth and combing his hair. He wipes down the sink and counter, turns off the lights, and bounds down the stairs. Jake calls to him from the upstairs hallway.

"Hey, Kenny."

"Morning, squirt," Kenny chirps.

He's been calling Jake 'squirt' since the day he was born. Jake doesn't mind, that is, until recently.

"Stop calling me that. I'm as big as you, *and* I'm still growing. Be careful what you wish for; I might be calling *you* 'squirt' soon."

Kenny doesn't respond. There's a good chance Jake's prophecy will come true.

"Ready to go?"

"Two minutes. I've got to brush my teeth and comb my hair."

"For all of the freshman and sophomore girls?"

"Yeah. Jealous?"

"I get all the girls I want," Kenny grumbles. "I'll be in the car."

"Be right down. Got any finals today?"

"One. You?"

“I have two.”

“What classes?”

“English and History.”

“Easy-peasy. Study?”

“I’m ready. You?”

“Chemistry.”

“Shit.”

“Shit is right. That stuff is Greek. I’ll be in the car.”

Kenny walks out to his car. His step-dad, the famous attorney, Zachary Blake, bought Kenny a Jeep Compass after he got his driver’s license. In return, Kenny must maintain a 3.0 or better average and drive his 16-year-old brother anywhere he wants to go, especially to school every morning. Kenny and Jake have a great relationship, and Kenny is happy to chauffeur his younger brother around. A 3.0 average isn’t too difficult for Kenny.

Kenny is quite wealthy from the trial and resolution of his case, but his mother, Zack’s wife, Jennifer Tracey Blake, has tied the money up in a complicated trust. She doesn’t want the case proceeds to spoil her sons or deter them from getting a quality education. Zack is extremely successful, and the boys have a nice life. Limited access to their money has caused no family problems.

Jake comes running out of the house, hops into the passenger seat, and throws his loaded backpack into the back seat in one fell swoop.

“You got everything you need? You don’t want to have to call Mom or Dad to bring you something later,” Kenny warns.

“I’m good.”

Kenny looks at his younger brother. They’ve been through a lot together, including that terrible episode with the priest and the trial. They’re both tough kids, but they worry about each other. They have each other’s backs.

“So, how did you enjoy your sophomore year, squirt? Meet any ladies you want to talk about? Need any pointers?”

“From you, stud? Ha! I don’t see you bringing anyone home to meet the folks.”

Kenny starts the car and backs down the drive.

“I’m doing fine in that department, thank you very much. I just don’t broadcast my conquests.”

“Sure, Kenny, sure. Conquests, that’s hilarious! So, what are you going to do about Chem?”

“I’ll pray for a ‘C.’ It’s a required class. I had no choice. You’ll see. You’ve got to take it, too. In college, I can do a liberal arts curriculum. Science and I are not compatible. I could have gone to Michigan if it wasn’t for science. At MSU, I’m going to load up on English, business, social studies, and stuff like that, go to law school and get a job in Dad’s office when I graduate.”

“I feel your pain. I don’t like science or math either, but I do okay. Maybe I’ll go to law school, too. Then we can all work together at the law firm. *Blake, Tracey and Tracey, Attorneys at Law*. Nice ring to it, don’t you think?”

“We’re partners, now? Ahead of all those people who already work there?”

“We’re family.”

“I don’t think Dad sees it that way. If you want to advance in his office, you have to *earn* your success. Nothing’s handed to you.”

“Okay by me. I don’t expect anything for free. It’ll be a tough seven years. You up for it?”

“State’s a party school. I’m going to meet chicks, have a good time, party, and go to class in my spare time.”

“That won’t work, Kenny, not if you want to work for Dad. There is such a thing as too many parties, you know.”

“Too many parties? Not possible. Seriously, though, I’ve looked through the prospectus. There’re so many interesting things to learn about, and I’ll have four years to explore and experiment. That’s plenty of time. I want to have fun, too. I can decide on a major, later.”

“Sounds like a plan. Don’t wait too long.”

“I *can’t* wait too long. A liberal arts curriculum prepares you for nothing except for more school. Maybe I’ll hedge my bet, get a business degree. But I want to go to law school and work for Dad.”

“This is the twenty-first century. How about looking at twenty-first-century careers like tech or environmental stuff?”

“Tech and environmental stuff, as you call them, require science and math. They’re certainly important and topical fields. We should all know about and consider environmental issues, regardless of what we decide to do for a living.”

“You’re right. If you concentrate on the environment, maybe you’d use it in your career. Even if you became a lawyer, you could specialize in

environmental issues. You could be an environmental lawyer. Isn't that a thing? Maybe you could work for a green company or something."

"That's certainly possible, but, again, there's that science crap and, besides, Dad's a trial lawyer. I don't think he handles environmental cases."

"He does if there's money in it. Someone has to protect poor old Mother Earth."

"I went on the MSU website the other day. The professor that teaches an introductory class on environmental issues has his own section on the site. He's got a clever little eco-game on the site. Every action has a reaction. You shoot a wolf that protects a deer. The deer has babies and eats all the grass, and that screws up the ecosystem."

"So, you could get a job as a teacher and teach elementary students about the balance of nature."

"No, I told you already. I want to work for Dad."

"Teaching is a good alternative if law school doesn't work out."

"That's true, I guess."

Kenny turns into the school entrance.

"Here we are. Where do you want to park?"

"North side."

"North it is."

"My first class is right there."

"You're lucky I like you. Mine's on the other side. Damn, I'm looking forward to summer. Can't wait to be done with Bloomfield High and off to college."

"And leave me all alone with two goofy adults?"

"Mom and Dad aren't so bad."

"I know, but you won't be around to protect me or make me look good." Jake chides.

"Funny. Got your phone?"

"Yeah."

"Text me when you're done."

"Will do."

"Have a great day. Good luck on your finals."

"You too."

Kenny and Jake enter the north side school doors and split at the first hallway. Kenny heads south. At the same time, Kevin Burns walks north, from the south side entrance, on a collision course with Kenny Tracey.



## Chapter Two

Kevin Burns wears a black T-shirt with white block lettering that reads ‘Detroit vs. Everybody.’ The AK47 is shoulder-strapped to his body, and the luger is in his right hand. A *Detroit Tiger* Old English D baseball cap sits backward on his head. Both guns are fully loaded. Kevin also carries a cloth shopping bag containing a pressure cooker type bomb. Similar to the one used by the Boston Marathon bombers, the bomb is loaded with nails and ball bearings.

Kevin begins to fold the excess bag material around the bomb until the material fits snugly around its contents. He shoves the folded bag and contents into the right pocket of his cargo pants, so he has the freedom of holding the weapons with both hands. He peers into the first classroom he encounters, 110 S. *Empty*. 112 S is also empty.

Kevin decides to head directly to the center of campus, where the largest congregation of students will be entering the school. As he continues down the south corridor, heading north toward the center lobby entrance, he encounters his least favorite school bully, Drew Moss, a big kid with a big mouth and a bad attitude. Kevin is one of Drew’s favorite bullying targets.

As Drew opens his mouth to say something to Kevin, *probably nasty*, and Kevin nonchalantly pulls out the luger. He shoots Drew twice in the face.

Kevin stops and looks down at his fallen classmate. His bullying days are over.

*Fuck you, Drew! Hey, that rhymes! I’m a poet—now you know it, you piece of shit! Happy graduation, asshole! Have fun in college! Oh, wait! You’re not going to college! You’re going to hell! Ha! Ha! I’m sorry I didn’t have time to make you suffer before you died!”*

Kevin is delighted Drew Moss is his first kill. He hitches up his cargo pants and calmly resumes his casual stroll up the hall and toward the center lobby.

He next encounters the shop classroom, where the shop teacher, Mr. Fletcher, *another asshole*, rules the room with an iron fist. There are no students in the room, but Fletcher is busy, wearing safety goggles, operating an electric drill of some type, and drilling into a large piece of plywood.

Fletcher couldn’t possibly have heard gunshots over all of the noise he’s making and doesn’t notice Kevin as he enters the classroom. He senses

movement, looks up, stops drilling, removes his goggles, and sees Kevin.

“What are you doing here, Burns? You don’t have Shop now. Get to where you are supposed to be first hour,” he commands.

“Yes sir, anything you say, *sir!*” Kevin shouts, saluting army style.

Fletcher rolls his eyes and salutes back. Kevin pulls out the Lugar and fires two shots directly into Mr. Fletcher’s head. At that moment, two sophomores enter the classroom. They witness, in horror, what could only be called an execution. Frozen in shock, they stand in their places, arms raised in surrender. They each receive bullets in the sternum for their cooperation. One of the young men, Marwin Singleton, dies immediately. The other, Sam Bolton, dies later, en route to St. Joseph’s Hospital.

*These black bastards shouldn’t attend school with white kids, anyway!*

Students ahead of Kevin’s position hear the shots. In typical ‘it can’t be happening to me’ style, many believe the ‘pop’ sounds belong to backfiring cars or are some kind of sick joke. Hardly anyone believes the noises are the beginning stages of another mass murder school shooting, like Columbine or Parkland. But it is another shooting, and it’s happening to *them*, at *their* school, Bloomfield High School, and they are clueless to the danger.

Fortunately, not everyone believes the noise represents a harmless joke or a vehicle misfire. The next classroom north is the domain of Mrs. Culpepper’s art class. Kevin likes Mrs. Culpepper because she believes in his artistic talents. He is quite talented, but Mrs. Culpepper worries his artwork, while brilliant, is graphically violent. She has not been shy about letting the administration know about her concerns.

Kevin’s recent works are reproductions of Paul Cezanne’s *Murder* and Giovanni Bellini’s *The Assassination of St Peter Martyr*, in graphic detail. He’s also been reproducing more modern paintings. One is entitled *Blood in the Streets*, by Eric Forster and the other is a colorful artistic rendition of a Charles Manson photograph, entitled *Helter Skelter Indeed*.

Vice Principal Andres once invited Kevin’s parents in for a talk about his work. Kevin’s mother, Susan, attended the meeting. His father, Charles, was nowhere to be found. Administrators and Mrs. Burns discussed the violent nature of Kevin’s artwork but decided art was a good outlet for someone troubled, but gifted. Mrs. Andres and Mrs. Culpepper, who also attended the meeting, promised to keep a close watch on Kevin and his increasingly graphic and violent art. Mrs. C, as Culpepper was known, was concerned

Kevin might one day act upon these graphic fantasies. As it turns out, Mrs. C was a prophet—today was that day.

After hearing what she believes to be gunshots in the shop classroom next door, Mrs. Culpepper takes action. Six students have arrived early to class. All of them hear the shots and the accompanying commotion. None are concerned.

Mrs. C turns the classroom lights off, on, and off again, capturing the attention of all six students. She herds them into the supply closet and jumps inside with them, holding her finger to her lips. The teens are suddenly terrified but manage to remain silent. They huddle together as Kevin Burns enters the room.

Mrs. C and her students hear Kevin's footsteps. He strolls from desk to desk, humming a tune, not a care in the world, checking on the quality of his fellow students' artwork. He pauses at one student's desk and observes a painting called *Peace and Love*. The painting depicts Martin Luther King, Jr. arriving in heaven and meeting Jesus. Kevin chuckles when he notices the name of the artist.

Kevin refers to him as 'the late' Sam Bolton. Kevin spits on Sam's painting, rips it in half, and shoots holes into both sides. He turns and pummels the room with bullets, reloads, and shoots off a few more rounds.

Miraculously, no shots penetrate the storage room door. The kids inside are in total panic mode but do not utter a sound. Finally, Kevin leaves the art room and heads for the center of the school.

Things are relatively calm on the north side of the building. Jake Tracey is just settling into his English classroom, where the teacher, Jake, and fifteen other students are chatting. His iPhone buzzes in his pocket. The buzzing is loud enough for everyone to hear, causing Jake some embarrassment. Students aren't permitted to leave their phones on during class. Jake spots his teacher, who, shaking her head, looks up at the clock and signals 'two minutes' with the first two fingers of her right hand.

Jake pulls out the phone. The buzzing sound is a text from Kenny.

*Where are you?*

*English classroom, Jake advises.*

*North side, right?*

*Right.*

*Stay there. Lock the door. Tell the teacher. Someone has a gun and is shooting people on the south side.*

*Shit! Seriously?*

*As a heart attack.*

*Where are you?*

*Near the central lobby.*

*Get the hell out of there!*

Jake turns to his teacher and announces what Kenny has just texted. The teacher runs into the hallway, where school-wide panic is developing. She invites everyone within earshot into her room. With that accomplished, she shuts the lights, slams and locks the door. There's a rear exit to the outdoor athletic facilities at the back of the school if an escape becomes necessary.

Jake turns back to his phone and texts.

*Are you somewhere safe?*

*I'm still in the central lobby.*

*Are the cops here?*

*Don't see any yet.*

*Call 9-1-1. Get out of there! Hide somewhere! That's what we're doing, thanks to you.*

*I can't do that. I think the shooter is Kevin Burns. I know him pretty well. Maybe I can talk him down.*

*Are you nuts? He's crazy. Everyone knows he's a lunatic. No one can talk him down. Get out of there!*

*I can't sit around and do nothing. I have to do something. Remember what Mom and Dad told us after Father Gerry? If you have a chance to save or protect innocent people, you have to make that sacrifice. I won't let another predator get the best of me.*

*That's not what they meant, you idiot! Get the hell out of there and let the police handle it. I'm sure they're on their way!*

*If anything happens to me, I want you to know you're the best little brother a guy could hope for, squirt. Take care. I love you.*

*I love you too. Please don't do anything stupid.*

*We're going to get out of this together. Understand? We're best brothers, forever.*

*Forever, bro . . .*

*Shit!*

*What?*

*Five people just got shot, right in front of me. I've got to go. I love you forever, Jake.*

*Kenny?*

*Kenny?*

*Text me back, NOW, Kenny!*

As Kevin approaches the center lobby, he removes the folded bag and contents from his pocket. He unfolds the bag, exposes the bomb, and sets a crude timing device for four minutes. He puts the bomb back in the bag and drops it in the nearest garbage can. He chuckles at the thought nobody even notices.

Except, he's wrong. The custodian, Joey Appleton, has taken cover behind the indented walls of the south side Men's Room. Joey's not clueless or careless. He's ex-military and trained to be attentive and careful. He wishes the administration permitted him to carry a weapon. He'd stop the kid before he could get started. He once suggested the idea of concealed carry to his superiors. In their infinite wisdom, the principal, his assistants, and the superintendent nixed the idea. Joey wonders: *How do they feel about the idea now?*

He watches Kevin casually stroll up the hallway, north of the bathrooms, *not a care in the world*. When Joey first hears shots, he doesn't assume a game or sick joke. Joey's already communicating with the school guard stationed at the north entrance. Joey's on the phone with the guard when he notices the assault rifle strapped over Kevin's shoulder. He sees Kevin remove a folded bag from his pocket. From the bag, Kevin removes some type of crude-looking explosive device. He watches Kevin adjust something on the device and drop it into the garbage.

Joey tells the guard precisely what he is seeing and tells him to call 9-1-1 to report a man with a gun and explosives on the school campus. He waits until Kevin Burns clears the area, leaves his hiding place, and tiptoes over to the trash bin. He reaches into the receptacle and removes the bomb. An attached timer reads 'two minutes, thirty seconds.'

Appleton tries to disable the timer, but he can't. He looks right, left, and decides to head south, opposite of Kevin's direction, where the hallway is far less populated. He dashes to the south end exit.

Holding the device out in front of him, Joey bolts out the door. He runs around the perimeter and heads east toward the back of the building. He knows there's a large commercial trash dumpster at that location. He looks around to see if there are any students or faculty members around. Satisfied

he's alone, he opens the dumpster, tosses the bomb in the dumpster, slams the door shut, and runs back toward the south entrance.

Meanwhile, Kevin Burns, traveling south to north, and Kenny Tracey, traveling north to south, reach the central lobby at the same time. An alarm sounds—an emergency announcement begins blaring on the public address speaker. Students and faculty members are ordered to institute lockdown procedures in their rooms or, if they can do so safely, evacuate the building.

Kids in the library begin to climb under library tables as the librarian locks the door. First period physical education students are in the process of changing into gym clothes. The teacher orders everyone, regardless of what they're currently wearing, to run as fast as they can to the nearest emergency exit and away from the school. Whoever has a cell phone is ordered to call 9-1-1 to report an active shooter situation at the high school.

Kenny looks up and sees Kevin Burns, wearing cargo pants, brandishing a handgun in one hand, an assault rifle strapped over his shoulder. Kenny knows Kevin Burns and knows he's been subjected to cruel school bullying activity. Kevin doesn't exactly fit in on the school's campus. He isn't one of the 'cool kids.' Kenny's had a few classes with Kevin and tried to be inclusive and friendly, but Kevin's reclusive nature made things challenging, to say the least.

*How can I be friendly to someone who clearly wants no friends?*

Kenny ducks behind a drinking fountain and texts Jake. Where is his younger brother at this exact moment?

*Is he safe?*

Jake is safe. But Kenny is spending too much time on the phone and taking too little action. He watches in horror as Kevin brandishes one of his two weapons and begins shooting toward the center of the lobby. Two teachers and three students go down immediately.

Kenny puts the phone back in his pocket. He feels it vibrate several times; he decides to ignore it. He cannot deal with his brother and take action at the same time. He prays Jake will be okay. An announcement on the public address system warns about an active shooter situation.

*Too little—too late,* Kenny ruminates.

Students, faculty, *everyone* begins to run, every which way, right, left, and into each other. Mass panic rules, as gunshot after gunshot rings out. The shooting suddenly stops—the Lugar is out of bullets.

As Kevin reaches across his shoulder to remove the shoulder strap that holds the AK47, Kenny springs into action. He charges Kevin. Kevin sees Kenny coming and frantically tries to extricate the assault rifle from the shoulder strap. He finally pries the assault weapon loose from the strap and quickly aims and fires, just as Kenny slams into him with all the force he can muster. Both boys violently tumble to the ground.

As a dazed Kevin Burns attempts to rise to his feet, a school guard arrives at the scene, pulls his gun and shouts. "Freeze!"

Kevin's not sure how to react.

*Do I want to die now? Raise the gun or surrender peacefully?*

He has a split second to decide. *SWAT* operatives from the Bloomfield police department storm the lobby. Kevin Burns lowers his weapon and places it on the floor.

Somewhere, in the back of the building, a violent explosion rocks the school building to its core. Kenny Tracey lies on the floor, in distress, a pool of blood oozing from a wound somewhere on his body. Soon, he passes out from excruciating pain. *SWAT* secures the prisoner and, in an instant, as quickly as it began, the worst school shooting in Michigan history is over. A suspect is in custody, and a valiant hero has emerged.

## Chapter Three

Kenny Tracey opens his eyes. Instinctively, he attempts to rise to his feet, but yields to sharp pain in his left thigh. An EMS paramedic reaches over and motions him to stay where he is.

“Can you turn over, young man?” The paramedic inquires. “You’ve lost a lot of blood.”

Searing pain is Kenny’s first conscious notice he’s been shot. He has a bullet wound in his thigh. With significant difficulty, Kenny turns his body into a seated position. Blood begins to squirt from the wound. Nausea sets in. Kenny can’t decide whether to pass out or vomit. His body chooses the latter, and he barfs all over himself and the paramedic.

The paramedic doesn’t miss a beat. Kenny’s already lost quite a bit of blood. Controlling the flow of blood through a wound is one of the most critical elements of first aid for that situation. The paramedic applies direct pressure to the wound while using Kenny’s belt to apply a tourniquet. The tourniquet immediately slows the bleeding until a second *EMS* tech arrives and replaces the tourniquet with a direct pressure bandage. The tech checks Kenny’s vitals and loads him onto a gurney for the trip to St. Joseph’s Hospital, the closest trauma center.

There’s some concern among the various law enforcement officials on-site about whether Kevin Burns is the only active shooter and whether there is an ongoing threat to students, faculty, and first responders. As a result, there’s a slight delay in transporting Kenny. The techs await an ‘all clear’ from law enforcement.

Kenny is in serious pain and becoming quite agitated. The paramedics calm him before asking his name, his mother’s name, and her phone number. Kenny is almost instantly reassured by the mention of his mother and the fact she’ll be at the hospital when he arrives. The medics take a brief medical history and inquire whether Kenny is allergic to any medication.

Pain may often produce dangerous side effects. Kenny’s is causing significant spikes in blood pressure, pulse, and his sympathetic nervous system. Less movement and less agitation would slow blood pressure, pulse, and respiration. One paramedic is on the telephone with the emergency room. He is given authority to administer a sedative to stabilize Kenny and get his vitals within a normal range. Once a line is established, and the meds kick in,



Kenny calms considerably, is loaded on the ambulance, and carted off to St. Joseph's Hospital.

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The phone rings at Zack and Jennifer Blake's Bloomfield home.

"Hello?"

"Jennifer Blake?"

"Who's asking?" Zack has encouraged her never to identify herself until she knows who is on the other end of the line.

"Are you Kenneth Tracey's mother?"

The mention of her oldest son's name is a bridge too far to adhere to Zack's advice.

"Yes, is something wrong?"

*Have he and Jake been in a car accident?*

"I'm afraid so, ma'am. There has been a shooting at the high school. Your son has been shot. They're taking him to St Joe's as we speak."

Jennifer is immediately beside herself with shock and fear.

"Oh, my God! My baby. Shot? Shot where? Is he okay? Of course, he's not okay! Is he . . . is he . . . alive?" She's terrified.

"I don't know all of the details, only that he's been temporarily stabilized."

"He's alive! That's a lot. Thank you."

She disconnects the phone and runs to find her keys while she speed-dials her husband at the same time.

"Zachary Blake and Associates, Kristin speaking. How may I direct your call?"

"Kristin, it's Jennifer. It's an emergency. I need Zack, right now!"

"Hold on, Jennifer. He's in his office. I'll connect you. Hope everything is okay." Twenty seconds seems like an hour until Zack comes on the line.

"Jenny, what's wrong?"

"Zack, oh, Zack! There's been a shooting at the high school. Kenny's been shot! I'm on my way to St. Joe now."

"Oh shit! Shot where? Is he okay? What exactly did they tell you?"

"Nothing. Just that he's stable for now."

"You have to drive by my office on your way up Woodward. I'll go with you. Stop and pick me up. I'll be standing in front of the building. You won't even have to turn in."

"I'm already in the car. I'll be there in less than a minute."

Zack rushes out of his office, waves to a panicked and confused Kristin, then points to the front door. Kristin nods as Zack dashes out, runs to the front of the building and waits alongside a very busy Woodward Avenue during rush hour. As promised, in less than a minute, Jennifer's Denali appears and stops in the right lane, almost causing a rear-end collision and numerous impatient, loud horns to sound. Zack wants to flip all of them the bird but controls his temper and hops in. Jennifer is sobbing.

"Do you want me to drive, honey?" Zack offers.

"No time for that. Let's just get to the hospital. Kenny's been through so much. He's going to college in the fall. He's got to be okay, Zack. He's got to be okay!"

"They reported he was stable, right? I'm sure he's fine," Zack cheers. He's horrified. St. Joe is an excellent hospital, but Zack sues hospitals for a living. He doesn't trust doctors, but his son needs one. Today, he *has* to trust a doctor.

"What does *stable* mean in medical-speak? You know these situations better than I do."

"Honestly, it could mean a lot of things, but it is better than 'unstable' or 'critical' or nothing at all."

"Call Jake. Make sure he's okay."

"Put on the news."

"What about Jake? One of us should go to the school."

"One step at a time, honey. Let's see if we can get him on the phone."

Zack dials Jake's iPhone, The boy answers on the first ring.

"Dad?"

"Jake, thank God! Are you alright?"

"I'm fine, Dad. I presume you heard about the school shit, but does Mom know about the shooting?"

"Yes, son. She's right here."

"I can't get Kenny on the phone. He was about to do something brave and stupid. Have you heard from him?"

Jake's voice is calm, but he's quite concerned about his brother.

"No, we haven't, Jake. Are you sitting down?"

"Yeah, what's the matter?"

"Kenny's been shot. Somebody called Mom. He's in stable condition at St. Joe's. That's all we know. What have you heard?"

“Shot! Oh, my God! I was on the north side. Kenny was on the south side and said the shooter was Kevin Burns. When we heard an active shooter announcement, we were placed on lockdown in my English class. Kevin never got that far, but I was texting with Kenny at the time.

“Dad, Kenny texted he *saw* Kevin kill people—he was *right there!* He claimed he couldn’t stand around and do nothing, the church thing and Father Gerry taught him to act. *Five people* were shot right in front of him. He texted he loved me, and that’s the last thing I heard. I’ve got to get to the hospital.”

Jake Tracey begins to cry.

“Is the shooter still there?”

“No, he’s been arrested.”

“Has the school been cleared?”

“No, we’re still on lockdown.”

“Then, you’re not going anywhere for a while. I’ll call Micah and see if he can find anything out. I’ll send him over there if necessary. Maybe they’ll release you into his custody if Mom gives permission, and they know about Kenny. I’m so sorry this happened to you, son. The world has gone mad. Hang in there.”

“Keep your phone on and call me the minute you know anything about Kenny, Dad.”

Jake wills himself to calm down.

“Let me talk to him,” screams Jennifer. “I need to hear his voice.”

Zack hands her the phone.

“Jake?”

Jennifer is frantic. She sobs at the sound of her youngest son’s voice.

“Yes, Mom?”

“Are you sure you’re okay? You’re not lying or anything to make me feel better, are you?”

“No, Mom. Like I told Dad, Kevin never got to my room. I’m terrified about Kenny. He was right there. If Kenny was shot . . .”

Jake is beginning to lose it again.

“Let’s not go there yet, Jakey. He’s fine. I know he’s fine. He’s been through too much not to be fine. I’ll call you from the hospital. Follow orders and do what your teachers and everyone else tell you to do.”

“I will, Mom. Tell Kenny I love him. They’re calling him a hero around here,” Jake boasts. He’s proud of his big brother.

“He’s been a hero of mine for a long time.”

“Mine too. Nothing can happen to him.”

“I’ll call you when I have more information. We’re arriving at the emergency room, now.”

Jennifer puts the car in park at the emergency room door and hands the valet the keys without getting a ticket stub. She dashes into the emergency room. Zack approaches the valet. He thanks the young man, takes the ticket, and runs in after his wife. He immediately locates Jennifer at the intake desk, trying to find out where they took Kenny.

“Trauma two,” she turns and shouts to Zack.

They wait for the inner door to open automatically and run inside. A security guard stands in front of them.

“You’re Kenneth Tracey’s parents?”

“Yes,” Jennifer exclaims, trying to push by the guard.

“They are treating him now, ma’am. My instructions are to tell everyone to wait in the lobby.”

“I can’t do that, sir. I need to see my son. I need to see him now! Is he alive? Tell me. I can take it. I need to know what’s going on!”

Zack is holding her back, trying to calm her down. She begins to scream and cry.

“Are there any medical professionals here who can tell us the current condition of Kenneth Tracey?” Zack bellows.

Several emergency room staff members turn towards Jennifer and Zack. A woman approaches them.

“I’m Nurse Johnstone, the emergency room nursing supervisor. May I help you?”

“Yes,” Zack grumbles. “We are Kenny Tracey’s parents. Kenny was injured in today’s high school shooting. We are trying to find out his status. What, exactly, is his condition? We need to see him. His mother needs to see the whites of his eyes! Surely you understand.”

Jennifer is now borderline hysterical.

“Please calm down, Mr. And Mrs. Tracey,” the nurse cautions.

*How the hell would she know our last name is Blake?*

“Please don’t tell us to calm down. Tell us where and how our son is!” Zack snaps.

“Let me see if I can get you a doctor. As you can imagine, we are dealing with a lot of trauma patients. Hang on, please.”

She leaves them with the security guard who's on high alert, ready to spring into action to prevent any hostility emanating from or disturbance caused by these two *dangerous and desperate* parents.

Zack wants to smack the guy where he stands. The nurse reappears from the depths of the ER with an elderly gentleman in tow.

"I'm Dr. Sampson, Chief of Emergency Medicine. You're Kenneth Tracey's parents?"

"Yes," Zack growls.

Jennifer is trying to catch her breath.

"Follow me, please."

Zack and Jennifer follow Dr. Sampson into a small office. Sampson closes the door behind them.

"Please, have a seat."

He points at two small chairs positioned on the opposite side of his desk.

"I don't want a seat," Jennifer cries. "I want to see my son."

"They're working on him, right now, Mrs. Tracey. He's been shot in the leg. The bullet did not pierce any vital organs, but it needs to be removed, or it could cause infection. May I presume we have your permission to remove the bullet? Kenny's eighteen, and although he gave us permission, I would prefer a go-ahead from you guys, as well. It would be best if you waited until after the procedure to see him."

"If you want my permission, I need to see him *now!* Otherwise, I'll take him out of here and have him transported to Beaumont in Royal Oak."

"He's doing as well as can be expected. He's a bit sedated, but I don't see any harm in a short visit. Please sign these consent forms and follow me, please."

*Friggin' doctors and their friggin' forms*—Zack grouses, silently, forgetting lawyers do the same thing, all the time.

"Our name is 'Blake.' Jennifer is my wife. The boy is her son, my *adopted* son."

"I'll amend the forms, Sampson assures. "Sign here, please." They execute the forms.

"Right this way."

Doctor Sampson leads them to a room that reads 'Trauma 2'. Kenny is inside, lying on an emergency hospital bed. He sees his parents and immediately smiles.

"Mom? Dad? Are you okay?" Kenny mutters.

Jennifer bursts into tears at the sight of his leg and the accompanying blood around its dressing.

“Are we okay? What kind of a question is that, Kenny? Are you okay?” Zack marvels. *Kenny must be the most thoughtful teenager on the planet.*

“I . . . I-I’m . . . uh . . . f-fine,” Kenny slurs. “These are some great drugs.”

Zack and Sampson smile. Jennifer bursts out crying again.

“Oh, Kenny! What happened to you? Jake told us you went after that guy or something!” Jennifer is beside herself.

“Mom, Dad, after Gerry, everyone kept telling Jake and me if we could prevent someone from coming into harm’s way, we should do anything we could. That’s all I did. I saw Kevin Burns kill five people. He was out of bullets and had to switch guns. He started to pull out an automatic rifle of some kind. If he had been able to get that rifle ready to shoot, I don’t know how many people would have died. I had a chance to do something. I had to act.

“Unfortunately, I hesitated for a split second. My mistake. He had a chance to get the rifle off his shoulder. I charged him. He got off a shot just as I hit him. We went down. Officer Alvarez, one of the school cops, showed up and arrested Kevin. *SWAT* showed up right after that. My thigh hurt like a bitch! They say I went into shock.”

“Are you crazy, Kenny Tracey? Do you have a death wish or something? Preventing someone from getting hurt and jumping in front of a bullet are not the same things!” Jennifer scolds.

“I’m fine, Mom. Kevin’s in custody, so it seems worth it to me. What if he shot the school officer or more students before *SWAT* arrived? I prevented that from happening.”

“We’re proud of you, son,” Zack assures. He glances at Jennifer and nods his head toward Kenny. “Aren’t we, Jennifer?” *Get with the program.*

“Of course, we’re proud,” Jennifer snuffles. “Are you sure you’re okay?”

“He’s received excellent care from a terrific pair of *EMS* paramedics. Their prompt actions prevented further loss of blood, maybe even saved his life. Once we get the bullet out, assuming there is no infection or further complication, he should be fine. The Bloomfield police and the *FBI* are waiting for the bullet,” Dr. Sampson advises.

“May we have the names and location of these paramedics, please? We’d like to thank them personally,” Zack advises.

“I’m sure that can be arranged,” Sampson promises. “We need to prep your brave young man for surgery. Okay?”

“After I give him a hug and a kiss,” Jennifer insists.

She doesn’t wait for permission. She grabs onto her son, kissing and hugging him tightly. Kenny winces.

“Sorry,” Jennifer sighs.

“Is Jake alright?” Kenny wonders, ignoring the pain.

“He’s fine. The school is still on lockdown. I’ve got Micah checking on things over there right now,” Zack advises.

“Check on him, Dad. He was terrified. He needs family.”

“We’ll take care of him, Kenny. Worry about yourself for a change. Jake’s a tough guy too. You know that, right?”

“Yeah, I guess, but check on him anyway.”

“I will, Kenny. Go on now, son. Get that damn bullet out of your leg and get better.”

“Thanks, Dad. I love you guys.”

“We love you, too.”

Jennifer’s eyes begin to water again. “Don’t let anything bad happen to him, Dr. Sampson. My husband is a famous lawyer. He sues doctors when they screw up.”

“Jennifer!” Zack exclaims, embarrassed.

“He’ll be fine, Mrs. Blake.”

Sampson remembered the name issue and corrected himself. Zack is impressed.

Zack and Jennifer are escorted to the surgical waiting room. Shortly after they’re seated, two men in suits walk into the room.

“Mr. and Mrs. Tracey?”

“Blake,” Zack snaps.

“Huh?”

“Our name is ‘Blake.’ Jennifer is Kenny’s mother. I’m his stepfather,” Zack scoffs, tired of correcting everyone. He immediately regrets his outburst. *What difference does it make?*

“Sorry,” the suit apologizes.

“No problem. I’m sorry I snapped at you. How could you know? It’s just . . . you are the twentieth person to do that today.”

“I understand you’re under a lot of stress right now. I’m Detective Snell; over here is my partner, Special Agent Ross. Your son is quite the hero.”

“So, we’ve heard. I have to say I’m not surprised. *FBI*, huh? I know an agent named Clare Gibson. You know her?”

“We work together in the Detroit office,” Ross advises. “How do you know Clare?”

“We worked a case together—the Jack Dylan murder trial. Clare tried like hell to convict him, but Jack was innocent. I was the attorney who got him acquitted. I’m Zachary Blake.”

“That case and your name are rather infamous in our office. In the end, Clare was glad to see justice was done. I’ll tell her you said hello.”

“Please do—she’s a good lady. What can we do for you?”

“We are waiting to take possession of the bullet and talk to your son.”

“That’s going to be awhile.”

“I’ve been advised. Is there anything *we* can do for *you* while we wait?” Snell wants to know.

“As a matter of fact,” Zack glances at Jennifer. She’s got a puzzled look on her face, not understanding what Zack is getting at.

“Our younger son is still at school. He was on the north end, hiding in one of the rooms. He was unharmed. Unfortunately, he was texting with his brother at the time Kenny decided to take down the shooter. He’s extremely distraught about Kenny. Could you arrange to have him brought here right away?”

“Right away.” Ross one-ups Snell, as the *FBI* is prone to do. Zack recalls the Bureau usurped the entire Bart Breitner investigation from Jack Dylan and the Dearborn Police. The *FBI*’s misbehavior, in that case, was a primary factor in Jack Dylan being accused of murder.

“May we ask for something in return?”

“What’s that? Zack’s suspicious and curious at the same time. *What could they possibly want from us?*

“May we have Kenny’s iPhone and your younger son’s, what’s his name? We need to obtain copies of these texts.”

“His name is Jake. I’m sure it’s fine. You know kids, though. I suggest you get what you need quickly. If you keep their phones for too long, there will be hell to pay,” Zack chuckles.

“Don’t I know it,” Ross laughs. “I’ve got a teenaged girl. Girls are much worse than boys.”

“We wouldn’t know. We have two boys—my girls, from my first marriage, are being raised by their mom.”



“Trust me, then, worse, no question. I’ll get on the horn and get your son up here. What’s his name again?”

“Jake Tracey. He’s in Mrs. Clarke’s English class.”

“Okay. Let me see what I can do.”

One-half hour later, Jake Tracey bursts into the surgical waiting room.

“Mom, Dad! Am I glad to see you! How’s Kenny?”

“He’s in surgery, Jake. He was shot in the leg. He should be okay, but they had to do surgery to get the bullet out.”

“Stupid ass! He had to be the hero! He is always doing something like this, making all of us mortals look bad.”

“We understand exactly how you feel, Jake. Jake, these guys are Detective Snell and Special Agent Ross. They’re investigating the shootings. They’d like to talk with you and see those texts between you and Kenny. They might have to take your phone for a while.”

“Sure. Anything I can do to help. How long?”

“How long what?” Zack’s confused.

“How long are they going to need my phone?”

“A day or two?” Ross projects. He hesitates, awaiting the proverbial ‘wrath of the teenager.’

“I guess that’s okay. I don’t have much choice, right?” He smiles.

“Not much.” Special Agent Ross concurs, with a smile of his own. *Nice kid.*

A short while later, Dr. Sampson appears in the waiting room. Another doctor, dressed in full surgical garb, is at his side.

“Mr. and Mrs. Blake? Meet Dr. Prince. He operated on your son.”

“How do you do, Mr. and Mrs. Blake?”

“Nice to meet you, Doctor. How is our son?” Zack inquires. Jennifer is near delirious.

“He’s doing fine. The bullet was fully intact. It did not splinter at all. It entered the fleshy part of the thigh and hit no bones or muscle. All in all, Kenny is a fortunate young man. It could have been a lot worse. Many of his classmates are in worse shape than he is.”

“Misery does not love company, Doctor Prince. We are praying for all of those kids *and* their parents,” Jennifer reflects.

“What’s Kenny’s prognosis?”

“He’ll be good as new. As I indicated, there doesn’t seem to be any infection or vital parts affected. He may limp for a while. A cane might be

necessary, temporarily, but we are looking at as good a result as we could have hoped for under these circumstances. He will probably go home tomorrow or the day after.”

Jennifer feels like she’s been holding her breath the entire time. “Thank God. Thank you, Doctor. Thank you for everything! Thank you for taking such good care of my son,” she gasps.

“You’re very welcome. We have to go. We have a lot of casualties here, as you know. Some of the kids got sent to Beaumont, some to Crittenton, in Rochester, but we have our hands full.”

“Go! Go! Thanks again,” Jennifer motions them out the door.

The doctors turn and leave the room.

“Group hug,” cries Jennifer, gesturing to Jake and Zack with her arms, after the doctors depart. Jennifer, Zack, and Jake grab and hug each other in the center of the room.

*What a nightmare!*

As they embrace, the waiting room television flashes a special bulletin. President Ronald John is about to address the nation, presumably on the subject of the Bloomfield shooting incident. The announcer babbles on—the camera focuses on an empty podium and microphone. Within minutes, President John can be seen in the background, approaching the podium. Zack eyes Jennifer and contorts his face. “Can’t wait to hear this.”

Zack does not like President John. The two men clashed during one of Zack’s recent criminal cases. As the president approaches the podium, Jake walks over to the television and increases the volume.

“My fellow Americans . . .” the president begins. “I speak to you today, following another tragic event in our history. The nation mourns nine innocent children and adults from yet *another* school shooting event. These events have become far too commonplace in our society. A serene place of learning has experienced a scene that can only be described as hateful, violent, and evil. This morning, as the first-hour bell was about to ring at a Michigan high school, a gunman, now in custody, opened fire on defenseless students and teachers. When the mayhem was over, nine people lay dead, and many others were wounded. The damage could have been far worse, ladies and gentlemen. A brave young unarmed hero by the name of Kenneth Tracey plowed into the suspect and prevented him from resuming his attack, while the school police officer and a *SWAT* team arrived and placed the suspect under arrest.

“Our nation is united, with a heavy heart, in praying for the victims and their families. To the injured and the survivors of those killed, your President knows you are hurting, and your government pledges its support. We are here for you. We are committed to doing whatever is necessary to ease your pain. Your suffering is our suffering, and we stand together in the face of terrible evil.

“No child, teacher, parent, or administrator should ever be in danger at any school in America. No one should ever kiss their kids and send them off to school only to find out this was the last time they would ever see them alive. Young lives were stolen from us this morning. People who had their whole lives in front of them, each with unlimited promise and potential, dreams to fulfill, family members who loved them, and talents to share, have had their lives snuffed out in the most tragic of circumstances.

“To these people and families, I say: You and your *American* family are in shock. We mourn for those who lost their lives, and we offer comfort to those who grieve. An entire nation yearns for answers and justice for a fine, fine Michigan neighborhood, representative of all that is good about America.

“To our law enforcement community, our first responders, the young student, staff members, and teachers who responded so bravely in the face of danger, we applaud your courage and thank you for your selfless actions. I spoke with Michigan’s new governor, Megan Whitman, and offered her our deepest condolences and our determination to assist people in any way we can. I plan to visit shortly and coordinate the federal response with local officials.

“We will now dedicate ourselves to the pursuit of justice. The scripture declares: ‘I have heard your prayer and seen your tears. I will heal you.’ In his infinite wisdom, God will show us the way. We count on his comfort and blessings in our times of sorrow.

“To our children, specifically, I say: In America, you are never alone. Your family, your neighbors, your fellow citizens all over these United States are with you, love you, and will do whatever is necessary to comfort and protect you. Turn to your family, teachers, clergymen, or police officers for help. Answer cruelty and hate with love and kindness. Work to create a culture where the sanctity of life is sacrosanct, and the blessings of friendships and families will help to begin the healing process.

“Your president and your government are committed to working with state and local authorities to coordinate a shared effort to tackle the scourge of mental illness. Treating, curing, or isolating those who are a danger to society at large shall be a high priority of the John administration. As such, I will be coordinating with all fifty governors and states’ attorneys general, with an agenda of school safety as a top priority.

“It is easy to *talk* about changing our culture. It is quite different to put forth bold initiatives to effectuate that change. Together, we can make a difference. We must put aside the pettiness that divides us and concentrate on what unites us. Safety for law-abiding citizens against deranged people, criminal infestations at our borders, and terrorists of religious persuasions who hate us for our freedom must be stopped at all costs and with all available means and resources. Our love must be stronger than their hate. We will heal and come together as one nation under God and strive for a better tomorrow. Thank you, God bless you, and God bless the United States of America.”

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Zack turns to Jennifer and Jake and shrugs.

“Not bad . . . for him,” Jennifer admits.

“No, you’re right. On the surface, it wasn’t bad. But did you catch the politics? He didn’t mention ‘guns’ even once. It’s a ‘mental health’ problem, don’t you know? And he used the tragedy as an opportunity to lump violence with problems at our southern border, our ‘brown’ people, if you will, and with foreign-born terrorists of certain ‘religious persuasions,’ an indirect slap at our Muslim community. Even when he strikes a sympathetic or conciliatory tone, he can’t resist his bigoted agenda. And mentally challenged people are all ‘deranged’ or a ‘scourge,’ typical for that piece of shit!” Zack can’t stomach this president.

Zack’s recent case required an almost head-to-head conflict with President John and his administration. John and Attorney General, Geoffrey Parley, first attempted to railroad his client for a murder she didn’t commit. Then, they tried to deport her parents. Zack fended off both efforts and made the president look like a jerk in the process. John’s poll numbers have never recovered from the national embarrassment.

“All of that is true, Dad. Hopefully, the voters will tell him what they think of him in the next election. For now, though, how about we concentrate on Kenny?” Jake suggests.

“My wish for the world is for all teenagers to suddenly become as bright and as sensible as ours, don’t you agree, honey?” Zack turns to Jennifer.

“Amen, my love. Amen. Let’s see if we can persuade someone to let us see our son.”

“Persuasion is my specialty,” Zack smirks.

## Chapter Four

Bloomfield sits in Oakland County, Michigan, northwest of Detroit. It was once a farming community but, over time, became an upscale residential community. The community boasts many beautiful mansion type homes, exclusive country clubs, magnificent churches, some very wealthy multi-millionaires, and the Crainpool Educational Community, essentially, a private K-12 campus for rich people or scholarship-worthy students.

Kevin Burns lives with his parents in a small condominium his mother insisted his father purchase, back in the days when she had some influence over his decision making. She wanted Kevin to attend Bloomfield Schools and get a better education than he would get in Berkley, a blue-collar, lower-income neighborhood, about six miles south of Bloomfield.

Property values in Bloomfield are among the highest in the United States. The condominium complex where the Burns family lives was a developer's attempt to provide downsized luxury housing for transitioning, empty nest senior citizens. The idea never took off with the older population. The developer was forced to reduce the price and market the complex as a family alternative for lesser income people who desired to send their kids to Bloomfield Schools.

The wealthier community at large didn't exactly welcome the plan but could do little about it without appearing to be elitists. Aside from a few mature couples like Susan and Charles Burns, the young families who purchased homes in the complex were very happy their children fit in well at pre-school, elementary, and middle school levels.

At the time they were searching for a home in Bloomfield, Charles and Susan Burns told their real estate agent the location would be beneficial to Kevin because he was an artist, and the surrounding landscape was lush and beautiful for inspiration. Perhaps he could paint landscapes or churches and land an art scholarship at Crainpool?

Berkley is a blue-collar town with a small downtown area built in the 1920s and '30s as an Oakland County neighborhood for automobile plant workers in neighboring Detroit. At the time the Burns family lived there, one would hardly consider Berkley a town for artists. Susan thought her troubled young middle school student would welcome a change from Berkley to Bloomfield. She could not have been more wrong.

The plan backfired, mainly because Kevin never fit in. The family moved into the condo when Kevin was in middle school. One day, he was doing quite nicely, thank you, and the next day he was pulled out of his Berkley School District middle school and sent to Northwest Middle School in Bloomfield. He had no friends and did not fit in well with the Bloomfield wealthy elite.

While the same type of situation occurred with the Blake-Tracey family when it moved from Farmington to Bloomfield, Kenny and Jake's clergy abuse lawsuit and settlement resulted in significant family wealth. The boys were a better fit for the Bloomfield upscale elite. The Tracey teenagers lived in a multi-million-dollar mansion—Kevin lived in what was, in a weak market, a two-hundred thousand-dollar condominium.

The home was affordable, primarily because Kevin's father, when sober, was quite handy. The condo was not in good shape, and the Burns' bought it on the cheap, hoping Charles would fix it up. *That* strategy worked. Kevin's dad *did* renovate the condo, and its value increased significantly. In fact, while they lived in the home, several younger families moved in. Unfortunately, the children were mostly pre-school and elementary school-aged children, and most neighbors thought Kevin was a dangerous weirdo. *How right they were!*

Kevin was an only child and lived in what was supposed to be the finished lower level recreation room of the condo. Kevin did not want to live in the upper bedrooms with his parents. He was a loner and wanted his privacy. The lower level had a large closet and a full bathroom with a stall shower, which cinched the deal. As long as he behaved himself and got good grades, he could live in what his father called the 'basement.'

Kevin's room had a split top drawing table and an adjustable two-station artist's easel. The walls were painted dark grey, and the small, basement-type windows were blackened so no outsider could snoop. They were adorned with framed and unframed versions of Kevin's original art, primarily his reproductions of scenes of murder, death, portraits of serial killers like Charles Manson and Jeffrey Dahmer, and the ultimate mass murderer, Adolph Hitler, along with iron crosses and swastikas. The art was brilliant and chilling. However, his parents were *terrified*. His father couldn't cope. Kevin first drove his father to drink, and, finally, drove him out of the house.

Kevin wanted to own guns. He even built a secret hiding place for his to-be-acquired guns in the condominium storage area designated for the Burns

family. He abandoned the idea when his dad began to make himself scarce. His father's absence left Kevin with easy access to a storage cabinet full of guns, all types of guns. *Who needs to own when you can rent for free?* Easy access to assault-type weapons was a major reason why Kevin was able to kill so many so quickly.

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The Bloomfield police decide to take Kevin Burns to the Oakland County Jail complex in Pontiac. Officials place him in isolation, pending his arraignment on multiple charges of first-degree murder. There is no solitary confinement at the *OCJ*, but the warden is concerned if inmates in the general population get wind of the fact Kevin is the punk-ass Bloomfield school shooter, he won't last long.

Kevin lies on the cot in his cell and stares at the ceiling. He is surprisingly relaxed and unremorseful. He doesn't look like a mass murderer. Small in stature, but not as short as he imagines himself to be, Kevin stands 5 feet 7 inches tall and weighs approximately 165 pounds. He has bright red hair, lots of freckles, and protruding ears. Many people compare him to Ron Howard when he played *Opie* on the *Andy Griffith Show* or, at his current age, *Richie Cunningham* from *Happy Days*.

Kevin clasps his hands behind his head and continues to stare at the ceiling.

*Now what? Surprise! I'm alive! Didn't expect to survive. Damned Kenny! What the fuck, man? Got that fucker, Moss, though. That's got to count for something!*

One time, on the school basketball court, Kevin drove around Drew for a lay-up. Then, he had the audacity to mock his defender's failure to stop him. Drew came up behind Kevin and locked him in a chokehold. All the other kids stood around, laughing as Kevin began to turn red, then blue. Finally, Jake Tracey threatened to get the principal or the school officer if Drew didn't let go. He finally released the choke and left Kevin bent over, gasping for air.

*Shit, I might have died then, if it wasn't for Jake. He and Kenny are both nice guys. I hope Kenny's okay. I didn't want to shoot him, but he came charging at me like a crazy man! What was I supposed to do? Who charges a deranged gunman like that? They're perfect gentlemen, those Tracey boys. Do they ever do anything wrong? 'Dudley Do-Rights,' both of those fuckers. Still, I hope Kenny's still alive.*



Kevin is disappointed the event was over so suddenly. The killing was cut short, and he wasn't able to finish the job. More classmates had called him names or made fun of him. He wanted them to pay, too.

*Fire and fury! These people didn't appreciate my art, laughed at my clothes, my looks, and made fun of my protruding ears. 'Floppy,' they called me. And the teachers and principals let it all happen. They didn't give a shit. Whatever got them through the day without conflict or controversy worked for the teachers, but where were the parents? They taught their kids to be elitist snobs. These deaths are on you, assholes! Blame yourselves. Carry your children's deaths on your shoulders for the rest of your rotten lives! I thought you would have to remember me as the killer, but maybe this is even better. I'll be alive, and your kids will be dead. I will outlive you. Ha! Fire and fury indeed!*

# Chapter Five

Three weeks following the school shooting, Kevin Burns is on suicide watch at the Oakland County Jail. He's received over a thousand letters from 'fans,' offering him money, sex, compassion, and understanding. Young women sent photographs, some *sans* clothing, declaring their undying love for him, providing their measurements. There were marriage proposals and conjugal visit requests. Someone even offered to set up a defense fund for him. Kevin knows none of this, however, because he is not permitted to receive or even see these letters.

Nine funerals have been held in Bloomfield. A community-wide inter-faith service has been conducted, and many of the injured are still in various community hospitals. Graduation ceremonies are canceled. Students are permitted to complete final exams on a take-home basis.

The high school careers of all Bloomfield seniors are suddenly over, and for underclassmen, the school year has abruptly ended, to be continued in September. There are still more questions than answers, as Kevin Burns exercised his right to remain silent. After issuing a public apology to the community, his parents are now recluses.

Kenny Tracey is released from the hospital on crutches. He is now convalescing at home; his condition is rapidly improving. He's graduated from the crutches to a cane. He's extremely fidgety and anxious to recover from his wounds. Jennifer dotes on him, constantly, which Kenny finds annoying and endearing at the same time. He cannot wait to recover enough to get on with his life. College is looming; he has important decisions to make.

Meanwhile, Zachary Blake is angry. He's pissed at Kevin Burns, Kevin's parents, the school, the school administration, the Board of Education, the gun lobby, the gun manufacturers and the *NRA*. He's in his office, sitting at his oversized desk, chatting with one of his associates, and itching for a high stakes legal battle.

"How does a kid like Kevin Burns get his hands on a *Lugar* and an *AK47*?"

"My understanding is they were legally purchased by the boy's father. He had a whole cabinet full of guns," Zack's associate, Sandy Manning, explains.

“Was the cabinet locked?”

“I’m not exactly privy to the details of the investigation, but my understanding is the cabinet was locked. The boy found the key and stole the guns when his parents weren’t home.”

“Where did you get that from?”

“Micah Love.” Micah is Zack’s private investigator. They are thick as thieves, and Micah is well-connected in the law enforcement community.

“What causes a teenager to become a Kevin Burns?”

“Hell if I know. We have a serious mental health problem in the United States.”

“And a serious gun problem as well. Every time a shooting occurs, state and federal governments swear they’re going to get serious about gun control. Over ninety percent of our citizens support common-sense gun reforms, yet nothing ever happens. Why does anyone need an *AK47*? What does the Second Amendment have to do with assault weapons and other weapons of war?”

“You’re preaching to the choir, Zack. But here’s a question for you: What do *you* want to do about it?”

“I want to take every one of these bastards to court.”

“What bastards are those?” Manning smirks—always amused when Blake is angry and passionate at the same time.

“Don’t patronize me, Sandy. It pisses me off,” Zack crackles.

“Sorry, Zack, but, seriously, man, who are you talking about?”

“I want to sue the Burns kid. I want to sue his parents for leaving their guns so easily accessible to this punk. I want to sue the school and the school system for their lax security and shit preparedness. God knows there have been enough shootings for someone to figure out how to protect our kids in these situations. I want to sue the gun manufacturers, the gun lobby, and the fucking *NRA* for usurping and bastardizing the Second Amendment, turning it into something it was never intended to be. They carried and shot *muskets* in 1776, for crying out loud! What does the Second Amendment have to do with assault rifles? Why does any citizen need an *AR15* or an *AK47*? Will you answer that one for me, Sandy?”

“Who the hell knows, Zack? You’ll have to ask a passionate Second Amendment advocate. Sadly, no matter how many innocents are slaughtered, these gun guys will not give up *any* type of gun for *any* sensible reason. It’s a

‘mental health’ problem, not a ‘gun’ problem, don’t you know?” Sandy hand signs the quotation marks.

“That’s true, Sandy, as far as it goes. But too many people with mental health problems can too easily get their hands on some dangerous and unnecessary weapons.”

“I understand and agree. As to the lawsuit you are proposing, I presume you are planning to sue on behalf of your son?”

“Of course, I am. And anyone else who was harmed who might want to join us.”

“Have you discussed it with him?”

“No. Why?”

“Because he would be the plaintiff. He needs to be on board.”

“He’s on board.”

“Maybe so, Zack, but he’s eighteen years old. He’s an adult for Christ’s sake. He got shot. He’s entitled to a seat at the table, don’t you think? When you handled the clergy abuse case for him and Jake, didn’t Jennifer insist the boys had to agree to the lawsuit? It should be no different this time.”

“I understand and agree, Sandy. I’ll talk to him. I *know* he will approve. Great minds think alike. Now, what do you think of these theories? Can you think of anything else or anyone else to sue?”

“How about the dealer who sold the guns?”

“Fuck, yes! Sue the dealers, too! All this Second Amendment shit is a money grab for these people. Follow the damned money!”

“Zack, may I say something without you getting mad?”

“Sure, Sandy. What is it?”

“There are other ways to get these things accomplished besides pursuing litigation.”

“What do you mean?”

“I mean, you’re a powerful man in this town. You’re a powerful man in the whole fucking state. And you’re a powerful man in politics, especially democratic politics. Maybe we can finally get some sensible gun legislation passed in Lansing and, dare I say it, even federal legislation for the good of the country.”

“Yeah, RonJohn loves me. Perhaps he’ll invite Jen and me over to his house for dinner.”

“President John aside, I think there’s an opportunity here.”

“Okay, but a multifaceted lawsuit which targets everyone in sight and will cost those who profit from guns and gun sales millions will be great leverage to get what we want in the state legislature and, perhaps, Congress.”

“Can’t argue with that. You’ll talk to Kenny?”

“I’ll talk to Kenny.”

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That evening, Zack and Jennifer sit with Kenny in their den, Zack’s favorite room, coziest in the huge mansion-style house. Zack’s just completed an outline of the lawsuit he plans to file in federal court.

“So, it’s *déjà vu* all over again,” muses Kenny.

“I won’t do a thing if you don’t want me to. However, with an attack on all fronts, I think we can do some good here, where others have failed,” Zack reasons.

“Who do you want to go after again?”

“I want to file a lawsuit against everyone involved, from the kid, to his parents, to the school, to the school administration to the gun manufacturers and sellers, lobbyists, the *NRA*, the whole kit and caboodle. I also want to become an advocate for common sense and meaningful gun reform. I have a name. I’m famous and successful. People will listen to me.”

“In court, maybe, but I don’t think the impact the shooting has had on *you* is powerful enough,” Kenny challenges his stepfather.

“Impact? That damn kid shot my *son*! Isn’t that enough?” Zack’s incredulous.

“Frankly, no. I am an eighteen-year-old *victim*. I took the guy down. I’m ‘famous’ too. I’m the hero of Bloomfield High,” Kenny snickers.

“Kenny, you have been through so much, first with the church and now getting shot. I know you want to help, but this is bigger than you think,” Jennifer warns. “Let Dad do his job. You need to heal and focus on school. College is right around the corner.”

“Mom, Dad, please don’t take this the wrong way. I love you guys. I am so thankful you are my parents. You have always been there for Jake and me, and we appreciate it more than you could ever know.

“Dad, I’ll help you with your lawsuit in any way I can. I’ll be the lead plaintiff or the *only* plaintiff if that’s what you want. But *I’m* the one who got shot. I saw my friends and teachers get shot. It’s *my* fight, not yours.

“I’m not a lawyer. I can’t do what you do, Dad. I’ll leave all the lawyer stuff to you. But I can handle the bully pulpit. I want to be a public advocate

for change. You handle the logistics, but I want to be on the front lines. I want to be involved in the battle for change.” Kenny glares at his parents with a determined look on his face.

Jennifer and Zack eye each other. They cannot be prouder of their son. “Are you sure you are up to it, son?” Zack wonders.

“I didn’t know we were going to have this conversation, but I’m glad we are.” Kenny turns to his mother. “Don’t get mad at me, Mom, but I’m going to postpone college. I’ve thought about this for a while. It’s more important than college. I can go to college when I’m nineteen or twenty. I’m excited about the lawsuit and working with Dad.”

“Kenny, school is important. I don’t want you to delay it. Can’t you do both?” Jennifer’s not happy. Like any mother, her son’s education was a priority.

“Not if we are going to do things the right way. The project I have in mind will take maximum effort. I will need to give it one hundred percent of my time. People take a year off to travel, get their heads together, work, and earn money for school. Those are all good reasons. Mine is equally important, if not *more* important than those. I’ve already notified MSU I want to delay my enrollment. I spoke to the assistant dean and told him what I plan to do. He was very supportive, even proud of my decision. He promised me my seat would be kept open until I am ready to sit in it; he even implied I might earn college credits for creating and implementing an advocacy program. He even offered university support. Besides, I’m sure a focused political and public advocacy project is going to be *very* educational.”

“The kid will be a terrific lawyer someday,” Zack boasts.

“Those are some compelling arguments, son. Jen, what do you think?” He turns and faces his wife.

“I think his mind is made up. I’m very proud of you, Kenny,” Jennifer admits.

“We need to talk to Jake,” Kenny changes the subject and prepares for war.

“Jake? Why?” Her oldest son getting involved in a legal and legislative battle is one thing, but Jake is her baby . . .

“Because if Dad is going to sue the school, the school district, and the administration, it will impact Jake as a student there. Don’t you think?” Kenny explains.

“I hadn’t thought about that. Are you sure you’re only eighteen?” Zack marvels at his son’s maturity and thoughtfulness. “Maybe I should leave the school out of it.”

“You can’t do that. The administration is culpable. We just have to let Jake know and make sure he’s okay with it. I’ll talk to him,” Kenny suggests.

“If that’s the way you want it, Kenny. God, you are something else!” Jennifer’s eyes are watering again.

“There’s no crying in political and legal advocacy, Mom,” Kenny declares.

“Yeah, Mom. Buck up!” Zack chortles.

Jennifer removes a tissue from her purse and wipes her eyes.

“I’ll be good, I promise.” She sniffles.

## Chapter Six

Zachary Blake stands on the steps of the Federal Building in downtown Detroit. He's gathered the press to announce the filing of a federal lawsuit on behalf of the victims of what is now known in the community as the 'Bloomfield High School Shooting.'

Kenny Tracey, other injured students, and many survivors of those teachers and students killed by Kevin Burns stand at Zack's side.

"Thank you all for coming, especially those of you who will travel this legal journey with me as plaintiffs in this important litigation. Today, we have filed a federal lawsuit against Kevin Burns, his parents, the gun manufacturers, the stores where these guns were purchased, and the school and administration for their atrocious lack of preparedness and safety mechanisms, as well as their failure to respond to the crisis in a timely and sensible manner.

"If it weren't for the bravery and swift action of the young hero standing to my left, many more would have been injured or killed." Zack turns and nods to Kenny.

"Kenny Tracey charged the shooter while he was trying to gain access to an automatic weapon. Who knows how many people would have been killed had Kevin Burns gotten his gun in ready position? As it was, Kenny was injured because the shooter finally accessed the weapon and got off a shot at the instant Kenny took him down.

"Speaking as a father, when I found out Kenny attacked the shooter, I wanted to smack him upside the head!"

The audience laughs at Zack's comment. He continues as it subsides.

"As a citizen, however, and as a member of a community where his selfless actions saved numerous lives, I can only turn to this outstanding young man and say, 'thank you, Kenny, for your courage in the face of great danger. Thank you for saving the lives of so many innocent people on that horrible day.'"

The audience cheers. The legend of Kenny Tracey is taking on a life of its own in Metro Detroit. Kenny turns red, drops his head in embarrassment, and acknowledges the crowd by waving to the people as he stares downward at the courthouse steps.



“I want to talk for a minute about guns and gun safety. Why do Second Amendment advocates assume every time a well-meaning legislator suggests common-sense gun control legislation, politicians must be coming for our guns? That is not and never will be the case. The Second Amendment was adopted into law on December 15, 1791. I’ll do the math for you—that was two hundred twenty-eight years ago. Gun ownership, for many, is embedded into the fabric of our union. The Second Amendment is not going anywhere. But that doesn’t mean we can’t exercise common sense, especially in American schools!” The crowd cheers, claps, and repeatedly shouts ‘common sense.’

“Ladies and gentlemen, after Columbine, Newtown, Sandy Hook, Virginia Tech, San Bernardino, Orlando, Vegas, Parkland and now in our own community, one thing should be clear to citizens and politicians alike. Our society needs stricter laws for people who purchase guns for the purpose of perpetrating criminal acts. We need tougher laws for people who buy guns to sell to criminals or kids. These laws should severely punish anyone in these categories—neither suggestion steps on the Second Amendment.

“These types of measures have overwhelming support from community police officers, who, in the face of budget cuts, have found their numbers reduced while the numbers of guns on our streets or in citizens’ hands has increased. We must increase funding for our police, putting more cops on our streets while at the same time decreasing the number of guns finding their way into the hands of criminals, kids, and people with mental health issues.

“I am not a fan of guns, but I do believe in the Constitution. The Second Amendment guarantees the right to bear arms, and America has a strong tradition of gun ownership. Sportsmen and hunters have rights; there are millions of law-abiding and responsible gun owners across America, and these citizens have strong opinions about their rights. I understand and respect that. However, I also believe we can respect Second Amendment rights while, at the same time, preventing lawbreakers and people who are a danger to others from committing atrocities like the recent tragedy in Bloomfield. We advocate for common-sense gun measures, not a repeal of Second Amendment rights. These measures have broad community support across America and the political spectrum. How many Columbines, Virginia Techs, Sandy Hooks, Parklands, or Bloomfields are enough?

“Our battle will not be easy. Kenny will be speaking on these issues and more as we go along. I am here to discuss the lawsuit we filed on behalf of

the victims, in the hope we can prevent more senseless violence by hitting people, companies, and organizations where it hurts, in their pocketbooks!

“As our lawsuit winds its way through the legal system, why not ask your congressman or woman to support universal background checks? Ask your representative to renew the ban on military-style assault weapons and high-capacity magazines. Offer a pink slip to any legislator who refuses to explain the lack of support for these common-sense measures. With rights come responsibilities. While we enjoy a right to bear arms, we have a societal obligation to do so responsibly and safely. We are, after all, responsible for *each other*. Our governing is done by the people and for the people. It is in the best interest of the people, all the people, to apply common sense to the gun issue.

“As to our lawsuit, we will be seeking damages from the Burns family for Kevin’s actions and his parents’ negligence for not getting him the mental health assistance he so desperately needed, and Charles Burns’ irresponsible possession of dangerous weapons of mass destruction and his failure to conceal and secure those weapons. Mr. Burns knew his son was mentally unstable, yet he and his wife left him alone with a cache of guns stored in an easy-to-open gun cabinet.

“We are seeking damages from gun manufacturers and sellers for making these weapons of mass destruction so readily available to people who should have been excluded from their purchase. Both Kevin and his father have documented mental health and substance abuse problems that should have precluded their purchase of these dangerous weapons. We believe Charles Burns has a criminal history and should not have been qualified to purchase guns. So, how and where did he obtain them?

“And, finally and regrettably, we are pursuing damages against the school and the school system for not providing adequate warnings and safety measures to protect students from the genesis of this tragedy and for not properly implementing existing protocols. If properly implemented, it would have reduced the number and severity of the casualties. I am happy to answer questions.”

Zack spots Heather Jackson, a pro-litigant reporter from the Associated Press. He orchestrated her appearance and pre-arranged her question.

“Heather?”

“Thank you, Mr. Blake. How do you plan on getting past the *Protection of Lawful Commerce in Arms Act*?”

President George W. Bush signed the bill she was asking about into law in 2005. The law shields gun manufacturers and sellers from liability for injuries and deaths caused by guns in most situations. Seriously injured victims or the survivors of dead ones collect little or no compensation because of the Act. Other tort reform type measures have been passed to protect various industries, but, thanks to the *NRA*, this particular legislation is quite difficult to defeat.

“Good question, Heather. Thanks for asking. As most of you know, lawsuits are the number one method we have to protect the public from being harmed by dangerous products. The threat of lawsuits has increased public awareness of the dangers of smoking and has made tobacco companies market their dangerous nicotine delivery systems more responsibly. The threat of lawsuits has made all kinds of products safer. For example, over the last forty years or so, automobile deaths have been cut nearly in half by safety features in cars, developed and implemented in response to lawsuits.

“Unfortunately, the legal checks and balances that apply to most manufacturers do not apply to the gun manufacturers because of this law. But the law doesn’t make them immune. We plan to take on this law. If we are successful, we may open a new frontier in gun safety. Perhaps the advances that have made cars and other products safer will find their way into the gun industry. All of us must work together for a safer society. Failing that, we plan to take on manufacturers and sellers in areas where there are no protections provided by the 2005 Act. Hopefully, we will have some success. There are multiple defendants and multiple theories. We hope to achieve a positive result for some severely damaged people and families, including my own son.”

“Kenny? How are you doing these days?” a *Detroit Free Press* reporter inquires. Zack looks to Kenny, standing off to one side. He seeks silent assurance Kenny is willing to speak.

*You want to answer questions?*

Kenny nods, and Zack moves aside. Kenny steps to the podium.

*Now is as good a time as any—*

“I’m doing well, thank you. I’m improving every day. I’m almost at a point where I can walk without a cane. Many others were killed or injured far worse than I was. It is hard to say I was lucky because it has been a long, hard road to recovery, but I feel fortunate to be here talking to you folks.”

“How does it feel to be a hero? Didn’t the school give you some kind of award? Now you’re suing them. What’s that like for you? Do you feel bad about suing people who honored you for your bravery?” The question comes from a reporter with the *Detroit News*, the more conservative of Detroit’s two newspapers. Zack assumes he’s a gun industry plant.

“The question is probably better suited for my dad, but I will answer as best I can from my perspective. I seek no personal reward. I seek accountability from those responsible to those who were hurt or killed. Whoever screwed up here should be plenty worried, because my dad is a great lawyer. If you are suggesting we should give the school or the school system a pass because of some award, I strongly disagree. I didn’t seek the limelight or an award, but my actions and the actions of others saved the lives of people whose deaths would have been the school’s responsibility. What would the death toll have been had we not acted? The school bears responsibility, and you suggest some bravery award should circumvent that responsibility?”

Zack continues to be amazed at his son’s maturity and thoughtfulness.

“Well, uh, no, I wasn’t suggesting anything in particular. I . . . uh . . . just wanted to know where you stood,” the reporter stutters.

“Well, now you know where I stand,” Kenny concludes.

“Next question, please.” Zack resumes the podium and microphone.

“To follow up on Joe’s question and looking at the complaint you filed, there seems to be a lot of blame to go around. What do you hope to accomplish with your lawsuit?” a *Detroit Legal News* reporter inquires.

“Great question,” Zack praises.

“Aside from fair compensation for the victims, we hope to call attention to a lot of things in need of a fix. We seek to repeal the *Protection of Lawful Commerce in Arms Act*. We’d like to see the national instant criminal background check system and database fixed and made stronger. We’d like to see an emphasis on replacing our broken mental health system. Our country and its leaders must have a serious conversation about our citizens’ obsession with guns. It has become a dangerous epidemic. Part of the conversation needs to focus on why someone like Kevin Burns was not identified as a person in need of assistance and why he or his father was able to purchase weapons of mass destruction. I’m talking about guns with large-capacity magazines. Why does *John Q. Citizen* need such a weapon?”

“Are you looking to ban certain types of weapons, Zack?”

“Yes, why not? That would certainly be my preference. Again, who needs large capacity magazine assault rifles for hunting or protection?”

“I can see background checks, Zack, but every time someone starts talking about a weapons ban of some sort, the *NRA* throws a hissy fit and nothing gets done. Wouldn't baby steps be more appropriate? It all falls apart when you mention the word 'ban,' doesn't it?”

“You're right, sir, it does, but that doesn't mean it isn't the right thing to do. I have filed a *lawsuit*; I am not engaged in a legislative battle. I am very proud my son will help spearhead an effort to put forth a survivor's legislative agenda with many of his fellow students, teachers, and other survivors of this tragedy. Kenny and his colleagues are now voting age or will be before the next election. Pro-gun politicians need to address the problem, or they may find themselves looking for work.”

The press conference lasts a while longer until questions begin to get repetitive as reporters clamor to get their name and brand on a particular question and answer. The lawsuit had been filed. The political and public relations battles are just getting started.

## Chapter Seven

“We have convened an emergency meeting this morning because, a few days ago, a process server brought us a present. We have been sued in the Bloomfield High School shooting case. The complaint charges that the shooter killed all of those people using *our* weapons.”

An emergency meeting of the Barrington Arms Corporation board of directors meeting was underway. Chairman of the Board, Roland Barrington III, is speaking to the board at the company’s headquarters in Detroit, Michigan. The company also has manufacturing plants in Detroit, other states, and other countries throughout the world.

“I have turned the lawsuit documents, whatever you call them, over to our legal department who is building a legal team here in Michigan. Only the finest and most expensive attorneys that money can buy need apply. In my opinion, we can’t respond to the lawsuit with mere general denials. I don’t want to get simple information out there—I want it disseminated with *attitude*, with some indignation. I not only want to win this battle in a court of law, but I also want to win it in the court of public opinion. That requires a misinformation campaign at the highest levels.”

“I agree with most of that, Rollie, but I think we can mix information with misinformation quite nicely. I agree we need attitude and indignation. A direct appeal to our pro-gun base has served us well over the years. ‘Anti-gun nuts seeking to repeal the Second Amendment’ resonates well with gun owners. About twenty-five to thirty percent of the population is on our side from the minute we scream ‘they’re coming for our guns.’ However, we have many other valid arguments to support maintaining the status quo, and I believe we should use them,” COO Albert Visser suggests.

“Such as?” Barrington is curious.

“Such as the fact we had nothing to do with the tragedy in Bloomfield. The parents of some crazy boy allowed him easy access to their gun storage cabinet—their fault, not ours. The boy happened to choose our branded weapon. His choice of weapons is an extremely remote theory of liability, don’t you agree? As I understand it, the father had all different types of weapons. The kid could have chosen any of them to shoot up the school. You can’t sue someone based on a coincidence.”

“I like the approach, although I would rephrase some of the terminologies. ‘Mentally disturbed,’ for instance, is a better description than ‘crazy,’ but the argument is solid. What else do we have?”

“We have the law on our side,” assures John Saffron, company president.

“Our good friend and fellow sportsman George W. Bush signed the *Protection of Lawful Commerce in Arms Act* into law back in 2005. Essentially, unless we make a terribly defective gun, the law creates a complete shield from liability. God bless *Citizens United*, the United States Chamber of Commerce, the *NRA*, tort reform, and needy and greedy politicians. There are many solid reasons for the law, and the public should be made aware of them.”

“Humor me and give me the media relations sketch of these reasons, as you understand them.” Barrington is intrigued.

“For one, no proposed action on guns would have changed the outcome in Bloomfield or anywhere else. A mentally insane individual committed a horrific crime. Michigan is a gun control state, with strict restrictions on high volume magazine assault weapons. The state also has registration requirements. State officials knew who bought and owned these firearms.

“This tragedy was preventable. If the shooter’s parents had locked these firearms in a safer place, a deranged kid would not have had access to them. They knew who he was—why didn’t they do these things? They could have and should have made these decisions based on what they knew was the fragile mental condition of their son. There’s a good reason *they* are being sued here. *They* are principally liable for the harm caused by their son.”

“That has promise, Saffron. I like those arguments. Of course, the parents might end up being sympathetic parties and, besides, we have far deeper pockets, know what I mean? Anyone else like to share?” Barrington searches the room, attempting to meet the eyes of every officer and board member in attendance. Some men and women appear to be deep in thought, others look to the ground, like school children afraid to be called on in class.

“The firearms industry has a huge net positive impact on the economy,” Visser offers, startling some out of their thoughts or slumber.

“This lawyer, Zachary Blake, is not the only player in this game. His eighteen-year-old son, Kenneth Tracey, was one of the shooting victims. He is spearheading a legislative agenda in response to the shooting. If you look at this lawsuit and some of the legislation being proposed by the lawyer’s son, both will have a significantly detrimental effect on manufacturers and

sellers in Michigan. Our industry supports well over 20,000 jobs in the state's economy and almost a billion dollars in economic impact. We pay almost 50 million in state and city taxes."

"There are two proposals. The magazine capacity ban and the assault rifles ban would harm gun sales and the Michigan economy, with minimal impact on homicide rates. *FBI* crime statistics demonstrate there were almost thirty thousand aggravated assaults with weapons in Michigan in 2016. Only seventeen percent of those involved guns. Though a firearm is more likely to kill someone than, let's say, our fists, twenty-six percent of all homicides were not gun-related. Does anyone ever argue for bans on fists or knives?" Saffron and Visser are the only board members who have done their homework for this meeting.

"Good stuff, gentlemen," Barrington salutes the two men.

"I'm impressed. I'm not wild about the murder statistic. I prefer to lump them all together. Perhaps we use the phrase 'violent crime' and merge the two, what do you think?"

"Makes perfect sense," a board member kisses ass, simply to have something to say.

"Anything else?" Barrington is looking to wrap things up.

"Yes, Roland; I wasn't finished," Saffron continues. The others mumble something sounding like 'kiss-ass' under their collective breaths.

"The proposed legislation suggests round capacity limits, preferably to seven rounds, but under no circumstances more than ten."

"That would be disastrous to our bottom line. Is that the argument?"

"Well . . . not exactly . . . it's one of them, but not the best one in terms of what you call 'attitude' Chief." Saffron is now milking this, sucking up to the chief. Performance and salary reviews will be held shortly.

"So, give me the 'attitude' response, Saffron." Even Barrington is getting annoyed with Saffron.

"Seven or ten, whatever, these are arbitrary numbers. What's a good reason to reduce it to ten?"

"That fewer people would be killed in a mass shooting, obviously," a board member states the obvious.

"But only nine people were killed in Bloomfield. These killings weren't even done with an automatic weapon. He had the automatic, but he used the Luger. If the weapon shot ten rounds, nine people would have still been killed."



Barrington brightens. "I like that, Saffron."

"There's more, sir. The federal assault weapons ban was an epic failure. We need to present the case for how ridiculous these proposals are. Assume we reduce the number of rounds to seven. Further, assume some crazy person wants to kill lots of people, but for some reason, feels an obligation to comply with the law when it comes to buying the guns."

"Quite a stretch to assume a mass murderer cares about compliance with laws limiting rounds."

"You think? Nuts, isn't it? But, if he's crazy enough to try to comply with one law while breaking a more important law, there's a way around rounds restriction legislation."

"What's that?"

"He acquires multiple weapons like this Bloomfield kid did. Perhaps he brings a couple of seven-rounders to one of these mass shooting events and switches off when one empties. He's complied with the magazine restriction and killed fourteen people. Bottom line? Dealing with mental health and criminal element issues is far more important than dealing with guns."

"Bravo Saffron. Get these ideas to our media people right away. Anyone else?"

Albert Visser reports. "To John's point, Rollie, I read somewhere that in Syria or some other damn Muslim Middle Eastern country, terrorists will often duct tape two ten-round assault rifles together to create twenty round weapons. Terrorists or criminals are always going to do what is necessary to achieve their dastardly goals no matter what weapons we ban. A 2003 study by the Center for Disease Control in Atlanta studied fifty-one gun-control measures, in addition to the federal assault weapons ban. The Center found no measurable reduction in homicides."

"Another excellent talking point. Get these and anything else that comes to mind over to our media folks. We need to get a television blitz started, primarily on *Fox News* and even *CNN*, if they will provide an invite. However, our biggest push and the most money we spend should be on social media. *That's* where people get their news these days. There are limited checks and balances. Look at what the Russians did for Christ's sake! We need to flood the Internet with fake news, ladies and gentlemen. They're out to take our guns, don't you know? People who look to Facebook for the news of the day will believe anything. They are sheep to slaughter," Barrington declares.

“I’m not sure you’re aware, Mr. Barrington, of a Rand Corporation study showing a *decrease* in assault weapons-related crimes during the decade long assault weapons ban?” Stephenson, one of the younger board members, seems skeptical of this misinformation strategy.

“Who funded that study? I question those results,” Saffron quarrels.

“I’m not sure, but it’s out there, and it’s a solid study. It needs to be dealt with. That’s all I’m saying.”

“You’re right for bringing it up, Stephenson. Good work. Our social media campaign does not need to be the truth, the whole truth, and nothing but the truth,” Barrington concludes.

“Consistency is the key to this campaign. Our legal and courtroom campaign must include these talking points. *Our* truth must be the truth prospective jurors hear.”

“This case should be dismissed long before it ever gets to a jury,” offers Saffron.

“Perhaps so, but in our current political climate, we can’t assume it will get dismissed. We have to prepare for the worst and hope for the best. We can’t be too careful these days.”

“Certainly, sir; I agree.”

“We need to retain one of those high-profile jury consultant companies and get them started on a campaign to poison prospective juries and sway public opinion. The public needs to start hearing our side of the story right away.”

“I’ll get on that immediately, sir,” Visser assures.

“Okay, let’s get all of these ideas and strategies to our media people. All in favor?” Every hand in the room goes up. “Carried. Motion to adjourn?”

“So-moved.”

“All in favor?”

Again, every hand is raised.

“We’re adjourned. Let’s get to it.”

## Chapter Eight

Zachary Blake is a frequent legal contributor on a Detroit Sunday morning talk show. Devon Harlan, a high-profile news anchor, hosts *ViewPoint*. Zack uses his behind the scenes ‘pull’ to book Kenny Tracey and other student advocates to launch their change initiative on guns. The students issue a simple warning to politicians: If you are not going to be part of the solution, you are part of the problem. If you are part of the problem, you will be seeking employment after the next election. *First Time Voters of America* will vote for any opponent who pledges to be part of the solution.

“Good morning, folks, I’m Devon Harlan, and this is *ViewPoint*. We are very pleased to welcome five students from Bloomfield, who attend or are recent graduates of Bloomfield High School, which, as you know, was recently a tragic victim of yet another mass school shooting event. The incident left nine people dead and several more seriously injured. Some of those who were injured are here with me today. The students are Kenny Tracey, Alex Pratt, Jacqueline Corey, Emma Cohen, and Cameron Casey and they have organized a political action group called the *FTVA*, Welcome to all. I’m terribly sorry for what you guys have had to endure. Kenny, I understand the *FTVA* was your idea. What does it stand for?”

“I was one of the organizers of the group, but we’re all in this together. *FTVA* or *First Time Voters of America* represents one of the largest first-time voting blocks in history. We intend to be a force for change, especially on gun issues. Any one of us can answer your questions.”

“Fair enough. I’ll start with you if that’s okay. I understand you have a message for our elected officials. You feel they have failed to listen to numerous warnings about gun violence and that the Bloomfield High School shooting resulted, at least in part, from the government’s failure to pass laws that keep constituents safe. Does that sum up your position?”

“Mr. Harlan, thank you for having us on your program. We appreciate the opportunity to talk with our fellow students and citizens in Detroit and across the State of Michigan. The short answer to your question is ‘yes.’ Our elected officials have let us down, and, because they have let us down, nine people in our school community are dead. Several more were seriously injured.

“Adult politicians have been ignoring this issue and playing politics on gun safety issues for years. Meanwhile, my generation has been getting shot

and killed in schools across the country. Listen to how these politicians speak to each other; watch how they treat each other on local or national levels. How can we expect to see any meaningful change on gun violence if politicians on either side of the aisle are incapable of civil discourse?

Nine people were gunned down a few miles from where we are sitting today. The *FTVA* will take this issue to Lansing and Washington, D.C. and demand change. Over ninety percent of Americans want change on gun-related issues. These are not red or blue issues—they are the human rights issues of our generation. We are here begging for our lives. If today's political officeholders cannot accomplish real change on guns and gun issues, we will vote together on these issues in the next election and elect their successors."

"Is there a specific plan in place to accomplish change? Alex, let's turn to you."

"Yes, Mr. Harlan. We have organized a march and created a website with the aid of our computer teacher, Mr. Tim Shay." Alex looks into the camera, smiles, waves, and chirps, "thanks, Mr. Shay," then turns back to Devon.

"The web address is 'March Against Violence dot org,' and our first event is a march on Lansing. We are currently organizing students and teachers all over the State. Of course, this is a national issue, and we're in communications with other schools and students who have also been victims of these terrible events.

"We plan to join friends, families, and communities of our fallen brothers and sisters from many schools across the country. I'm sad our current reality requires me to use the word 'many' in this context because our state and national politicians have done *zero* to curb gun violence. Any politician that accepts money from the *NRA* and is unwilling to have a conversation about guns and gun violence should consider him or herself on notice. The *FTVA* intends to fire you. Consider this your job review and your pre-pink slip warning. Support our movement or move out of our way. You are with us or against us—if you're against us, you will be fired."

"Devon, may I add something, please?" Cameron Casey speaks up.

"Sure, Cameron."

"We understand the Second Amendment argument. However, we disagree with the various interpretations bandied about by the gun lobby, in particular, the *NRA*, when debating the issue. When Ben Franklin, Thomas Jefferson, and the others were discussing what was a new country at the time,

they were concerned about government power. They wanted government by the people. The weapon of choice at the time was a single-shot musket. They passed the Second Amendment to prevent the consequences of an oppressive government.

“Did they contemplate nuclear weapons or thirty round mag automatic weapons? We don’t think they did. The *NRA* is an outdated special interest group. The Association’s membership does not have the best interests of our students or the safety of our schools in mind. Its’ influence must be diminished and ultimately destroyed. The *NRA* has our fallen friends’ blood on its hands.”

“That’s a powerful statement, Cameron. President John spoke in the aftermath of the tragedy and claimed it was the Democrats who let you guys down. When the Dems controlled Congress, they couldn’t get any meaningful legislation passed on guns. Is he right, Emma?”

“As far as it goes, yes, there is plenty of blame to go around. But RonJohn is a very decisive president on almost every issue, *including* guns. And he is a president who is clearly in bed with the *NRA*. His party controls Congress, and we haven’t seen a single piece of legislation passed in the interest of ordinary citizens. We haven’t seen a single bill for mental health care or gun control put forth, let alone considered or passed. That is pathetic, Devon, don’t you think?”

“We get tax reform for the richest among us, but we can’t get a bill that saves the lives of young students in our schools. If these politicians can’t pass legislation to keep us healthy or safe, why are they in Congress? Get rid of these guys and President John.”

“Do all of you agree with Emma’s position on our elected officials?”

The students glance at each other, nodding in the affirmative.

“Let’s discuss some specifics, ladies and gentlemen. What type of legislation would you like to see passed in Michigan or nationally to help alleviate the danger and prevent additional bloodshed?”

“We can agree there are two fundamental issues consistently present when we discuss these types of incidents,” Kenny begins.

“Both get lots of attention and virtually no action. Republicans want us to believe the issue is mental health, but when Republicans talk about health care, they always advocate cutting or eliminating funding. If you are a politician who believes the mental health rhetoric, please make your voice

heard in support of initiatives that improve citizens' access to treatment for mental illness.

"If you are a Democrat, keep pushing for serious gun control and gun safety legislation. Find common ground. Stop taking money from lobbyists on these issues. We don't need more debate. We need action. Kids are dying while you guys are debating. The legislation we need is any law the two sides can agree on that makes the situation better."

"Kenny is being too diplomatic," Jacqueline chimes in.

"President John is a narcissist. He advocates for a very limited constituency that includes the *NRA* and gun zealots. We hear these people argue that, somehow, we are trying to strip people of their constitutional rights. What about our constitutional rights to life, liberty, and the pursuit of happiness? It's difficult to achieve those rights when you're dead.

"We're not looking to take guns from law-abiding citizens. My father is a cop—he owns guns—he has always owned and carried guns. I believe we have the right to protect ourselves. However, who needs an *AK 47* or *AR 15* for *protection*? These are weapons of war. Do we need to hunt or protect our property or our lives with assault rifles?

"How does a mentally challenged eighteen-year-old obtain an *AK 47* and a *Lugar*? We don't need to disarm America to prevent school shootings. We need only common sense.

"One session for Kevin Burns with a mental health professional was all the school district needed—Burns and an *AK 47* are incompatible. If the session had taken place, nine people might be alive today. The blood of our brothers and sisters is on the hands of those politicians who have ignored gun safety. Yes, we are talking to *you*, President John."

"So, your group would like to see legislation, preferably at the national level, focusing on both gun control *and* mental health issues?"

"At a minimum, yes," Alex agrees.

"Kevin Burns' rampage was carried out over 8 minutes and two seconds, insufficient time for law enforcement to get to the scene. We need onsite law enforcement and improved security in our schools.

"We're kids. We don't have all the answers, but sometimes we feel like we're the only adults in the room. These elected officials *pursued* the offices they hold and asked us for our votes. We gave them our votes. That's a sacred trust, and they have betrayed us.

“No one should ever have to go through what we went through, what we are *still* going through. No parent should lose a son or daughter, no teacher should lose a student, no sibling should lose a brother or sister, and no student should lose a best friend or a teacher.

“Limit access to weapons of mass destruction. Improve mental health systems, background check systems, and security in schools. Gun violence has become a common, accepted occurrence in America. We must stop letting gun advocates control the narrative and shift the conversation from unlimited protection to sensible regulation.

“What a sad state of affairs we have when kids can get automatic or semi-automatic weapons with ease. When did school shootings become routine in America? These things don’t happen ‘routinely’ in other countries.”

“Let’s talk about other countries. Can solutions be found by looking at how others have responded to similar events?” Devon inquires.

“Yes,” Kenny responds. He and Zack researched other countries’ solutions in preparation for the televised event.

“Gun advocates like to tell us mass shootings involve mental health issues. Why then do these shootings occur with such frequency only in the United States? Did every mentally ill person suddenly move to the U.S.? Of course not, but other countries don’t have the repetitive violence we see here.

“Australia, for example, experienced a horrific mass-shooting event at Port Arthur in the late 1990s. Since that event, the number of homicides resulting from gun use has decreased by almost sixty percent. Why? Did Australia cure the nation’s mental health problems over the last twenty years? No. But the country did reform gun laws in the aftermath of Port Arthur, which resulted in the reduction.

“Gun control works. Australia is only one of many examples. Even here in America, gun control has been successful in every state that has passed legislation. However, we are looking to attack the problem on multiple fronts. We concede that gun violence in America is not solely a Second Amendment issue.”

“That will have to be the last word on the subject because we are out of time. For the record, we extended an invitation to representatives of the Barrington Arms Corporation. They declined to appear with us today, citing concerns with potential litigation resulting from the Bloomfield tragedy. Perhaps we can get their perspective sometime in the future. Thanks for joining us and have a great Sunday.”

The television lights dim, and the cameras are turned off. Devon Harlan approaches the students.

“Nice job, kids—you should be very proud. That was an impressive performance,” he tells them. His crew nods agreement in the background.

“Thanks, Mr. Harlan. We’ll be impressed when we see meaningful legislation passed. Words are easy, action is not,” Emma suggests.

“Still, you’ve made an excellent start,” Devon praises.

“Thanks for coming.”

“Thanks again for having us,” Kenny beams.

“Thank your dad. He brought your initiative to our attention. You should start receiving more appearance offers after this.”

“I hope so. The more opportunities we have to spread the word, the better.”

“Good luck. You’re going to need it, I’m afraid.”

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Jennifer and Zachary Blake watch *ViewPoint* from the bedroom of their Bloomfield home. They lay in bed, Zack on his back, four pillows propping up his head, with Jennifer, lying across the bed, her head resting on Zack’s chest.

As is their custom while they watch television together, Jennifer receives a back rub during the entire show. She lifts her head and turns to her husband.

“Kenny was wonderful! They all were, don’t you think, Zack? I’m so proud of these kids.”

“Impressive group of kids, that’s for sure. They have no idea what they are getting themselves into, though. We’ve thrown powerful people and lots of money at our gun violence problem. We have the police community solidly on our side. Still, we have gotten nowhere. A bunch of kids are going take on the *NRA* lobbying machine and win? I’m dubious. I like my chances in court, much better, even with Bush’s piece of shit immunity law.”

“These kids have struck a chord with the community. People are fed up with gun violence. The time is right for change.”

“I hope you’re right, Jen. Where’s Jake today? Kenny will be home soon. Want to go out and get some breakfast?”

“Jake had a date last night. He’s still sleeping.”

“Little Jakie had a date? How do you feel about that, Jen?”

“Who are these guys? They aren’t my little boys anymore. They’ve become men overnight. They’re great young men, but I miss my babies. You



know what I mean?”

“I know exactly what you mean. One minute they’re little and the next they’re grown. Where does the time go? But the important thing is you’re right about them. They are great young men, and you are the reason, sweetheart.”

“You helped. What would I do without you? I love you so much.”

Zack takes her into his arms and kisses her. The bedroom door is open. They finish the kiss, and Zack goes over and closes the door. He runs back, grins amorously, and begins to tug at his pajama bottoms at the same time. He almost falls. Jennifer giggles as she watches him. He manages to get back to his wife and kisses her again.

“Jake had a late night. He could probably use a little more sleep. Kenny won’t be back from downtown for at least a half-hour. We’ll wake him then,” Zack urges.

“Good idea, I can catch up on my reading,” Jennifer smirks. She turns her back to him, smirks, and reaches for a book on her nightstand.

“That’s not what I had in mind.”

“No? What did *you* have in mind?”

“Something the two of us could do together?”

“Take a nap?” She giggles.

“Real funny, smartass.”

“Are you pouting? Seriously? Come here. You’re such a big baby. What can I do to make you feel better?”

“Well . . .”

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Forty-five minutes later, Jennifer and Zack hear a car pull up on the circular drive. The front door opens and closes. They hear footsteps on the stairs, followed by a light tap on their door.

“Mom? Dad? Are you awake? Did you watch? I recorded it if you didn’t.”

Zack opens the door to Kenny. He immediately grabs and embraces his oldest son.

“I’m proud of you, young man. That was an impressive performance.”

“We’re *both* proud of you, Kenny. You were terrific,” shouts Jennifer, from the master bathroom. “I’ll be right out. Want to go out to breakfast?”

“Sure.”

“Go wake your brother. He slept in. Rumor has it that he had a hot date last night. Any gossip to share?”

“No. I don’t even know who the girl is. He is playing it very close to the vest.”

“I want details. Part of being the responsible older brother is to narc on the younger brother at his mother’s request.”

“That’s not how it works, Mom. Subtlety and diplomacy rule the day. Assuming I’m willing to be a narc for you, which is still an open question, Jake can’t suspect. He’ll come to me for dating advice eventually. The far better strategy is to let Jake drive the conversation.”

“Good strategy, son,” Zack agrees. “As long as we get details.”

“On it, Dad. I’ll go wake him. Where are we going, anyway?”

“Pancake House?”

“Do you promise to behave?”

“What do you mean?”

“Every time we go to the pancake house, you order something healthy. The food comes—you check *ours* out, get a puppy dog look on your face, and ask for a taste. Then you’re pissed off when we don’t want to share. We’re growing boys. If you want a *Big Apple* or a *Dutch Treat*, order one!

Remember what happened when *you* last appeared on *ViewPoint*?”

“Okay, tough guy. I’ll remember our conversation when you want to borrow my car. We don’t share in this family.”

“On second thought . . .”

“Go wake your brother.”

Kenny leaves the room and closes the door. Jennifer comes out of the bathroom.

“It’s amazing how they’ve grown to love you, Zack. You’ve become a real father to them. I’m so happy.”

“They’re great boys, Jen. They make it very easy. I wish I could relate as well with my girls. They are on ‘team Tobey,’ they don’t give me a chance.”

“It’s pretty shitty of Tobey to deprive her daughters of a great father because of her own issues,” Jennifer squawks.

“In fairness to her, she got the shit end of the stick. She was with me at my worst. I was in a tailspin we both thought would never reverse. If it weren’t for you and the boys, I’d probably still be on Eight Mile Road or worse, hustling ninety-nine-dollar traffic ticket cases for a living.”

“Tobey made her own bed. You were successful when you were married to her. When things started to go wrong for you, she could have been more supportive. She could have given you a swift kick in the ass like I did. She chose to leave when the going got tough. That’s on her.

“Besides, what happened is between you and her. These are your children too. They were a joint venture. What do your marital problems have to do with your relationship with your girls? Shouldn’t they be allowed to decide for themselves whether they want their father in their lives?”

“Yes, they should. You’re one-hundred percent correct. Hopefully, as they get older, they’ll come around. I’d like to be more than just a source of alimony and child support payments.”

“Why don’t we invite the girls for supper?”

“You would do that?”

“For the love of my life and his children? Anything. Look at all you have done for *my* children. You have made them your own. You didn’t have to do that.”

“God, I am so lucky to have found you. I truly love you and those terrific boys. You know how I feel, don’t you?”

“And we love you. Now, get dressed. It’s time to fight over pancakes.”

## Chapter Nine

Jennifer Blake was on the board of the Bloomfield *PTA*. Since the shooting, the main topic of conversation at *PTA* meetings has been school safety. The group is discussing and negotiating position statements and resolutions addressing gun violence, school safety, prevention of future events, and mental health initiatives.

The group organized a crisis management team tasked with brainstorming solutions to prevent future violence. The team isn't limiting brainstorming activities to *PTA* members. It's resolved to work with *all* concerned parents, teachers, school leaders, and any other members of the community who are willing to work together to influence decisions, improve school safety, and protect the well-being of all children in the Bloomfield public schools.

The crisis management team is meeting for the third time since the shooting. Those responsible for assembling the team make a calculated decision to appoint people who have different views on the various issues of the day. Their strategy is that meaningful change will only occur if people of different views come together and are successful in changing or modifying opinions for the common good. For Lansing or Washington to pass meaningful legislation, minds must be changed. People's values must be challenged. The team is a microcosm of how these decision-makers might come to a resolution of various differences for the safety of our children.

"We can all agree our children have the right to learn without worrying some madman with a gun is going to have easy access to the school, right?" Keri Levin, *PTA* president, is an outspoken critic of the lack of security in schools. "We need to lock the doors from the outside, have trained school officers patrolling entrances and hallways, and students need to be trained to be more vigilant, as well. If you see something, say something, that sort of thing."

"All of that is true, Keri, and I support the initiative. However, we also need to take a stand on guns. Our schools need to be gun-free. At the same time, we must not be naïve. Guns should have locks and other safety devices to prevent accidental discharge by a school-aged child. We must have severe discipline and alternative educational settings for any child who brings a gun or other weapon to school. Any such child should receive a mental health evaluation and screening," Jennifer opines.

“We also need to restrict Internet gun sales. You can buy a kit on the Internet, right now, today, that can either make a gun or modify an existing one to be more dangerous. Hell, these days, you can even *make* a gun on a 3D printer! Minimum age restrictions should be enforced at the very least and, preferably, increased to twenty-one,” offers another member.

“How about universal background checks and severe penalties to dealers, whether they are licensed or not, who fail to conduct background checks or complete appropriate paperwork? We could include very severe penalties, even jail time, to those who allow any weapons to be purchased by adults and transferred to juveniles. These penalties should be even more severe if a juvenile commits a crime with that gun or weapon,” argues another.

“We must also support the allocation of funds to establish educational programs for teachers, parents, students, and administrators about gun safety and prevention and/or limitation of gun violence in our schools. We should also raise and allocate funds to lobby for legislation that would reduce gun violence in our schools.”

“And, let’s include reenacting and toughening the federal weapons ban passed by President Clinton,” Jennifer suggests.

“Great idea,” Levin agrees.

“Bullying and mental health initiatives are also important issues to consider,” Jennifer continues. “Kevin Burns has serious mental health issues that should have been monitored and addressed by his parents and by school administrators. Despite knowledge of his known mental health concerns, Kevin was permitted to attend school without screening, testing, or examination to determine whether a public high school placement was appropriate. Whatever condition he is suffering from has not been diagnosed or treated. It has been ignored.

“Furthermore, because Kevin was perceived as ‘different’ by his classmates, his mental health problems were compounded by relentless bullying and name-calling. Taking on the *NRA* on the issue of guns has always been a difficult task. But identifying, testing for, and treating mentally challenged kids is something we can all agree is vital. The allocation of money for the project is the only conceivable issue that prevents the immediate implementation of a comprehensive program. I suggest we make mental health a priority in Lansing.”

“Jennifer, would you mind developing a plan to take to the appropriate legislators?”

“My sons and I would be honored to work on such an initiative. It should come from students, parents, teachers, and administrators and should include funding for parents who may know that their kid has issues but can’t afford appropriate treatment.” Jennifer is pleased to be considered.

“Great point.” Levin nods in agreement.

“We’ve got our work cut out for us. Let’s get cracking.”

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After conclusion of the meeting, Jennifer stays behind. She’s enjoying a cup of coffee with Keri Levin.

“How’s Kenny doing, Jennifer?” Keri wonders.

“He’s much better physically. I worry about him mentally. He doesn’t talk much about the shooting or his heroism. He has channeled his energies toward our current legislative battle. He even decided to delay college until something meaningful is accomplished.”

“Is he seeing anyone?”

“Professionally, you mean?”

“Yes, sorry.”

“He still sees the psychiatrist that helped him and Jake with the priest abuse situation. I honestly don’t know whether they’ve discussed the shooting. When Kenny was younger, I was more involved in his treatment. He’s almost an adult now—I don’t want to invade his privacy.”

“I understand, but you could encourage him to discuss it or encourage the doctor, what’s his name?”

“Rothenberg.”

“Encourage Dr. Rothenberg to bring it up.”

“That’s a good idea, Keri. That doesn’t invade anyone’s privacy. Our gun law debate is a big challenge for Kenny. He wants to be a lawyer and advocate for the less fortunate. The legislative and legal battle on guns and Kevin Burns will be a good lesson, a stepping-stone to see whether advocacy is a good fit for him.”

“College isn’t the only way for a kid to get an education. What about all of the kids who can’t afford college and go into the military first? They go to college after traveling the world, learning discipline and chain of command, mastering a trade, and gaining tremendous confidence and practical experience. Kenny will obtain valuable experience. You’ll see.”

“Alternate educational opportunities instead of formal education from the president of the *PTA*? That’s a new one.”

“Yeah, well, don’t tell anyone. Our secret, okay?” The two ladies laugh and finish their coffee. Jennifer feels a whole lot better about the challenges facing her young son.

# Chapter Ten

Charles (Charlie) Barnes is a veteran criminal defense lawyer. Charlie isn't a public figure like Zack Blake. He's a lawyer's lawyer—everyone in the Detroit legal community knows Charlie. If a judge or lawyer finds him or herself in criminal hot water, their first call is to Charlie. He's an institution in legal circles; no one knows criminal defense better than Charlie Barnes.

Because Kevin Burns' parents aren't wealthy and Kevin's a minor being charged with multiple counts of murder as an adult, Judge Hugo Selik appoints Charlie to represent Kevin. Charlie detests mass murderers and is concerned about the impact representing Kevin will have on his reputation. He tries to turn the assignment down and lobbies Judge Selik to choose someone else.

“Try someone who has more time on their hands and can give Kevin the attention he needs,” Charlie recommends.

Of course, Charlie's argument is total bullshit, and Judge Selik sees right through it. His Honor wants Barnes to represent Kevin Burns, period—end of discussion.

Selik lacks authority to *force* Charlie to represent Kevin. However, a criminal defense lawyer cannot avoid appearing before a particular judge. The system assigns judges by blind draw. So, when a judge requests your services as a ‘personal favor,’ declining representation is out of the question, unless you don't mind appearing in front of a pissed-off judge with a long memory.

Besides, Charlie believes in a criminal defendant's constitutional right to trial. Everyone has the right to a fair trial, even a mass murderer. While Second Amendment advocates like Ted Nugent, the pride of Redford Michigan, often suggest that people with guns should ‘take out’ criminals with guns and save all of us the trouble and expense of trials, Charlie Barnes thinks guys like Nugent are hypocrites. To Charlie, the Sixth Amendment is sacrosanct and guarantees everyone the right to a fair trial. You're either for the Constitution or against it. You can't pick and choose your favorite amendments. *Why, Ted, is the Second more important than the Sixth?*

After ‘accepting’ the assignment and meeting with Kevin and his parents on multiple occasions, Charlie believes diminished capacity is Kevin's best defense. The important question is whether to argue insanity or



incompetency. The media often conflates these terms. To have a fair trial, a person must be able to understand the charges against him and be able to discuss the charges rationally with his attorney. If he can't do both, he is considered *incompetent* to stand trial. Thus, competence is determined *before* the prospect of a trial is even considered.

The Sixth is another one of those inconvenient constitutional provisions the Nugents of the world like to ignore. A criminal defendant is entitled to due process, guaranteed by the Constitution. Someone who is not competent to stand trial is denied due process if forced to trial.

In contrast to competency, *insanity*, or, more appropriately, the insanity *plea* deals with the issue of whether or not Kevin was in his right mind *at the time he committed the crime*. Kevin won't stand trial if found to be *incompetent*. However, he *might* stand trial if found competent, but legally insane when he committed the crime. People are often confused about these standards.

Competency to stand trial is a low threshold. Kevin must understand the charges against him and be able to discuss those charges with his attorney in a reasonable manner. By contrast, in Michigan, *insanity* has a high bar. It is governed by the Modern Penal Code standard requiring a defendant to lack *substantial capacity* to understand his or her conduct was criminal. Competency to stand trial is determined by the judge *before* a trial, while insanity is determined by the jury when it renders its verdict. Charlie is reasonably confident Kevin will stand trial. He's interviewed the boy several times, and while Kevin isn't easy to deal with, he's not incompetent.

Charlie explains possible defenses and strategies, including insanity, and Kevin refuses to cooperate, questioning everything. Kevin's very difficult to work with and has serious trust issues. *Why wouldn't these trust issues extend to some unknown attorney appointed by some unidentified judge who's employed by the 'hated' government?*

Kevin and Charlie have a contentious relationship. Because of Kevin's skepticism, he questions every move Charlie makes. On the other hand, Charlie's job is to question all relevant issues in the case, so he decides to raise the issue of Kevin's competency at the preliminary examination. Judge Selik grants Kevin a competency hearing and a psychiatric evaluation, which becomes a serious point of contention between lawyer and client.

Kevin vehemently disagrees with Charlie's approach. He wants to defend himself and declares he is fully competent to do so. Kevin wants his trial to

be a referendum on bullying.

Today is the date and time for Kevin's competency hearing before Judge Selik. Oakland County Assistant Prosecutor Karen Sprague has psychiatrist Elliot Spitz on the witness stand.

"Dr. Spitz, Judge Selik, and counsel for both sides have your four-page written report following the Burns examination. The report speaks for itself. For the record, you were appointed by the court and not retained by either of the attorneys involved, is that correct?"

"Yes, that's correct."

"Was the defendant cooperative during the examination?"

"Not at first, but, ultimately, yes, he was quite cooperative."

"Do you have an opinion as to whether the defendant can understand the issues and capably assist his attorney?"

"Yes, I do."

"And what is your opinion?"

"I can't answer with a simple 'yes' or 'no;' my answer requires a detailed explanation."

"Explain away, please, understanding by stipulation, your report is in evidence."

"According to both the defendant and his attorney, Mr. Barnes, Kevin has been very uncooperative and stubborn about crafting a cogent defense. Defense counsel is ethically bound to defend Kevin, and he wants to do certain things to advance his defense. Kevin does not want to do those things. He feels the strategies advanced are disingenuous, even outright 'trickery' as he calls them. The approach makes him angry. There is increasing tension between counsel and client, a lack of trust, if you will, about how to go forward. Kevin wants to do things one way and defense counsel, another."

"What are these differences of opinion, for lack of a better term?"

"Kevin is certain he is competent to stand trial and not legally insane. Defense counsel believes Kevin is not only incompetent to stand trial, but also legally insane. Their 'difference in opinion' as you refer to it, is also what accounts for the initial difficulty I had with Kevin when I began my examination and evaluation."

"Competency and insanity are two different issues, with two different legal consequences, correct?"

"Correct."

"We are here today to discuss *competency*, you understand, right?"

“Right.”

“Failing to cooperate with counsel is a choice, is it not?”

“It is.”

“Do you believe Mr. Burns retains the ability or capacity to cooperate with defense counsel if he chooses to?”

“Without a doubt.”

“But he has elected to be uncooperative?”

“In no small degree, yes. However, there is more to the issue than simply being uncooperative. Kevin’s decision to be combative is based on logic and rational thought. We have trouble understanding why he would not wish to put forth the defense recommended by a defense attorney with years of experience. After all, it’s his best chance to stay out of prison or limit his prison term.

“Kevin cares about his reputation. He does not want his legacy stained by a diagnosis of mental health issues or neurobehavioral defects. There is also evidence of autistic traits. Was his manifesto written appropriately and understood? Is he too short? Do his ears protrude too much? Is his clothing substandard? For some reason, these things are quite important to him, perhaps more important than his trial or his freedom. He is upset Michigan doesn’t have the death penalty. None of this affects the determination of whether he is competent to stand trial. I believe he is.”

“Kevin did not believe he was going to survive the shooting, did he?”

“No, he didn’t. He was shocked he survived. He planned to use a homemade bomb and two powerful automatic weapons to kill as many ‘bullies,’ as he refers to his victims, as he could. Eventually, the police or the school guard, who he knew carried a weapon, would execute him.

He was counting on that outcome, which is why he wrote a manifesto. If all else failed, he planned to save a round and kill himself. When confronted with the opportunity to commit suicide by cop, he surprised himself and surrendered instead. He discovered, much to his chagrin, he wasn’t brave enough to commit suicide. His cowardice haunts him.”

“Is he competent to stand trial? Can he assist in his own defense?”

“No question. The fact that Kevin disagrees with strategy is not incompetence. In truth, his willingness and ability to develop a strategy and a defense is the exact opposite of incompetence. Kevin believes defense counsel is interfering with his ability to do what he wants, which is why they are at loggerheads.”

“What is Kevin’s preferred defense?”

“He wants to argue justifiable homicide. He believes his acts were quasi-political in nature—he was making a statement. Bullying is wrong, and society should punish the bullies. In this case, Kevin represents society, and the punishment ‘society’ decided to mete out is death. He realizes he killed people. He is not remorseful about killing them, as their deaths are what he intended. He realizes others feel bad, but he has successfully carried out society’s death penalty. The bullies have been punished, and those bullied are now protected. Justice has been served.”

“Does he realize his approach will likely result in a guilty verdict?”

“He doesn’t care. He wants to make the statement. He is thinking of discharging Mr. Barnes and proceeding *pro se*. He thought he was going to die. His manifesto would be his last word on the subject of bullying.”

“He plans to do his own opening and closing?”

“Yes, and he will present evidence, even cross-examine government witnesses. He will not exercise his right to remain silent. He plans to be very active in the trial.”

“Further evidence of his competence to stand trial?”

“Yes.”

“The defense, in its motion for a competency hearing, alleges that various developmental disorders and mental illnesses control Kevin’s decision-making ability and severely compromise his ability to reason. Do you agree?”

“The issue of compromised decision-making is at the heart of the disagreement between Kevin and Mr. Barnes. Kevin believes these defense theories run counter to his purposefulness, his rational reasons for committing these crimes in the first instance. He finds the notion he is ‘crazy’ to be embarrassing. He desires to clear the air about his mental status and demonstrate he acted in response to severe bullying, not out of any mental disease or defect. His lawyer wishes to pursue the latter defense, as evidenced by today’s hearing. While competency and insanity are not the same things and the standards of proof are different, they are undoubtedly first cousins.”

“Did the defendant offer any other insights as to his motivations in committing these crimes?”

“Yes. Kevin strongly believes the government and the media have, for years, been involved in a conspiracy to advance the educational and cultural opportunities for wealthy people and deny these same opportunities to lower-income people, those who are different, people who don’t look like they

belong. Personalizing conspiracy theories to Kevin Burns, opportunities are denied to short people. Perhaps they are not good looking, not 'polished' or wealthy. Perhaps they have protruding ears. According to Kevin, the government and the media believe these people deserve to be bullied.

"The school district, the representative government, and the media look the other way or are complicit in bullying. Kevin claims we see no important legislation and no serious reporting on the issue. Why? In his world, the community, government, and media wish to create some version of a 'master race,' especially in places like Bloomfield, where people like Kevin are not a good fit. Someone needs to speak up for those who are being shunned, ridiculed, and bullied. Because no one else is challenging the status quo, Kevin decided to take action and call attention to the issue."

"Anything else?"

"Yes. Kevin wants to get his message out to the public while he has the media's attention. Everyone will be watching his trial, a huge media event, and he wants the trial to be about bullying and his own experience with bullies. He does not want his message besmirched by arguments about autism or mental defect or psychotic delusions. He wants to say he was bullied and planned a brutal but logical response to the bullying and the bullies. He killed nine people, knowing their deaths would be a newsworthy event and would provide him a platform to air his grievances."

"He is capable of assisting counsel in his defense?"

"There is little question he is capable. They don't agree on much, and *that* will make things difficult."

"Does that matter in terms of competency?"

"No, not in my opinion. They have different opinions on how to proceed. Does the fact Mr. Barnes doesn't agree with Kevin's strategy make *Mr. Barnes* incompetent?"

"Many people have argued that." Charles Barnes stands and interrupts, speaking for the first time. The judge, the attorneys, and the gallery in attendance laugh at the remark.

"Does Kevin appreciate the real risk he is facing, life in prison without the possibility of parole?"

"Without any doubt."

"His attorney has argued in his motion that the defendant will often go into what he describes as fugue states. He will close his eyes during hearings and appear to be sleeping. If his eyes are open, he will stare into space. In his

motion, counsel describes the defendant's behavior as disassociation, paranoid, and delusional."

"I asked Kevin to comment about the behavior in question. He claims the entire affair causes him extreme discomfort. He is constantly thinking about strategy, and his thoughts cause him to drift somewhere. His behavior is rational. In my opinion, he is thinking, not disassociating."

"Within a reasonable degree of medical certainty?"

"Yes."

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

"Mr. Barnes? Cross-Examine?" Judge Selik invites.

Charlie Barnes stands and approaches the witness, speaking as he walked.

"Yes. Thank you, Your Honor. Good morning, Dr. Spitz."

"Good morning."

"How many hours have you spent with the defendant, doctor?"

"About ten hours in three sessions."

"Did you review the reports of the doctors who evaluated Kevin on behalf of the defense?"

"No, I did not."

"Can an autism spectrum disorder affect someone's competency to stand trial?"

"Yes, depending upon the severity of the condition and the particular defects of the defendant."

"What if the disorder does not cause intellectual disability?"

"My answer would be the same."

"Your report suggests a diagnosis of autistic spectrum disorder, does it not?"

"It does, but not the full disorder, perhaps some traits of the disorder."

"I asked a 'yes' or 'no' question, doctor."

"The question cannot be answered 'yes' or 'no.'"

*He's testified before.*

"Autism, by definition, is incurable, is it not?"

"It is not. But you can have many symptoms or only a few."

"Can a professional evaluate the degree or frequency of symptoms from a ten-hour clinical evaluation and the defendant's self-reporting?"

"As to self-reporting, no. In most cases, and Kevin is one of those patients that denies having the illness. As to the clinical interview, I would say yes, I can evaluate his condition in that amount of time."

“Kevin has a high IQ, correct?”

“Correct.”

“Does that make it easier for him to mask symptoms of autism?”

“Probably yes, but my evaluation does not rely on his self-reporting. Also, this may cut both ways. The higher the IQ, the more likely he can participate in his own defense. He can communicate verbally and is more than capable of rational thought.”

“Doctor, that too, was a ‘yes’ or ‘no’ question. Your Honor, will you please instruct the witness to limit his answers to my questions?”

“Mr. Barnes, there is no jury here. I would like to make my decision by hearing everything that Dr. Spitz has to say. If he needs to explain his answers a bit, I’m okay with it. A little leeway is in order, don’t you think?”

“I disagree, Your Honor, for the record, but you’re the judge. May I have a continuing objection on these expanded answers?”

“You may. Please proceed.”

“Thank you, Your Honor. Dr. Spitz, whether Kevin fires me or not, he clearly plans to present evidence and witnesses and make an opening and closing statement relative to his bullying defense, correct?”

“Yes. His specific strategy was not made clear to me, but Kevin plans on doing all of the things you suggest.”

“So, he wasn’t completely candid with you?”

“I wouldn’t put it that way. We just didn’t discuss specifics.”

“Why not?”

“Because he believes his case presentation will depend upon the government’s presentation and will be reactive, not proactive.”

“He said that?”

“In so many words.”

“So, you only know what he plans to do in a general sense, correct?”

“Correct.”

“He is concerned about his legacy, is he not? His reputation?”

“He is. He wants to be perceived as a hero to people who have been bullied and not as a deranged lunatic who committed mass murder without rational explanation.”

“What’s he worried about, reputation-wise?”

“Nothing in particular. Kevin wants his family and the community, in general, to know his crime was committed for a specific reason. He wants that to be his legacy.”

“Did he refer to me as a ‘bully?’

“He did. He claims you were constantly messing with him, pushing him around, trying to get him to conform to your desire to put forth a defense he doesn’t agree with.”

“Does he want to shoot me?”

“He didn’t say so to me.”

“Does he wish to harm me?”

“He’s not happy with all of these psychiatric examinations. He blames you for raising his potential incompetency and insanity when he believes he is neither incompetent nor insane.”

“And, as a result, he wishes to harm me? It is in your report, doctor.”

“He has had a lifetime of being pushed around by bullies and will tolerate it no further. He perceives your methods as bullying tactics, imposing your will, trying to get him to do something he doesn’t want to do. He would resort to violence to prevent that, so, yes, in that sense, he would harm you.”

“He has indicated I tried to mislead, trick, or lie to him, true?”

“True. Kevin has asked you repeatedly to abandon an incompetency defense, but you keep setting up more exams, calling them physicals rather than psychiatric exams.”

“Do you feel I tricked Kevin or lied to him?”

“I understand why *Kevin* feels that way. He wishes for you to stop pursuing your preferred strategy.”

“Let’s talk about Kevin’s clothing obsession. Evidence of autistic spectrum traits?”

“I wouldn’t say he has a ‘clothing obsession’ and yes, clothing obsessions as you call them can be evidence of an autism disorder. With Kevin, however, his clothing issues are related to the way he looks, his looks being a broader issue. He believes his inability to afford what he refers to as ‘Bloomfield appropriate clothing’ is part of general appearance issues causing him to be bullied. That is not necessarily rooted in autism.”

“Autism is a disorder of social communication, is it not?”

“Yes, but, as I indicated, there are degrees. Kevin has rather good communication skills. Can he provide input to the defense? Yes. Is he familiar with certain witnesses and able to provide insight? Yes. Can he develop and communicate strategy? Yes. You may disagree with the strategy, but that’s not the issue. He can, indeed, communicate well and defend himself.”



“Defending himself and being competent are two separate questions, are they not?”

“They are. Competent to stand trial is a far lower standard. Even if Kevin chooses to fire you, as you suggest, he will need you to mount a good defense. Lawyers have degrees, training, and expertise to represent people in these matters. However, lesser ability does not equate to a lack of competence.”

“Have you ruled out a diagnosis of autism spectrum disorder?”

“No, I have not. But there is a wide range of people and symptoms. Some people with the disorder would be unable to speak with me or any other doctor. Kevin is highly functional.”

“Are you an autism specialist?”

“No.”

“Autism diagnosis and treatment are subspecialties of psychiatry, are they not?”

“Yes.”

“Does Autism treatment involve specialized training?”

“To treat it extensively, yes. To evaluate and diagnose, I would say no.”

“If someone came to you for treatment of an autism disorder, would you treat him or refer him?”

“After I diagnosed autism, I would refer him to a specialist. That’s what my opinion is here, a diagnosis.”

“Did you perform ADOS testing?”

“No.”

“Would you agree that ADOS testing is the definitive clinical instrument for diagnosing and assessing autism?”

“Yes.”

“And testing consists of a series of structured and semi-structured tasks involving social interaction between the examiner and the patient, correct?”

“Correct.”

“But, you didn’t perform ADOS testing?”

“I already answered that question. No, I did not. However, for purposes of Kevin’s competency exam, it wasn’t necessary. He is very communicative, thoughtful, and has strong opinions about the direction in which he wishes the trial to go. If he is autistic, it is a mild form and does not affect competency to stand trial.

“Might he be psychotic?”

“Psychosis involves cognitive reality distortions impossible to hide from an experienced examiner. Kevin is not psychotic. He has some personality disorders and what appears to be a mild form of autism, but he is competent to stand trial.”

“Kevin developed most of his opinions by spending hours researching bullying on the Internet, true?”

“True.”

“Is he capable of distinguishing between real and fake news about bullying on the Internet?”

“I would say he is. However, he is also likely to believe things consistent with his experiences with bullying. Whether or not they are true, however, is irrelevant to the issue of competency.”

“He is unshakable in the belief his response to bullying was appropriate, is he not?”

“He is unshakable but not incompetent to stand trial.”

“Your Honor?”

Kevin Burns stands and addresses the court.

“Yes, Mr. Burns?”

“May I question the witness?”

“No, Mr. Burns, you have counsel.”

“What if I want to discharge my attorney?”

“Mr. Barnes is an excellent lawyer. Discharging him would be a very unwise thing to do.”

“But, Your Honor, I do not want to be found incompetent to stand trial.”

“Well, I have good news for you, young man. I’m going to call a halt to these proceedings. While I’m troubled with your behavior and your apparent lack of remorse, I find the evidence proffered by the good doctor, and by other psychiatrists whose reports are part of the record, clearly establishes that you are competent to stand trial. Doctor, you are excused; court is adjourned. Mr. Barnes, I strongly urge you to come to some understanding with your client about how you intend to present his defense.”

“I object, Your Honor. I wish to continue with my cross-examination and present my own witnesses at today’s hearing,” Barnes argues.

“Your objection is noted for the record. All the psychiatric reports I reviewed make it very clear the defendant is competent to stand trial. That fact alone is all I am ruling on today. All defenses are still on the table, Mr.

Barnes, but further testimony on competency is a waste of taxpayer dollars because your client is clearly competent by any legal definition.”

“Whatever you say, Your Honor,” Charlie grouses.

“Whether he decides to discharge you and whether or not I permit it, you will be his counsel going forward. Do both attorney and client understand that?”

“Yes, Your Honor,” Barnes capitulates.

“Mr. Burns?” Judge Selik inquires.

Kevin nods.

“Is that a yes, for the record?” The court reporter cannot record a head nod. Selik needs a verbal response.

“Is that a yes what?”

“Do you understand, Mr. Burns?”

“Do I understand what?”

Kevin is now getting under the judge’s skin.

“Do you understand Mr. Barnes, if you discharge him and I permit his discharge, will stay on as support counsel?” Selik grumbles.

“Do I have a choice?”

“No.”

“Then, I understand.”

“Excellent!” Judge Selik cheers.

“Court is adjourned. I’ll see counsel in chambers.”

# Chapter Eleven

Zachary Blake is concerned and somewhat conflicted. He has multiple clients to represent and is seeking significant money damages for injuries, deaths, and survivor losses suffered by various students and their families. The 2005 *Protection of Lawful Commerce in Arms Act* renders it nearly impossible to pursue gun manufacturers or sellers for harm caused by the criminal behavior of a purchaser (or, here, the son of a purchaser) of one of their weapons. Zack wants the lawsuit to send a message to the gun lobby.

*We must hold you bastards accountable!*

He strongly believes civil liability should be imposed upon gun manufacturers and/or dealers whose products are used to arm criminals. Under the draconian 2005 law, however, the manufacturer, dealer, or both must be found negligent. Unfortunately, it seeks to destroy all liability theories.

Laws like Bush's gun immunity statute infuriate Zachary Blake. He views all tort reform statutes to be unwarranted attempts to discriminate against victims.

*Citizens need the protection of Congress; the manufacturers of dangerous products do not! Why isn't the 7<sup>th</sup> Amendment as important to our elected officials or citizens as the 2<sup>nd</sup> Amendment? What is wrong with these people?* Zack fumes over another example of what Charlie Barnes calls constitutional hypocrisy.

While the gun lobby sought to close the courthouse door to *all* legitimate claims, Zack and other clever lawyers often artfully dodge these efforts with carefully crafted pleadings and appropriate argument, successfully litigating their claims, and holding gun companies responsible. Success will boil down to two theories of liability: The companies designed and sold an unsafe weapon. The companies irresponsibly or knowingly distributed firearms in a way that armed criminals.

Zack knows the first option requires an actual product defect. Obviously, a firearm is an inherently unsafe product. It is designed to shoot things, including, on occasion, people. For a gun to be considered 'unsafe' in a product liability context, it must have some type of defect, like a faulty trigger or scope. No such obvious defect was present in Kevin's guns, although Zack still pled the theory.

Any chance of success for Zack's claims against the gun dealers would have to be premised on the latter argument. He must find a way to hold the manufacturer and/or dealers liable for their behavior related to gun *distribution*. The three theories Zack pleads on behalf of his clients are negligence, public nuisance, and deliberate criminality. After 2005, these are the only theories U.S. courts have been willing to entertain.

Successful attempts to overcome the 2005 law have only happened when industry whistleblowers came forward, accidental or clandestine production of previously secret gun company documents occurred, or industry executives provided surprisingly honest testimony. Zack is acutely aware that success will require some piece of evidence—documents, test results, or the like—or someone—a whistleblower or executive with a conscience—that demonstrates irresponsibility and/or deliberate criminal behavior.

Zack has already met with Micah Love, his chief investigator. He has put Micah in charge of finding the 'smoking gun,' no pun intended. Micah must prove Barrington, and its sales agents knowingly funneled guns into the illegal market or find evidence to demonstrate Barrington or its representatives could have acted to prevent firearms from getting into the hands of Kevin Burns. Zack needs a reason, *any* reason, why Kevin's father should never have been permitted to purchase the guns his son used in the Bloomfield school shooting.

In the alternative, Zack must prove whoever sold those guns to Kevin's father knew or should have known Kevin would use the guns or otherwise enter the criminal market and ultimately cause harm to Kenny and the other school shooting victims.

The types of transactions Zack likes for Kevin's case are what attorneys refer to as 'sales to an irresponsible person,' or 'repeat sales of more than one handgun to a particular individual in a short amount of time.' He also considers additional categories, like buying and selling on the black market—Zack is convinced most gun dealers are involved in illegal sales . . . *Maybe Kevin's dad bought his weapons illegally?*

With Micah's assistance, Zack seeks to prove Charles Burns' previous record, and that the number of weapons he purchased over a short period of time were red flags. These should have prevented the elder Burns from possessing the weapons used by his son in the Bloomfield shooting.

The path to success in pursuing the gun dealers is a difficult one, hence Zack's feelings of conflict. He wants to proceed, full tilt, against the gun

manufacturers and dealers. However, the easier path to success is to pursue the shooter's parents, Susan and Charles Burns, the school, school district, and its' employees for negligence.

The Burns family is not wealthy by any stretch of the imagination, but Micah's investigation reveals a homeowners' insurance policy with *Michwide*, a local carrier. The liability coverage limit available to Susan and Charles Burns for negligence is one million dollars.

The carrier enters the lawsuit under a so-called reservation of rights because the policy doesn't cover an insured's intentional acts. As the argument goes, Kevin Burns is insured under the policy as a resident in the household. But these shootings were intentional acts. Zack's lawsuit does, indeed, sue Kevin for those intentional acts, but circumvents the exclusion by naming and faulting his parents for *negligence* in failing to supervise their son, and for permitting easy access to the guns and gun cabinet.

Zack pleaded the latter argument as 'gross negligence,' which causes *Michwide* attorneys, adjusters, and claims managers considerable discomfort. They are terrified the company might have exposure under these theories. These company executives are frantic a jury might find that the Burns family was *grossly negligent*, which might result in liability and a huge award far exceeding the policy limits. Zack has the carrier right where he wants.

The same is true of the school and school system allegations. While an investigation is still ongoing and a comprehensive report of law enforcement, the Michigan Department of Education, and the local school board is not expected until sometime later, it's clear security at the school was lax at the time of the shooting. Security protocols were breached, and numerous warning signs were ignored.

Similar to his situation with *Michwide*, Zack is in a very favorable liability situation vis-a-vis the school and the school system. The only potential defense for the school and the school system is governmental immunity, which is usually a strong and viable defense to lawsuits filed against government agencies. In Zack's case, however, gross negligence and a statutory 'building exception' trump immunity. Furthermore, when disaster strikes, the court of public opinion strongly supports student victims and demands the school system treat these victims fairly.

Zack makes the practical decision to instruct Micah to obtain the goods on the gun industry people before actively beginning to pursue that aspect of the case. Zack will concentrate on the alternate theories of the case, focusing

on the school system and the Burns family. He'll obtain all records and depose as many witnesses as he can find to nail down liability against those defendants.

Today, Zack is at the Oakland County Jail complex, preparing to take the deposition of Kevin Burns. The deposition is not scheduled without a legal challenge. Charlie Barnes and Kevin's civil attorney—in reality, a *Michwide* Insurance retained attorney, Burl Tyner—protest the deposition to Federal District Court Judge Herman Jaffe. The lawyers argue that Kevin's testimony violates his Fifth Amendment rights against self-incrimination.

Both lawyers are terrified because they know Kevin has a strong desire to make his case a referendum on bullying. Kevin doesn't care which case, criminal or civil, grants him the forum to air his grievances. However, there are very different consequences, criminal to civil, if Kevin spills his guts in deposition. The differences between civil and criminal, indeed, the potential *consequences* of one to the other, are entirely lost on Kevin.

Zack argues Kevin is now eighteen years of age and has a right to decide whether or not he wishes to take the Fifth. His attorneys may give Kevin *advice*, but they may not bar Zack from noticing up and proceeding with the deposition. Kevin has the right, if he chooses to exercise it, to refuse to answer questions. In the end, Judge Jaffe, a veteran judge, rules in Zack's favor.

If Tyner could obtain policy limits authority at that moment, he would immediately tender the policy before Kevin's deposition testimony. Tyner knows paying limits is the prudent approach. After Jaffe's decision, Tyner lobbies hard for *Michwide* executives to pay policy limits insurance proceeds into the court. However, as insurance company representatives often do, *Michwide's* claims management superiors stupidly ignore Tyner's sensible legal advice. Insurance company executives *hate* Zachary Blake and refuse to hand him an easy victory. Tyner is not happy with their decision.

*They can hate Blake all they want, but they have to respect him. He has the talent to make these guys regret their decision. I'll make them put it in writing . . .*

Zack is very uncomfortable inside a correctional institution. Back in the day, he spent an evening behind bars for contempt of court in a case where a dishonest judge tried to make an example of him. Zack detested the experience. He was claustrophobic, found it difficult to breathe, and feared the prison population, even though he was placed in a solitary holding cell.

He remembers being jarred by the sound of the heavy steel doors slamming, locking him inside an eight by ten cell. He recalls grasping the cold steel bars, wondering how anyone could embrace a lifestyle that would cause them to spend considerable time in such a place.

As he sits in a barred ‘conference room’—a large prison cell—with Barnes, Tyner, and various attorneys for the gun companies and the school district, Zack hears steel doors slamming, chains jingling, security gates buzzing, and people yelling back and forth. He can’t make out what people are saying, but they’re clearly yelling, agitated with each other. Zack is rattled by every sound.

The lawyers chat about nothing in particular, the weather, judges, and a few courtroom war stories that are frequent subjects of conversation among attorneys. Soon, buzzer sounds and door clanging increase in volume and frequency. Voices are heard. Someone barks out orders to stand still and raise hands.

Jail keys rattle, a remote door slides open, and the shuffling of shoes is heard in the background. Finally, Kevin Burns appears in orange prison garb and handcuffs. He is led into the room by two mammoth guards who tower over him.

Zack watches Kevin’s entrance and muses that these guards could end Kevin’s misery by merely stepping on and squashing him like a bug. Instead, they manhandle him a bit, yank him by the arm into the room, sit him down into a metal chair, and handcuff him to the underside of the table.

Zack gasps at the sight. He’s never seen Kevin Burns up close and personal. Until now, he’s only viewed the mass murderer on television – Kevin being led, in shackles, away from the school shooting scene by the police, or being led into the various criminal proceedings that required his appearance. He’s watched the video manifesto, in which Kevin vows to obtain revenge against wealthy establishment oppressors who mercilessly bully him and others because, by various twists of fate, they are somehow ‘different’ than their elite bullies. *That Kevin Burns, the one on television, is easy to hate, even to despise. He shot and tried to kill my son. He killed nine people.*

*This* Kevin Burns, a helpless child in prison garb and cuffs, looks meek and terrified, especially in the backdrop of a jail complex and cell, with two giant guards escorting him into the deposition room.



Kevin has a shell-shocked look on his face and recoils at the sight of men in suits seated around the table. He reminds Zack of Kenny and Jake and the other clergy abuse victims following their various encounters with abusive priests. 'Lost,' 'abandoned,' 'alone,' 'so young,' are words that enter Zack's thoughts.

Kevin squirms in his chair, trying to get comfortable. He glances nervously at his captors, seeking their approval to move forward with the deposition. His overwhelming facial expression is fear. He fears his surroundings, the event in which he's about to participate, his captors, and his situation.

The irony of the young man's situation is suffocating; a young boy turned violent criminal as the result of bullying, an activity he would now and forever experience from guards and fellow inmates until the day he died. Zack wonders how long Kevin will survive in a prison environment. His captors nod for the hearing to proceed, first glancing at, and then tapping upon their watches.

"We are going to be here a while," Zack addresses them, anticipating the question.

"One hour? Two?"

The guard is testy.

"More like three to five," Zack opines.

"Might have to split the deposition into more than one session, then," the other guard retorts.

"Well, let's play it by ear. We'll proceed, and you let us know when we've overstayed our welcome. Don't forget, though, our visit is part of a court proceeding, testimony ordered by a federal judge."

Zack is exaggerating the judge's order a bit, but his warning gets the guard's attention.

"That's fine by us. Inmate Burns has chores to do, but no big deal. We have lots of free labor options available here."

The guard chuckles at his own joke. He and his partner are the only ones who think the remark is funny.

"We'll check back from time to time if that's okay."

"It's your house, not ours. You make the rules." Barnes defers.

Charlie wants the guards to assert themselves and get Kevin the hell out of there. Kevin's testimony, if it goes the way Barnes expects, is going to make his defense of the criminal case virtually impossible.

“That’s right. Don’t forget that.” The guard is feeling his oats.

“We’ll step out now and see you in a bit. You behave yourself, Burns. You copy?”

“Y-Yes, sir,” Kevin squeaks.

The guards exit the room, rattle the keys, slam the steel doors shut and insert the keys, noisily locking the door. Zack tenses, again, at the various sounds.

He glances to the court reporter. She nods her readiness. Most of the attorneys present also nod for him to proceed. Charlie Barnes does not.

“I’d like to confer with my client before we get started,” Charlie remarks. Tyner is thrilled.

“I presume you’ve had numerous conversations with your client. Why can’t we proceed?” Zack posits, knowing the answer.

“Because I must first be satisfied that he understands and, hopefully, exercises his Fifth Amendment right to remain silent.”

“With all due respect, Charlie, we *have* had many conversations, and I *do* understand.” The soft, shaky, and childlike voice of Kevin Burns responds to Barnes’ request. Perhaps the guards’ departure increases Kevin’s level of comfort.

“For the record, Kevin . . .” Charlie begins, nodding at the court reporter to transcribe his comments.

“I am opposed to you testifying here today. I have advised you on multiple occasions not to provide testimony in either the civil case or the criminal case, is that correct?”

“That is correct,” Kevin manages. His voice is nearly undetectable.

“And I am advising you again—you have a Fifth Amendment right to be silent. As your criminal lawyer, I advise you to exercise it.”

Zack is suddenly torn between client obligation and representation on the one hand, and due process and civil and criminal rights on the other.

*Burns is a child. I’d give him the same advice. Do I need his testimony?*

Zack is about to say something for the record, but Kevin beats him to the punch.

“I understand your advice, Mr. Barnes. Thank you for being here for me. I appreciate it. However, I *want* to testify. I *need* to testify.” His reply causes a stir and wince from Tyner.

“Very well. My objection and advice are preserved for the record,” Charlie concedes. “I tried to prevent you from testifying and doing harm to

yourself and your case. You guys are witnesses.” He glances around the room at several nodding attorneys.

“The record shall reflect our assent to Mr. Barnes’ statement. Although today’s deposition has not yet begun, I am instructing the court reporter, unless there is an objection, to make counsel’s discourse with his client and our subsequent discussion about it part of the record, transcribed as the beginning of the deposition,” Zack orates.

“No objection,” the others chime in.

“Okay, with these housekeeping issues out of the way, let’s swear the witness.”

Zack gently goes through the preliminaries. He confirms the witness is indeed Kevin Burns and Kevin is present today as the result of being served with a subpoena to appear.

“I cleared my busy schedule to accommodate you lawyers,” jokes Kevin.

Zack continues to experience conflict in feelings. *He seems like a normal kid, a little strange, perhaps, but still a kid. What drove him to such madness?*

Zack is increasingly determined to get to the bottom of things. He methodically takes Kevin through his upbringing in Berkley. He wasn’t a great student, except in Art, where he was exceptional. His school experience was ordinary. He passed his classes with C’s and B’s, engaged in sports and other extracurricular activities, even had some friends. There was nothing remarkable about his time in Berkley.

He testifies his home life was somewhat stressful, but nothing he couldn’t handle. His dad was not a good provider, and a *worse* father and husband. He cheated on Kevin’s mother, spent little or no time with Kevin, and spent most evenings getting drunk or getting laid—Kevin’s words. His mother began to work full time after Kevin completed the 3<sup>rd</sup> grade. She worked while he was in school. At nine years old, Kevin was trusted to come home to an empty house. His father couldn’t be bothered, even though his work schedule was sporadic.

Kevin testifies to being forced to grow up rather quickly. His dad introduced him to guns, proudly showed off his collection, and taught his son how to shoot the various weapons. Indeed, this was the only father-son bonding experience Kevin can remember. His father has a past criminal record of some kind; Kevin cannot remember for what crime. His dad was also imprisoned a couple of times for various drunk driving offenses.

His mother thought Kevin was a gifted artist. She wanted him to develop his talent. Susan, as Kevin refers to her, attempted to obtain Kevin an art scholarship at Crainpool. She became obsessed with moving to Bloomfield despite failing to obtain the scholarship. She believed that the environment would be better for an artist like Kevin.

She was wrong. From the moment Kevin began middle school, he noticed things in Bloomfield were different. He didn't fit in very well. Most of his classmates came from well-to-do families. They were driven to school. Only 'losers,' like Kevin, took the bus. They dressed in expensive clothes and had established neighborhood cliques. No one at his middle school or high school lived in his parents' condominium complex.

The bullying began with classmates mocking Kevin's appearance, his size, ears, clothes, and focus on the fine arts rather than on traditional academic and sports curricula. Only a 'fag' focuses his studies and extra-curricular activity on the arts. Kevin could tolerate the abuse in middle school. However, it became merciless in high school, where he was ridiculed for his size and his protruding ears. He was constantly referred to as 'flop ears,' 'tard,' 'art faggot,' and 'small dick.' He refused to go to gym class because people would ridicule his body in the locker room and snap rolled up towels at whatever bare body part was exposed.

On one occasion, Drew Moss, one of Kevin's shooting victims, led a particularly cruel attack in the locker room. As Kevin walked from the showers to his locker, wearing only a towel wrapped around his waist, Drew grabbed him. With the assistance of five other boys, Drew slammed Kevin down on the bench, held him there, pulled off his towel, and began to spank him and snap his ass with a rolled-up towel. The abuse went on for several minutes until Kevin, screaming and crying, became hysterical. The physical abuse stopped at that point, but Drew and the others threatened Kevin with additional beat downs if he narked on them. Kevin swore to tell no one.

In the halls, bullies knocked books out of Kevin's arms, scattering them to the floor, with perpetrators denying involvement and snickering to each other. Bystanders would stare and laugh as Kevin retrieved his books. His locker was broken into. Signs were hung inside and outside, calling him names and depicting a teenage boy with ears that looked like they belonged on Dumbo. Art projects inside his locker were damaged or destroyed. The abuse was brutal. Zack was appalled by Kevin's testimony.

Kevin and a couple of his teachers decided to complain to school administrators. As a result, Moss and others were brought to the vice principal's office for discipline. No one came forward as a witness for Kevin, and the bullies received proverbial 'slap on the wrist' warnings. According to Kevin, these guys were Teflon. Kevin was not the violent type. He was not big and strong, incapable of defending himself with his fists. However, thanks to his dad, one thing he could do well was shoot. Kevin knew how to handle various firearms, and a revenge plan began to formulate in his mind. After a couple of hours of background and bullying information, Zack and Kevin have reached the genesis of the actual shooting.

"Sounds like you had an awful time of it, Kevin. I'm terribly sorry for the brutal treatment you experienced. Obviously, at some point, you decided enough was enough. You were going to get even, is that correct?" Zack prompts.

"Yes," admits Kevin.

"Did you tell anyone what you were planning?"

"No."

"What were you planning?"

"Objection. I believe we're getting into an area where Kevin should be asserting his Fifth Amendment rights. I caution him, again, to refuse to answer questions related to planning or implementing any type of revenge." Charlie Barnes is determined to convince Kevin to shut the hell up. Kevin, contrary to Charlie's sound legal advice, is determined to continue.

"Kevin? Do you wish to continue or assert your Fifth Amendments rights?" Zack inquires.

"I wish to continue, with all due respect to Mr. Barnes." Barnes sighs and shakes his head from side to side.

"I will repeat my last question. How were you planning to exact your revenge?" Zack continues.

"Well, my father taught me how to use the various guns he owned, and I was determined to get even with Drew and the others. My favorite weapons are the Lugar and the AK47, so I focused my training on utilizing these weapons. Whenever my father was sober and willing to go to the range over on Orchard Lake in Keego Harbor, I would encourage those excursions. We would bring the Lugar and the AK47."

"So, you specifically trained with these weapons, your father helped train you, and you honed your shooting skills in preparation for the day of the

shooting at the high school?”

“Objection,” cries Tyner. “There has been no testimony his father helped train him.”

“I disagree,” Zack argues, glaring at Kevin while addressing Tyner’s objection. “Kevin testified his father taught him to shoot and they’d go to the range together. I’m not suggesting he trained him for anything specific like the school shooting, but he certainly trained him on how to shoot the weapons he used that day. In any event, your objection is noted for the record. Kevin, do you need me to repeat the question?”

“No, sir. The answer is yes to the question, every part of it.”

“And you became rather proficient shooting both of the weapons you used on the day of the school shooting?”

“Yes, sir.”

“And your dad was aware of your proficiency?”

“Yes, sir. He was proud of it. It was the only time I ever made him proud.”

“At some point, you decided you were ready to proceed with your revenge plans?”

“Yes. I achieved recognition at the range for being a marksman which, again, made my father very proud. I decided then and there I was ready to get even with Drew and his buddies.”

“Was there anything specific you did from a planning standpoint?”

“Yes, I decided, a while ago, to create a homemade bomb. I consulted various websites on the Internet and found that bombmaking is surprisingly easy to do. I had to work on it over time while concealing my activities from my parents, also very easy to do. It took me two weeks to obtain all of the materials and construct the bomb.

“Once I created the bomb, the rest of the planning was very general. I had to wait for a day when both my parents were gone in the morning. I knew where the guns were stored. I was willing to break into the cabinet, but I preferred to have the time and freedom to find the keys and unlock the cabinet rather than breaking into it.

“I also had to decide where and how I would enter the school, how I would conceal the guns, and when I would use them. I decided school security was weaker at the south entrance as opposed to the center or the north. Before the day of the shooting, I decided to park in the south side lot and enter through the usually unguarded south side entrance. I was prepared

to abort if I observed a guard at that location, but I was reasonably certain there would be no guard on the south side.”

“So, on the morning of the shooting, your parents were not at home?”

“Susan was at work. The other asshole was supposed to be home, but he wasn’t. That happens rather frequently. He’s either out getting drunk or out all night with one of his ladies if you know what I mean. I don’t understand why my parents don’t just split up, but they’re still married. I was a bit worried that Charles might walk in the door after I found the keys and removed the guns, but there wasn’t much of a chance of that happening, based upon previous experience.”

Zack is amazed by how calmly Kevin describes the events of the day. *A walk in the park for him.* A chill runs up Zack’s spine.

“So, you had to locate the keys?”

“Yes, I found them in Chuckie’s cigar box. No surprise there, easy-peasy. I know exactly where he keeps the Lugar and the AK47, so I unlocked the cabinet and removed them. I purchased some tarp with a pouch, and inserted the bomb into the pouch, wrapped the guns with the tarp, and took them out to my car.”

“And you drove to the school and parked in the south lot?”

“Yes.”

“You drove by yourself?”

“Yes.”

“Did you discuss your plan with anyone else at any time?”

“No, except afterward, with my attorney.”

“Sorry, I meant before the shooting.”

“No.”

“Nobody knew what you were planning?”

“No.”

“You park in the south lot. Where are the guns and the bomb?”

“In my trunk. I drive a 2013 Dodge Challenger.”

“You retrieve the tarp with the weapons. Are there people in the parking lot?”

“No, well . . . there were a *few* people. I waited for them to go in before I started in. Most people use the north lot or the main lot in the front, which is one reason I chose the south.”

“What other reason would you choose south?”

“I knew Moss had the first-hour class on that side, and I wanted to run into Mr. Fletcher, my Shop teacher, if you know what I mean.”

“The ‘Moss’ you refer to is Drew Moss? One of your shooting victims?”

“He was no ‘victim.’ He was the worst bully in the school. He picked on everyone. He deserved what he got.”

“What happened next?”

“I entered the building, walked into an empty room, and unwrapped my weapons.”

“Go on . . .”

“I started down the south hallway and, *bam*, the first person I run into was Drew Moss. I guess God was looking down on me and green lighting the operation.” Kevin angrily slaps his hands together to emphasize the ‘bam.’

“What did you do?”

“Objection! Kevin, please! Exercise your Fifth Amendment rights!” Charlie Barnes pleads with the boy.

“Kevin?” Zack inquires. “Do you wish to continue?”

“Fucking aye. What did I do was the question?” Kevin is beginning to enjoy himself. His testimony is cathartic.

“Before the asshole can say anything nasty to me, I shoot him in the face with the Lugar.” Charlie Barnes hangs his head, distraught and disgusted.

“Was he alone? Were there any witnesses?”

“He was alone. I’m not sure if anyone heard the shot or, if they did, could identify them as gunshots.”

“What did you do next?”

“I walked by Mr. Fletcher’s room and saw him alone in his room with headphones on.”

“Did you have any problem with Mr. Fletcher?”

“That day or in general?”

“In general.”

“Yes. He was my Shop teacher. He should have appreciated that shop was an art class, but he treated me like dirt. I could never please him. When I complained about how he and other students treated me, he told me to act like a man and not like a pussy.”

“He used those words? A teacher told you not to act like a pussy?”

“He used those exact words, on more than one occasion and in front of other students.”

“What did you do?”



“I walked into his classroom. He stopped what he was doing, removed his headphones, and told me I was in the wrong place and to get to class. I shot him in the forehead with the Lugar.”

Kevin continues, methodically tracing his steps that day. He describes each of the people he shot as members of the bullying crowd. Zack is dubious that Kevin is being truthful. The chances Kevin encountered and selected only those who bullied him were pretty remote. Plus, he shot Kenny, who was not someone who bullied him. Zack decides to zero in on Kenny’s shooting.

“Previously, you testified you only shot people who bullied you, is that correct?”

“Yes.”

“Did Kenny Tracey bully you?”

“No.”

“But you shot him anyway?”

“He was the only exception.”

“Why?”

“Because he came at me like a bull in a china shop and scared the shit out of me. To complete my mission, I had to stop those who were trying to stop me. Kenny was the only one brave enough to try and stop me.”

“Please tell us what happened with Kenny.”

“I decided on the Lugar as my weapon of choice, but when I approached the central lobby, I ran out of ammunition. That’s where I ran into Kenny. He could see I was out of ammo and decided to charge me. I pulled out the AK47 and tried to get off a shot, but he ran into me as I pulled the trigger.

“I didn’t want to shoot Kenny. He’s a good guy. He was bullied too, you know, over that priest situation. But he gave me no choice when he charged me and tried to stop me.”

“Okay, he charged into you. Then what happened?”

“I got off a shot which I understand wounded him. I’m sorry, Mr. Blake. I know he’s your son. When I started to get up, the school officer was there, ordering me to freeze or die. I guess I didn’t have the guts to commit suicide by cop. Then SWAT showed up, all hell broke loose, and I was arrested. I’ve been in jail since then. I want the world to know that nothing would have happened if it wasn’t for those people treating people like me and Kenny the way they did.”

“Kenny didn’t get a gun and start shooting people.”

“Kenny fits into the Bloomfield ‘culture’ better than me. He wasn’t bullied for who he is or what he looks like. He was bullied for something that *happened* to him.”

“What do you mean?”

“Guys like Drew called him fag and shit because of the thing with the priest.”

“Understood.”

“But they knew him, and they knew *you*, Mr. Blake. They knew how rich you guys are and how powerful an enemy you would be. They were much more careful with him than they ever were with me.”

“I understand.”

*Kenny’s never mentioned . . .*

Zack is surprised to hear Kenny was bullied in school. He never complained to Zack about it. Zack wonders what Jennifer knows, or whether Kenny has discussed the issue with Dr. Rothenberg.

“Looking back on things, you found it pretty easy to carry out your plans, didn’t you?” Zack is now zeroing in on the liability of Kevin’s parents and the school.

“Yes. I was surprised at how easy it was.”

“How do you mean?”

“Despite my dad’s record, he was able to get all the weapons he wanted, one way or the other.”

“Do you know where or how your dad obtained the various weapons?”

“No, I don’t, but I do know a guy with my dad’s record shouldn’t be able to get them.”

The gun dealers’ and manufacturer’s lawyers are displeased with Kevin’s response but offer no objection.

“Okay.”

“I also knew I had pretty easy access to his gun case. Also, he did a great job training me.”

Tyner wants to crawl under the table.

“Understood. Anything else that made your crusade as surprisingly easy as you suggest?”

“Yes. I knew the school’s security weaknesses. They didn’t adequately prepare for or protect against my attack. I was surprised, given recent school shooting events. There should have been far better security or school shooting preparation. One of the main reasons I acted when I did was because

I was concerned the school would implement tighter security measures as time went on. I wanted to beat them to the punch.”

“And you did beat them to the punch?”

“Yes. If it wasn’t for Kenny, I would have done even better.”

The deposition drones on, and Zack can’t be more satisfied. Kevin’s acts were intentional. Insurance does not apply to protect him, and Zack will be unable to collect a dime from a broke, incarcerated criminal teenager. But Kevin’s testimony virtually nails the cases against the school and Kevin’s parents.

His comments about his father’s record and subsequent gun purchases are vital to Zack’s pursuit of the illegal or negligent sales and entrustment arguments in avoidance of gun immunity laws.

Zack cannot rationalize Kevin’s child-like demeanor with his horrific actions. The two are incompatible. Kevin categorically refutes any suggestion he is insane or incompetent. He was tired of being bullied and decided to do something about it. His mantra is that, maybe in the future, bullies across America and beyond will think twice about picking on the meek and the weak.

When the deposition is over, Kevin thanks Zack for being so polite to him. The guards enter the room and unhook Kevin from the table. They escort him out of the room, his shackled legs shuffling down the hallway, with doors clanging in the background.

“Pretty compelling testimony against your clients,” Zack concludes when left alone with the other attorneys. “I don’t think his testimony leaves any of you unscathed. Kevin has cinched liability against his parents, the school, and school system. Hell, in my opinion, his testimony even gets us by a summary disposition motion on the *gun* people. And the parents’ negligence and indifference keep *Michwide* in the case.”

A summary disposition motion is a motion to dismiss the case before the jury gets to decide it. Zack is referring to the likelihood that the gun manufacturers and sellers would file such a motion based upon the mandates of the 2005 *Protection of Lawful Commerce in Arms Act*. Kevin’s testimony about his father’s record, coupled with the ease in which he obtained guns despite that record, if true, might avoid an early gun manufacturer dismissal.

“One deposition of an emotionally and mentally unstable defendant does not a case make,” Tyner argues.

The others nod in unison. The glum expressions on their faces, especially those who represent the gun manufacturers and sellers, reflect their acknowledgment of the truth of Zack's assertions. They will have to settle the case or go to trial. Judge Jaffe will not grant a summary disposition. They know the truth, and worse, so does Zachary Blake.

"I guess we will see what we will see. All in all, I'd say we have a terrific start for the plaintiffs. Get out your clients' checkbooks, boys. The sky is the limit it seems." Zack warns.

Zack expected Kevin's testimony would help nail down liability as to the school and the parents. He's euphoric that Kevin has assisted in nailing *Michwide* and the gun defendants as well. The case has taken a welcome turn in favor of the plaintiffs.

## Chapter Twelve

“I just finished reading the kid’s deposition. What a disaster! It couldn’t be worse! Why am I paying you idiots? Why don’t you do something? File a damned motion or some such shit?”

Roland Barrington is *pissed*. The recipient of his tirade is Jules Grimes, senior partner of Grimes, Rhodes & Burke, the firm that represents Barrington Arms and various gun sellers in the civil case.

“What could we do, Rollie? The kid wanted to testify. Barnes tried every which way to get him to plead the Fifth. The kid wouldn’t listen, not even to his own criminal lawyer. Blake didn’t ask him anything objectionable, and even if he did, it was a *deposition*. Lawyers can’t keep opposing lawyers from asking questions or witnesses from answering them in depositions. The better question is: Can we challenge the admissibility of some of the testimony in court?”

“Well? Can you?” Barrington relaxes a bit, intrigued by the possibility that some of Kevin’s damning testimony might be excluded.

“Burl Tyner, *Michwide*’s attorney, tried to prevent the deposition, so did Charlie Barnes, Kevin’s attorney. Judge Jaffe wouldn’t even consider a protective order. I can’t see him preventing anything Kevin testified to from being used against him or us. The question now is whether Kevin’s testimony is true. If he lied about his father’s record or easy access to purchasing guns, we have a chance of keeping some of his testimony out.”

“How do we do that?”

“We prove he lied, or his father’s record wasn’t obtainable in a background check.”

“Can we do that?”

“I don’t know. These are *your* industry’s policies and procedures. We are going to get some discovery requests about these gun purchases along with some records requests and formal requests to admit. If the dad has a criminal record, he shouldn’t have been able to purchase the guns, and we’ve got a serious problem.”

Barrington unloads again. “I pay you a lot of money to prevent us from having a serious problem. Take care of it, dammit! Can’t you get the boy to shut his fucking mouth? Doesn’t he know what’s good for him?”

“The cat’s out of the bag on that one, I’m afraid. The kid has already shot off his mouth. Kevin Burns doesn’t seem to care about the rest of his life—he wants a platform to air his grievances. A courtroom is the perfect venue for him to tell the world being bullied is what caused him to kill nine people. The press is eating this shit up, and Blake is happy to feed them all of the garbage they want. We need to resolve this case.”

“What does that mean? How much will it take?”

“Who knows? Could be millions, could be tens of millions.”

“But what about Bush’s immunity law? We’re shielded, aren’t we?”

“Not if you sold guns to a criminal. That’s an exception. So is a black-market sale Barrington Arms knew or should have known about. I *warned* you at the very beginning. We don’t know enough yet. You need to get me all records of these transactions, and, if they are not favorable, you must find a way to make them disappear before Blake and his investigators find out about them.”

“I’ll get right on that. You figure something out. Earn the money we’re paying you for crying out loud.”

“We’ll do whatever we can, but I won’t sugarcoat our current situation for you. We have a shit storm on our hands. My strong advice is to settle before the publicity gets too oppressive.”

“Whatever you need. Can we get a confidentiality agreement?”

“From Zachary Blake? Not a chance in hell. All his cases are high-profile. And these days, he’s got a Midas touch. Every case he touches turns to gold. Blake is on a personal crusade for civil justice and safety—truth, justice, and the American way, don’t you know? Guns are an excellent target issue for someone like him.”

“Grimes Rhodes is supposed to be the best defense firm in Michigan. Your fees certainly suggest that. I am paying for power. Power up, man! Can’t you handle one measly personal injury lawyer?”

“Zack Blake is not ‘one measly personal injury lawyer.’ He is the real deal, and he’s on a tremendous hot streak right now. One of the plaintiffs in the case is *his* son. He’s not going to go quietly or cheaply. We are here for the long haul unless we provide desirable terms to entice them to settle.”

“I already agreed to pay whatever is necessary to get rid of the case. You need to put a lid on it as best you can.”

“I promise to do whatever I can reasonably do to settle, amicably and quietly. However, I know Blake doesn’t like confidentiality agreements. He

turned down millions from the church because they wanted confidentiality. Consequently, he took that case to trial and recovered millions more than the confidential offer. I see him doing the same thing here.”

“Then, we’ll have to shut his ass up too.”

“What the hell does that mean?” Grimes doesn’t like where the conversation is going. He won’t be a party to anything bordering on criminal.

“I don’t know what it means, dammit! I’m frustrated and venting!” Barrington shrieks.

“I won’t be a party to or silent in the face of criminal activity, Rollie.”

Barrington wills himself to calm. “I get it, Julie. I get it. I wasn’t suggesting anything like that. Just do what you do to protect us.”

“Always, Rollie. Anything else?”

“No. Keep me posted if anything changes.”

“Will do.”

Barrington hangs up the phone. He turns to Visser and Saffron, who are seated with him in a small conference room.

“We’ve got to figure out a way to contain the damage. Do we have records of these purchases? Both weapons were ours, right?”

“Yes, Rollie. I’m afraid they were,” Visser concedes.

“And these purchases? Did the guy have a criminal record like his crazy kid claims? Were these guns purchased over or *under* the counter?”

“We’re investigating. Blake uses Love Investigations—I’m sure Micah Love is investigating, too.”

“We’ve got to beat these guys to the punch. Close the paper trail before Blake or Love get their hands on any of these records. And, we’ve got to shut the Burns kid up by any means necessary, and the father too, if he becomes a problem,” Barrington orders.

He turns his back, stares out the window, and vigorously rubs his hands together. Visser and Saffron cringe.

“I have to agree with Jules, Rollie. You aren’t talking about doing anything illegal, are you?”

“Of course not,” Barrington sneers. “Now, get me those fucking records.”

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Roland Barrington did not rise to his station in life by being a nice guy. As the CEO of one of the largest gun manufacturing companies in the world, he is acquainted with a large number of black market gun purchasers and

other savory characters. After meeting with Visser and Saffron, he picks up the phone and dials a number. It is answered, ominously, on the first ring.

“Yeah?”

“George?”

“Who wants to know?”

“Rollie Barrington, here.”

“Rollie! Long time no talk. What’s your pleasure?” The man’s demeanor changed entirely from gruff and mysterious to jovial.

“I have a problem; well, my *company* has a problem.”

“The lawsuit? I’ve been following. Sound like the shooter was just a nut. It could have been anyone’s gun.”

“But it was ours. While it’s true the boy was troubled, a ‘nut,’ as you say, he was able to get his hands on a couple of our guns.”

“I thought I read his father purchased the guns. How does that come back on you?”

“They were his father’s weapons. Let’s just say we’re not sure his father was properly qualified to purchase these guns.”

“Black market?”

“Again, not sure. Probably. Hopefully, not ours.”

“Why does it matter? You guys have immunity under the law Bush Two got passed, right?”

“You’ve done your homework. I’m impressed. Yes, we have rather broad immunity under the law, but we don’t enjoy blanket or unqualified immunity. As you know, we do a lot of black market and off the books stuff for guys like you. Our guns get sold to people who, shall we say, would not otherwise qualify for the purchase if they had to pass a background check. You know what I mean?”

“Sure do. I thought you had political cover, no? At any rate, it’s been a pleasure doing business with you all of these years, Rollie.”

“You, as well, George.”

“So, what can I do for you? How can I help?”

“I’m not sure. I may need to put the fear of God into a lawyer and his son. Perhaps we can clarify the cost of suing Barrington Arms and not being reasonable in trying to resolve the lawsuit?”

“I’m getting the gist of what you are saying, Rollie. What do you have in mind?”



“I don’t know. I just figured you might know a guy who might know a guy.”

“I might know a guy. But what do you want? Do you want someone roughed up or worse?”

“Roughed up or worse.”

“Accident or a crime?”

“If we choose this route, I’d prefer an accident. It will already be suspicious. I’d rather see little or no evidence of foul play.”

“That’s a pretty tall order, Rollie.”

“I know it is, George. I haven’t decided on anything yet. Just trying to put my ducks in a row. Can you think about it and let me know?”

“Sure. What you’re asking for will be very expensive, dude. Who’s the guy?”

“An attorney, Zachary Blake, and his son, Kenny Tracey.”

“The lawyer I see everywhere on television? Shit, now we’re talking even more expensive than very expensive.”

“Haven’t I always taken care of you?”

“That’s been kind of mutual, Rollie, right?”

“Right. It also the reason why you were the first person I called. I have other choices, but I prefer the rather professional way you tend to deal with these types of things.”

“Well, Rollie, I sure do appreciate the compliment. I guess accidents do happen, know what I mean? A blown tire here; failed brakes around a curve there. Perhaps the vehicle’s computer system goes haywire and results in an explosion. *Those* types of things send a clear message. We’ll figure things out. Make up your mind what you want to do. I’ll put a team together, get preliminary surveillance on the targets, and come up with a plan. Sound good?”

“Sounds good to me, George. We get in front of the situation and decide on a strategy. If we decide to proceed, you’ll be ready. If we don’t, no harm, no foul.”

“Exactly. You’re a quick study, Rollie.”

“Yeah? Well, I’ve got a lot of experience in the black market. And it is in both of our best interests if I can continue to flourish in that market.”

“I feel you, man. Stay in touch?”

“You know I will. Call me anytime, night or day; you know the number.”

“Will do, man. Thanks again for your confidence.”

“Anytime. Great minds think alike.”

“They sure do. See ya’ Rollie.”

“Goodbye, George.”

## Chapter Thirteen

Zack Blake sips on a cup of coffee at Little Daddy's on Woodward Avenue in Bloomfield. He scrolls through hundreds of emails on his iPhone, most of which are advertising or junk. Email accounts have filters, and junk mail is supposed to be sent, automatically, to his spam folder. Instead, his email provider has it half-assed backward. Zack is always checking his junk mailbox for important stuff, finding multiple emails, marking them, and sending them to his inbox. At the same time, he has to scroll through and delete hundreds of bullshit ads and other junk that avoid the junk filters.

*You never had to sit here and waste your time in the old snail mail days.*

Zack awaits the arrival of Micah Love. They've arranged a meeting to discuss the case and for Zack to receive Micah's first report on the origins of the purchase of the guns used by Kevin Burns in the Bloomfield shooting.

As Zack is putzing around with the phone, angrily pounding his index finger on the screen, over and over, without getting the result he desires, Micah strolls in and casually approaches the booth.

"Dammit!" A frustrated Zachary Blake exclaims.

"What seems to be the problem, sir?" Micah is standing at the side of the booth, like a restaurant manager trying to resolve a problem.

"This damn thing is so frustrating," Zack retorts, without looking up.

"How much time in our daily lives do we spend deleting this garbage and looking for the good stuff? There has got to be a better way."

"Tech is the better way. Have you seen technology stocks lately? Through the roof."

"Yeah, I know, I own some *Apple*. Bought it a few years ago, before it split. Probably the reason I put up with all of their crap."

"What's the problem?"

"The usual nothing in particular. Important emails go to spam; spam goes to my inbox. WTF?"

"I feel your pain. A rich guy like you should have someone doing tech stuff for you at fifteen bucks an hour, no?"

"No. I like my privacy. If I want my staff to see something, I send it after I've had a chance to look at it. I'm not looking at my office's general mailbox; it's my *private* email."

"Spam filtering seems a small price to pay for privacy."

“Maybe, but these guys are techno-gurus. It seems to me if they can create a watch that will do anything you want but have sex with you, they could figure out a way to properly filter out garbage email and I wouldn’t have to spend hours of my life getting rid of the junk and finding the gold.”

Micah sits down across from Zack. “A watch that has sex with you? I like it! I’d be the first in line to purchase one. A lot cheaper than a wife or girlfriend and with no bitching.”

Micah is a famously over-the-top pervert.

“How is Jessica?” Zack looks up at the investigator for the first time.

“She’s great, but maintenance for her is far more expensive than a watch.”

“She’s well worth it and much prettier than any watch I’ve ever seen.”

“And Jennifer?”

“The best thing that ever happened to me, Micah.”

“I’m happy if you’re happy, my man.”

“So, Barrington Arms . . . what have you come up with so far?”

“So far? A whole lot of nothing, I’m afraid. I think these guns were purchased under the table, somehow, on the black market.”

“That’s news, in and of itself. If Kevin’s old man had a record and was able to purchase guns through some black market network controlled by Barrington, that would be good news for the case and terrible news for Barrington,”

“Some of *that* I did get, at least on the purchaser’s side. Still working on the sales side. These guys are very sophisticated. If there *is* some sort of orchestrated black market, they hide their tracks very well.

“As to Burns Senior, though, he *did* have a record and should not have qualified to purchase *any* gun, let alone a cabinet full of them. He has two DWI’s, a DUIL, for which he served thirty days in the county jail, an assault and battery conviction for beating the shit out of his first wife, and an armed B & E from when he was a juvenile. He was processed, charged, and convicted in the juvenile system—got away with a wrist slap.

“Usually, those types of convictions get expunged when the juvenile turns eighteen, but not in the old man’s case. Someone must have thought he was hardcore and a person who would have criminal problems later in life. They wanted his conviction to follow him.”

“Perhaps they did, but it didn’t prevent him from doing bad things as an adult or from purchasing guns. Why? How?”

“He’s a scumbag, but he has behaved himself, at least he hasn’t gotten *caught* for a long time. Perhaps he was able to pass a background check. How far back in time do those checks go? My gut tells me these guns were purchased on the black market, but we have just gotten started. We’re trying to locate and trace the paper trail up the chain.”

“Burns got married, was working, was able to purchase a home in Berkley and, later, a condo in Bloomfield. He had to be doing something right over the past few years. Even so, you’d think a background check for guns would exclude a guy with a violent past.”

“Yes, you would, but in America, if you want a gun that badly . . .” Micah’s voice and thoughts trail off. How easily one could purchase a gun in America is a sobering statistic.

“Yeah, I know. If you want one, you can get one, one way or another. I’m not worried much about him, but I need to find out how he obtained these weapons before I take his deposition. My clients will recover their homeowner’s policy limits. The kid’s testimony clinches the policy. Burns kept the guns easily accessible to his troubled son and ‘hid’ the key where the kid could easily locate it. Shit, man, if we work hard enough, we may be able to prove gross negligence and recover more than the policy.”

“How much is the policy?”

“A million bucks.”

“Not much considering all the murder and mayhem caused by Kevin.”

“No. The big money here will be recovered against the school and the manufacturers. Barrington’s participation in black market sales, for instance, would be a significant driver of settlement or verdict numbers. If Barrington is proven to be dishonest, the sky’s the limit.”

“Understood. If there are records to be found, my guys will find them. An all-points bulletin has been posted to the underground.”

“Nothing illegal, I hope.”

“If I told you, I’d have to shoot you. You aren’t seriously interested in how I do what I do, are you?”

“Hell, no!”

“Didn’t think so. Anything else I can do, your highness?”

“I want a full workup on Barrington Arms and its’ executives, especially Roland Barrington III, everything there is to find. From my own very cursory investigation, he appears to be quite the shady character. One wonders how he is permitted to frolic in the gun business.”

“Why? Does he have a record or something?”

“No, but only because he hasn’t gotten caught or is a master at getting charges dismissed or expunged. I want Reed and others to do a full Internet investigation, dark web included. I suspect Barrington sells as many guns on the black market as he does legitimately. I’m not sure all of these ‘off book’ sales are known by the company’s executive board or its shareholders.”

“I’ll get Reed to work right away. You’ll get a full workup.” Reed Spencer is Micah’s Internet and technology guru. Zack is very familiar with Reed and his team from their relationship and successes on past cases.

“I also want background checks on all the victims, especially the bullies, school administrators, and school guards and maintenance crew.”

“You’re going to do a background check on your own *clients*?” Micah is stunned.

“Yes. I need to know what, if anything, will rise up and bite someone in the ass.”

Micah now understands Zack’s reasoning. “Okay. No problem. Anything else?”

“That’s it for now, a good start.”

“How’s Kenny doing?”

“He’s getting stronger every day, almost one hundred percent. What a kid! I’m so proud of him. He could have crawled under a rock after the priest thing, but he came out on the other side, performed well in school, developed a social conscience, and is looking for ways to change the world. He’s going to make a great lawyer someday.”

“He wants to go to law school?”

“That’s the plan. He’s taking some time off to lobby for gun control legislation. He wants Kevin Burns and Bloomfield to be a catalyst for meaningful change. His mind is made up. Jennifer and I can only stand back in awe and watch him become an uncommon hero.”

“Could be dangerous, Zack. Shall I put someone on him?”

“Yes, thanks for the thought, but he can’t know, Micah.”

“Hey, we can do clandestine better than most.”

“I’m counting on that. You hungry?”

“Is the Pope Catholic?”

## Chapter Fourteen

Roland Barrington III contemplates his typical three-pronged strategy, one legal, two illegal, the third, political. The strategy has had remarkable success for years at Barrington Arms. Today is Sunday. Local and national talk shows rule the airwaves. Barrington decides that his best and most biased choice is *Fox News*, so he chooses *Fox News Sunday* with Chris Wallace. He's confident he has successfully lobbied the network to convince Wallace to focus the show on 'red flags missed' in Bloomfield rather than gun control or gun issues.

"Good morning. Welcome to a special edition of *Fox News Sunday*. I'm your host, Chris Wallace. Kevin Burns, the gunman in the Bloomfield, Michigan school shooting, left a trail of breadcrumbs and outright warning signals that something terrible was about to happen. Why did school and law enforcement officials miss all of these warnings? Our guests today are Roland Barrington, CEO of the Barrington Arms Corporation, a major U.S. gun manufacturer, and Attorney General Geoffrey Parley, who will explain the John administration's position on the various issues. We will also hear from a Bloomfield survivor who has a special announcement to share with us today.

"The country is still reeling from the most recent school shooting, at Bloomfield High School, in Bloomfield, Michigan. The case has reignited the debate over mental health, bullying, and guns. Most troubling is that the alleged shooter, Kevin Burns, made multiple threats to teachers and administrators and complained about rather severe sounding episodes of bullying. Kevin and his mother were called into the assistant principal's office. The boy was offered counseling. Criticism has been leveled at school administrators and law enforcement officials, who utterly failed to follow up on Kevin's threats and promises of assistance.

My special guest today is Kenny Tracey, hero of the Bloomfield School shooting. Kenny is the young man who saved numerous lives by tackling the shooter and keeping him at bay until police arrived. Kenny, welcome to the show. I understand you have a special announcement?"

Barrington squirms in his seat in the green room.

*No one told me there would be a survivor on the show. Tracey is Blake's stepson. Not good. What the hell is going on?*

“That’s right, Mr. Wallace. Thanks for inviting me. I have an important announcement. The students of Bloomfield High School have organized and set a date for a march on the state capitol in Lansing, Michigan. The March Against Gun Violence will take place on July 9. We chose the ninth day to commemorate the nine lives lost on the day of the shooting.

We’ve been told the way to stop a mentally disturbed person with a gun is for a reasonable person to confront him with a gun. We’ve been told the way to prevent these senseless shootings is by curing our nation’s mental health crisis. We’re constantly told it’s not a gun problem, but a mental health problem. We’re happy to discuss mental health, even have a conversation about whether a good person with a gun might be *one* way to stop a bad person with a gun. However, we’re unwilling to have any of those conversations unless they include a responsible discussion about gun control in our state and our country.

“The March Against Gun Violence isn’t a political march. It’s not a Democratic or Republican march. We have many participants from both sides of the aisle. Our effort isn’t red or blue but focuses on the lives of adults and kids, administrators, faculty members, and students and the right to live and attend school in a safe environment.

“We don’t care what political party you represent. You’re willing to have a conversation about gun control or you’re against us. That conversation can include how to improve our mental health system, too, but we want action, and we want it now.

“We will plan a massive voter turn-out campaign. Our message to our elected officials is simple: If we don’t see progress toward a comprehensive bill and you stand in our way, we will turn out in numbers, and we will vote you out of office. We cannot and will not allow another school shooting, ever.”

“Kenny, respectfully, you’re fired up, and that’s worthy of credit. However, we see vigorous debate and lots of rhetoric every time a shooting occurs, from Columbine to Sandy Hook to Parkland. Well-intentioned people get all fired up and promise change. Things calm down, publicity wanes, and nothing changes. What makes you think your group and Bloomfield are different?” Wallace inquires.

“Because in our city and state, even nationally, we’re organizing *voters* and we will pink slip those members of Congress who won’t support common-sense gun reform. If we fail to win the vote, then we’ll have to



concede that a majority of voters are on the side of lawlessness rather than law, violence rather than peace and nonsense rather than common sense. If the forces of Ronald John defeat the forces of logic and safety, *that* will be a sad day for our country.” Kenny glares into the camera.

“We’re kids. You’re adults. You completed your education safely. Afterward, you embarked on careers, with varying levels of success. What do we want? We want to complete our education in peace like *you* did. We want to walk the halls or attend classes in our high schools and colleges without fear of being shot in our hallways or classrooms. We want what you had. Is that too much to ask? Shouldn’t the older generation support the efforts of the younger generation? Join us, please. March with us, please. We are *your* children.”

*I hope Parley and Barrington are listening in the green room.*

“Powerful message, Kenny. From the viewpoint of one reporter, it is *not* too much to ask. Good luck to you and your fellow students. Thanks for joining us today, and please make a return visit after the March on Lansing.”

Wallace turns to the camera. “If you’d like to get involved, the website is March Against Gun Violence dot org—We’ll be right back.”

The show goes to commercial, and the showrunners bring Barrington out from the green room. He’s stunned after witnessing a blatant pro-gun control segment.

*Sandbagged by the Fox News family. Kenny is going to be a tough act to follow.*

The commercial break is over, and the next segment is about to begin. The director gives Wallace the ‘go’ sign.

“We’re back. I’m pleased to welcome my next guest. He is Roland Barrington III, CEO of Barrington Arms Corporation, a major manufacturer of firearms and other weaponry, headquartered in Michigan. According to Mr. Barrington, his company is a major employer of U.S. workers. Mr. Barrington wants our viewers to know his company manufactures 98% of its products in the United States, with only a minuscule presence overseas.

“The company employs thousands of American citizens at home and abroad. The Bloomfield school shooter may have used Barrington Arms products in the attack. Mr. Barrington views this as an unfortunate coincidence. Roland Barrington, thanks for joining us today.”

“My pleasure, Chris.”

“What did you think of what you just heard? Kenny Tracey is a poised young man, don’t you agree? Is Kenny correct? Does America need improved gun control?”

“Kenny is, indeed, a poised and confident young man. I am most pleased he survived the attack by that young maniac. To your question, though, the answer is ‘no.’

“Weapons are already the most regulated products on the planet. We don’t need more regulation. What we need is more education and training, more of an emphasis on and funding for mental health initiatives, and more good citizens arming themselves in the face of the dangers created when bad citizens arm themselves illegally.”

“Am I hearing you correctly? Are you suggesting more guns is the solution?”

“Partially. Your question ignores the remainder of my previous answer, but let’s deal with that portion for a moment. Currently, in 2020, despite numerous school shootings, a school is still a ‘gun-free’ zone. As a result, someone who decides, for whatever deranged reason, to shoot up a school, knows he or she is likely to be the only armed person on campus.

“Marching for something you’re passionate about is admirable. I’m not criticizing these brave kids. I’m glad they survived a vicious attack so they can march. I’m a constitutionalist. The First Amendment is just as important as the Second Amendment. But neither marching nor bashing the *NRA*, I’m afraid, will solve the problem of random violence.

“We need to get serious about deterring *behavior*. The way to do that, in my opinion, is to let anyone with impure thoughts or harmful intent know they will meet a whole bunch of people who are armed to the hilt if ever they decide to act on those thoughts.”

“President John suggested we ought to be arming teachers. Do you agree?”

“Not necessarily. If we fully train school officers, school staff and administrators, and, yes, teachers, then *hell yes*, arm them. But only if they volunteer for service and are fully trained to shoot. What we need is a strong deterrent against anyone who walks onto a school campus with a weapon and intent to kill. This so-called ‘gun control debate’ is a *political* issue. I’m in the business of personal safety, not politics. The only way to keep the community safe is to train good people to use guns safely for protection.”

“As you know, the president recently bashed the *FBI* and other law enforcement officials for their ineffectiveness on these issues. He claims law enforcement could have prevented Parkland and Bloomfield but missed multiple warning signs. What is your view?”

“I’m not looking to ‘bash’ anyone. I don’t think bashing the *FBI*, gun industry, or the *NRA* is productive. However, our law enforcement community needs to step up its game a bit, take every little thing seriously, and err on the side of caution, even if, in the process, our freedoms take a bit of a beating. Better to be safe than sorry. It doesn’t help when the media only focuses on one side of the issue, the gun control side.”

“Are you opposed to sensible and enforceable background checks for all weapons purchases?”

“No, I am not. A person should be of sound mind and good intent to buy a weapon. A background check is one important method of assuring only good people have guns.”

“Well, here, the shooter’s father had a criminal record. According to some pundits, his record was serious enough to prevent him from buying all of the guns he owned. He either passed the background check, and those who conduct the tests missed his multiple arrests and convictions, or he bought the guns on the black market. Background checks, in the Burns case, didn’t work. Care to comment?”

“Chris, there is ongoing litigation over the Bloomfield situation. We’re trying to sort things out. It wouldn’t be prudent for me to comment.”

“Fair enough. Thanks for joining us, sir. We’ll be right back.”

The show goes to commercial. Barrington pulls out his cell phone and quickly exits without a word to his host, the director, or the producer. He passes and ignores the attorney general of the United States, Wallace’s next guest. Barrington steps outside and enters a waiting limousine while dialing his cell phone at the same time.

“Yeah?”

“George? Did you watch the show?”

“Yeah.”

“What did you think?”

“The kid was terrific.”

“And my performance?”

“Adequate. Not enough.”

*Have to love his brutal honesty.* “Has surveillance been helpful in any way?”

“Only as to establishing routines. We usually know where and when they’re going. Today was an exception because Kenny traveled to appear on the Wallace show. Say, how the hell did this Burns fellow get a gun with *his* record? Do you want me to investigate?”

“We are investigating the issue internally—you’re welcome to do the same so long as you report your findings only to me.”

“Any action planned on the lawyer and the kid?”

“No. Hold off. Keep up surveillance for now.

“Okay. Anything else?”

“Not now. Thanks for your help.”

“Thanks are never necessary. Just pay the bill.”

Barrington hangs up the phone, sits back on the leather cushion, and tries to relax.

*How did that damn kid’s father get these guns? Did he purchase them on **the** black market or **our** black market? I’ve got to find out.*

Kenny Tracey sits in the studio until the end of the show, listening to Geoffrey Parley’s interview with Chris Wallace. Parley’s a good soldier. He defends President John’s policies and includes his own staunch Second Amendment defense.

The last time Congress passed a ban on large-capacity magazines, Parley tells Wallace, the Justice Department could not establish a link between banning these magazines and reduced gun violence or gun deaths. He also argues the vast majority of the weapons are purchased and used by law-abiding citizens who are not unusually dangerous.

Wallace questions Parley about lawsuits against the gun manufacturers and whether he supports laws making it difficult or impossible to pursue manufacturers for crimes committed by people who use their products. Parley claims he and President John are in favor of banning future lawsuits and dismissing all pending lawsuits against the gun industry. The only exception they support is one for defects in the weapons or ammunition, but only if Congress places caps on civil damages in that circumstance.

Both Parley and the president oppose holding manufacturers liable for the black market or illegal sales of their products. When Parley was in Congress, he voted against a bill featuring all of those restrictions because the bill called for a tightening of criminal background checks. Parley is lock, stock, and

barrel with the *NRA* and proud of it. When in Congress, he also voted to loosen license and background checks in most situations, including gun shows.

Kenny leaves the studio in a limousine arranged by his stepfather. He can't get Parley's interview out of his mind. He expected pushback from Barrington, the gun manufacturer. In many ways, though, Barrington was more sympathetic to Kenny's protest than was the Attorney General of the United States.

The country is solidly behind the various proposals to limit access to dangerous weapons, especially high capacity automatic weapons. However, only a short time after the Bloomfield tragedy, it became clear that Congress and the President had other ideas and are still in bed with the *NRA*. Obviously, Kenny and his group have a lot of work to do to accomplish change.

# Chapter Fifteen

Anyone armed with the right access, search query, and acumen can enter and shop on the non-indexed Internet or so-called dark web. It is quite easy to access markets for all types of 'not so legal' products or services, anything from drugs to sex or pornography. Cybercrime operations are conducted with surprising similarity to regular businesses. Aside from drugs and sex, one can easily obtain fraudulent documents, like fake passports and stolen credit cards, or computer hacking tools. The sad truth about guns in the United States is that the average purchaser does not need the dark web to get what he or she wants. Reed Spencer, Micah Love's technology guru, contemplates this notion as he peruses various sites. Micah wants Reed to investigate whether Barrington Arms or Charles Burns has a presence on the Internet's dark web.

The dark web is famous for black market sales on the Internet. It is a mysterious place where Bitcoin and other cryptocurrencies are used to purchase anything from illegal drugs to stolen credit cards or social security numbers to guns. It is not necessarily 'anything goes.' There are rules.

For example, it's difficult to sell things that could cause serious harm to vast amounts of people. The most common item for sale is drugs, but Reed's research found multiple underground sites offering murder for hire or professional hitmen for a reasonable price. A purchaser may also opt to make a person go missing or purchase a simple beating if murder is too extreme a punishment. All of these services are offered with complete anonymity.

When Barak Obama was the President of the United States, he took executive action to decrease gun violence. He required all gun sellers, including gun show and online vendors, to be licensed and to perform background checks on their buyers. Obama's motives were probably pure, and his actions well-intentioned, but Reed questions the need for these executive orders. The so-called dark web is an encrypted Internet underbelly, a place where a buyer can purchase illegal goods anonymously.

Reed knows from constant, sometimes intensive, research and access that gun sales are not common on the dark web. He also knows the most prevalent items purchased on the dark web were drugs and tobacco products. At one time, a couple of sites specialized in weapons sales, but they were shut down due to poor sales. Guns are difficult to sell online; they are not easily hidden

or shipped in small quantities. Sales are difficult to complete; buyers are wary of scammers.

While Reed doesn't question his orders, he wonders why anyone would go through the hassle of buying Bitcoin and then guns from an anonymous online dealer. *Anyone* can purchase *any* weapon at thousands of gun shows around the country without a background check.

*Who needs the dark web?*

On the web, a U.S. buyer has to jump through more hoops than when they buy the weapon in person. Reed is aware of at least one Internet website—*Armslist*. It's a firearms marketplace to the general public and not a dark website. He quickly eliminates that website after determining Barrington never sold on the site and Burns never purchased. Besides, *Armslist* is above board and requires all sellers to register as gun dealers.

Micah has provided Reed a Bitcoin account. Reed frequently uses *TOR* and a *VPN* to access and browse the dark web, privately and anonymously. One can't be too careful on the dark web. Reed's Bitcoin account allows him to create a wallet without having to reveal his identity. He also uses a mixing service when transferring coins to his wallet, which makes it difficult for anyone to trace the origin of the coins.

Whenever he purchases anything on the dark web, for work and investigative purposes, of course, Reed does so through a third party or escrow service. If goods or services purchased turn out to be fraudulent, he can count on the escrow service to resolve the issue or refund the escrowed amount.

He searches sites like *Dream Market*, *Valhalla*, *The Real Deal*, *Crypto Market*, and *Middle Earth Marketplace*. He looks for encrypted messages or sales back and forth between anything or anyone named 'Barrington' and anything or anyone named 'Burns.' There has been no interaction between the two search terms. Most of the 'Burns' items relate to fire starting and fire protection products as well as drugs, both legal and illegal, for treating burns. He finds some interesting 'Barrington' related items and writes himself a note to follow up.

Reed's research does result in one surprising development. He discovers firearms and ammunition are increasingly smuggled into the United Kingdom through parcel delivery and courier services. In recent years, there has been a notable rise in the number of unregistered firearms in Great Britain, and a coincidental rise in the number of unmarked parcels in the online shopping

marketplace. At the same time, recent terrorist attacks against innocent civilians in Paris, have resulted in greater European scrutiny.

Reed decides the European connection merits greater scrutiny. He keeps it simple and goes to the Barrington Arms website. He types ‘foreign plant locations’ in the search box—Bingo! Barrington has at least one visible overseas plant location, in Newcastle, England, north of London. Barrington could easily use Newcastle as a front for smuggling unregistered black market weapons into England and, eventually, into other parts of Europe and even into the United States, permitting the company to sell untraceable weapons to mercenaries or terrorists on the black market or the dark web.

*What do I do with this?*

The information is intriguing, but what does it have to do with the guns used in the school shooting?

*How do we prove they’re selling on the black market through the Newcastle location?*

Reed decides to convey the information to Micah. If they can connect Barrington Arms to gun smuggling and black market sales, they may be able to demonstrate that Barrington and its’ principals are shady and capable of selling weapons, off-book, to criminals like Charles Burns.

Reed rises from his desk and walks down the hall to Micah’s office. Micah is talking to someone on speakerphone. He sees Reed standing at his door and waves him in, finger to his lips, gesturing for Reed to maintain silence.

“I understand, Brendan—these things are tough, especially when you’ve been married for a long time; you think your wife is someone you know and trust.”

“You got that right, Micah. I saw the text messages. She’s been cheating on me for quite a while now. I don’t know what to do. She doesn’t know that I know.”

“What do the texts say?”

“We were in bed. My wife keeps her phone by her side. I wish she’d be as attentive to me as she is to that damn phone. Anyway, she’s sleeping when the phone buzzes. She’s receiving a text from my sister-in-law, my brother’s wife. The two ladies have a New York shopping weekend planned. I know her password, so I open her phone and read a rather harmless text from my sister-in-law about firming up their plans for NYC. I scroll down a bit and



find a bunch of texts from someone named Ben. I open the back and forth texts, and, oh shit, they're sexting each other."

"Again, what do they say?"

Micah looks at Reed and smiles. He doesn't need the particulars of the texts, but he takes perverse pleasure in hearing the prurient details. He figures Reed does too. Micah presumes all men are sexual deviants like he is, interested in the titillating details of a sordid affair or pornographic material. Reed doesn't give two shits, but Micah's his boss, and Reed feels obligated to humor him.

"She tells him she can't wait to see him again."

"What's his response?"

"He tells her all the things he's going to do to her and what she's going to do to him the next time they're in bed together. Disgusting!"

"Does she reply?"

"Yes. She calls him a 'sexy beast,' sends him a photograph of herself naked, which, of course, prompts an exchange of more photos. Each fucking one is a little grosser than the ones before."

"Okay, I get the picture. So, what do you want to do? Do you love her? Do you want to stay together, or are you done with the bitch?"

"Please don't call her names," Brendan urges.

"Sorry.

*Despite her behavior, he still loves his cheating bitch.*

"What do you want to do?" Micah rolls his eyes.

"I don't know. Things are pretty good. We have great sex four or five times a week. She seems to enjoy our time together. We have no problems in the sack. None. We have a prenup with a cheating clause in it. I make a lot more money than she does. I will not get the shaft in a divorce. Still, I feel like someone punched me in the gut."

"Would you like me to set up surveillance and get more evidence for a potential divorce action?"

"Yeah, I guess. How much will it cost me?"

"One hundred fifty bucks an hour plus expenses. Do you have copies or screenshots of the material?"

"Yes."

"Then we can probably catch her in the act by checking the plans they've already confirmed in those texts. I can also clone her phone and obtain

scheduled trysts, follow her, and get more stuff for future use. I've got the best 'catch them cheating' photographer in the business."

"How long will this take?"

"We can probably wrap surveillance up in less than twenty hours, tops."

"So, three thousand bucks plus expenses?"

"In that neighborhood, yeah."

"Do it."

"Okay, Brendan. I'll get back to you."

"I can't believe the things she's willing to do for him in the sack! She's never done stuff like that for me."

"Well, she only *texts* about them. We don't know whether she *does* them, right?"

"Right . . ."

"Keep things as close to normal as possible. Don't let on you know what you know."

"Will do. It will be difficult to keep a straight face through all of this, but I'll do the best I can."

"That's all you can do. We're on the case."

"Thanks, Micah. I appreciate it."

"We'll be in touch."

Micah disconnects the call and turns to Reed.

"Fun stuff, huh?"

"Not really. Brendan, or whatever his name is, sounds terribly upset. How long have they been married?"

"Almost ten years. At least he has a prenup."

"Money isn't everything, Micah. How can this guy ever trust another woman? I know this pays the bills, but this affair surveillance stuff is so sleazy."

"Yeah, it is," Micah sighed, rubbing his hands together and smiling dreamily. He snaps back to business so quickly he startles Reed.

"So, what can I do for you?"

"I've started dark web research on Barrington."

"And?"

"And I hit pay dirt, but I don't know exactly what the information means or what to do with it."

Reed puts his laptop on Micah's desk and shows him everything he found out about Barrington, England, the European black market, and his

hypothesis about how Barrington might use the Newcastle plant location.

“What do you think?” Reed wonders.

“Interesting stuff. If we can prove that Barrington is involved in international illegal trade type of shit, it would help demonstrate these guys are scumbags of the highest magnitude, that’s for sure. I don’t know what any of it has to do with the school shooting, though.”

“That’s my problem. What’s the connection?”

“Maybe there isn’t one. I ran a criminal background check on Charles Burns, the father of the shooter and the owner of the guns the kid used. He has a proverbial criminal record as long as his arm, an ancient armed robbery, and a bunch of drinking and driving offenses. He’s not a good guy. He couldn’t have passed a gun purchase background check. So how did he get all the guns the cops found in his cabinet?”

“Have they all been seized?”

“Yes.”

“Have the cops investigated the criminal background check angle?”

“Don’t know.”

“I’ll get someone on it. Meantime, I’ll call Zack Blake. He should get Charles Burns on the record in a deposition as soon as possible. Let’s see if the elder Burns can shed some light on how these weapons were obtained.”

“Won’t he just take the Fifth?”

“Maybe. If the past is any indicator, Burns is not a smart man. I’d take the Fifth, but maybe the guy is dumb enough to testify. Who knows?”

“Zack is very persuasive.”

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Roland Barrington picks up his private line and dials an emergency number he has committed to memory.

“Hello?” A gruff male voice answers after the first ring.

“Mr. President? Roland Barrington here.”

“Rollie! How’s my favorite donor? I don’t give out my private number to very many people, but you’ve certainly earned your access. What can I do for you?”

“We have a problem, sir.”

“We?”

“You and me, rather, us and our company.”

“How do you mean, Rollie?”

“I understand you’ve had some previous dealings with a Michigan lawyer named Zachary Blake.”

“Yes, I have. I hate that bastard. He and his client almost ruined my presidency. They all but curtailed my centerpiece immigration initiatives. Why?”

“Blake caught the Bloomfield school shooter case. He represents all of the victims, including his own son.”

“I’ve been reading about the case. His son was killed, right?”

“No, shot in the leg. He’ll be fine.”

“Good. If Blake’s kid was killed, you’d have a major shit storm on your hands.”

Barrington immediately noticed the president used ‘you’d’ rather than ‘we’d.’

“What’s Blake’s kid got to do with me?”

“Mr. President, Blake has filed a lawsuit against the shooter, his parents, the school, *and* Barrington Arms.”

“So? The company has immunity under the *Bush Commerce* statute, no?”

“In certain circumstances, sir, yes.”

“So, what’s the problem?”

“The law doesn’t protect black market sales to people who aren’t able to pass a background check. In Blake’s civil case, we believe these guns were purchased on the black market, possibly through our European channels, if you know what I mean. If Blake can show gross negligence or, worse, deliberate conduct in black market sales . . .”

“So, no immunity?”

“Not if they trace the origin to the black market or dark web sales.”

“Way over my head, Roland. What’s any of it got to do with me?”

“Well, sir, as a principal shareholder in Barrington Arms . . .”

“Principal what?”

“Shareholder, sir. If you recall, back in the day, we exchanged shares for influence and some kind words to your European contacts.”

“Weren’t those placed in escrow or sold after I won the election?”

“Escrowed, sir, but the optics aren’t good. If Blake or his investigator, a guy named Love—”

“I remember him too, a real schmuck, that one. Tenacious as hell, like Blake. He’s on the same case?”

“Yes, sir. And if they find out you’re involved and paved the way for the European backchannel connection—”

“I get it, Roland. I get it,” John interrupts. “I presume you have a plan?”

“Well, sir, I was hoping to make use of some of your clandestine assets.”

“To what end, Barrington?”

“To put the fear of God in Blake, his kid, or both.”

“The kid, why?”

*Does he read the papers?* “Aside from being a plaintiff in the civil suit, Mr. President, the kid, Kenny Tracey, is a principal advocate for new legislation to ban assault rifles. He’s involved in a new organization called *March Against Gun Violence*. They’ve held demonstrations all over the country. There is a massive one coming to Washington D.C. in the near future.”

“I . . . uh . . . I’m aware, Barrington,” huffed the president.

“What do you have in mind?”

“It depends upon who is available to help us with the project.”

“Legal or illegal?”

“Your choice, sir. Whatever you decide.”

“I can cover up the illegal stuff much better. No one expects illegal from a POTUS.”

“Illegal it is, then, sir. Can you have someone contact me?”

“My involvement must be kept secret, no matter what, Rollie. Even if it backfires and you face prison or worse. Got it?”

“You may count on me, Mr. President, as long as you promise to remember, you have the power to pardon criminals.”

“Yes, I do, don’t I?” RonJohn snickers. “I almost forgot about my convenient little presidential power.”

“I haven’t. Now, I’ve started the ball rolling with our mutual friend, George. You know who I’m talking about, right? You utilized his services before you became president, remember?”

“I remember,” RonJohn quivers. He does, indeed, remember George.

“I only want people we trust. I trust George, but I would like to choose his team very carefully.”

“I will have some of my best people contact George. Anything else?”

“The stink cannot rub off on either of us, Ronnie, you understand me?” Barrington threatens. He drops all deferential pretenses.

“I understand, Rollie.”

“Nice to talk with you, Mr. President. How goes the reelection campaign?”

“It’s a tough sell after the immigration fiasco. The campaign is way behind in its fundraising.”

“We’ll see that the campaign gets a fresh and ample supply of cash. God bless the Supreme Court and *Citizens United*. Will amounts similar to last time appropriately assist you, sir?” Presidential deference suddenly returns.

“Yes, that would be appreciated, Rollie.”

“As is your valuable assistance with the matter we just discussed, sir.”

“What matter?” President John smirks.

“Exactly. Thanks for taking my call. Have a good day and keep in touch. Let me know how the campaign progresses. I can raise whatever you need, sir.”

“Your fundraising efforts are greatly appreciated, Rollie. You know you can count on me for the other thing.”

“What other thing?”

“Exactly.”

## Chapter Sixteen

Charles Burns is a hard man to pin down. His life, as a sometimes criminal, provides the opportunity to develop rather good people avoidance skills. Zack's regular process server makes multiple attempts to serve Charles with a subpoena to appear at a deposition. Charles successfully avoids service each time.

Since Charles is a defendant in the case, Zack is entitled to depose him. He solicits assistance from the *Michwide* attorney but does not wish to press the issue. An insurance company can avoid providing coverage or paying coverage limits if the insured fails to cooperate. Zack doesn't want to jeopardize what should eventually be a one-million-dollar policy limits recovery from the carrier.

Instead, Zack decides to use his secret weapon. He has Micah Love skip trace Burns. Micah not only locates Charles but has his own operatives serve Burns with a subpoena to appear at the deposition. Charles is informed that if he ignores the subpoena and fails to appear, his insurance company will void coverage, withdraw attorneys from the case, and pay not one cent on his behalf. Charles will be left to fend for himself in defense of the lawsuit.

Charles is a tough guy, but Micah puts the financial fear of God into him. On this day, Charles is in Zachary Blake's conference room, sitting next to Burl Tyner and across from Zack, awaiting his first set of deposition questions.

"Mr. Burns, do you understand the oath you've taken?"

"Oath?"

"You've sworn to tell the truth, under penalty of perjury. Do you understand what that means?"

"Sure," Burns grumbles. "I'm not stupid."

"No one claimed you were, sir. You are the father of Kevin Burns, correct?"

"Yes."

Zack prods through Charles Burns' childhood and upbringing, where he lived, where he went to school, moves, changes of schools, sports interests, military service, and the development of his interest in guns. Zack asks about college (Burns attended Oakland County Community College for a year or so before dropping out), how he met his wife, his career, his criminal

convictions, especially the armed robbery conviction and the DUI's. Tyner is silent; nothing is objectionable for discovery purposes. Things might be different at trial.

"Tell us about your armed robbery conviction, please."

"What do you want to know?"

"When did it happen?"

"I was fifteen years old. I'm forty-five now, so it was thirty years ago. I was just a kid, but the asshole prosecutor . . . oops, can I say 'asshole?'"

"You can say anything that can be transcribed by Judy over here." Zack smiles at the court reporter.

"She cannot take down a head nod or an 'uh-huh.' We went over that."

"Right. Well, the prosecutor insisted on trying me as an adult, even though it was my first offense, and I was only fifteen. That's why it's still on my record. Damn thing's followed me around, like a bad habit, ever since."

"What happened? Who did you rob?"

"I had some substance abuse problems at the time. I got myself clean sometime later, but at the time, I needed money for drugs, coke mainly, and I robbed a local 7-11."

"And you were armed?"

"Yes, sir."

"Where did you get the gun?"

"From my father's gun cabinet."

*The apple doesn't fall too far from the tree.*

"Was the cabinet kept under lock and key?"

"Yeah, but I knew where Dad kept the key."

"Did they know you in that store?"

"Not very well. Besides, I wore a mask."

"How much did you steal?"

"One hundred and twenty-five dollars. The gun and the amount over one hundred made it a felony. That damn prosecutor decided to try me as an adult. He wanted to make an example of me while making a name for himself at the same time. I was afraid I would go away for a long time, so I plead guilty and served time in juvey until my eighteenth birthday. Getting juvenile time was the compromise for the adult guilty plea, but the conviction was an adult conviction. That's why it's stayed on my record all these years."

"And you have multiple drinking and driving offenses?"

"Yeah. *That's* a biggie. Can't seem to stay away from the booze."



Zack takes him through every conviction, boring him and everyone else to tears with his attention to detail.

“So, Mr. Burns, as you know, your son Kevin has been charged with multiple counts of murder resulting from a mass shooting incident at Bloomfield High School. You are aware, right?”

“How could I not be?”

“Please, sir, answer the questions I ask you, without the editorializing. Move to strike the last sentence of the witness’s answer.” This is a procedural technicality. Zack wants a clean record.

“Will do.”

“You are aware?”

“Yes.”

“Do you know where your son got the guns he used in the shooting?”

“Objection. Kevin Burns has not been convicted of any shooting. The question is speculative,” Tyner cries.

“Your objection is noted for the record. I’ll take the answer over the objection. Mr. Burns, please answer the question.” Zack knows the question was proper, despite the objection.

Burns looked over to Tyner, who nods his head to answer.

“I’ve been told he got them from my gun cabinet.”

“How does an eighteen-year-old kid have such easy access to a gun cabinet?”

“Objection,” Tyner shrieks. “*Easy* is a relative term. Can we be more specific?”

“Again, noted. I’ll take the answer.”

“The cabinet was locked. Kevin searched my house and found the key in my cigar box. I would agree with the attorney here. I hardly made it easy for him to find the key.”

“But he found it with relative ease, did he not?”

“He found it.”

“How long did it take him?”

“I told you. I don’t know. I wasn’t home.”

“Wouldn’t it have been smarter to take the key with you?”

“With twenty-twenty hindsight, yes. But, he could have just smashed the glass.”

“The cabinet was *glass*?”

“Yes. It’s not just a storage case. It’s a *display* case.”

“I see. And your son walked by and saw these weapons on display virtually every day of his life, is that correct?”

“Well, I don’t know about that—”

“Who taught Kevin how to shoot?”

“I did. But I also taught him to respect weapons. Other than my juvenile conviction and my problems with alcohol, I am a responsible citizen.”

“Is that so?”

“Yes.”

“I’ll have some follow up questions for you on this topic. For now, though, tell us about Kevin’s marksmanship. How does he handle himself around guns?”

“He’s learned quite quickly. He’s handy with a gun, especially the Lugar.”

“The one he used at Bloomfield?”

“Objection! Again, to be proven,” cries Tyner.

“Again, I’ll take the answer,” Zack counters.

“The Lugar was one of the guns missing from the cabinet, yes.”

“What other guns were missing?”

“An AK47 assault rifle.”

“Why do you need an assault rifle?”

“Hunting. Target practice.”

“By the way, Mr. Burns, as a convicted felon, how did you acquire these guns and the others in the gun case?”

Zack hones in on the core purpose of the deposition. The lawyer thinks the elder Burns is a scumbag. A policy limits recovery from Burl Tyner’s client is a foregone conclusion. Blake doesn’t care much for or about Burns; he wants the testimony to nail the manufacturers and sellers on a negligent or black market sale to an undesirable person, someone who couldn’t possibly qualify to buy a weapon after a background check.

Burns sighs. “I assert my Fifth Amendment right to refuse to answer for reasons of self-incrimination.”

*Nails the one million. Now, I want the manufacturers and sellers.*

“Let’s go off the record.”

Judy immediately stops transcribing and awaits further orders. Zack tells her to take a break and sends her out of the conference room.

“Okay, Mr. Burns. It’s only us lawyers here, now. What will it take to get you to talk to me?”

“Full immunity from prosecution for me and some consideration for my son. He’s only eighteen for Christ’s sake.”

“We don’t have that power, Mr. Burns.”

“Then, I’m not talking.” Barrington Arms and gun seller attorneys pump fists and expel audible sounds of glee.

“Can we discuss these matters in the hypothetical?” The Barrington lawyer becomes less enthusiastic.

“How do you mean?” Tyner inquires.

“I’ll only ask him hypothetical questions. ‘How *might* a criminal obtain a Lugar or an AK47, if you know?’ That sort of thing.”

“Please clear the room. I need to talk to my client.”

The lawyers rise and file out, leaving Burns alone with Tyner. Fifteen minutes later, the door opens. Everyone, including the reporter, is invited back into the conference room.

“Back on the record, Judy,” Zack instructs.

“My client will answer hypothetical questions if they fall within the scope of his or any gun purchaser’s common knowledge. However, we maintain a continuing objection to these questions and move to limit testimony to this discovery deposition only. We will file an appropriate motion in limine when the time comes,” Tyner dictates terms.

“Okay by me,” Zack shrugs as if the case has not reached a pivotal moment.

“I object,” the Barrington guy screeches. “Your hypothetical side agreement with counsel is completely irregular and far beyond any appropriate scope of discovery.”

“On the contrary,” Zack counters. “It’s completely appropriate for discovery, especially limiting the scope of his answers to protect his Fifth Amendment rights.”

“My objection is on the record. I’ll be filing a motion.”

“Noted, file away,” Zack invited. *That will go nowhere.*

For the benefit of Burns, Tyner, and the record, Zack restates the ground rules for the questions he’s about to ask. Tyner consents to the rules, and the Barrington guy objects once more. With those tasks completed, Zack resumes the interrogation.

“So, Mr. Burns, let’s say, *hypothetically*, some guy wants to acquire a Lugar but has a criminal record for, say, armed robbery. How does our hypothetical friend go about acquiring a weapon?”

“I want a continuing objection to these so-called hypothetical questions.” cries the Barrington lawyer, attempting to interrupt cadence.

“Noted for the record.” Zack brushes the guy off. “Mr. Burns?”

“A Lugar might be purchased through a straw man, for example,” Burns explains.

“I believe I know what you mean, but would you please explain the mechanics of such a purchase, for the record?” Zack presses.

“A guy with a record walks into a gun store with someone who has no record. The guy with the record picks out the guns he wants. The other guy buys them. They run a clean background check on the guy with no record, and, of course, he comes up clean. The sale is completed. Then, the guy with the record pays the cost of the guns and a premium to the other guy helping him out. Presto! The guy with the record has himself a Lugar,” Burns shows off his criminal knowledge.

“Would the same type of method be true if someone wanted to purchase, say, an AK47?”

“No. An AK47 purchase might be made through an indirect manufacturer contact, a black market broker if you will.”

“How would that work?”

“Let’s assume that a manufacturer was keeping a supply of weapons for purchase at a premium for those who would not pass a background check to purchase an assault rifle.”

“Assume away,” Zack does his best impression of Zero Mostel in the Mel Brooks classic ‘The Producers.’

“Continuing objection,” shouts the increasingly frustrated Barrington lawyer.

“We’ve already established your continuing objection.” Zack locks eyes with Burns and continues to ignore his opponent. “Please continue, Mr. Burns. I’m fascinated.”

“The manufacturer, through the broker, alerts black market dealers about guns for sale at a premium to those who cannot purchase them on the up and up. The manufacturer sells sufficient quantities to the broker at a premium, essentially buying the broker’s silence by making him complicit. The broker turns around and sells them to an otherwise unqualified end buyer for whatever he can finagle, usually charging a hefty premium. If the buyer wants the assault rifle bad enough, he’s willing to pay the premium.”

“Was this true of your assault weapons purchases, Mr. Burns?”

“Well . . .”

“Objection! Don’t answer! That is not a hypothetical question!” The Barrington guy screeches, waking up in the nick of time.

“Can’t blame a guy for trying,” Zack shrugs. “You don’t represent Mr. Burns, nor does it fall on you to protect him from jeopardy. Why should you care?” Zack baits the guy.

“Try that again and I’m shutting down the deposition,” the lawyer threatens.

Zack turns to the suit. “I noticed up today’s deposition. I am entitled to ask questions, and, again, Mr. Burns is not your client,” he grumbles and points to the door. “There’s the door if you wish to leave. You cannot ‘shut down the deposition.’ You can object like hell, but shut down the depo? Not on your life. However, I’ll do my best to behave.” Zack smirks, winks at Judy, and turns back to his witness.

“Any other black market methods our hypothetical buyer might use?” Zack returns to the hypothetical world of gun purchasing.

“These direct-from-the-manufacturer purchases are good because you—I mean our hypothetical buyer—knows he’s getting a new, not tampered with, AK47. But there are many ways for a buyer to find a good weapon. Many of these can be found on the Internet.”

“Anything else you want to tell me about the black market process?”

Charles Burns wants Zack Blake to go easy on him and his son. He realizes Zack can’t do much in the criminal arena, but the hotshot trial lawyer might be of significant assistance to the Burns family in the civil case. The better Blake does with the sellers and manufacturers, the easier he’ll go on the Burns family. Charles Burns is many things, but he is not stupid.

“Yeah. Investigate the hell out of the sellers, if you find them. When a new buyer comes along, he usually knows nothing about straw purchasing. He doesn’t even know about the process or who to use as a straw man. How does he find out? From the gun dealer, that’s how.

“Guy tries to buy a gun, but when he returns, he learns he’s failed the background check. ‘Oh well,’ the guy tells himself. ‘It was worth a try.’ The dealer says to the guy, ‘Hold the phone, buddy. Ask a friend, your brother, your sister, *anyone you know*, to come in, pass the background check, and we’ll sell the guns to them instead of you. What happens to them afterward is none of our business.’

“I’ve seen strawman purchases in many stores. After one gets done successfully, the same straw guy will visit as often as he wants to purchase weapons. I heard through the grapevine that one guy purchased over twenty guns using that method.”

“What gun stores are we talking about?”

“Uh . . . I . . . uh . . . can’t . . . uh . . . recall . . .”

“If you recall, please notify your *Michwide* attorney, and he will get me the information,” nods Zack.

“Will do.”

“Who are these people in gun stores selling these straw men guns, the owners?”

“No. Hypothetically, they’re usually the least experienced employees. These people aren’t trained at all. They aren’t told about straw purchasing. All they do is wait on people and fill out forms. They don’t know gun laws—don’t care to know. It’s a job and a paycheck. If a buyer is having trouble getting a gun in Michigan, he or she just travels to Ohio or Indiana or Illinois. You know what I mean?”

“Yeah, I feel you.” Zack mocks Burns and pretends to relate.

“Anything else?”

“Yeah. Try flea markets and gun shows. Lots of those guys look the other way even when they know customers won’t pass background checks. As long as the money is right, these scumbags are more than pleased to complete ‘off book’ transactions.”

The deposition drones on as Zack prods through Burns’ marriage, his various jobs, and his other children. He receives rather candid responses about drinking, adultery, spousal abuse, and other sordid topics.

*How does such a guy qualify to purchase a home in Berkley or Bloomfield?*

When the deposition concludes, Zack is satisfied he has extracted all he can from Charles Burns. The witness’s colorful and detailed answers prompt more questions, though, and cause Zack to wonder if Micah or one of his investigators should follow Burns to a local watering hole and chat him up when he becomes inebriated.

Zack, Micah, and the team have a lot of ground to cover in their investigation. The quest for justice hinges upon exposing a manufacturer’s criminal wrongdoing.

*Of course, there is criminal wrongdoing by Barrington here—I feel it in my bones. Now, all we have to do is prove it.*

## Chapter Seventeen

George Trapp sits in his car at a cell phone lot outside the McNamara Terminal at Detroit Metro Airport. He awaits a text from a man he knows only as Rafael. George is quite familiar with the legendary Rafael, a man who has completed many sanctions but has no record or criminal past of any kind.

Rafael kills quietly and efficiently, never leaving a trace of his own criminal involvement or, for that matter, even a *hint* of illegal activity. Brakes or steering fails with no obvious tampering. A tire suddenly blows out around a dangerous curve. A pleasure boat sinks or a small plane crashes due to ‘mechanical failure.’ A car stalls on train tracks and struck by an oncoming train.

Rafael might trigger a race war or an act of terrorism with no hint of his involvement. He rarely works in America but has been offered an obscene sum of money to do Barrington’s bidding. For further incentive, Roland Barrington is a vital source of urgently needed untraceable weapons.

George concedes Rafael is an extraordinary talent. But why does Barrington need him?

*I can handle some local attorney and his son. Weapons aside, how does Barrington have access to Rafael, the Rolls Royce of assassins? Is Barrington that influential, his reach that vast?*

George is pissed. After Barrington secured George’s services, he then decided to reach out to Rafael. George prefers doing his own dirty work and resents being relegated to carrying water or bags for the infamous assassin, even though he respects the man and admires his craft.

*If Barrington has Rafael, why does he need me?*

*Logistics*—George decides, *that’s why*. George knows Detroit, while Rafael has never worked in the states before. At the end of the day, George *will* carry water for Rafael because he’s well paid to do so. Besides, George possesses another skill, vital to anyone in the espionage game. He knows how to keep his mouth shut.

His phone chirps. Rafael has arrived. George is now looking for a man wearing a Miguel Cabrera ‘number 24’ jersey and a Detroit Tigers navy baseball hat with the familiar old English D.

*Nice local touch. How does Rafael know about Cabrera?*



George exits the cell phone lot and heads for departures. Rafael has no bags, and there is no congestion and less security at departures so late in the evening. As George rounds the curve, he spots the legend, a light-skinned black or, perhaps, Arabic man. Rafael has his hat pulled down almost over his face, so George can't see much. The legend knows what type of car, lifts his hand in salute, and gestures for George to stop. George obeys and pulls over to where Rafael is standing, carrying a small duffel bag over his shoulder.

George pops the trunk. Rafael ignores the trunk, enters the vehicle, and shifts the bag to his lap. George looks over to him. Rafael continues to stare out the front window, completely ignoring his driver. George is forced to get out of the car and shut the trunk himself. He slams it in anger, returns to the driver's seat, fastens his seatbelt, and pulls out into light airport traffic. He wills himself to calm.

"How was your flight?" He tries to make conversation.

"Uneventful," Rafael sighs.

"Where are you coming from?"

No answer. George doesn't think the question over-steps, but he understands.

"Where are we headed?" George wonders aloud.

"Detroit Westin Book Cadillac Hotel," Rafael mumbles.

"Beautifully restored hotel, downtown. You'll love the place," George assures.

"Hotels are places to sleep or rest, nothing more."

"Still, it's a beautiful place. Do you have your instructions?"

"I do."

"How can I help?"

"I will let you know. Mainly, I will need transportation and navigation. I'm told you know the city?"

"Like the back of my hand."

The men drive in silence to the Book. Upon arriving at the hotel entrance, Rafael exits the vehicle and slams the passenger door shut without a word. He turns and walks into the hotel. His trusty chauffeur for the evening is nonplussed.

*No hello, no goodbye, no fuck you—go screw yourself, asshole!*

A valet approaches the vehicle. George waves him away, shifts into drive, and pulls out into the night.

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The following evening, Cameron Casey and Kenny Tracey are scheduled to appear at a downtown Detroit rally for the March Against Gun Violence. The rally is being held at Campus Martius, a reestablished and restored park in the heart of the downtown business district. The park is a two-minute walk from the Westin Book Cadillac Hotel.

The two boys are enjoying their newfound fame, invigorated by the mostly positive response their crusade has inspired. There are a few gun nuts at every event, a few unabashed Ronald John supporters and some other crazies, but, for the most part, the experience has been positive. The two boys drive to the event together, in Kenny's car. Cameron's car is in the shop.

The event is fabulous, well attended, and the press is eating it up, covering it in huge numbers. All the local television and radio channels, as well as national networks like *CNN* and *MSNBC*, have reporters in place, reporting from the scene and interviewing participants. Local and national newspapers and news services are also in attendance.

Rafael stands on the outskirts of the park and watches a few speeches. He listens as the audience hoots and howls at suggestions millennials will succeed where their predecessors have failed. He chuckles.

*Nobody will ever pry the guns out of the hands of these Second Amendment American idiots. And if they do, God bless them. Only criminals will have weapons.*

Rafael strolls into a parking lot to the south of the park. He's unrecognizable, wearing a full Caucasian mask and wig. He still dons the Detroit Tiger old English D baseball cap, but his jersey is now a Nicholas Castellanos number nine.

Surveillance teams call to inform Rafael that Cameron and Kenny have just arrived in a black Jeep Compass and parked on the 3<sup>rd</sup> floor of the parking garage. Rafael summons an elevator and presses the 'up' button. The elevator door opens almost immediately, he enters, and presses 'three.' Soon, the doors open on the third floor, and Rafael exits the elevator. He presses a key fob in his hand, and an alarm chirps in the distance.

The assassin has familiarized himself with the Jeep Compass and knows, instinctively, what to do. He approaches the vehicle, opens the door with the key fob, and pops the trunk. He finds the computer connection, hovering at the top of the battery. He removes the connection to the battery cable and

inserts a tiny, virtually undetectable, explosive device that will trigger the moment the vehicle tries to utilize the computer.

Having completed his work, he closes the hood and returns to the Campus Martius event as it wraps up. He heads west up Michigan Avenue toward the Book Cadillac and decides to pass the time at a coffee shop across from the parking lot where a rigged Jeep Compass awaits a key to ignite the explosive. It is only a matter of time.

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Cameron, Kenny, and Jacqueline Corey are basking in the success of the completed event. The rally could not have gone better. Their gun control movement is gaining momentum, and Kenny is feeling the glory.

*I can't wait for our movement to become an out of control freight train.*

Jacqueline wants to take the boys out for a drink to celebrate with some of the other participants. Kenny is willing, but Cameron has to head home. His family is planning a quick weekend at Cedar Point with his younger siblings, and Cameron has promised to tag along and assist. He feels guilty for raining on everyone's parade, but he needs time to clear his head. Besides, the coasters at Cedar Point are *awesome*.

The teens reach a compromise. Cameron will take Kenny's car home, and Kenny will hitch a ride with Jacqueline and her other companions. Someone will volunteer to be the designated driver while the others get hammered, that is, if they can get served.

Cameron bids goodnight to all and heads for the parking lot. The others stroll off toward the park area where the action is.

Rafael watches a young teenage boy stroll in the dark and enter the parking lot across the street. He cannot make out his features, but he's the approximate height and weight of Kenny Tracey.

*The kid's sudden and violent death will take the sails out of daddy's efforts to take down Barrington Arms.*

The assassin watches as the elevator starts to rise and stops at the 3<sup>rd</sup> floor.

*Definitely the Tracey kid. But where's his friend? Did he go home with someone else?*

Rafael doesn't like loose ends. He wants both boys to die. If foul play was discovered—a very remote possibility considering the location and type of explosive in play—no one would ever know which of the two boys was the target.

*Not much I can do now.*

He hears a distinctive ‘ding’ sound as the elevator stops and the doors open on the 3<sup>rd</sup> floor. He observes the young man hit his key fob and hears the familiar chirp sound the car makes in response. Rafael holds his breath, slightly concerned the fob and chirp might set off the explosion. He watches the young man locate the truck and enter the vehicle.

As the teenager attempts to start the vehicle, the ignition hesitates, followed by a violent explosion. It rocks the parking garage and sends concrete and car metal in various directions. People on the street below look up and begin dodging chunks of falling concrete. One young lady is hit in the head by falling debris and knocked to the sidewalk, unconscious and bleeding. Her horrified companion begins to drag her away from the scene.

Rafael can see the Compass flipped on its side and engulfed in flames. A second explosion causes it to jump and crash a second time. The driver is undoubtedly dead. Only the shadow of the truck can be seen within the flames and smoke. A distant siren is heard in the background, as someone has called 9-1-1 to report an explosion.

Bystanders’ natural inclinations are to provide assistance, but the fire is too intense to approach. What’s the point, anyway? The car is a fireball; the driver can’t be helped. The sirens get louder, and Rafael observes an EMS vehicle and two massive fire trucks arrive at the scene. The firemen quickly begin to raise ladders and direct hoses at the intense fireball. Other cars on the 3<sup>rd</sup> floor have caught fire as well. Pandemonium reigns on the third floor of the parking structure. The scene captures the attention of all fire and police personnel and every bystander in the area, except one.

While everyone is gazing at the third floor of the parking structure, the man known only as Rafael rises from his seat and strolls west along Michigan Avenue. He turns right, jaywalks across Michigan Avenue, makes another right at Washington Boulevard, and enters the Book Cadillac. He casually waves to the doorman who inquisitively looks around at all the commotion.

Rafael shrugs his shoulders as he takes the elevators to his room. Inside, he gathers his sparse belongings and looks around to make sure nothing is left behind. Satisfied, he exits, returns to the lobby, and approaches the reception counter’s checkout desk.

“May I help you, sir?” A pleasant, young African American female smiles at the assassin.

*If I had more time . . . “I’d like to check out, please?”*

“Sir, it’s long past checkout time. I’ll have to charge you for the evening, whether you stay or not. Are you sure you don’t want to stay?”

“I completed my business early and changed my plane reservations. I have an Uber in transit. The driver will arrive momentarily to take me to the airport,” he lies. “Thanks for the offer, but I have no choice. Your hotel is beautiful, by the way.” He’s barely noticed, but he knows what she wants to hear.

“Thank you. I notice your stay was paid well in advance. There is no credit card associated with the reservation. There are no amenity charges. I guess you’re all set. Please come again.”

“I’ll never stay anywhere else when I visit your fine city,” he smiles. He has no intention of ever returning to Detroit.

The assassin turns and walks out of the hotel. He looks left and sees a crowd of people has gathered at the corner of Michigan Avenue and Washington, looking in the direction of the parking lot. A black limousine stands on the opposite side of Washington. The driver flashes his interior lights at Rafael. Rafael, who will soon be known as the ‘Detroit Parking Lot Bomber,’ walks across Washington, enters the vehicle, and immediately takes off for the airport, satisfied that his mission is accomplished.

## Chapter Eighteen

“What the fuck, George?” Roland Barrington III is furious. “You were supposed to make it look like an accident. Instead, we got a violent explosion. On top of that, you guys killed the wrong teenager. How incompetent can you be?”

“Don’t even *think* of going there, Rollie. *Raphael* handled the sanction. The explosion was *his* handiwork, not mine. *You* brought him in and relegated *me* to carrying his suitcase, remember? All of the operational decisions were made well above my pay grade. *I* would not have used an explosive, although, as I understand it, the kind used is not easy to identify. It should still be ruled accidental.”

“Fuck! I’ll get back to you, George.”

“Whatever, Rollie.”

“Stay by your phone.”

“Will do.” *Screw you!*

Barrington picks up his direct line to the President. The world’s most powerful man answers for Barrington on the first ring.

“Rollie, I know why you’re calling. We’ve got a massive screw-up on our hands. I’ve been working on it.”

“And? If we don’t turn things around, your campaign will soon be in the toilet.”

“Don’t threaten me, Rollie. I did what you requested. I got you the best of the best, but the op went bad. We’re trying to figure it all out. Everyone makes mistakes now and then.”

“We can’t afford mistakes. We’re fighting for our lives. What have you found out?”

“Rafael rigged the Tracey kid’s car with a miniature explosive, virtually undetectable. However, the damn kid decided to stay at the event and have some fun with his friends. The guy he drove with to the protest event had to get home, so Tracey loaned the guy his car. When the young man started the car, the explosive did the rest. Right car, wrong guy, who could have predicted such a thing?”

“What are the cops saying?”

“We have friendlies in the local office of the FBI. They have reached out to the locals. The stupid cops think it’s some kind of computer glitch. The

State of Michigan is calling on Fiat Chrysler to recall the Jeep Compass.”

“To discover no defect? No, thank you.”

“We have no control over that. The State of Michigan will do what it does, Rollie.”

“Great. Now what?”

“Now what, what?”

“How do we clean up this mess?”

“I’m not sure we do, Rollie. A good result is if the investigation reveals no foul play.”

“Maybe so, but the result doesn’t solve my legal problems.”

“No, but it *does* prevent people from going to prison for murder.”

“True, I guess. Does anyone know where Rafael is? I may need him at some point, to finish what he started.”

“Let’s cross that bridge when we come to it. You need to lay low for a while. Okay?”

“I guess so.”

“I know so. I’ll reach out to my contacts and see what more I can find out,” replied the President of the United States.

“Thanks, Mr. President.”

“You’re welcome.”

*Prick!*

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“Accident my ass, Billy. Someone deliberately tried to kill my son.”

Zack knows Detroit Police Detective Billy Ellington from his work on Zack’s last big case, a police shooting of an innocent black man in Cedar Ridge, Michigan. The case morphed into a Detroit kidnapping.

“Calm down, Zack. We’re still investigating, but there is no evidence of wrongdoing at the moment. There appears to be a computer-related glitch of some sort—Chrysler is contemplating a recall.”

“A load of crap, Billy. A young boy, with his whole life ahead of him is dead, and the circumstances are too coincidental. It could have and should have been *my* son, not Brian Casey’s son. What do I tell *Brian*?”

“Tell him we are still investigating.”

“I want you to put your best forensic computer and explosives guys to work on what I know is a murder. Hell, I will get you *the* best guys in the *country* and loan them to you. I want to know what happened, and I want to know it yesterday.”

“I understand, Zack. Let me do my thing. I will keep you informed.”

“No stone unturned?”

“No stone unturned. You have my word.”

“All right, Billy. It’s in your hands. Don’t let me down.”

Zack hangs up the telephone in his study and turns to his wife Jennifer and his sons, Jake and Kenny, who were glued to the entire conversation. There are no secrets in the Tracey-Blake household.

“It was *my* car that exploded. If it was foul play, it was intended for *me*,” Kenny concludes. Cameron Casey was a good friend and colleague.

“Billy claims there is no evidence of a bomb.”

“Yeah, sure, Dad, sure,” Jake sneers.

“Too coincidental, don’t you think, Dad? Happens right after a big protest event?” Kenny speculates.

“Maybe, son. If we assume it’s related to your protest endeavors.”

“Huh?”

“It might, indeed, be a terrible accident. On the other hand, it might be related to something else.”

“What else could there be?” Kenny is perplexed.

“What if it’s related to the lawsuit? How could I proceed with the same vigor if my son is killed?”

“Seriously?”

“Seriously.”

“Either way, it’s the same people, isn’t it, Zack?” Jennifer chimes in.

“The lawsuit and the protest affect the *same* people. When we consider the lawsuit defendants, only the *gun industry* has the money and power to pull something like this off—like the church in Jake and Kenny’s case.”

The Tracey boys were once victims of a predator priest. The lawsuit filed by Zack against the church blew the lid off the whole affair and exposed a massive cover-up operation.

“You’re right, Mom; you’re *both* right. It has to be Barrington or someone working for Barrington,” Kenny postulates. His family can see the conspiracy wheels spinning. Theories are dancing in Kenny’s head.

“Assuming it is a bomb. We don’t have proof of that yet,” Zack reminds them.

“It’s Barrington, Dad. We all know it,” Jake insists.

“I’m not saying no. I’m saying let’s wait and see. I’m going to help out the *DPD* by retaining the best forensics guys in both the computer and



explosives fields.”

“Wonderful. Thanks, Dad,” Kenny chirps.

“Don’t thank me, Kenny. I have to know what happened, for Brian Casey’s sake, hell, for all of our sakes. I’m sure we are dealing with a deliberate act. We have a murder on our hands, and the guy who did it is still out there.”

“That’s a scary thought, Zack,” Jennifer shivers.

“It sure is. Our family has faced adversity in the past, more than our fair share. We will face things, head-on, with everything we’ve got,” Zack rallies the troops.

“Damn straight,” Kenny scoffs, prompting a look from his mother.

“Wash his mouth out with soap, Mom.” Jake goads, rubbing his hands together and looking back and forth between mother and brother.

“You’ve cursed much worse, Jake,” laughs Jennifer.

“Let’s do something to take our minds off what happened.”

“Dairy Queen?” Zack offers.

“Excellent idea,” Jennifer concurs.

“Boys?”

“Who turns down Dairy Queen?” The boys agree simultaneously.

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President Ronald John demands answers. Rafael has made him look like a fool in front of his largest contributor. Attorney General Geoffrey Parley and the Justice Department’s Clandestine Division are responsible for the operation, and the president is not pleased. He lambasts Parley, threatens to fire him, and offers to dispense the same medicine to the entire division if Parley is too much of a ‘pussy’ to do so.

While Parley hates the president with a passion, he *loves* being the Attorney General of the United States. Besides, *POTUS* happens to be correct. The operation was a screw up of massive proportions. The use of explosives rather than brake failure or a tire blow out, anything to appear accidental, was bad enough. But Rafael also killed the *wrong* guy.

*Rafael’s a pro—he’ll make things right. When he discovers the wrong guy was eliminated, he’ll offer to terminate the right guy, at no additional charge.*

Parley’s current problem is Rafael always disappears after an opp. He’s usually off the grid for two weeks or more.

*Perhaps someone can get word to him that the wrong man has been executed? Maybe then, he’ll return and try again.* Parley picks up the phone.

“Yes.”

“Parley here.”

“Parley? What’s up?”

“Can you reach him?”

“Maybe. Why?”

“He botched the operation. Killed the wrong guy, the wrong way.”

“What the fuck does that mean?”

“Seriously. He blew up the wrong man. And why use explosives? Hard to label an explosion an accident, no?”

“I’ll do what I can, sir.”

“Do *more* than that. Find his ass and find it quickly.”

“Sure, Mr. Attorney General, but don’t threaten me. I know where the bodies are buried.”

“Just find him, okay?”

“I’m on it.”

## Chapter Nineteen

Micah Love and Zachary Blake sit in the conference room of Zachary's mansion office, discussing the explosion. Zack's certain that foul play is involved. Micah's playing devil's advocate, even though he agrees with Zack. At the end of the day, a protest and lawsuit followed by a car explosion are too much of a coincidence.

The purpose of the meeting is to plot strategy and retain experts. Zack wants the best in explosives and automobile computer systems. The Detroit Police, through Billy Ellington, offer unfettered access to the vehicle and crime scene, including all evidence collected to date.

The best development so far is the discovery that surveillance cameras were installed on the front of the buildings located on the opposite side of Michigan Avenue. These cameras provide an excellent view of the parking lot across the street. DPD advises Micah and Zack that the camera analysts are now focused on a white guy, wearing dark shades, sporting a Tiger baseball cap, and a Nicholas Castellanos jersey. He was observed walking in and out of the parking lot. No one can find, though, on any tape, a view of the guy entering the parking lot in a car and parking that car. What was he doing in the parking lot?

There was no surveillance inside the parking lot, and it is difficult to observe what the man did after he entered. The explosion occurred about an hour and a half after he entered the lot. 'Castellanos' was observed walking past the lot after the explosion, heading toward the Book Cadillac. While police and fire personnel and all bystanders were focused on the parking lot trauma, 'Castellanos' casually strolls right past the scene, jaywalks across Michigan Avenue, and disappears from view. Most citizens do not behave like he did in the face of such chaos.

Micah believes 'Castellanos' was headed toward the Book Cadillac Hotel. He's so confident that he places a wager with Zack for what he calls 'lunch on a hunch.' If Micah's hunch about 'Castellanos' is correct, Zack has to buy lunch at the restaurant of Micah's choice. Their meeting breaks up with Micah offering to pay a visit to the Book Cadillac and use his connections to locate experts in miniature explosives and automobile computer technology.

Micah decides to take the ‘scenic route’ Downtown; Woodward Avenue all the way from Bloomfield. Woodward cuts Detroit and its’ suburbs in half, east to west. From Bloomfield, it’s about a twenty-mile stretch heading south, and Micah enjoys the fact that the route takes him through multiple towns along the way. After leaving Bloomfield, he travels through Birmingham, Royal Oak, Berkley (where the Burns family once lived), Pleasant Ridge and Ferndale, before crossing Eight Mile Road and entering the Detroit City limits.

As he continues south past the beautiful Palmer Park/Palmer Woods neighborhoods, Detroit becomes Highland Park for about a mile. Once part of the auto boon, Highland Park is now in deep decline, but attempting a comeback of sorts. Continuing on, Highland Park becomes Detroit again, and Micah drives through the New Center area, home of the fabulous Fisher Building. He passes through the campus of Wayne State University and the Boston Edison residential district with its beautiful old mansions. Finally, he drives past The Fox Theatre, Little Caesars Arena, Comerica Park and Ford Field, the sports and entertainment area that helping to spark Detroit’s comeback.

History makes a trip down Woodward a special endeavor. Micah finally turns off Woodward, then right onto Michigan Avenue, and takes Michigan to Washington Boulevard and the Westin Book Cadillac. He loves the renaissance that’s happening in his favorite town.

Micah exchanges his key fob for a valet ticket stub then enters the building and walks up to the reception desk where he requests to speak with the manager. After waiting a few minutes, a young black man approaches him and identifies himself as the manager.

*I’m getting old. What is this guy, ten?*

Micah smiles broadly, introduces himself, candidly tells the manager about his investigation, and requests his assistance.

The manager, Julian, is eager to help. He was on duty the night in question. If some maniac triggered the garage explosion, Julian wants him off the streets. Neither the city’s image nor his hotel needs such shit.

Micah requests all surveillance tapes from the day of the explosion and the day before. Julian is happy to cooperate. Micah is surprised that the *DPD* has not made the Book Cadillac connection from the street surveillance tapes. It’s the first major destination after ‘Castellanos’ disappears from view. On the other hand, Micah is pleased to be the first investigator to view the disks.

Julian places Micah in a surveillance room shared by security people observing live activity on various monitors. Micah sits in front of a monitor hooked to a player of some sort. He's given a few flash drives, which Julian advises were surveillance tapes for the day of and the day before the explosion. Julian offers food and drink, which Micah declines, with thanks.

"Let me know if you need anything," Julian offers, before resuming his front desk duties.

Micah turns to the monitor and inserts the first drive into the computer. A foursquare picture comes to life on the screen, displaying two areas of the lobby and two squares that rotate between various locations throughout the hotel. Micah is looking to catch a glimpse of a man in the Tigers' jersey and hat.

As he reviews the first day's surveillance, he notices a light-skinned man of color, possibly Middle Eastern or black, checking in, wearing a Miguel Cabrera Jersey, dark glasses, and a Tigers' baseball cap. The garb is identical to 'Castellanos' except for the fact that 'Cabrera' was clearly not white and wore a different jersey than 'Castellanos.'

Micah watches intently, observing all of 'Cabrera's' comings and goings. Toward the evening, the man retires, probably to his room, and is not seen again. In the morning, a white man wearing dark glasses, a Tigers' cap, and a 'Castellanos' jersey is observed in the hotel restaurant, casually eating and enjoying breakfast with a few other hotel guests.

Micah scribbles some notes and descriptions of the others. Suddenly, 'Castellanos' comes into direct view and gazes directly into the camera. Micah freezes the image.

*Is that a disguise?*

He pulls out the previous day's disk and inserts it into the four-screen presentation. There are 'Cabrera' and 'Castellanos,' side by side.

*Same guy—a terrific quality disguise, full wig, rubberized mask, and dark glasses, but that's the mistake. They're the same dark glasses, black Ray-Bans. Guy's a pro—he's done this before. And he's working for someone who can afford to hire the real deal.*

Micah zooms in on the two images and studies them.

*I've seen him somewhere before . . .*

Micah calls Zack to tell him what he's discovered. They decide to call Ellington. Zack hops in his car and drives to the Book. He and Ellington arrive at the same time.

“I’m embarrassed, Zack,” Billy admits, as the two men greet.

“I can’t believe we ignored the Book.”

“Don’t beat yourself up, Billy. Everyone seems to think the explosion was an accident.”

“I never believed that. Let’s see what Micah’s got.”

The two men enter the hotel and ask for the manager. A jubilant Julian appears, who introduces himself and leads them to the surveillance room. Upon seeing Zack and Billy, Micah raises both arms in victory.

“You owe me lunch, Blake. I told you the Book was the ticket. Check this out.”

He displays both days’ video and side-by-side comparisons of the two men in Detroit Tiger garb.

“I’m getting a déjà vu vibe. I’ve seen the dude before. He’s not a white guy, either. I recognize the glasses, but in the one, he’s wearing a very expensive mask and wig. Same glasses, though, in both. What do you think, Billy?”

“I’m not sure, Micah, but I am sure of one thing.” Billy does not take his eyes off the screen.

“What’s that, Billy?” Zack wonders.

“The explosion was not an accident,” Billy decides.

“This video changes everything.”

“Not for me, it doesn’t. I’ve known all along. These sons of bitches tried to murder my son,” Zack chides.

“It looks that way, Zack. And based on the way the bombing was planned and carried out, based on the elaborate disguise, it would also appear that some very powerful people are involved.”

“Barrington Arms,” Zack posits.

“Why do you say that?” Billy inquires.

“Because I’m suing them for their role in the Bloomfield school shooting and Kenny’s gun control protest movement is hitting them where it hurts—in the pocketbook. Either they want me to back off on the lawsuit to mourn the loss of my son or they want to scare the shit of these brave kids and slow down their momentum.”

“Both good theories,” Billy agrees.

“Two birds, one stone,” Micah suggests.

“So, where do we go from here?”

“I’d like to involve the *FBI* or *ATF*.”

“I worked with Clare Gibson on the Dylan case. She’s become a pal. You know her?” Zack wonders.

“I do. Want me to reach out?” Billy offers.

“Yes, tell her that these pricks tried to kill my son. That should motivate her. She owes me big time.”

“Will do.”

“Show her these images. Ask her to run them through facial recognition,” Micah instructs. “I don’t know why the baseball dude looks familiar, but I’ve seen him before. I’m certain of it.”

“Anything else?”

“No, that’s it. Let’s find the asshole.” Micah rallies the troops.

“Let’s find out who’s *behind* our baseball dude asshole,” Zack corrects.

“Amen,” agrees Billy. “I’ll contact Clare as soon as I return to headquarters.”

“Thanks, Billy.”

“You’re welcome. Hopefully, we can dot the I’s, cross the T’s, and catch these guys.”

## Chapter Twenty

Billy Ellington and Clare Gibson are chatting in a conference room at the *FBI's* Detroit Division office. A computer sits across from them, scrolling at a rapid pace. They are waiting for a hit on various images that Billy brought to the office. Like Micah, Clare senses some familiarity with the assassin. She's seen him somewhere before. If so, these images are likely to produce a match on the *FBI's* database of serious criminals.

The computer suddenly freezes on an old mug shot of a person on the terrorist watch list. The person is male, known only as 'Rafael.' He is a suspect in the assassinations of various political figures, acts of terrorism, mass murder, and murders of foreign dignitaries in several countries.

Clare glares at the computer screen, recollection refreshed. She remembers well the international assassin for hire who charges millions for his services, and rarely utilizes his unique talents in the United States. If Rafael is involved, some very important and powerful people are also involved. She verbalizes her thoughts to Billy, who utters the name of one influential person: "Barrington."

"Barrington? Why Barrington?" Clare is out of the loop.

"Because Barrington Arms, Roland Barrington, and multiple sellers and brokers are being sued by Zack Blake, over the Bloomfield school shooting. On top of that, Zack's son, Kenny Tracey, was an injury victim in the shooting and has since become a leader in the *March Against Gun Violence* movement. With a successful operation, Barrington slows down the movement and the lawsuit in one fell swoop," Billy advises.

"Makes sense, I guess. Does a prominent businessperson order an assassination over some negative press and a lawsuit? That's quite a leap, don't you think?" Clare is skeptical.

"Who else has a motive to kill a seventeen-year-old kid who no one knows?"

"The church?"

"It those guys wanted revenge against Blake or his kids, they would have attempted something a long time ago."

"Anyone else who hates Blake, then? White Supremacists, for instance?"

"Possible, I suppose."



Billy and Clare are both aware of Zack's previous cases involving the Dearborn Muslim community, the Dearborn Police Department, and the imprisonment or death of numerous White Nationalists as a result.

"But the timing of events suggests it's related to Zack's current lawsuit." Billy is adamant Barrington is involved.

"Rafael's a ghost. No one has been able to *locate* him, let alone arrest him. We can't even confirm he's guilty, even of the obvious charges. He never leaves proof of involvement."

"Until now. On the day before what can only be viewed as an assassination. Rafael checks into the Book Cadillac under an alias. He disguises himself between day one of his visit and day two. On day two, a Jeep that just happens to belong to Zack Blake explodes in a parking lot less than a block from his hotel. Rafael is then seen casually strolling by at the exact moment the police and fire people show up? Quite a coincidence, wouldn't you say? I'd call that proof of involvement, wouldn't you?"

"Well, at least a strong likelihood of involvement, if it's him," Clare concedes.

"We need to connect the dots between Rafael and whoever retained his services."

"Good luck with that. No one has ever been able to make these Rafael connections in the past. That's why he's a ghost; it's also why he has been so successful and commands so much money."

"He had to travel to Detroit from somewhere. My guess is he flew from another country and back again. Let's get some airport surveillance video. Maybe we'll get lucky and identify his local contact."

"Worth a try," Clare shrugs. "I'll get on it."

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Two days later, Clare and Billy are viewing airport surveillance video at command central at Detroit Metropolitan Airport in Romulus. They pull airport surveillance video from the day before, and the day Rafael checked into the Book Cadillac. On the day he checked in, airport video now confirms the assassin arrived on Delta's red-eye from California. At that particular moment, Billy, Clare, and an airport security captain are following Rafael's movements through the McNamara Terminal at Metro Airport.

Rafael has no luggage, and law enforcement officials watch as he traverses the long corridor from gate 73 to the terminal. He could have taken the shuttle, but he chooses to walk the long distance from the gate to the main

terminal area. He does not stop. He does not encounter or speak to anyone along the way. They continue to watch Rafael reach the terminal, make a left, and walk up the stairs to departures.

Strategically placed cameras catch him waving to a vehicle, and a Lincoln MKC approaching. They zoom in on the license plate, Michigan vanity plate Geo # 1, and watch Rafael hop in the passenger seat. They try, without success, to zoom in on the driver's face, but assuming that the driver owns the vehicle, they will be able to identify him soon enough.

Billy contacts a Detroit office of the Michigan Secretary of State and orders an ownership check of the vanity plate Geo # 1. The vehicle comes back as registered to a George Trapp of Shelby Township. They run the name through the criminal database and find numerous suspicious entries and charges, but no convictions. Like Rafael, Mr. Trapp is historically astute at committing crimes, arousing suspicion, but avoiding prosecution.

Clare Gibson runs a background check on Trapp and discovers something extremely interesting. At one time, George Trapp was head of security for Barrington Arms. It's time to head to Shelby Township.

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Clare Gibson prepares a memo detailing her joint operation with the *DPD* and Billy Ellington. The memo indicates she and Billy have determined the downtown explosion was not an accident, as first thought, and was, instead, the work of the terrorist assassin, Rafael.

The memo makes its way up the chain of command and eventually lands on the desk of Justin Rochlin, head of the Attorney General's Clandestine Division.

Rochlin reads the memo and calmly walks over to his boss's office. Parley is in the office and on the telephone. He waves Rochlin in and points to a side chair, silently inviting Rochlin to wait while he finishes his call. Parley swivels his executive chair to face the back wall, treating Rochlin to a view of the back of his chair. When Parley finishes his call, he turns back around and faces Rochlin.

“What can I do for you, Rochlin?”

Parley's rushed and not in the mood.

Rochlin hands him the memo. Parley begins reading the memo. His expression changes from ambivalence to horror.

“What the fuck?”

“Boss, I don’t need to tell you the *FBI* is extremely efficient in these situations. With the assistance of local law enforcement personnel, a team of officials reviewed surveillance footage from the garage and nearby hotel and spotted Rafael walking from the scene to the Book Cadillac Hotel in Detroit. They found additional footage at the airport and hotel that concluded the ‘accident’ was not an accident at all, but an assassination attempt.”

“How could someone so professional be so careless? What do *you* propose, Rochlin? After all, it’s *your* operation and *your* screw up.”

Rochlin is annoyed by the accusation but chooses to ignore it. “Rafael is the only link to us. He needs to be eliminated.”

“Can you get ahold of him?” Parley taps his chin. He has a gem of an idea, and his cocky swagger is returning.

“I believe so, why?”

“Get ahold of him, but do not let on that the *FBI* is on to him. Tell him he botched the operation and executed the wrong man. We will need him back here as soon as possible to correct his mistake and finish the job he was paid so handsomely to perform. Tell him to coordinate his movements through us so we can message customs and bypass security protocol. He’s a professional and, as such, has a professional’s integrity. He’ll investigate and determine for himself that he botched things.

“Once he’s confirmed his mistake, he’ll return to right the wrong. When he does, our own assassins must be placed on high alert so we can tie up all loose ends. Do you get my drift, Rochlin?”

“Indeed, sir.”

“Then why are you still sitting in front of me? Get going – now!”

“Yes, sir.” Rochlin exits. Parley picks up his phone and punches some numbers. Someone answers on the other end.

“Is he available?” Parley inquires.

“I’ll check, Mr. Attorney General.”

Parley is placed on hold for a minute or two. Classical music plays on hold and is abruptly interrupted by a male voice.

“Parley? What’s up?”

“Mr. President, we have a problem . . .”

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For some unknown reason, Clare Gibson fails to mention the Detroit connection, George Trapp, in her memo. She and Billy Ellington sit side by side in Billy’s unmarked squad car, traveling up I-75 toward Shelby

Township, a Macomb County suburb about thirty-one miles northeast of Detroit. It is a predominately white, affluent community known for nothing in particular.

Clare and Billy are looking for Merrill Road, north of M59, east of Mound Road near the Joe Dumars Fieldhouse. They find the address on Merrill and pull the unmarked into the driveway to block any attempt to escape. Clare knocks on the front door. A middle-aged man with red curly hair opens it.

“May I help you?”

“George Trapp?”

“Who wants to know?”

“My name is Clare Gibson with the Detroit office of the *FBI*. This is Detective Billy Ellington of the Detroit Police Department.”

“Detroit? I never set foot in Detroit. A bit too dark for me if you know what I mean.” He glances at Ellington. Clare is offended by the overtly racist comment, but Billy’s heard it all before.

“We’ll note you aren’t color blind. When was the last time you were at Metro Airport, Mr. Trapp?” Billy queries, as Clare calms. She wants to punch Trapp’s lights out.

“Been a while.” Trapp appears to be searching his memory for the last time he flew somewhere or picked up a loved one at the airport.

“How about within the past month?”

“No . . . I don’t think so.” He continues to pretend to search his memory.

“Do you drive a Lincoln MKC?”

“You obviously know I do.”

“Is the vehicle here today, sir?”

“It’s in the garage.”

“License plate Geo # 1?”

“Again, you obviously know this. What’s going on? Am I being accused of something?”

“Sir, your car was recently spotted at Metro Airport, retrieving an individual who arrived on the red-eye from California on the evening of July 8<sup>th</sup>. Do you know anything about that?”

“Can’t say I do.”

“Has your car been in anyone else’s possession lately?”

“Not that I know of.”

“Anyone live here with you?”

“My wife used to, but we got divorced. Now, it’s my cat, Felix and I. Felix the Cat, get it? Or are you guys too young to remember?”

“I remember Felix. You’re a funny guy. Has anybody been driving your car besides you?”

“No, just me. You sure you got the right car and plate?”

“May we see the car, sir?”

“Got a warrant?”

“No,” Billy admits.

“Then you can’t see the car. Anything else I can do for you?”

Clare Gibson listens to the back and forth banter between Billy and Trapp. She’s fed up and still pissed over the racist comment.

“Mr. Trapp,” she bristles. “Are you familiar with the *Patriot Act*?”

“Vaguely.” Trapp quips.

“How about the *National Defense Authorization Act*?”

“I’m not familiar with that one.”

“These two laws permit me, a federal officer, *carte blanche* authority to fight the war against domestic terrorism by arresting and detaining anyone I reasonably suspect of being a belligerent. And, *habeas corpus*, you know, that showing of *just cause* in these situations, is suspended or overridden by these two acts. Are you aware of that?”

“No, I am not aware of that.” Clare now has Trapp’s complete attention. He’s done being a smartass.

“Now, I can’t enter your garage without your permission or a warrant, but I can sure as shit arrest your ass and lock you up indefinitely given the fact you were seen at the airport picking up the terrorist known as Rafael. I can get the warrant later, and I’ll bet when we fingerprint your Lincoln, Rafael’s prints, which are in the system, will show up inside the vehicle. Now, what do you think of *that*, George? Are you ready to answer our questions, or am I hauling your ass downtown?”

*I never left the car. Can they possibly have me on video?*

George is now apprehensive but continues to act casual. He’s been in the game for a long time. He has worked for some of the biggest players in government and gotten away with almost every serious crime he’s ever committed. He’s never talked. No one can prove a thing.

This time, however, because the powers that be decided his skills were inferior to that stupid shit, Rafael, he’s in jeopardy, through no fault of his own.

*These assholes relegate me to chauffeur status, and because they did, I'm in deep shit? No way, not when I'm about to call it quits, for good. They fucked-up, not me, and I'm not going down for it.*

George plays the only card he can think to play, the only card that makes sense in his situation.

"I want immunity," George Trapp declares.

"Immunity?" Clare Gibson is amused.

"What can you possibly have to offer in exchange for immunity?" Billy Ellington chuckles out loud. He and Clare eye each other. Now, both are laughing.

"Rafael's orders came from very high up."

Billy and Clare suddenly stop laughing.

"How high?" Clare is suddenly interested.

"Immunity."

"Law enforcement high?"

"Off the record? You will get me what I want?"

"If we're impressed with what we hear," Clare promises.

"Ask me a hypothetical question."

"Hypothetically, does it go to local law enforcement? Someone from the *DPD*, perhaps?" Billy is utterly naïve to the situation. Clare is beginning to comprehend. She's pleased she excluded George Trapp's involvement from her memo.

"No, Billy. It's higher up than that, isn't it, George? *Feds*, right?"

"Hypothetically speaking, yes."

"Higher than the *FBI*, right?"

"Hypothetically speaking, yes." Billy is dumbfounded by the back and forth.

"Attorney General, high?"

"Hypothetically speaking, at *least* that high." Clare's shock now matches Billy's.

"*Oval*?"

"Hypothetically. Immunity."

"Let's head downtown to the Marshall's office," Clare suggests, turning to face a dumbstruck Billy Ellington.

"George, you're my new best friend. Come on, Billy, we need to get my friend here into witness protection."

## Chapter Twenty-One

Justin Rochlin is concerned. He was able to contact Rafael but unable to reach George Trapp. The man seems to have dropped off the face of the earth. Maybe he's taking a well-deserved vacation. He's been a valuable government servant over the years. He's performed numerous tasks no one in government is willing to do. Trapp knows where all of the bodies were buried, in particular, those buried by the current administration.

Rafael needs airport transportation for his return to Detroit. For his comeback visit, he'll stay at the Westin Town Center in Southfield. Town Center was a group of gold and black glass high rises, in a suburb twenty miles northwest of downtown Detroit. Rochlin arrogantly decides to contact the United States Attorney's office to arrange transportation. After all, the U.S. Attorney's office in Detroit is, essentially, the Justice Department's Detroit branch office.

In deciding to involve the U.S. Attorney's office, Rochlin is unaware of two crucial negatives: Clare Gibson knows Daniel Wolfe, the current U.S. Attorney, very well. She must clear her George Trapp negotiations with Wolfe, who must sign off on any deal they reach. Wolfe, Gibson, Micah, and Zack worked together on the Jack Dylan case and are also friendly.

George Trapp is cooperating and has no love for Rafael, who cost him a payday and fucked everything up. George has even less respect for the current administration, whose inept and clueless leaders have placed him in his present, precarious situation.

On the plus side, Rochlin is arranging transportation for someone named Hamid Araboo. Neither Wolfe nor the law clerk on route to the airport knows that the pick-up is, in reality, the infamous assassin, Rafael. Everyone at the U.S. Attorney's office has been briefed on the Kenny Tracey assassination attempt. All have received a copy of Rafael's mug shot and recent photographs of 'Cabrera' and 'Castellanos.'

The law clerk, a young law student named Colin Murphy, is waiting for a text in the cell phone lot at the McNamara Terminal at Metro Airport. Colin is reviewing emails with pictures and disguises of the wanted terrorist, Rafael, when his cell phone buzzes. His passenger has arrived and will be waiting for him at arrivals.

Colin starts his car, pulls out of the lot, and heads for the terminal. As he approaches the terminal, Colin sees his prospective passenger standing at the curb, wearing khaki pants, a bright red golf shirt, and dark glasses. He's looking downward, checking his watch.

Despite the prospective passenger's dark glasses, the observant young clerk recognizes him as Rafael, the terrorist. Colin decides to drive past him and loop around a second time. He crosses himself, thanking God no one told Rafael what type of car his chauffeur would be driving. Colin presses the first direct dial number on his speakerphone. Wolfe answers on the first ring.

"What's up, Colin? Everything okay?"

"No, sir. Everything is *not* okay. You're not going to believe this."

"Try me."

"The passenger that the A.G.'s office told us to pick up?"

"What about him?"

"He looks exactly like the picture of the bad guy we discussed in the meeting today. He looks exactly like Rafael."

"Colin, that's not possible." *These orders came directly from the A.G.'s office.*

"Mr. Wolfe, sir, with all due respect, the guy at the airport looks exactly like the photo of the terrorist. I was studying the photograph when I got the arrival text."

Wolfe pauses, contemplating the situation. "All right, Colin. Do not approach him. I'll call airport security."

"What do you want me to do?"

"I want you to park somewhere and await further instructions."

"Yes, sir."

"And Colin?"

"Yes, sir?"

"Nice work, young man!"

"Thank you, sir."

Wolfe immediately telephones airport police. He identifies himself to the operator, states that his call is urgent, and demands to speak to the person in charge. The chief of police is briefed and provided with a description of the suspect and what he's wearing. The chief immediately dispatches multiple vehicles to the terminal. Rafael is no longer standing at the curb.

One of the senior officers' contact airport surveillance, describes the suspect, and issues an all hands on deck alert. Multiple surveillance officers



begin scanning various computer screens, hoping to catch a glimpse of the terrorist. Seconds and minutes slowly tick off until one officer shouts.

“Got him. He’s headed on foot through the tunnel to the Blue.”

The Blue Terminal was just south of McNamara, where Rafael had deplaned.

“Send officers to that location. Don’t let him out of your sight.”

“Will do my best, sir. He’s sprinting rapidly. He appears to be in excellent shape.”

Rafael doesn’t understand what’s happening, but he knows it’s not good. He observed the young man in the car study him, look down, and study him again. He thought the young man was his ride, but when he drove past him without stopping, bells and whistles went off in his head.

Rafael doesn’t wait around to see whether or not his intuition is correct. He decides to get the hell out of there. He takes off on foot, fast walking south toward the next terminal, elevating his pace into a sprint. He reaches the Blue Terminal and ducks behind a bench as three airport police vehicles zoom by. After they pass, he ducks into the terminal.

“He just entered the Blue Terminal,” cries one of the surveillance officers.

“Alert Blue officers.”

Rafael sprints through the terminal. He spots a men’s room and dashes inside.

*I’ve got to change my appearance.*

He reaches into his duffel bag and pulls out a full wig, baseball cap, and jacket. He quickly dons all three, removes the dark glasses, and walks out of the bathroom. Three officers are standing outside the restroom, engaged in conversation.

*Did they follow me? Do they know who I am?*

Rafael is accustomed to dangerous situations, but those who come in close contact with him are usually the ones in danger. There is one huge difference at the moment. Rafael has just exited a commercial plane and has no weapons. He *does*, however, have his superior ingenuity. He instantly decides to walk into danger rather than away from it. He heads directly toward the three officers.

“Good evening, officers.” He breezes by with smiles. They nod his way and virtually ignore him while they continue their conversation. A

surveillance officer zooms in on the man in the khaki pants, baseball cap, and navy jacket.

*Same height and weight, is he the guy?*

The officer remotely maneuvers the surveillance camera and scans the area. When he returns to follow the man in the navy jacket, he is shocked to discover the man is gone. The officer alerts all units. The man they're looking for may have changed his identity. Aside from dark glasses and a red shirt, they should now be looking for a navy jacket and a baseball cap.

Rafael casually strolls to the far end of the terminal and steps outside. He removes the navy jacket and tosses it into the nearest trash receptacle. A Checkered Cab heads a line of cabs at the curb, waiting for passengers to exit the Blue. A man wearing a yellow vest is signaling to him. The terrorist looks up, readying himself for a fight.

"Need a cab, sir?"

"I do, indeed," sighs Rafael, relaxing for the first time since he saw the young man in the car.

"Where to, sir?"

"Southfield, The Westin Town Center."

"First car, the Checkered Cab."

"Thank you, kind sir." Rafael coos, slipping him a fifty.

The cab manager looks at the bill in his hand.

"No, thank *you*, kind sir," He beams.

"If anyone inquires whether you have seen anyone who looks like me, what are you going to tell them?"

"I haven't seen anyone who looks like you?"

"Good answer!"

He hands the man another fifty.

"Wow, what a night!"

"Happy to brighten your evening. Guy with a golf shirt and cap?"

"Haven't seen him."

*Quick study.*

"Have a nice night."

"You too, sir. Thanks again!"

"You're welcome."

Rafael enters the cab, directs the driver to the Westin Southfield, and slinks down into the seat. The cab takes off into the night, just as two uniformed officers exit the Blue. One walks up to the cab manager.

“Have you seen this man?”

“Can’t say that I have, officer, but I’ve been kind of busy.”

“Anybody come out these doors at all? Anyone hail a cab in the last few?”

“Yes, someone just left a few minutes ago. Can’t say he looks like the guy in the picture.”

“What type of cab?”

“Checkered.” He tells the truth and sees no harm in that. He kept his promise.

“Thanks for your help.”

“No problem.”

While the cab manager is earning his one hundred bucks deceiving the bungling officers, Rafael’s cab is approaching I-94 east, heading for the Southfield Freeway North and a twenty-mile jaunt to the Westin. A close call at the airport was unexpected. He was unprepared.

*What happened? I had political cover. Who betrayed me? When I discover his identity, I’ll do him for free.*

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The Airport Police Chief telephones Daniel Wolfe with the sad news the terrorist has escaped. Security personnel is checking out a possible lead on a cab that picked up a man and took him to a Southfield hotel. Wolfe thanks him for his efforts, disconnects the line, and telephones the Attorney General’s office.

When his call is answered, he asks for Justin Rochlin. It’s late, and Rochlin is out of the building. Wolfe identifies himself to the receptionist, advises they are dealing with an emergency, and orders her to call whoever handles emergency calls at night. He urges her to have that person get in touch with Rochlin to return his call.

Five minutes later, Wolfe and Rochlin are discussing Colin’s Rafael sighting.

“The Araboo guy we were supposed to pick up is a dead ringer for *Rafael*, the *terrorist*, Justin. My clerk swears it’s him.”

“That’s impossible,” Rochlin lies.

Wolfe is amused that Rochlin’s response to the news is identical to his when he first heard from Colin.

“That’s exactly how *I* reacted, but it appears to be true. We have multiple surveillance videos. He sure as hell looks like Rafael. What’s he doing here,

anyway?”

“Above my pay grade,” Rochlin lies again. “I’ll chase things down and get back to you.”

“My guy was supposed to take him to the Westin in Southfield. Want me to alert the Southfield Police or the *FBI*?”

“Stand down, Dan. I’ll handle things from here. Whatever is going down, the fuck-up belongs to me. Let me try to fix it. It’s the least I can do. Does the guy know you’re on to him?”

“Security is almost positive he knows.”

“Then, I will have to act fast. Thanks for the call.”

The two men hang up. Daniel Wolfe reviews the conversation in his mind.

*Does Rochlin know the guy was Rafael? He wasn’t incredibly shocked by the news, despite his ‘that’s impossible’ reaction. If he knows, has he gone rogue? Does this go higher? Why is the Attorney General’s office entertaining a known terrorist? Has Rafael duped the AG’s office? He’s a master of disguises and false identities. Isn’t he the only suspect in the parking lot bombing?*

Dan Wolfe decides to ignore Rochlin’s order to stand down. He calls Clare Gibson.

While Dan Wolfe is contacting Clare Gibson, Justin Rochlin is connected to Attorney General Geoffrey Parley. He brings Parley up to speed.

“We can’t take a chance on Rafael being apprehended and interrogated,” Parley warns.

“My guess is Wolfe will contact local police or, worse, the *FBI*. We cannot, under *any* circumstances, let the *FBI* arrest Rafael. The Bureau is already antagonistic to the President. There is a special counsel investigation into *POTUS*’s involvement in the Arya Khan and Jack Dylan affairs. And, as you well know, that lawyer, Blake, is always lurking somewhere in the background. We have to take care of Rafael as soon as possible. Eventually, we’ll have to deal with Trapp, too.”

“Yeah, we haven’t heard from Trapp in a while. In the meantime, what do you want me to do about Rafael?”

“Contact him on the secure line. Tell him the good guys are onto him, and he cannot go to or stay at the Westin Southfield. Tell him to use the alias we provided and check-in elsewhere. I’ll handle things after that.”

“You sure?”

“Positive, call him now—we have no time to lose.”

“Will do. Over and out.”

Rochlin disconnects his boss and dials the number he’s been provided.

“Yes?” A male voice answers.

“Mr. Araboo?” Rochlin inquires, using Rafael’s alias.

“Speaking. Who’s calling?”

“A friend from the office.”

“We have a shit storm on our hands.”

“I’m aware. Local and federal authorities are actively looking for you and know where you’re heading. They do not know your alias information. Are you at the hotel?”

“Not yet. I’m still in a cab. We’re minutes away.”

“Do not go to the hotel,” Rochlin instructs, as he checks his computer screen for a local hotel or motel. He continues to stare at the screen and reads off the information as it displayed.

“There is a Baymont Inn on Northwestern Highway, one exit north of the Westin. Go to the Baymont. I’ll pre-arrange your reservation.”

“Are you certain it is safe?”

“For now, yes. We’ll come and extract you. Code word ‘Hamid.’ Got it? Be sure to exit the Lodge Freeway at Lahser Road. Northwestern Highway is a service drive that runs directly parallel to the freeway.”

“Okay. Thank you.”

The call disconnects. Rafael repeats Rochlin’s instructions to the cab driver. The driver inserts the motel name into his cab’s navigation system. The motel is located one exit up on the Northwestern Highway service drive at the Lahser and Eleven Mile Road exit.

“No problem, sir, I have it.”

“Thank you.” *Do I need to eliminate the driver?*

As Rafael is arriving at the Baymont Inn and deciding what to do with the cab driver, Rochlin is on the phone with Parley.

“He’s on his way to a different hotel.”

“What hotel?”

“It is a *motel*, the Baymont Inn on Northwestern Highway in Southfield, about one mile north of the Westin.”

“I’ll handle things from here.”

“You sure? I’m happy to help. I feel somewhat responsible.”

“You have every reason to feel that way, Rochlin. We have a *massive* screw up on our hands. But I’ll take it from here.”

“The code word is ‘Hamid,’ Rafael’s alias’s first name.”

“Thanks for your hard work. Hopefully, we can still fix things.”

“I hope so, sir. I am happy to serve.”

“Thank you, Justin, sorry to be so hard on you.”

Parley hangs up and dials the president.

“What’s the situation, Geoffrey?” RonJohn grumbles.

“We’ve changed hotels, only Rochlin, me, and the cabbie know the location.”

“We have to get rid of the cabbie?”

“I don’t think that’s necessary, Mr. President. Rafael should be gone by the time anyone can reach the cabbie.”

“All right, we’ll leave that loose end, for now. Who do we have in Detroit besides Trapp? We need to move quickly.”

“I know a guy. Expensive, but he’s good, quick, and reliable.”

“Should have used him in the first place.”

“Water over the dam. I will handle the problem, Mr. President.”

“Good work, Parley. Give the new guy the pick-up and the sanction and call me when it’s done.”

Parley wants to vomit. *The things I’ve had to do . . .*

“Thank you, sir. I appreciate the confidence you’ve shown in me. Happy to serve my President and my country.” Parley gags.

“Your service is appreciated. A nice bonus is coming your way.”

The Attorney General thanks the President a second time and disconnects the call. He immediately calls his man and arranges for the pick-up and sanction. He warns him Rafael might be armed and extremely dangerous. The operative reacts as if taking care of the infamous assassin is going to be a walk in the park.

“Overconfidence will get you killed. I repeat—I doubt he’s armed. He just got off a plane. But he is extremely dangerous,” Parley warns.

“I understand. I’ll be careful.”

Parley signs off and calls Rafael.

“Hello?”

“Are you at the location?”

“Who wants to know?”

“AGP.”

*The big guns are on the case.*

“Yes.”

“Did you check in?”

“No.”

“Don’t. Extraction is on the way.”

Parley describes the vehicle and the man who will be retrieving the terrorist.

“Extraction within twenty minutes, stay alert. Make sure you only have contact with my extraction operative.”

“Will do.” Rafael disconnects and considers Parley’s directive.

*Why is it necessary to limit contact?*

He has no weapon except for a nylon rope that he uses in special circumstances. If Rafael senses danger from the operative, he’ll snap the man’s neck. Once again, Rafael finds himself waiting at a curb for retrieval and extraction. He deeply regrets allowing Parley to guilt him into returning. Their epic failure is not his fault.

*How could I know the kid would not return home in his own car?*

A car fitting the description Parley provided is now turning into the hotel parking lot off Northwestern Highway. The vehicle approaches Rafael’s location. The driver flashes his headlights off and on.

Rafael strains, but is unable to see inside the vehicle. He can only make out that the driver has one hand on the wheel. The operative conceals a gun in the left pocket of his coat, his left hand on the trigger. Rafael holds onto the rope, concealed in his right-hand pocket.

Rafael enters the vehicle and nods a greeting to the driver. He immediately hears a silenced gunshot and feels excruciating pain as a bullet enters his left side and punctures his lung. He cannot catch his breath and begins to lose consciousness. The vehicle moves forward. Rafael uses all of his remaining strength to pull out the rope, lean toward the driver, and wrap the rope around his executioner’s neck.

The driver fights for control and attempts to fire the gun a second time. The gun fires as Rafael snaps the man’s neck. Both men lapse into unconsciousness. The car floats across Northwestern Highway and rolls, at low impact, into the fence that separates Northwestern from the Lodge Freeway, running parallel to the service drive.

Onlookers run to the car. Considering the light impact into the fence, witnesses are shocked to discover two dead bodies inside. The Southfield

Police are called to the scene.

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Southfield Police officers identify one of the occupants in the suspect vehicle as Rafael and immediately call the *FBI*. Special Agent Clare Gibson is dispatched to the location. On her way to the scene, she dials Daniel Wolfe.

“Dan Wolfe.”

“Dan, it’s Clare Gibson.”

“Clare! What’s up?”

“I am on my way to the Baymont Inn in Southfield. The Southfield Police have two dead guys in a late model Chevy Impala. One of them appears to be Rafael.”

“Shit! Someone is trying to cover his or her tracks and may be succeeding. How did these guys die?”

“The guy who might be Rafael was shot twice. The other guy had his neck snapped by a rope.”

“The rope is a Rafael trademark. It sounds like Rafael was double-crossed. He must have extracted some measure of revenge before he died.”

“That’s my reading of the situation. Are you coming up here?”

“No need. Keep me informed. Any identification on the other guy?”

“Not yet. I’ll photograph him and run his *punim* through facial recognition. He’s got to have a record. Who knew about Rafael, and who would have sent an assassin?”

“Rochlin from the A.G.’s office and, by implication, Parley.”

“Parley? Like Geoffrey Parley, the Attorney General of the United States? I’ve got to tell you, Dan. This squares with Trapp’s statement. He’s implied, in so many words, that things go all the way to the top.”

“Are you shitting me?”

“He and his assistant, Rochlin, are the only ones I know of who knew Rafael was in the area. The operation is above Rochlin’s pay grade. That leaves Parley or higher.”

“Higher? RonJohn?”

“Who knows? I’ll try to get the I.D. and we’ll go from there.”

“What on earth is their motive?”

“Something to do with guns and campaign contributions.”

“Keep communications to a minimum, between you and me for now. We don’t know who we can trust.”

“10-4.”



“Do they still say that?”

“No.”

## Chapter Twenty-Two

Billy Ellington, Zack Blake, and Micah Love meet in the conference room at Love Investigations in the heart of Detroit's downtown district. Ellington has been briefed on the Rafael situation, the terrorist's involvement in the attempt on Kenny's life, and the murder of Kenny's friend Cameron. The identity of the second victim found in the Impala is still unknown. Facial recognition has yet to produce a match, and the *FBI* is at a loss to identify the man. Law enforcement is resigned to the fact they may never discover his identity.

They *have* confirmed Rafael's identity. Trapp's statement and other evidence confirm Rafael was Cameron's assassin. They are now trying to determine who benefits if Kenny is murdered.

"I spoke to Clare Gibson, and she gave me some interesting information," Billy advises.

"What's that?" Micah wonders.

"You already know they picked up a guy named George Trapp, who, by the way, has quite a reputation for illegal activity. He hasn't spent much time behind bars. He's kind of a poor man's Rafael. Still, he's cagey and knows how to play the game. Trapp volunteered some information in exchange for a free pass."

"Immunity?" Micah's surprised.

"Still being negotiated. Keep in mind that he was only an airport chauffeur, not the terrorist," Billy explains.

"He was part of the conspiracy and probably involved up to his eyeballs," Zack seethes.

"True enough, but his deal is federal and, as such, out of my hands."

"Let's table that situation for now. What information did he volunteer?" Zack inquires.

"It appears Trapp was hired by Barrington."

"I figured as much. Barrington has the most to gain by slowing Kenny and me down."

"Barrington, however, is not responsible for Rafael." Billy drops the bombshell.

"What?" Zack and Micah exclaim in concert.

"I'm confused," Micah adds.

“That makes two of us,” Zack concurs, shaking his head.

“You aren’t going to believe this.”

“Try us. We’ll believe just about anything these days,” Micah sighs. Zack remains silent, nodding in agreement.

“According to Trapp, Barrington tapped him to handle the operation, and he agreed to do it.”

“I knew it. Immunity for Trapp is a non-starter.”

“Well, we have no control over those negotiations or any ultimate deal.”

“We do in civil court,” Zack threatens.

“That’s a future discussion. Want to hear the rest or not?” Billy is getting frustrated with Zack’s attitude. He understands where his head is at, though. The man almost lost his son.

“Yeah, yeah, sorry,” Zack scoffs.

“Remember, Barrington retained Trapp, but not Rafael.”

“So, who hired Rafael?” Micah is beginning to sense the answer, based on his own investigation. Because he has not *confirmed* his suspicions, he hasn’t shared them with Zack.

“We are convinced Rafael was retained by the office of the Attorney General of the United States.”

“What? Why?” Zack is nonplussed.

“I don’t think the order came from the A.G.”

“Who then?” Zack’s befuddled. Micah is not.

“Zack, there’s something I’ve been investigating. I didn’t want to discuss it with you until I confirmed it,” Micah begins, looking at Billy for silent confirmation. Billy nods and motions for Micah to go on.

“Roland Barrington is the single largest contributor to the Ronald John campaign. Keeping Barrington happy, successful, and a huge campaign contributor is a priority for RonJohn.”

“You are suggesting the President of the United States ordered a hit on my son? Seriously?” Zack does not like or respect Ronald John. He knows he’s a despicable character; however, the assassination of a teenager is a bridge too far, even for RonJohn. *Isn’t it?*

“I’m not suggesting anything. Neither is Billy. But the *evidence* points to President John. We have to connect all the dots.”

“Clare Gibson is checking Barrington’s phones and phone records. She may have to bring the evidence to Congress or have Dan Wolfe convene a

grand jury or special counsel to subpoena the Parley and RonJohn phone logs,” Billy theorizes.

“You’re suggesting Barrington wants to assassinate my son, and *POTUS* is more than willing to carry out the mission?”

“That seems to be the case, Zack.”

“Unfettered access to guns is *that* important to these guys?” Zack is totally disillusioned. *POTUS sanctions a teenager’s assassination? Can it be true?*

“Not guns, Zack, the assassination attempt was prompted by the world’s biggest motivator, M-O-N-E-Y,” Micah asserts.

Zack is slow to understand.

“How so?”

“How does Barrington make his millions, no, his *billions*?”

“Making and selling guns.”

“Something you and your son are trying to limit.”

“Right . . .” Zack is still trying to connect the dots.

“And how does RonJohn get re-elected?”

The proverbial light bulb suddenly goes off in Zack’s head.

“Money! Of course, money! With *Citizens United* alive and well, Barrington can pump multiple millions into RonJohn’s re-election campaign!

“Oh my God, *POTUS* tried to kill my son on Barrington’s behalf. *POTUS* is responsible for the death of an innocent teenager!”

“It sure looks that way, Zack,” Billy concurs.

“So, what do we do?”

“We put our heads together, get feds like Clare Gibson involved, and figure out how to take these bastards down. One way to hurt Barrington is to beat the crap out of him in your lawsuit. Hurt him in the pocketbook.”

“That’s a long shot considering the current level of immunity that gun manufacturers enjoy. Charles Burns’ testimony helped us on that score, but we still have a steep, uphill battle on our hands. Besides, I don’t want their dirty money; I want these bastards in a supermax for life!”

“Amen to that, Zack,” Billy clasps his hands in prayer.

“So, what now?” Micah shrugs.

“I’ll reach out to Clare, and we’ll get together again. Hang in there, okay? We will get justice for Kenny’s buddy.”

“I’m counting on you, Billy. We all are,” Zack encourages.

“I won’t let you down.”

## Chapter Twenty-Three

Zachary Blake is chomping at the bit. Since his discovery that Roland Barrington and Ronald John are involved in the hit on Kenny, Zack can't wait to get Barrington the billionaire into his office for a deposition in the civil case.

*His ass is mine!*

Barrington arrives in a limousine with an entourage. He's upset when he discovers that his men, as non-parties to the lawsuit, cannot accompany him into the conference room. Zack deliberately keeps the witness and his attorneys waiting until the very last minute. He seeks every edge and employs any technique to aggravate his adversaries.

Barrington enters the conference room with multiple defense attorneys. Zachary is not there. A legal assistant offers water, soft drinks, or coffee while a female court reporter sets up.

The reporter inquires which of the men is the deponent. When Barrington identifies himself, she invites him to sit in the chair directly across from her. Zack enters the room, takes a seat next to the reporter, and confirms she's ready to begin. He doesn't address anyone else in the room and immediately begins to utter the preliminary deposition ground rules familiar to all attorneys.

When he completes the familiar speech, Zack addresses the witness and invites him to identify himself for the record.

"Roland Barrington III."

Zack's all business and quite hostile. He establishes the witness is a second-generation *CEO* of Barrington Arms. Although the company is headquartered in Detroit, it has satellite plants throughout the United States and in Europe. Zack files the revelation of a European plant location away in his memory. He plans to return to the issue later in the deposition.

"Mr. Barrington, you are aware discovery has concluded your weapons were used exclusively by Kevin Burns in the Bloomfield school shooting, are you not?"

"Mr. Blake, I am aware we have nothing to do with the tragedy in Bloomfield. The parents of a mentally disturbed boy permitted him access to a poorly secured gun cabinet. The boy and his parents are responsible, not

Barrington Arms.” Barrington is well-coached and recites his rehearsed statement verbatim from his meeting with the Barrington Arms lawyers.

“Move to strike as unresponsive. Mr. Barrington, that was a very nice speech. I can tell you’ve been well-coached for the hearing today. Now, will you answer my question? The guns used by Kevin Burns were your company’s guns, correct?”

“What type of guns were they again?”

Barrington is flippant and arrogant, but he is up against a master litigator. Zack has the patience and skill to carry on all night if that will get him to the truth.

“An AK47 and a *Lugar* with the familiar ‘BA’ logo on them.”

“Then, I guess they are ours. The fact the shooter happened to choose our branded weapons from a cabinet full of others is an extremely remote theory of liability, wouldn’t you say?”

Again, his answer comes directly from his lawyers and Barrington Arms’ public relations strategy meetings.

“Move to strike the unresponsive portions of the witness’s answer,” Zack argues.

“We have the law on our side,” states Barrington, not waiting for a question.

“Roland, please wait for a question before testifying. Do not offer testimony for free,” advises his learned counsel, Jules Grimes, who is livid at Barrington’s unsolicited comment.

“What law is that, Mr. Barrington?” Zack is pleased with Barrington’s tendency to answer more than the question he’s asked.

“I believe it’s called the *Protection of Lawful Commerce in Arms Act of 2005*.”

“It is, indeed, Mr. Barrington. May I ask, since you know the name so well, do you know what conduct the law protects?”

“Objection. The law is for the lawyers, not the Defendant.”

“I’d like to answer if I may.”

“It’s your rodeo, Roland, knock yourself out.” Grimes’ displeasure with Barrington is now on full display.

“Unless we make defective guns, which we don’t, we are completely shielded from liability under the Act.”

“Any exceptions?”

“I renew my objection to these questions. I instruct my client not to answer. If he chooses to ignore my advice, he does so at his peril.”

“There are a few exceptions; a defective gun is one of them,” came the smug, arrogant testimony, ignoring counsel’s advice.

“How about a negligent or illegal sale or manufacturing process?”

“I believe those are exceptions, too, but they don’t apply here.”

“No? How does a man with a record like Charles Burns acquire these guns?”

“I have no idea. If guns are sold on the secondary market by unscrupulous or unauthorized dealers, liability does not fall on Barrington Arms.”

“If Barrington Arms is involved in illegal or black market sales, the Act would not protect the company. True?”

“I renew my objection,” interjects Grimes, becoming increasingly frustrated with Barrington.

“Yes, I agree. Barrington Arms does not engage in black market activities.”

“Barrington Arms has a plant in Newcastle, England, does it not?”

Roland Barrington pauses, ever so slightly, a chink in his armor. “Why, yes . . . we do.”

“Who controls operations for that plant?”

“We have a plant operations superintendent.”

“And your super controls the entire European operation?”

“No, the company controls European operations.”

“Who controls the company?”

“Me and the board of directors.”

Zack obtains all board member names and titles. He makes Barrington detail the job functions of each person. He demands a detailed description of how Europe conducts its business and how those operations are different than the United States operation. One of the big differences is, despite the Second Amendment, European operations are conducted in a free market with less regulation.

In truth, most of Barrington’s European sales are made on the black market. However, Barrington makes it sound kosher as if the market is ‘wide open’ rather than ‘illegal.’ Zack doesn’t care if Barrington refuses to admit to the illegality of his European dealings. Zack can prove these things through documents and alternate testimony.

Before the deposition of Roland Barrington III, Barrington Arms was served with a request for production of documents. Jules Grimes filed objections, protests, and motions trying in vain to avoid the request, or at least to limit it. The request came before Barrington Arms was able to sanitize any records or destroy evidence of the company's involvement in the black market or illegal sales of European manufactured weapons.

In the end, company executives were forced to rethink and alter their record production strategy. They decided to capitulate and do what most large companies do when confronted with these document production requests or motions. One day, a courier showed up at Zack's office and asked where he wanted the Barrington documents. The courier indicated the volume of documents was significant, so a clerk and an associate ventured outside to help. A huge rental truck, full of document boxes, sat in front of the building. Barrington Arms provided what was known as a document dump, intending to force Zack and his staff members to look for a minimal needle in multiple haystacks.

After the unloading, boxes were stacked, floor to ceiling, in a fourteen by fourteen office, occupying virtually every square foot of the office. Barrington and his attorneys assumed it would take months, perhaps years, to find any records that could be used against the company. However, Roland Barrington and his executives and employees lacked the gumption to sanitize the records. They, like many other corporate types, underestimated the legal talent, tenacity, and manpower of Zachary Blake, his partner and associate attorneys, and professional support staff.

Zack put the entire office on hold, brought in an army of temps, and placed them under the supervision of Sandy Manning and Reed Spencer, the tech guru from Micah Love's office. The team reviewed, sorted, scanned, and computerized every document until they were quite familiar with each one, as well as Barrington's domestic and overseas operations. All of the proverbial smoking guns had been identified and cataloged.

Barrington has no idea how prepared Zack is for his deposition. To Zack's right sits a short stack of documents. Zack turns to the court reporter and hands her a document from the top of the stack. He instructs her to mark it as the plaintiff's deposition exhibit number one and makes it clear to all that he intends to repeat the procedure for every document in the pile.

He hands the first document to defense counsel for review. Jules Grimes makes a showing to review its contents, tries to appear apathetic, and hands it



back to Zack with a perceptible ‘go-ahead’ nod.

“Mr. Barrington, would you please review and tell us what exhibit one is?” Zack requests.

Zack is accomplishing precisely what he wants: Barrington admits the company conducts significant business overseas, and some of those guns manufactured in Europe find their way to the states. Further, the grueling session is also causing Barrington to lose his cockiness. He is now on the defensive. His answers become evasive and tentative.

“Well . . . uh . . . it appears to be a 2016 report of all weapons manufactured in our European plant for that calendar year.”

Zack forces Barrington to testify to the details of the report and the company’s intended distribution networks and outlets for the weapons produced. Zack then instructs the reporter to mark a second document from the stack as exhibit two. He shows it to Grimes and Barrington and again requires Barrington to identify the document.

“I believe I am looking at a sales and distribution document for our European plant for the 2016 calendar year.”

“Please read, for the record, what the European sales were in 2016.”

Barrington reads the numbers directly from the report. He now understands where the interrogation is headed, and he’s terrified. Beads of sweat appear on his forehead.

“Now, before we move on, Mr. Barrington, when we look at exhibit one and exhibit two together, we see a startling statistic, do we not?”

“I’m not sure what you’re getting at, Mr. Blake,” Barrington hedges, knowing full well what Zack is ‘getting at.’

“The sales figures are substantially higher than the production figures, are they not?”

“Uh . . . um . . . let me see those again. There must be an error of some sort. I need to confer with counsel.”

“Confer away,” Zack shrugs.

Barrington and Grimes lean into each other and begin a contentious whispering campaign. Zack can only assume Barrington is angry that the documents were released. Grimes is angry Barrington failed to warn him the documents might show production-to-sales discrepancies. The confab ends, and Barrington goes back on the record.

“Again, there is an error here. I am not looking at the original document.”

“No, it is an exact duplicate of the document you produced in discovery. If a different one suddenly presents itself, we will have to assume the second one is being produced to deceive the court and the parties involved.”

“Do you have a question for my client?” Grimes attempts to change the subject.

“I’d like your client to answer the question I asked him. Isn’t it true, Mr. Barrington, as these reports demonstrate, your European sales for 2016 were higher than your European production? And, Mr. Barrington, for the record, the question calls for one of two answers, ‘yes’ or ‘no.’”

“I need to confer with counsel.”

“Confer away,” Zack repeats, folding his arms across his chest. He glances at the court reporter and smiles.

“On the advice of counsel, since I didn’t prepare the reports, my answer is hearsay. I’d like time to find out who prepared these reports and get an explanation.”

“Mr. Barrington, you just testified you and the board are personally responsible for all European operations and that all business is conducted under your supervision. Was your testimony true?”

“Yes.”

“And in response to our request to produce documents, your company produced a significant number of documents kept by the company under your supervision and your board, true?”

“Yes.”

“These documents were prepared by people under your supervision and control, true?”

“Yes, but mistakes happen. I believe someone has made a mistake.”

“I suppose a mistake is one explanation. Can you offer another?”

“Again, I’m not sure what you are getting at.”

“Is it possible your production numbers are higher than the numbers you are reporting to regulators?”

“No, unless there was a mistake made.” Barrington is now sweating profusely. He shifts positions and loosens his collar.

Zack bores in. “Guns are made in Europe that Barrington Arms simply doesn’t report. Isn’t that possible?”

“No, that is not possible.”

“Is it possible that guns are produced or acquired elsewhere, off-book, then marketed and sold by Barrington Arms European plant?”

“No, and, for the record, I resent the implication.”

“We’ll certainly note your umbrage.” Zack hands the reporter another document, marked as exhibit three.

“Mr. Barrington, please review and tell us what exhibit three is?” The exhibit is an internal memo between Barrington, a few board members, and a European operations superintendent. The subject of the memo is ‘European Sales on the Black Market.’ It is from Barrington to the board members and the superintendent, and it congratulates the superintendent on the success of his black market sales program to groups that the memo refers to as ‘mercenaries.’

“I need to confer with counsel.”

“Confer away,” Zack mocks in cadence. A routine or broken record type event is occurring.

Barrington concludes his conversation with his increasingly frustrated attorney and returns to the table.

“It’s a memo relating to large volume sales in Europe,” Barrington utters.

“To mercenaries?”

“To European customers.”

“Why refer to them as ‘mercenaries?’ Do you know what the term ‘mercenaries’ typically refers to?”

“Yes. I’m not stupid.”

“I agree you aren’t stupid, Mr. Barrington. Cunning is a better word.”

“Objection,” cries Grimes.

“To what?”

“To your characterization of my client as ‘cunning.’ I don’t like what you’re implying.”

“You don’t like my . . .” Zack smirks.

“I’m confused . . . cunning means smart, doesn’t it? Are you smart, Mr. Barrington?”

“My objection is on the record. Move on, Blake.” Grimes scowls.

“Would you agree mercenaries and customers are not the same thing? Mercenaries can be customers, but not all customers are mercenaries. Isn’t that right?”

“Funny, Mr. Blake, how you twist my words.” Barrington is losing control.

“It’s a simple question, Mr. Barrington. You’re the one who mentioned mercenaries as a euphemism for European customers.”

“I’m guilty of making a poor choice of words, a bad comparison, but that’s what the memo referred to.”

“We will let a judge or jury decide, sir.”

Exhibit after exhibit is marked and placed in front of Barrington and Grimes. The document dump strategy is proving to be a colossal tactical error. The various invoices, reports, and memos demonstrate a vast network of terrorists and mercenaries who are purchasing large volumes of black market weapons from Barrington Arms, and the company is making a fortune off these black market sales.

*The idiot who released these to Blake is a dead man . . .* Roland Barrington is literally sweating through a barrage of damaging documents. His lawyers will have to figure out a way to exclude these somehow. *Surely, they can get that done. Isn’t that what I am paying them for?*

Finally, Zachary marks and places Exhibit Twenty-one in front of Barrington. It’s a memo from Barrington to the Board and the company’s European Superintendent, titled ‘Increased Sales Strategy: Transporting European *BM* Weapons to American Sales Outlets.’

“Do you remember preparing this memo, Mr. Barrington?”

“No, I do not,” a tired and frustrated Roland Barrington lies.

“What do the initials ‘*BM*’ refer to?”

“No idea.”

“No idea? In the context of a memo relating to the transport of European made guns to America, you have no idea?”

“No idea.”

“It doesn’t mean ‘bowel movement,’ does it?”

“You’re a funny guy, Blake. No, I don’t think so.”

“What could it mean, then, Mr. Barrington? Blasting mechanism?”

“You are very clever. No, I don’t think so.”

“Ballistic missiles?”

“Funnier still, we don’t carry those.”

“Gee,” Zack teases. “What can it be?” He taps his chin until, suddenly, he has a revelation.

“How about ‘black market?’” He exclaims.

“I told you. I do not remember the memo or the context of the memo.”

It’s now six o’clock in the evening. Everyone is exhausted, and Barrington is a beaten man. Zack decides to give him a temporary reprieve.

“I have many more documents to review. How about we call it a night? I’ll re-notice the continuation of Mr. Barrington’s testimony for a later date. Would that be okay with everyone?”

“Okay by me,” Grimes agrees, eager to get out of there and survey the damage. “Roland?”

Barrington welcomes the additional time to prepare for the next round. He doesn’t want a repeat of this fiasco. He’s eager to adjourn. However, he can’t admit to a favor from Blake.

“I see no reason for further delay. I’m ready to proceed. Do you have more memos or records, Mr. Blake? Bring them on.”

Zack knows a hollow bluster when he hears it and is tempted to take Barrington up on his offer. He’s willing to grill him into the morning hours.

“As I have indicated, the documents are voluminous. I intend to review them before continuing with the deposition. Counsel has already agreed to the process, but I do have one more question for you, Mr. Barrington.”

“What’s that?”

“Do you know a man by the name of George Trapp?” Zack smiles as Barrington panics. Grimes is confused.

“C-can’t say t-that I do,” Barrington stammers, terrified of Blake’s comprehension of the situation.

“Okay, I guess,” Zack grunts. “Mr. Barrington’s deposition is adjourned until further notice.”

Zack’s had the last word, after all. Barrington’s smug expression is replaced by the look of a fighter who has just gone ten rounds with Muhammad Ali. Barrington and Barrington Arms are toast. The purpose of the deposition was to put the fear of God into Roland Barrington III and to gather enough documentary and testimonial evidence to avoid summary disposition, a pre-trial dismissal of the case.

*Mission accomplished.*

No judge, on these records and this testimony, will grant summary disposition under the *Protection of Lawful Commerce in Arms Act*. Thanks to their laziness and arrogance, Barrington and Barrington Arms are in the case until the end. But Zack wants more. He wants to tie Barrington to Cameron’s death.

*That bastard tried to murder my son. He can spend the rest of his rotten, deceitful life in a prison cell. But he’s not the ultimate prize. I won’t rest until*

*both the President and Attorney General of the United States are impeached, convicted, and thrown in a prison cell.*

## Chapter Twenty-Four

Charlie Barnes is frustrated. Kevin Burns is now determined to go to trial, and the trial judge and the prosecutor's office are eager to receive the publicity a high-profile case and conviction will bring them. The only offer on the table is a guilty plea on all charges, with no reduction in degree. Kevin would be required to plead guilty to nine counts of murder in the first and throw himself on the mercy of the court. Perhaps the judge would give him a small break for saving the taxpayers the cost of a long, expensive public spectacle of a trial.

For Kevin, rejecting the prosecutor's so-called offer is an easy decision. First, he wants a public trial as much as the judge and the prosecutors. After all, trial will provide Kevin with a forum to make the case a referendum on school bullying. Second, he's not being offered any incentive to plead guilty, so why do so? Doesn't the constitution say 'innocent until *proven* guilty' by the prosecution?

Charlie's primary goal, throughout these plea negotiations, is to get prosecutors to offer something, *anything*, to entice Kevin to enter a plea. Nine counts of murder in the first, committed as a juvenile, with more lenient juvenile sentencing guidelines is his first choice, followed by nine counts of second-degree murder, or guilty but mentally ill. Any of these verdicts might avoid a life sentence. Sadly, Charlie has to negotiate with both sides. He has to convince the prosecution *and* Kevin to consider a plea.

Kevin refuses to discuss any plea that involves admitting he is mentally ill. Charlie doesn't need Kevin to agree. He's attempting to persuade the judge to order a psychiatric examination. If the psychiatrist finds Kevin mentally unstable, the judge will, in turn, declare him so and accept a plea against his will.

Judge Jaffe has other ideas. After appointing Charlie and forcing him to stay on the case, the judge betrays Charlie and questions Kevin about his willingness to submit to a psychiatric exam. When Kevin refuses, Jaffe denies Charlie's motion.

Not only does the judge's ruling put a serious dent in Charlie's plea negotiations on Kevin's behalf, but it also puts a more serious dent in the attorney-client relationship. Kevin had specifically instructed Charlie not to pursue insanity pleas or defenses, but Charlie went behind his back and

proceeded to do both. Kevin begins pursuing a jailhouse lawyer to produce a motion to dismiss Charlie as his attorney and permit Kevin to continue the case *pro se*—without an attorney.

Charlie's last best hope is to convince prosecutors to entertain a plea of nine counts of murder in the first-degree committed by a juvenile, or second-degree murder and multiple counts of assault with a deadly weapon. If the prosecution won't consider the juvenile plea, Charlie returns to the judge for one more try. The testimony of a victim, someone who can describe the merciless bullying that ultimately turned Kevin Burns into a monster, will be beneficial in front of the judge.

Charlie's a shrewd lawyer and an excellent judge of character. He decides to gamble on the integrity of a young man he hardly knows. He's witnessed this young man's television interviews. He has seen compassion and sensitivity beyond his years. He recalls the kid's statements that the issues involved are more complex than whether or not the *Second Amendment* needs a fix or whether specific gun control measures violate the constitutional mandate. He believes Kevin Burns is a victim too. Charlie Barnes wants to reach out to Kenny Tracey and persuade him to testify on Kevin's behalf.

Kenny is eighteen years old. Charlie doesn't need Zack or Jennifer's permission to talk to the boy. He's old enough to speak for or himself. But Zack Blake is a colleague, and Kenny lives under his roof. Charlie won't even consider discussing such an important decision without seeking Zack or Jennifer's permission.

He calls Zack's office. Kristin connects him to Zack, and Charlie requests a convenient time for a visit to the Blake-Tracey home one evening to discuss the case with the whole family. Zack promises to discuss Charlie's request with his family and let him know.

He wants Charlie to reveal his agenda, but the shrewd lawyer requests the favor of allowing him to withhold revelation until the whole family is sitting in front of him. Zachary Blake, the attorney, understands the probable reasons for the meeting. He is not eager to permit it. Zachary Blake, the father, knows his son is mature enough to make his own decisions and has an absolute right to do so.

He discusses Charlie's request with Jennifer. She is defensive, dubious, and sees no benefit, only potential harm or scorn for her son. The boy has seen more than his share of these things in his short eighteen years of life. She agrees, however, Kenny is his own man and entitled to make his own



decisions without parental interference. No one can tell her, though, parental advice or guidance is inappropriate, and she intends to dispense plenty of both.

To no one's surprise, Kenny accepts the meeting. Charlie Barnes visits the family's home at 7:30 PM on a warm summer evening. Jennifer Blake greets Charlie at the front door. She offers him something to drink; Charlie declines. Jennifer leads him to the den where Kenny, Zack, and Jake are waiting.

They're discussing the demise of the Detroit Tigers and the trades of many of their star players, lamenting the fact that all of Detroit's major sports teams are now less than average performers. Charlie catches the tail end of the conversation. Jake opines the Tigers would be far better if they held on to Justin Verlander and Nick Castellanos, and re-signed J.D. Martinez and Max Scherzer.

"To what end, Jake? Can they compete with Boston, New York, Houston or Cleveland? Better to blow the whole thing up and rebuild the farm system with draft choices and trades," Zack argues.

"Listen to your dad, Jake. He's a smart man," Charlie advises, entering the room.

"Charlie!" Zack exclaims.

"Good to see you, man. Charlie Barnes, criminal lawyer extraordinaire; please meet my family. That's Kenny—over there is Jake. You have met my wife, Jennifer, I presume?"

"I have, indeed. Thank you for agreeing to meet with me. I know I'm persona non grata these days."

All meeting participants shake hands and exchange greetings.

"Not in the Blake-Tracey house, you're not. My family is very familiar with crusading lawyers and unpopular causes," Zack assures. "You are a hero of mine, but don't tell anyone. It will ruin my image."

"Your graciousness is overwhelming. Your secret is safe with me," responds Charlie with a smile.

"Have a seat, Charlie. What can we do for you?" Zack motions to the swivel chair opposite the couch, where Jennifer and her two boys are now seated. Zack sits at the desk, in an executive chair.

"As all of you know, I have been assigned the unenviable task of representing Kevin Burns in the Bloomfield School shooting case."

"We are aware," Jennifer speaks for the first time.

“The prosecution and the judge are pushing for a trial. They are, in my humble opinion, seeking to score political points in the media. Perhaps they wish to run for higher office or simply hold onto jobs currently held. Still, the case has become a political and publicity-seeking event more than a trial to determine the future of a disturbed young man.”

“We have been following the proceedings, Charlie, and I can’t disagree with your view of things. The pre-trial publicity has been, for lack of a better word, disturbing. I would hate to be in your shoes. You have a very tough case on your hands, a change of venue, perhaps?”

“Perhaps, but I am hoping it’s unnecessary. I have been trying to persuade Kevin and the prosecution to accept a guilty plea. Unfortunately, I am encountering significant resistance.”

“What kind of plea?” Zack is genuinely curious.

“Nine counts of murder in the first degree, committed by a juvenile,” Charlie unloads.

Zack is stunned. The others do not understand the impact of the plea. “Charlie, you can’t be serious. He could be released as early as his twenty-first birthday.” Jennifer, Kenny, and Jake gasp. They now understand the proposed plea’s impact.

“That’s not possible, Zack. Kevin is a distraught young man. He suffers from a form of autism which, when combined with his other mental issues, will keep him in an institution for years.” Charlie pleads his case.

“Even if that’s true, Charlie, may I call you Charlie?” Jennifer smiles.

“Please do; that goes for all of you.” Charlie glances around to each member of the family.

“Even if that’s true,” Jennifer continues, “we would have no guarantee about the amount of time he would spend in confinement, correct?”

“Correct,” Zack responds before Charlie could open his mouth.

“An alternative plea would be guilty but mentally ill.” Charlie again scans the room.

“Same problem, Charlie. They could declare him sane in less than a year and he’s back on the street. I don’t know about the rest of my family, but for me, that’s a non-starter, even worse than the first one,” Zack groans.

“What does this have to do with us?” Kenny wonders aloud.

“I’ll answer that in a second, Kenny. I want to suggest one more plea.”

“What’s that, Charlie?” Zack’s curious.

“Nine counts of second-degree murder. His chances of getting out of prison would be remote at best, assuming the sentences are consecutive. I would ask the judge for some leniency, perhaps consideration of parole after twenty-five to fifty years, but nine consecutive sentences would essentially put Kevin away for life.”

“If he’s going away for life, why bother? Why not roll the dice?” Jake inquires. Zack is proud of his youngest son. *That’s a damn good question.*

“Because Kevin Burns can’t receive a public trial. It will be a circus, and because it will be a circus, it will also be a fiasco, a travesty from which Kevin may never recover.”

“Because the prosecution and the judge will be looking for political points and trial publicity, not for justice for the accused or his victims.” Zack Blake, the trial lawyer, knows the ramifications of such a trial event. *This would be the Michigan version of the OJ trial, this time, with a guilty verdict.*

“Exactly,” Charlie concurs.

“Okay, Charlie, we get it. Can we get to it, then? What, exactly, do you want from us?”

“From *all* of you, nothing. With Kenny, quite a lot.”

Zack now understands exactly where Charlie is going. He decides to play along and allow Charlie the opportunity to explain the strategy to his oldest son.

“How so, Charlie?” Zack wants Charlie to explain things to Kenny and the rest of his family.

“I need Kenny to testify on Kevin’s behalf.”

“Hold the phone!” Kenny protests. “Testify *for* Kevin Burns? He *shot* me, Charlie! He killed some of my friends and classmates! How could I do that? What could I say that would help him? He’s guilty as hell!” Kenny is outraged at the suggestion. Moreover, he doesn’t understand how his testimony can possibly help when he, Kenny, knows Kevin is guilty of mass murder.

“I only want you to say the things that you have been saying on television.”

“What are those? Kenny wonders.

“That the issues here are about *mental health as well as* guns. that our society needs to address school bullying; and that Kevin Burns was bullied in Bloomfield from the minute he arrived here from Berkley. He never fit in with his classmates. They ridiculed, brutalized, and abused him and drove

him to commit these atrocious acts. You, of all people, Kenny, know about abuse and how traumatic it can be.”

“But I never killed anyone. I could have killed Father Gerry with my bare hands, but I never acted on that feeling. That’s what separates law-abiding citizens from criminals.” Kenny argues.

“I understand, young man, but you can put yourself in Kevin’s shoes. How must he have felt? He is mentally unstable. You are not. On the other hand, you’re not only an abuse survivor. You witnessed some of Kevin’s abuse. You’ve talked about it on some of the shows I watched. You were extremely effective on television, and you are uniquely positioned to testify to what must have been a truly awful experience for Kevin. It doesn’t justify what he did, but it mitigates the degree of guilt, doesn’t it? Couple these facts with his mental instability and you have a young man who needs your help.”

“He needs help, that’s for sure.” Kenny softens.

“That he does, Kenny. That he does.” Charlie reaches out to Kenny and pats him on the knee.

“Assuming I would consider your request, how would it work?”

“Whoa, Kenny, you aren’t seriously considering testifying for this piece of shit, are you?” Jake cries. “He killed and maimed a bunch of our classmates. He tried to kill you! Are you nuts?”

“Jake, you didn’t see the things I saw. Kevin and I are the same age. We have classes together. What he went through was brutal, and the school did nothing to help him. I hate to admit it, but Kevin is a victim too.”

“You can *feel* that way all you want, but you can’t *testify* to it. No one in Bloomfield will ever forgive you.” Jake is concerned for his older brother and, perhaps, for his own future in the community.

“Dial it down a bit, Jake. The decision is Kenny’s and Kenny’s alone. It’s a tough one. I can see he’s already weighing some terrible emotions,” Zack reasons.

“Yeah? Well, his brother’s next two years of hell ought to be considered, too,” Jake huffs.

“Jake’s right, Dad. His future *is* something I should consider in my decision. May I think about it, Charlie? I understand what you want, and I am probably the best man for the job, knowing how everyone else feels. However, I am not ready to give you an answer. If you pressed me for one tonight, I’d probably say no,” Kenny warns.

“Then, I won’t press you for an answer tonight,” Charlie chuckles.

“Smart move, man,” Zack praises with a smile and a wink.

A man-to-man talk with his oldest son was likely in his future.

“I’ll be going then.” Charlie rises. “I sincerely appreciate all of you hearing me out.”

“Our pleasure, Charlie. It was very nice meeting you. Kevin is lucky to have you on his side.”

Jennifer smiles and begins to walk Charlie to the door. The rest of the family tags along, slightly behind them. They huddle together at the front window, watching Charlie walk down the front drive and enter his car.

Kenny turns and heads up the stairs without a word. Jake and Jennifer start after him. Zack puts out his arm and stops them with a shake of his head.

*Leave him alone. He has some serious thinking to do and an extremely tough decision to make.*

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Jennifer Tracey can’t sleep. She’s worried about her oldest son. Silently, she checks on her husband—fast asleep. She creeps out of bed, walks down the hall to Kenny’s room, and knocks lightly on the door.

“Who’s there?”

“It’s me, Kenny,” Jennifer whispers. “I can’t sleep. Apparently, you can’t either. Want to talk?”

“Sure, Mom. Want to go downstairs? No sense waking everyone up.”

“Great idea, I’ll make us a snack.”

Kenny comes out of his room in a bathrobe. He follows Jennifer down the stairs and into the kitchen. Kenny sits down on a bar stool that fronts a granite counter in the center of the massive kitchen. Jennifer pulls some milk and fruit out of the refrigerator and retrieves a plate of oatmeal raisin cookies, Kenny’s favorite, baked for the meeting with Barnes. She brings the goodies to the counter and sits across from her son.

Kenny ignores the fruit, pours himself a glass of milk, and begins to slovenly devour the cookies. He looks up at his mother, crumbs on his lips and chin. He begins to giggle, shooting cookie crumbs in the air, causing Jennifer to laugh with him.

“Thanks, Mom,” he manages after they stop laughing. “These are the world’s best. You should market them.”

“Someday, maybe, honey, someday. Why couldn’t you sleep?”

“I’ve been thinking about Charlie’s visit and Kevin Burns. Mom, the guy’s alone in a prison cell, probably scared out of his mind. He’s eighteen

years old, screwed up in the head, and he'll probably spend the rest of his life in prison. If kids treated him with kindness instead of ridicule, things might have been different. While I understand and sympathize with him, I have to reconcile his treatment with the fact that he killed nine kids and seriously injured several more. My leg still hurts like hell. Who knows if I'll ever be one hundred percent? I don't know what to do."

"What does your gut tell you to do, sweetheart?" Jennifer coaxes.

"My gut is undecided. One minute it tells me to testify, the next it tells me to let the asshole rot in prison."

Jennifer would typically comment on Kenny's use of profane language, but not now. Kenny needs to vent. Jennifer is intent on letting him get things off his chest, sort them out, and make a wise decision.

"It's a tough call, Kenny, but one only you can make," she finally advises. "We were once people of deep faith, and Father Bill has certainly helped us back to a place where we can believe again. Perhaps you can talk to him."

Father Bill Stern is their church pastor and a longtime friend of the family. He's helped them through some very tough times, including the death of Kenny and Jake's Dad and the boys' molestation by a pedophile priest.

"I know what Father Bill would say, Mom. Something like 'there is no peace without forgiveness' or 'to err is human to forgive, divine.' I don't think he will be helpful. Meanwhile, my head says one thing and my heart says another. Which do I listen to?"

"Both are important, Kenny. Since you and Jake were born, I have tried to impart important Christian values. Forgiveness is one of those values. Are there actions so egregious they can't be forgiven? The answer is different for every person. For me, forgiving the church or Father Gerry for their sins was not possible. But I was able to forgive Father Jon and Father Bill for their roles in the same scandal. I think it depends on the person, what they did, and why they did it, don't you?"

"The way some of these kids treated Kevin was *awful*, Mom. He was bullied, even beaten, physically, and mentally. Considering his upbringing, his emotional and mental issues, and the treatment he endured, his breakdown is no surprise. But parents are mourning their dead children, and my brother has to go to school with the siblings of these dead kids. What about Jake? What about those parents and their surviving kids?"

“Jake can take care of himself, Kenny, as he’s proven, over and over again. I know you can’t help being the protective big brother, but let’s leave Jake out of the equation for now. As to the parents and siblings of Kevin’s victims, what they’re going through is every family’s worst nightmare. What we went through with Gerry and the church was awful, but it doesn’t hold a candle to what they must be experiencing.

“What criminal charge Kevin Burns ultimately pleads to or is found guilty of will not change their trauma and, even if the judge accepts a lesser plea, I doubt Kevin will ever see the outside of a prison cell. If he does, it will be because he is no longer a threat to those people or society at large. You can ask Dad what the chances are if you testify, but I can guess what he will say.”

“What will I say?” Zack stands at the entrance to the kitchen, leaning against the doorframe with his arms folded, eavesdropping on their conversation.

“How long have you been standing there?”

“Long enough. Now, what would I say?”

“That Kevin Burns is not getting out of prison any time soon, regardless of whether or not the judge accepts a lesser plea.” Jennifer sums up the conversation.

“What she said, Kenny,” Zack smiles. “On nine counts of murder, whatever the degree and multiple counts of assault with a deadly weapon, he’s going away for life,” Zack refolds his arms and continues to lean against the doorframe.

“This so-called deal is lipstick on a pig.”

“Then why do it, Dad?” Kenny agonizes over his decision.

“To spare the families the agony of a trial, *all* of the families, including Kevin’s family.”

“You can come and sit down with us, you know,” Jennifer offers, pointing to a stool. Zack trots over to the counter, mounts a barstool, and helps himself to a handful of Kenny’s cookies.

“Hey,” Kenny groans in mock protest. “Those are mine. They were made to help me think.”

“I’m *helping* you. The way I see it, Mom’s cookies are brain food to help me help you.” Zack smirks and shoves a cookie into his mouth.

“Children, children, don’t fight over the cookies. Mommy will make more. I promise,” Jennifer groans.

“So, Dad, do you truly believe my testimony will *help* the families by preventing a painful trial?”

“I do, son. However, the families may not appreciate the gesture. In the short term, they’ll be extremely pissed at you. However, I represent all of them in the civil case, and I believe, eventually, I can persuade them to see reason. An early guilty plea will help their civil case.”

“How so?”

“It will nail down liability. People who were reluctant to testify will be free to do so.”

“So, you think I should testify?”

“That’s up to you, son. What’s in your heart? What’s in your head?”

“Conflicting thoughts and emotions, but I’m getting closer to a decision. These cookies helped, wish there were more.”

“Funny guy. They weren’t all for you, you know. Mom made them for the meeting. Charlie could have taken them home, or I could have stuffed my face right then and there.”

“Kiddies—stop the bickering. I promised to make more,” Jennifer referees.

Zack and Kenny eyeball each other like they were going to go at it again. Jennifer looks from one to the other, concerned about the next outburst. The two men begin to laugh hysterically, pointing to Jennifer and laughing at her.

“Got you, Mom. You thought we were going to kill each other over your cookies,” Kenny laughs.

“Gotcha Jen,” echoes Zack, laughing with his mouth full, spitting cookie pieces all over the counter.

“The last laugh is mine.” Jennifer hops off the stool, turns her back on her husband and son, and walks out of the kitchen.

“How do you figure?” Zack ponders.

“My oatmeal cookie recipe is stored right here.” She turns back to them and points to the side of her head. “And I’ll be damned if I make another batch for you two.” She leaves the kitchen.

Kenny and Zack study each other, then the cookies. Fearful it might be the final batch for a while, they both make a grab for the plate. They knock the cookies off the counter, shattering the plate on the hardwood floor. Cookie pieces scatter all over the kitchen. They eye each other a second time and begin to laugh.



Zack retrieves another plate. They begin to pile the precious cookies onto the new plate, shoving every other cookie into their mouths. Hearing the plate crash to the ground, Jennifer returns to the kitchen and stands at the doorway, observing their childish behavior.

“Children, children, clean up your mess. Do I have to ground you?”

Jake appears at the door to the kitchen and stands next to his mother.

“What’s all the racket down here? It’s three o’clock in the morning.”

He sees the plate of cookies in Zack’s hands.

“Are those oatmeal raisin cookies?” Jake licks his lips. “There was a whole plate of those things! How many did you guys eat?”

“Not enough,” Zack shouts. He dashes out of the kitchen, clutching the plate. He carries the plate like a running back with a football, avoiding oncoming linemen. His two stepsons are hot on his trail, in close pursuit.

“Children, children,” Jennifer sighs.

## Chapter Twenty-Five

The following week features a slew of developments in the civil case. *Michwide* Insurance Company decides to tender its policy in exchange for Zack accepting the tender as a full resolution of the Burns family's liability. Zack could have chosen to continue to pursue collection against Kevin and his parents over the one-million-dollar policy limits. While Kevin's parents are technically collectible, keeping them in the lawsuit will likely force them into bankruptcy.

Zack contacts all of his clients, explains the situation, and all agree to accept policy limits as full payment from the Burns family, effectively dismissing them from the lawsuit.

In addition, attorneys from Bloomfield Schools decide to implement a full-court press to settle the cases against the school and the school system. Their main goal is to take the litigation private. School officials are accustomed to being praised as one of the finest school systems in the country. In the days and weeks following the shooting, however, the local and national press has beat on the school and the school system daily. Attacks on security breaches and failures to implement safety measures have been relentless.

Questions about the high school's safety protocols after the shooting are constantly scrutinized and criticized, often irresponsibly. Politicians seeking election or re-election use the school shooting to score political points. The 'shooting wouldn't have happened on my watch' group is out in full force.

The school system's lawsuit privatization proposal has several components. The school would erect a memorial to honor the students killed or injured in the shooting. Going forward, there would be a citywide, perhaps statewide, day of mourning to commemorate and honor those students. A blue-ribbon panel of school safety experts would be assembled and would include the *PTA* board and parents affected by the shooting. The panel's purpose would be to review lapses in security and implement bold new measures to prevent any possible future occurrence. School officials tout the proposal as a model for use across the country, indeed, the world. As part of any settlement, an eight-figure fund would be created to implement all measures recommended and adopted by the panel.

Compensation for the families is deemed paramount in the proposal. Victim compensation in high-profile cases has come under increased scrutiny in recent years, especially by conservative politicians. Cries for ‘tort reform’ or recovery caps in large cases have increased because these tactics are successful in making insurance companies some of the wealthiest companies in the world. Less than honest politicians, promising to lower insurance premiums, successfully changed Michigan’s no-fault automobile system at the behest of insurance lobbyists. After all, money is power, and insurance companies have lots of money.

In a wrongful death or serious injury court battle, the insurance companies hold most of the playing cards. On the plaintiff's side, the case is handled on a contingency fee basis. The client does not have to pay to litigate. The talent and tenacity of the lawyer handling the case is almost always a determining factor in case success.

In the Bloomfield High School shooting case, the plaintiffs’ lawyer is Zachary Blake, uniformly regarded as one of the best trial lawyers in the state. His presence in this lawsuit sends chills up and down the spines of school officials. His own son is a prominent plaintiff. The mindset of all school officials, regardless of the advice of counsel, is to offer whatever it takes to privatize and settle these cases. Binding arbitrations and high-low structured settlement annuities are the preferred methods. Non-binding facilitations, with the same type of structured settlement resolution vehicles, are the alternative back-up plan.

Zack, of course, is conflicted. He’s a member of the Bloomfield School community and the parent of two of its students, one of whom was injured in the shooting.

His first obligation is to his clients, but he feels strongly that the victims should treat the school system fairly. He meets with each parent, each sibling, and each living injured student to discuss the potential parameters of a global settlement from the school system.

He advises them of the contentious deposition of the Chairman of the Board of Barrington Arms and the existence of company records that prove illegal arms sales in violation of the 2005 immunity law. A future trial against or settlement with Barrington Arms may produce millions and dwarf any settlement reached with the Burns family or the school system. In the end, the clients vote, almost unanimously, to place their trust in Zack and leave the decision and details to his sound judgment.

Zack agonizes over the decision. He's confident a jury will hand down a record verdict against the school system. New taxes would have to be implemented to pay the verdict, and, unlike a structured settlement, today's money, rather than tomorrow's, would fund it. On the other hand, a jury is a crapshoot. Every trial lawyer knows juries are unpredictable. Their verdict might be less than any proposed settlement. Jurors might even realize their decision could raise their own property tax—in Michigan, property taxes fund public schools.

In the end, the most compelling reasons to privatize and settle with the school system are community benefit and the fact the lawsuit still retains the deepest pocket defendant, Barrington Arms. Zack intends to extract the largest verdict or settlement in the history of Michigan jurisprudence from that piece-of-shit company and its despicable Chairman. Besides, if he plays his cards correctly, he might bring down a crooked government at the same time.

He decides to facilitate or mediate all of the cases against the school system. The process is deliberate and painful for all involved. Multiple attorney-mediator specialists are chosen to hear the cases and bring the two sides together for resolution. Case by case, back and forth they go. Early plaintiffs are reluctant to settle because they fear they may be setting a low-end bar for successor plaintiffs to beat. Zack decides to assemble all attorneys and mediators. He recommends a grid to pre-settle the cases and creates compensation tiers using certain criteria:

1. Was the student killed in the incident?
2. Was the student killed instantly, or did he/she live and experience 'pain and suffering' before succumbing to his/her wounds?
3. If the student was killed, how many survivors did he/she leave behind?
4. If the student died, how long did he/she live? How extreme was the pain and suffering?
5. If the student lived, did he/she suffer disabling or life-altering injuries? Permanent scarring? Brain damage? Would short-term, long-term, or lifetime care be required?
6. Were non-injured or injured students traumatized in other ways? *PTSD* — post-traumatic stress disorder—was a common after-effect of a tragedy like this one.

There are many other factors and criteria considered. The mediators and school attorneys agree to the procedure. The pool of plaintiffs is increased by the addition of a class of *PTSD* victims not previously involved in the litigation. To their credit, all Bloomfield School officials and attorneys seek to do the right thing for all parents and students. Zack is proud to be a member of such a caring community.

Judge Jaffe temporarily suspends the main case while the settlement process plays out. Barrington Arms attorneys protest, citing their clients' constitutional rights to a speedy trial. Jaffe reminds the Barrington attorneys that speedy trial rights are limited to criminal, not civil cases. Zack jokes in open court that he is pleased to recommend and encourage Oakland County Prosecutors to arrest Roland Barrington III for murder, which will, in turn, entitle Barrington to a speedy trial—in criminal court.

At the end of a painful and arduous process, every student who pressed a claim against the school system reaches a settlement with Bloomfield Schools. The settlement includes funding for the creation of the blue-ribbon safety panel. Zack is pleased to discover that Jennifer Tracey Blake will represent the PTA board on the panel.

Zack donates a large portion of his fee to the school system; Kenny donates a portion of his recovery as well. The remainder of Zack's fee will now be used as a treasure chest to fund the trial against Barrington Arms. The trial is now 'free,' funded by fees generated by the settlement of other portions of the case.

Zack doesn't typically agree to non-disclosure agreements when he resolves or settles cases. The church, for example, tried to resolve Kenny and Jake's case with a non-disclosure agreement. High net worth defendants typically offer cash incentives for plaintiffs' silence regarding the financial terms of their settlements. In Zack's opinion, such agreements encourage future misbehavior. Repeating conduct one now knows is wrong is far worse than the first offense. Preventing a future victim from discovering a defendant has previously committed the same act reduces the value of the new case.

In a case involving his own community, however, Zack agrees to non-disclosures. Pre-trial publicity and the goodwill of school officials and their attorneys are driving forces for the private agreements. The extra dough to accept non-disclosure agreements is appreciated by his clients, and the public already knows large amounts of money are being paid to resolve these cases.

Zack reasons, *under these circumstances* only, the public does not need to know the sordid details.

Judge Jaffe is delighted to hear the cases against the Burns family and the Bloomfield defendants have settled. Stipulations for dismissal are entered for all appropriate defendants. Going forward, the only remaining defendants in the litigation will be Roland Barrington III and all Barrington Arms Company and gun seller defendants.

Judge Jaffe lifts the stay at the same time he grants the various dismissals. Jaffe sets a pre-trial date, and the parties appear for the purpose of scheduling dates for the end of formal discovery, dispositive motions, a settlement conference, and a firm trial date. The battle lines are drawn, and a trial date looms, a mere six months away.

## Chapter Twenty-Six

Before the date of the Barrington Arms civil trial, all loose ends are tied up in a neat little bow, all, that is, except one. The criminal trial of Kevin Burns is scheduled for the end of July. Intense negotiations are being conducted between Charlie Barnes and the Oakland County Prosecutor and between Charlie and Kevin Burns.

Kevin now knows his parents' financial future is no longer in jeopardy because their insurance company has tendered its policy in exchange for a full dismissal against Charles and Susan Burns. Kevin reads all press accounts related to the civil case and is dismayed at the lack of attention paid to the bullying aspects.

On the *criminal* side of things, the press is likewise ignoring his motive in committing the crimes and continues to debate his 'mental health' and potential insanity defenses. He becomes less convinced a public trial will place 'bullying' on trial rather than 'mental health' or 'gun control.' He begins to see the benefits of a plea deal, where he will have an allocution hearing opportunity and can place bullying front and center. Charlie Barnes is a great lawyer. Perhaps, someday, Kevin may even be released from prison.

Charlie keeps Kevin informed of the status of negotiations at all times. He treats Kevin like a man and is very respectful of his feelings and opinions. Charlie has abandoned his belief that Kevin is 'crazy,' which makes the boy very happy. Kevin firmly believes he was driven to act by the egregious behavior of others, which should be a mitigating factor. A guilty plea depends heavily upon the prosecution's acceptance of that concept.

One strategy Charlie does not disclose to Kevin, because it will undoubtedly spur him to seek trial rather than a plea deal, is his threat to prosecutors to make the trial exclusively about bullying. If the case is tried, Charlie intends to put the other students, even deceased ones, on trial for 'a brutal and offensive criminal assault' that drove a fragile, abused child to commit mass murder.

Charlie continues to explore appeals and threatens, if he is successful, to obtain a ruling for Kevin to be tried as a *juvenile*. If that happens, Kevin might walk out of a juvenile detention facility as early as his twenty-first birthday.

Charlie knows the possibility of Kevin's early release strikes a sensitive nerve in the Bloomfield and Oakland County communities. The notion of a twenty-one-year-old Kevin Burns walking the streets of Bloomfield scares the hell out of prosecutors. They want the kid off the streets for a long, long time. Charlie Barnes is a criminal defense master. He knows what buttons to push and when to push them.

Breaking into his father's gun cabinet and driving to school with a Lugar and an assault rifle proves the malice aforethought required for a first-degree murder conviction. Charlie very persuasively argues, however, that no intent to murder was formed until after Kevin entered the school. The murders, Charlie argues, were prompted by his encounter with Drew Moss, Kevin's principal antagonist. After the Moss encounter, Kevin went temporarily insane and had what Charlie calls an 'out of body experience,' which prompted the remainder of the shootings. Charlie never once calls them 'murders,' always referring to them as 'shootings.'

Charlie lines up numerous national experts to testify on insanity and temporary insanity. The prosecution is now in a panic, and Kevin is no longer talking. Prosecutors become quite concerned a cogent legal argument might be made that until Kevin's encounter with Drew in the hallway, Kevin only intended to *scare* people rather than hurt or kill anyone. Prosecutors are convinced this will be Charlie's approach if the case goes to trial.

Charlie successfully convinces prosecutors of the real possibility that Kevin stands trial as a juvenile. In addition, sufficient *mens rea*—a mental element of intent to commit a particular crime—cannot be established. As a direct result of Charlie's brilliant advocacy, the prosecution drops nine counts offirst and second-degree murder. The charges are reduced to voluntary manslaughter and multiple counts of assault with intent to kill.

In Michigan, voluntary manslaughter, or 'man one,' carries a sentence up to fifteen years for each count. However, there is an important condition of the prosecution's generous offer. They are only willing to consider these reductions if all nine counts of voluntary manslaughter and all counts of assault with intent to kill are served *consecutively*—one after the other—rather than *concurrently*—running at the same time. No way are prosecutors going to agree to let a mass murderer back on the streets after serving only fifteen years. Consecutive sentencing is their bright red line. It is also where negotiations have stalled. Try as he may, Charlie cannot persuade them to budge off consecutive sentences.



Secretly, Charlie Barnes doesn't want Kevin Burns out on the streets in fifteen years any more than the prosecution. However, his job is to negotiate the best possible plea and sentence deal for his client. He's done a terrific job for Kevin. The centerpiece of the sentencing portion is the willingness of Kenny Tracey to testify to the relentless bullying Kevin Burns suffered at the hands of Drew Moss and others. Kenny will testify at the allocution hearing one way or the other, a powerful statement for the defense.

When Charlie reaches what he determines to be the state's final offer, he arranges a meeting with Kevin at the Oakland County Jail in Pontiac. Charlie drives to the jail, registers, receives an escort to the visitors' center, and awaits his client's arrival. After a short wait, two guards bring in Kevin. They usher him into a small, sort of private, attorney conference room where they shackle him to the table. Only after they complete those tasks, do they bring Charlie into the room. Visitor safety is paramount at the Oakland County Jail.

"Good morning, Kevin. How are they treating you?" Charlie greets him with a smile.

"I'm okay, Charlie, kind of surprised to see you. What's up?"

"I'll get right down to business, Kevin. You know I've been involved in plea negotiations on your case. I believe I've pushed the prosecutors as far as I can push them. I have a deal which you must consider and, in my opinion, given the circumstances and, especially, the publicity your case has generated, one you should accept."

"What's the deal, Charlie?" Kevin inquires. He is somber, appropriate, and respectful. Kevin is noticeably calmer than the troubled kid Charlie first met all those months ago.

"Nine counts of man one and multiple counts of assault with intent to kill. Sentences are served consecutively, not concurrently. Kevin, there is no way they're going to let you out of prison after serving only fifteen years. If you're sentenced concurrently, fifteen years is remotely possible. As such, I cannot persuade them to go that way. Still, you have been offered a great deal, considering the mass shooting type crime and the publicity this case has gotten."

"Will I ever get out of prison?"

"Pleading to manslaughter gives you a right to seek parole. I have also arranged as part of the deal, some rehabilitative treatment and psychiatric treatment, Kevin. Now, I haven't arranged treatment because you're crazy—

the treatment is for post-traumatic stress, intended to help you with your reactions to past, present, and future bullying.”

Kevin’s eyebrows furrow when Charlie utters the words ‘psychiatric treatment.’ However, he sensibly decides to ignore the mention of psychiatric treatment and, instead, focuses on parole possibilities. “What chance do I have for parole?”

“I’m not going to lie to you, Kevin, not much in the early stages of your sentence. Later on, however, after serving twenty-five to thirty years, it is quite possible. You should consider your age; you’ll still be a young man.

“On the original charges, you face a lifetime in prison. Under the new plea proposal, successful completion of the treatment program I mentioned will go a long way in determining if and when you’ll be eligible for parole. That’s why I negotiated the program as part of the deal.”

“I’m happy I didn’t fire you, Charlie.”

Charlie is shocked at Kevin’s demeanor. Kevin is serene, collected, genuinely remorseful, and quite sensible. Charlie recalls the kid he was forced to defend immediately following the shooting. *Is he okay?*

“How are things going in here, Kevin? You seem, I don’t know, almost too calm today.”

“They treat me better in here than I was ever treated at home or in school,” Kevin utters, a very sad commentary on his pre-prison life.

“Well, it seems to have had a very positive effect on your attitude and demeanor. I would suggest you keep your cool throughout the plea and sentencing process if you decide to accept the deal. Be sure to show genuine remorse at the allocution hearing.”

“If I accept the deal, will I be permitted to speak about bullying without a time limit?”

“Without a time limit, no. For a reasonable period of time, yes.”

“Will bullying be considered a mitigation factor?”

“It already has, Kevin. That is why you’re being offered an opportunity.”

“Opportunity? That’s a funny word to describe thirty years in prison.”

“You’re right. It’s a poor choice of words. How about ‘deal’ instead?”

“How long do I have to decide?”

“You may take a few days. The trial is not for a couple of months, but I can tell prosecutors you’re seriously considering their offer. If you decide you don’t want the deal, please tell me immediately, so everyone can start preparing for trial without delay.”

“No, Charlie. I am leaning toward accepting the deal. Considering what I did and how many people were killed or hurt, the offer sounds as fair as someone in my position could expect and a deal I should probably accept. I need to talk to my parents and my spiritual advisor.”

“Spiritual advisor?” This is news to Charlie.

“Yes, they have a prison chaplain here. He’s been very helpful to me.”

“Well, Kevin, I am certainly pleased you have found God in your life. Please make that point to the judge during your allocution hearing.”

“I will, Charlie.” Charlie rises.

“And Charlie?”

“Yes, Kevin?”

“Thanks for everything you’ve done for me. I appreciate it.”

Charlie leans forward and grasps Kevin’s shackled hands. Charlie is heartbroken—Kevin’s youthfulness is striking. Burns, a *child*, is looking at a minimum of thirty years and probably a lifetime in prison. There is, however, one undeniable fact every veteran criminal attorney knows. *If your client did the crime, he or she has got to do the time.* Charlie knows he’s done well for the boy.

“You’re very welcome, Kevin. Think about things and let me know as soon as possible.”

“I will, Charlie. Thanks again.”

“You’re welcome again,” Charlie smiles and motions for the guards. They enter the small room, remove the shackles from the table, turn and usher Kevin back into the bowels of the jail.

*What a desolate place. How does a kid his age survive in such a place? Yet, he seems to be doing better in here than he did on the outside. How is that possible? What must life have been like for Kevin to prefer prison to home and school life? Perhaps this solution is best for everyone, including Kevin.*

Charlie turns and knocks on the conference room door. A guard opens it and points Charlie to the lockers. Charlie grabs his belongings, returns the key to the intake desk, and walks out to a beautiful, sunny sky.

Charlie Barnes takes a deep breath of fresh, *free* air, a small delight Kevin Burns will be denied for the foreseeable future. Charlie hangs his head and shakes it, side to side.

*Why couldn’t the bullies let Kevin be?*

## Chapter Twenty-Seven

Kevin Burns takes the plea deal. Thus, after the plea, allocution, and sentencing hearing in the criminal case, the only legal issues left to litigate will be the Roland Barrington and Barrington Arms issues in the civil case. Kevin is hard at work, preparing his remarks. All who were harmed by Kevin are invited to speak at the sentencing hearing and have the freedom to say whatever they wish. Only Kenny Tracey has been asked to deliver words of consolation towards Kevin.

When sentencing day finally arrives, the Oakland County courthouse is packed with victims and their families, local and national new media, and a few spectators who won a lottery for the limited remaining seats. Zack and Jennifer Blake are in the courtroom, accompanied by both of their sons. Zack is permitted in the roped-off forward area, reserved for attorneys, where he is conversing with Charlie Barnes and the assistant prosecutor assigned to the hearing. A large contingent of lawyers, scheduled for hearings elsewhere in the building, hang around Judge Selik's courtroom, mainly for potential free publicity, a chance that someone with press credentials is looking to interview a professional 'talking head.'

Charles and Susan Burns enter the courtroom and are escorted to an assigned seat behind the defense table. Charlie Barnes walks over to them, shakes their hands, and tells them how sorry he is for their current circumstances. The two parents genuinely thank Charlie for all he has done for their son. Spectators who recognize Kevin's parents glare at them with unfiltered disdain.

The court clerk and reporter enter the courtroom and assume their positions. The court reporter completes a short test of her equipment. A bailiff enters proclaiming: "All rise! Hear ye, hear ye. Circuit Court for the County of Oakland is now in session, the Honorable Judge Hugo Selik presiding."

A door behind the bench opens. Judge Selik enters and ascends to the bench, which is situated a tad higher than the seats of the peons who fill the gallery before him. He sits and invites all in attendance to be seated.

"The clerk will call the case," Judge Selik orders.

"Calling the case of *State v. Burns*," the court clerk complies. "This is the date and time for a sentencing hearing, Your Honor. All parties are present

and accounted for. The defendant is in holding.”

“Bailiff, please bring in the defendant.”

The court officer exits the courtroom. The gallery begins to chat and murmur. The judge suddenly slams down his gavel, scaring the hell out of everyone in attendance.

“Order in the court!” Selik demands. “If we cannot maintain appropriate decorum, considering the seriousness of these proceedings, I will clear the courtroom of everyone except the parties hereto.”

The judge is loud and ornery, but his demand for order is impossible to enforce. Except for the press, a small contingent of lawyers, and some spectators, everyone in the courtroom *is* either a party or a victim. The judge has momentarily forgotten how many victims, parents, and attorneys are attending the hearing.

In any event, the judge’s tirade achieves its desired result. The gallery quiets, and the bailiff returns with Kevin Burns in tow, shackled, and dressed in prison garb. Charles and Susan Burns expel an audible gasp at the sight of their son. Susan hangs her head and begins to sob. Charles does nothing to console her.

“I understand the parties have reached agreement on a plea, is that correct?” Judge Selik orates, reminding everyone who’s in charge.

“That is correct, Your Honor,” Charlie Barnes concurs, rising.

“Correct, Your Honor,” the assistant prosecutor mimes, slightly peeved Charlie beat him to the punch.

“State your appearances for the record, please.”

The two attorneys identify themselves for the record and indicate a deal has, indeed, been reached. The prosecutor explains that various original charges will be dismissed as part of the deal. New charges of voluntary manslaughter and assault with intent to kill will be entered in their place—some members of the gallery gasp. Many are unaware that prosecutors offered Kevin a plea bargain to something less than first-degree murder. The judge slams his gavel again and demands quiet. When the prosecutor concludes his remarks, Charlie Barnes is asked for his concurrence.

“That is my understanding of our plea agreement, Your Honor,” Charlie confirms.

Judge Selik has complete discretion on sentencing. The large contingent of press representatives works against Kevin, as Selik does not wish to appear

soft on crime in an election year. Each count carries a maximum sentence of fifteen years. The judge addresses Kevin.

“Did you hear the statements of the two attorneys, young man?” Judge Selik inquires.

“Yes, Your Honor,” Kevin murmurs. The gallery is abuzz. Most have never heard the sound of Kevin’s voice.

“Quiet, please,” Selik admonishes, without the histrionics of slamming the gavel.

“Do you have anything to say on your own behalf before I publish your sentence, young man?”

“Yes, I do, sir,” Kevin asserts with a bit more gusto.

“Mr. Barnes? Do you have a problem with young Kevin here speaking to the Court on his own behalf?”

“No, Your Honor, I don’t.”

“Very well, Mr. Burns. Please proceed with your allocution.”

“Thank you, Your Honor. My head is spinning; I have serious stomach pains. Throughout my life, many of my so-called classmates and friends have spread rumors, lies, and secrets about me. They have ridiculed and bullied me mercilessly. I have been towel whipped in the school shower, kicked in the groin, and thrown naked into the girls’ locker room. My size, looks, and protruding ears have been mocked. My comparative poverty and my wardrobe have been the subject of scorn. I was a new student, a newcomer to Bloomfield. I had no friends, and there was an imbalance of strength at play in middle school and high school. No one came to my aid. No one tried to prevent what was happening to me. No one befriended me. Some were nicer to me than others. Some were non-confrontational, but none came to my aid.”

Kenny Tracey looked to his mom and dad and winced. He was ashamed of himself. He could have been the one guy Kevin Burns was looking for. He saw what was happening to Kevin. While he never participated in the offensive behavior, he never did anything to try to prevent it, either. Kenny studies the faces of the broken kids and their families seated in the courtroom.

*I, Kenny Tracey, abuse victim, did nothing to stop Kevin’s abuse. It’s my fault, your fault—all of us are at fault. Kevin had to face the bullies alone. What if someone, anyone had come to his defense? Things might have turned out differently . . .*

Kevin Burns continues his allocution.

“I was the victim of every type of bullying you can imagine. Physical bullying is the visible type. Kids beat me up because they were bigger and stronger than I was. No one ever lifted a finger or uttered a word in defiance of these bullies. Throughout my high school career, I was punched, slapped, spat upon, had hard objects, thrown at me, shoved into my mouth, ears, nose, and even into my rectum.

“But physical bullying is not the only form of bullying. Verbal bullying can be just as bad. I was laughed at, ridiculed in front of others, demeaned and mocked. Worse than that, I was shunned, ignored, and friendless, left to my own devices, isolated in a sea of offensive classmates.

“As a result of what can only be called torture, I felt detached, useless, defeated, and depressed. I must have been inferior to all of my classmates. Why else would they shun me? Ridicule me? *Torture* me? It had to be my fault, right? I had no self-esteem, no educational direction. I considered suicide. Art was my only form of expression, yet even my art was ridiculed and mocked.

“Despite constant visits and complaints to teachers and administrators, no principal, counselor, or teacher was able to solve the problem. I’m not saying they didn’t try or weren’t sympathetic, but their efforts were fruitless. In the end, their consistent message for me was to ‘buck up’ and understand kids can be cruel. ‘You aren’t the only one being bullied by your fellow classmates,’ more than one teacher advised as if there is comfort in the company of someone else’s misery.

“I was also cyber-bullied. Classmates who abused me physically or verbally would post online videos and pictures of the abuse. One video showed a group of boys holding me down, naked, on a locker room bench, while another boy viciously towel-whipped my bare buttocks. Pictures of my genitals, which my peers called ‘Kevin’s teeny weeny penie,’ were posted online for all to see, subjecting me to even greater and crueller abuse. Pictures and videos were posted on all the popular social media sites. Had I gone to the principal or told a teacher, I would have been called a snitch or a narc and received far worse abuse.

“I don’t know what was going on in the lives of these kids to make them act so aggressively toward me. Maybe they had terrible family situations. Maybe they were doing poorly in school or gym or needed to find someone worse off than they were. Maybe they wanted to gain acceptance or craved attention. Peer pressure is a terrible and destructive device. Maybe their

parents mistreated them. Do those possibilities excuse their terrible and abusive behavior towards me? Not as far as I am concerned.

“I have done a lot of research since I was sent to jail. Many victims of bullying and other kinds of abuse become destructive, self-absorbed, and prone to violent acts. They feel victimized and powerless. Like me, they tend to be younger and smaller than their predators. They tend to have deep psychosocial issues after years of abuse. And these issues often result in victims acting out with violent behavior against those who have victimized them. That seems to be what I am guilty of here.

“Do I feel remorse for what I have done? Yes, I do, but if I am honest, I feel relief, more than remorse. I have not been bullied since the shootings, even in prison. Can you imagine? Prison provides me a safer environment than my community school ever did. How is this possible? What does it say about those in charge of the students?

“I cannot undo what I have done. I cannot bring victims back to life or heal the classmates and teacher I have injured. I can only express my remorse and remind all of you that I am a victim too. I have been severely injured—physically, mentally, and emotionally by an unrelenting group of bullies, and my actions have finally made it all stop. What does that say about our society, about all of us?

“Your Honor, thank you for allowing me the opportunity to express my feelings. I also want to express a special thank you to Charlie Barnes for his hard work on my behalf.”

Judge Selik listens judiciously to Kevin’s heartfelt words. He is truly shocked and has considerable sympathy for the boy. He has seen bullying in his day and was once part of a few groups responsible for antagonizing the nerds. He understands where Kevin is coming from.

However, two important things are working against Kevin. It’s an election year, and conservatives are constantly accusing Selik of being soft on crime and criminals. Kevin is the first of many speakers. The victims have the last word, and they have no sympathy, only unbridled hatred for Kevin Burns.

One by one, survivors of deceased victims describe the indescribable. How can any parent or sibling rationalize or accept the loss of a loved one, especially a teenager? Kids and parents take positions before Judge Selik and describe the horror of the events, the loneliness, and the torment of its aftermath. Nothing will ever be the same. None will ever fully heal. Students



in wheelchairs, paralyzed from being shot in the back, students with artificial limbs, students who limp to the podium and one student with slurred speech—he was shot in the head and survived—stand before Judge Selik and tell their stories.

*Our loved ones are gone forever; I am damaged for life. Why shouldn't the guy responsible have his life taken or damaged too? I will never recover. Kevin's speech was compelling, but I never treated him poorly. We can't give him the death penalty, but we can certainly lock him up for the remainder of his miserable life, can't we?*

Whether or not Kevin Burns' compelling testimony has had some effect on Judge Selik, it clearly has had *no* impact *whatsoever* on any of the victims of his criminal mayhem. Finally, Selik calls Kenny Tracey to the podium. Kenny rises and approaches the podium with a slight limp. He studies the faces in the courtroom and begins to speak.

“Thank you, Your Honor. I appreciate the emotions and words spoken in favor of a harsh sentence for Kevin Burns. As you can see, I still walk with a limp. I still feel pain in the aftermath of the shooting. I still remember the horror of seeing friends and classmates brutally murdered before my eyes. I will never forget that day. However, I have also known abuse in my short time on this earth. I have encountered many who ignored my abuse, including those with the power and authority to stop it. If only they believed in their minds what their hearts were telling them, my brother and I would have been spared the pain of a horrible ordeal.

“No one came to our aid. No one called out our abuser. But worse, as most of you know, those who had the power to stop the abuse aided in the cover-up. I am not here to excuse what Kevin Burns did. He killed nine of my classmates and injured many more. He is to blame and should be justly punished for his cruel acts.

“But if we are honest with ourselves, we are to blame as well. Did we turn our heads when we saw Kevin being brutally bullied? Did we encourage the wrongful conduct and cheer on the perpetrators? Are we parents who knew our children were bullies but did nothing to change their behavior? Did we say: ‘It's a phase—he or she will grow out of it?’ Are we school administrators who heard cries for help but fell short of stopping the torture? Or are we the actual perpetrators who know we drove Kevin to do what he did on that fateful day? Did anyone speak out for or come to the aid of Kevin Burns?

“Kevin was completely alone. He tried to deal with the torture, ignore it, report it, but it never stopped. He grew angrier and angrier, and, one day, he decided it was time to stop these bullies. When I look back on the past few years, I must say, I am no longer shocked by Kevin’s actions. I should be, but I am not. *We, all of us*, drove him to that day.

“We can’t walk back our collective behavior. Like Kevin, we don’t get a ‘do-over.’ But we can be compassionate. We can try to forgive, not for Kevin’s sake, but our own. Forgiveness does not mean we forget or excuse what Kevin has done. Kevin, what you did was horrible. But what forgiveness *does* mean is that we can start to release some of the anger and guilt we feel, not only at Kevin but for ourselves, our classmates, and our loved ones. Is forgiveness an easy thing? Hell no! If it was easy, everyone and everything would be forgiven.

“Catherine Ponder, an inspirational author, once wrote: ‘When you hold resentment toward another, you are bound to that person or condition by an emotional link that is stronger than steel. Forgiveness is the only way to dissolve that link and get free.’ And another inspirational author, Bryant McGill, added: ‘there is no love without forgiveness and there is no forgiveness without love.’

“I urge you ladies and gentlemen and Your Honor, to love, to practice compassion, to dissolve that emotional link, to forgive Kevin Burns without forgetting his conduct, and to enter a just sentence that considers all of the facts and circumstances that led to this tragedy. Thank you very much.”

The gallery sits, in stunned silence, moved to tears by Kenny’s words. Jennifer sits between her youngest son and her husband, clutching the arms of both, tears of pride rolling down her cheeks. She prayed Kenny would seize the moment, and her prayers have been answered. Charles and Susan Burns glance at Jennifer, tears flowing, and nod gestures of thanks. Judge Selik pauses, appearing to absorb and consider Kenny’s words.

“The defendant, Kevin Burns, will please rise,” Selik orders.

Charlie Barnes turns to Kevin and gestures to him to rise. Both rise in concert.

“Mr. Burns, I have listened to your heartfelt words and your attorney’s arguments and written submissions. I have listened to the words of your brave young classmate, Mr. Tracey. I have also heard the pleas of the prosecution, your injured former classmates, and the loved ones of those you killed. While yours is a heinous crime, it is one born of tragic circumstances.

“Under the plea arrangement your attorney worked out with the prosecution, I find you guilty of nine counts of voluntary manslaughter and fifteen counts of assault with intent to kill. According to maximum sentencing guidelines provided by the state legislature, I hereby sentence you to fifteen years in the state penitentiary on each manslaughter count and five years on each assault count. Those sentences are to be served consecutively, not concurrently.”

The gallery buzzes with excitement and conversation. The judge pounds his gavel and demands order. After order is restored, he continues:

“Mr. Burns, you are very young. You have your whole life ahead of you. You have been the victim of some horrible treatment, but you took the law into your own hands, and you took the lives of nine people. The sentence I have just published may keep you in prison for the rest of your life. However, young man, pleading to manslaughter as opposed to murder, gives you a right to parole.”

The gallery begins buzzing again, in protest to the judge’s words of conciliation. He again pounds his gavel and threatens to have the courtroom cleared. The gallery quiets.

“As part of the negotiated plea deal, rehabilitative and psychiatric treatment has been arranged. You will be required to participate in the treatment program as a condition of being *considered* for early parole by the board. If you fail to cooperate with treatment or if I get a report that you have ignored medical advice, there will be no consideration of parole.

“Your protocol shall consist of post-traumatic stress and anger management treatment to help you control your irrational and violent reaction to past and, perhaps, future bullying. Assuming adherence to the proposed treatment protocol and assuming medical specialists clear you, I hereby instruct prison officials to consider parole after you have served at least twenty-five years in prison. According to my calculations, you would be eligible for parole at the age of forty-three.”

The gallery explodes in anger with shouts of ‘no,’ ‘traitor,’ ‘murderer,’ and many other choice epithets. The judge pounds his gavel, over and over, in vain. Finally, he instructs the court officer to begin clearing the courtroom of anyone who is not essential to the sentencing process. The crowd quiets after the officer ventures out into the gallery to carry out the judge’s order. The judge rescinds his order with a stern statement, his last warning about gallery decorum.

“Mr. Burns, I am not issuing you a free pass to freedom. You must demonstrate you have become a responsible member of society before I or any successor of mine considers granting you parole. You must follow orders and protocols at all times. You may be denied parole for any reason the parole board deems appropriate. In other words, if it ever happens, it will not be automatic, and it may not happen when you’re forty-three.

“For those of you who believe my sentence is lenient, I remind you I have sentenced Mr. Burns to the maximum sentence the law allows for the crimes to which he has pleaded guilty. Please remember, ladies and gentlemen, manslaughter pleas come with a right of parole consideration. Thus, the possibility of parole is out of my control. The requirements a prisoner must meet for parole consideration are, however, within my purview. The prisoner must receive treatment at his own expense. I hereby order Kevin Burns to continue treating until his doctors have declared him a responsible member of society and no risk to the public. If that does not happen, he will remain in prison for the rest of his life. If that *does* happen, he will be *considered*, not *granted* parole.

“I hereby instruct the court officer to take the prisoner into custody to begin serving his time. Kevin Burns is credited with time served to date. Court is adjourned.”

Judge Selik slams his gavel, stands and exits the courtroom without the usual pomp and circumstance that accompanies a judge’s departure. He can’t wait to get the hell out of there. The gallery begins shouting epithets again. Pandemonium rules and angry citizens raise their voices and shake their fists. Court officers from other courtrooms are brought in to clear the crowd.

Protests continue outside the courthouse. As the Blake-Tracey family exit peacefully, a few protestors shout angry words at Kenny and his family. Considering Kenny’s compelling student voice against gun control and Zack’s expert handling of the civil case, supportive families turn on the protestors, and people begin arguing with each other. Most are friendly and supportive of Kenny and Zack, while a few are angry and combative.

Zack silently defends the words and actions of his oldest son. *These unappreciative assholes are welcome to find another lawyer!* After calm is restored and his family is on their way home, Zack reconsiders his harsh retort. *These people were shot, injured, or had loved ones killed by Kevin Burns. In their minds, Kenny defended a murderer, and Judge Selik threw Kevin a lifeline. Who can blame them for being angry?*

“Are you okay, Kenny?” Zack glances at Kenny in the rearview mirror.

“I’m fine, Dad. It got a bit hairy, but I’m fine. Part of me understands why they’re so angry.”

*Great minds think alike.* “They’ll calm down and come around. Most of them are my clients in the civil case. They know we are doing well by them.”

“Did you guys think the sentence was fair?” Jake asks no one in particular.

“I certainly think so, don’t you? Everyone deserves the opportunity for a second chance. It isn’t like the judge gave Kevin a free pass out of prison at some early date.” Jennifer is a forgiving soul.

“I agree, but I might feel differently if Kenny had been killed or put in a wheelchair for life,” Zack ruminates. “All in all, I believe justice was done. People will eventually calm down and see reason. Kevin isn’t going anywhere but to prison for a long, long time. The real criminals, here, work for Barrington Arms and the United States government. I am on a mission to make all of them pay and pay big time.”

“Go get ’em, Dad,” Jake pumps his fist with gusto.

“I intend to, Jake. I’m going to kick their collective assets.”

“Can’t wait,” Kenny declares, staring intently out of the window.

Zack turns right off Square Lake Road onto Woodward and heads south toward home. The family maintains a contemplative silence for the rest of the way. The criminal case is now over. The final civil battle is about to begin.

## Chapter Twenty-Eight

Try as they might, Roland Barrington, Barrington Arms, and their high-priced attorneys can do nothing to undo the harm caused by the infamous document dump. Barrington threatens to sue his lawyers for legal malpractice, a hollow threat considering the firm is obligated to turn over all records. Sanitizing them or destroying those in conflict with their defense is a crime. Obstruction of justice is punishable by fine and several years in prison. However, Barrington considers self-preservation an endeavor that justifies criminal behavior.

Lawyers are disbarred for criminal behavior. While Jules Grimes and his partners and associates gave lip service or appeasement to the idea when Barrington demanded the destruction of damaging records, they never planned to honor their client's request. Grimes and his firm were unwilling to cross that particular line. In fact, ethics prompted the idea for the massive and irrelevant document dump. Comply with the rules but hide a relatively small number of damaging documents in a virtual sea full of irrelevant, undamaging documents, and pray the plaintiffs can't locate the damaging ones. Unfortunately for Barrington and his high-powered cronies, Zachary Blake and his team of lawyers and investigators located every single one of them.

Grimes and Barrington now have two choices: 1. Try the case and take their chances on avoiding a massive nine or ten-figure verdict. 2. Inquire how much it will take to settle the case and avoid a trial. Jules Grimes suggests facilitative mediation. Barrington hates to capitulate, but he agrees to grant Grimes the authority to make overtures.

Grimes contacts Blake and invites him to lunch at his country club. Zack accepts the invitation, in part because he's intrigued by the overture, but more so because he's never been to the beautiful Orchard Lake Country Club on West Shore Drive in West Bloomfield. The country club sits on Orchard Lake, with an excellent view of the lake and an eighteen-hole golf course.

Zack pulls up to the grandiose clubhouse. A valet takes his car, and Zack ascends the steps of the impressive building. Inside, he seeks directions to the dining room from the first person he sees. A friendly young man refuses to merely point out the right direction, and, instead, escorts Zack to his destination.

The young man inquires if Zack is meeting with a member. Zack informs him he's meeting Jules Grimes. 'Seth,' his nametag gives him away, escorts Zack directly to the Grimes table, where Jules is seated, sipping on red wine, and chatting over his shoulder with a man at the next table. As Zack approaches, Jules stands and extends his hand. The two men engage in a bit of 'match the other person's grip,' and Jules invites Zack to sit.

"Would you like a drink?" Jules offers.

"What are you drinking?"

"Merlot."

"I'll have a Merlot."

"Excellent. James?" A waiter approaches and Jules orders for Zack.

"Your club is beautiful," Zack looks around, especially interested in the view of Orchard Lake. "How long have you been a member?"

"My father was a member. My family has had some kind of membership for as long as I can remember. I enjoy it, but I don't understand it. I spend most of my time fighting in the courtroom, and for leisure, I take a similar beating on the golf course. I must be a masochist," Jules chuckles. "Anyway, the club has been good for business. I have a lot of clients who are members."

"I'm sure you do," Zack snickers. It doesn't surprise him at all that Grimes' corporate clients belong to such a club. *Funny, these guys accuse plaintiffs of greed and excess . . .* "So, Jules, you asked me to come. I'm here; what can I do for you?"

"Let's order lunch first. Then we'll talk."

"Fine by me."

Grimes calls James over again and requests menus. They both order tuna and fruit platters. The waiter takes their menus and walks away.

"So, Zack. Obviously, you are doing a remarkable job for your clients. Roland Barrington sends his regards."

"I'm sure he does. Tell me, Jules, are 'regards' synonymous with 'hitmen' these days?"

"Can we keep things civil, Zack?"

"Your client and his government cronies tried to have my son killed and killed one of his best friends instead."

"We don't know that, Zack."

"Maybe 'we' don't know that, but *I* certainly do. If I discover you were involved . . ."

“*Damn it, Blake!* No client is that important. I am a man of integrity,” Grimes blusters, duly offended.

“A man of integrity wouldn’t represent the likes of Roland Barrington, a man willing to commit murder to protect himself and his company.”

“Again, Zack, can we have a civil conversation about the case? I was not and am not a party to any criminal activity.”

“What’s on your mind, Jules?” Zack grants him a temporary reprieve.

“Barrington Arms wants to know what it will take to resolve the case.”

“More than Roland Barrington is willing to pay. The document dump more than proves our case in avoidance of the *Lawful Commerce in Arms Act*. Besides, my investigators, the local police, and the FBI, in a joint investigation, have uncovered a conspiracy to commit acts of terrorism in the United States, and Roland Barrington, Geoffrey Parley, and *POTUS* are in it up to their eyeballs. I’m not blowing smoke up your ass, either. I’m almost positive we can prove everything.”

“All the more reason to entertain a fair settlement. Who knows how long Barrington and Barrington Arms will be collectible?”

Zack is impressed with Grimes. He didn’t miss a beat or bat an eyelash in returning to the idea of settlement, despite Zack’s disclosure of his client’s criminality. *What’s in it for him?*

“Are you prepared to make an offer?” Zack finally inquires.

“Depends on the demand.”

“Fifty million dollars for each death, another fifty million for the two kids who are now paraplegics, and fifteen million each for the thirteen other injured kids. That’s a total of seven hundred fifty million dollars.

“I also want Barrington to pay my clients’ attorney fees, let’s calculate those at two hundred fifty million. So, Jules, my friend, on behalf of my clients, we will settle with Barrington for a billion dollars.”

Zack can hardly believe the words came out of his mouth. In law school, after starting a practice, through the hard times and even after he achieved success and wealth, he never imagined he’d be discussing the resolution of any case for a *billion* dollars. He awaits Grimes’ response.

“That’s quite a number, Zack. Do you have anything a tad more reasonable?”

“Are you asking me to negotiate against myself? I haven’t heard a counter, not that I am willing to entertain one. Your client can settle for a billion dollars or try a high-profile case that trashes his company, exposes his



and his company's criminal conduct in gun sales certainly, and murder probably, and his company and his personal assets to a verdict that might be considerably higher. Why don't you take my demand to your client?"

"Are you serious? He'll never go for it. Perhaps some type of structure —"

Zack abruptly cuts Grimes off. "If you present it the right way, with the right incentives, I'm certain he will accept."

"You obviously don't know Roland Barrington."

"I know him better than you think, perhaps better than you, Jules. Be sure to tell him I know Ronald John, Geoffrey Parley, and all of their friends, too. Please tell him exactly what I know and exactly what I can prove. Thanks for your hospitality. There's a guy named Seth out front. Please wrap my lunch and present it to him with my compliments."

Zack stands, turns, and walks out of the dining room, leaving Jules Grimes stunned, mouth agape, with other members staring at Jules and mumbling about the exchange.

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Two days later, Zachary Blake sits in his office, reviewing a file. Kristin buzzes the intercom to report Jules Grimes is on the phone.

"Put him through, please, Kristin."

"Here he comes," she chirps. Zack waits a beat and picks up.

"Zachary Blake, how may I help you?"

"Zack, Jules Grimes here."

"Jules, nice to hear from you. How may I help you?"

"I spoke to Barrington. Would you and your clients consider non-binding arbitration with a high low agreement?"

"Why non-binding? What's the sense, other than to delay things?"

"Do you prefer binding?"

"That depends upon the high and the low. What do you have in mind?"

"I don't know yet. I was asked to contact you to see if you would consider it."

"If the low and the high are both high enough, the higher figure is escrowed, and the arbitration is binding, I would take the offer to my clients."

"Confidentiality?"

"Not in our lifetime."

"How about partial confidentiality?"

"It depends what you mean by 'partial.'"

“Barrington is willing to admit liability under the *Lawful Commerce in Arms Act*. He’s willing to pay large amounts of money to your clients. But that’s all. The other allegations that you made the other day about assassination attempts and murder, all of that goes away and is not to be part of the record at arbitration.”

“Tell him I am willing to consider those terms, but I am not law enforcement. I can’t make criminal activity, law enforcement’s investigation, charges, or convictions go away. I don’t control those situations. However, I will not make Barrington’s settlement motives in avoidance of potential criminal liability part of the arbitration or subject to public view. Will that work for him? Again, though, everything depends on the high and low numbers and clients’ acceptance of the process.”

“I will get you some numbers.”

“I’m sure you will. Have a good one, Jules.”

“You, too, Zack, bye.”

Zack hears an audible click but continues to hold the silent phone receiver to his ear. He furrows his brow, blocks out all other distractions, and replays the conversation in his mind.

*He’s going to offer five hundred to seven hundred fifty million low, and one billion high in binding arbitration. In addition to the amounts we have already collected, the case will yield, at minimum, another five hundred million dollars. Unbelievable!*

He regains his senses and realizes the receiver is sending a loud ‘hang up’ alarm.

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One week later, Zack meets with all of the Barrington Arms plaintiffs in his office. The purpose of the meeting is to advise them of the defendants’ proposal. The defendants are now offering binding arbitration and minimum-maximum settlement terms in exchange for a dismissal of the lawsuit and partial confidentiality. The first question is whether the group is willing to entertain the concept or whether they want to roll the dice and go to trial.

The arbitration concept creates a guarantee. Settlement dollars are placed in escrow; Barrington can’t pull them back. Their worst arbitration result will make every person in the conference room a multi-millionaire.

Zack explains that trial is not a guarantee. He says everyone is at risk for a lower verdict. Conversely, Barrington is at risk for a higher verdict, the embarrassment of a public trial, and media exposure of his serious

wrongdoing. Barrington Arms and Roland Barrington both face potential destruction, a tempting result for many of the people in the conference room.

“Rolling the dice, as you refer to it, depends on the numbers. Can you go over those again, please?” a deceased victim’s father requests.

“Sure. Under the lower cap, survivors of any one of Kevin’s victims will receive an additional twenty-five million dollars, as will the two permanently wheelchair-bound victims. All other injured people will receive seven point five million dollars. The total is five hundred million dollars.”

“And that is the least we’ll receive?”

“Yes. On the high end, and I think we have a great chance of convincing an arbitrator the high end is the better result, we will receive one billion dollars and the numbers I just gave you are doubled,” Zack explains.

“What are we giving up?” One wheelchair-bound kid wonders.

“The right to a jury trial. At trial, you might get more. But you also might get less or nothing at all. The trial is public, and the testimony is on the public record, available to news sources. If you had wanted to expose Barrington and his band of merry men as bad actors, you would now give up your right to expose the remaining Barrington defendants and your right to pursue a higher jury verdict against them. Does everyone understand?”

Heads nod affirmatively all around.

“What is your recommendation, Zack?”

“My answer depends upon whether you’re looking for fair compensation for your tragic losses and injuries, or whether you’re seeking vengeance and punishment. Vengeance and punishment are certainly appropriate here. I do not cast aspersions on anyone who wishes to seek those things. However, this approach may cause you considerable grief, lots of money, and the punishment and vengeance you seek may not materialize. In other words, Barrington and his team may *beat* us. With the trial, you must consider that possibility. However, with arbitration, you have the guarantees I just mentioned.

“One more thing—Roland Barrington and his cronies may go to jail when all is said and done. Conducting a trial and winning makes that possibility more likely. Conducting private arbitration with a partial confidentiality agreement makes that less likely, but still very possible.

“So, if you want to send these guys to jail, the trial is the better choice, but you may be giving up significant compensation. You may even lose at trial. Furthermore, a trial does not require an escrow of funds. If we try the

case and win big, Barrington Arms may go bankrupt to avoid our judgment. Collecting or guaranteeing the award is an important consideration.”

“So, again, what is your recommendation?”

“I thought I answered that question, but, by a show of hands, how many people would be willing to risk compensation in exchange for a higher probability that Barrington goes to prison?”

Everyone in the room looks back and forth at each other. A small number raise their hands.

“Okay. The majority clearly favors not risking compensation in exchange for prison time for Barrington. The next question to those of you who raised your hands is ‘how strongly do you feel about incarceration?’ Are you willing to defer to the majority?”

Those who raised their hands look around the room at each other and nod. They do not feel so strongly about the issue they would not defer to the majority.

“So, ladies and gentlemen, you have answered your own question. The risk of trial and its potential benefits do not outweigh the benefits of a minimum guaranteed recovery at the levels I have laid out for you.”

“How much of these recoveries will go to you, Zack?”

“Normally, I charge one-third of what I recover. If you read the fee contracts you signed, those are the fees you agreed to pay. However, due to the size of the award and the fact that you are all friends or neighbors, I am slashing the fee by a third and charging twenty-two percent.”

“That’s extremely generous, Zack. Thank you. By the way, with this final proposal and the other settlements, I want you to know, and I am sure others will agree, I think you’ve done a terrific job, and I for one appreciate your hard work as well as your advice and friendship,” a parent remarks.

“Here, here!” another exclaims. The group erupts in cheers and applause. Zack is humbled by their show of appreciation. He can’t help but remember a few short weeks ago, some of these same people were angry with his son and ready to fire him.

As the meeting comes to an end, the group takes a formal vote. They vote unanimously to arbitrate the case with a high/low and partial confidentiality agreement. Silently, they pray law enforcement will do whatever is necessary to bring Barrington and his cronies to justice.

## Chapter Twenty-Nine

Barry Frazier is Zack Blake's favorite mediator-facilitator-arbitrator. Zack is shocked when Jules Grimes accepts the recommendation of Frazier as the sole arbitrator. Barry has resolved several of Zack's high dollar cases in the past. The Bloomfield shooting case is going to be the highest dollar litigation resolution in Michigan history.

Each case has to be heard on its own merits. The process is painstakingly slow. One by one, the cases resolve, mostly for the previously negotiated high dollar number or very close. The only exceptions are the injury cases. Some of the injuries are minor, and the lower grid numbers are extremely fair.

Still, Barry can coax numbers out of Jules that exceed the minimums required in every high/low agreement. Barry's job is to issue an award in each case. He has court-ordered authority to shove figures down Grimes' throat if he chooses to. His role in these proceedings is quasi-equivalent to a judge or jury. He has complete authority to issue awards equaling the high, the low, or somewhere in between.

Frazier is a professional's professional. His credibility to both sides is his most valuable asset as a mediator. As such, his goal is to convince Jules to accept and sign off on a range of numbers. Once Jules signs off, Zack and clients have the right to accept or reject the range. If accepted, Barry has decided he will award the high end. Barry has met Roland Barrington III, and he does not like him.

After both parties sign off on an award, it becomes final. If one party objects, for whatever reason, Barry withdraws the award and continues negotiating. He doesn't want any award challenged by either party. He requires a consensus on each and every award and a signed acceptance from both parties. Barry wants no delays, challenges, or appeals and works extremely hard to make sure none are forthcoming.

Barrington is difficult, as Jules and Zack expected. He orders Grimes to negotiate until all of the awards match the lower ends of the high/low agreements. But the high-end cap money has been escrowed, and Barrington has no power in these proceedings. Grimes ignores him, and, instead, decides to do what he thinks is fair and just. When it becomes apparent the vast majority of the numbers favor the high end of the scale, Barrington accuses

Jules Grimes of selling him and his company out. He threatens to withhold fees and refuse to pay arbitration awards.

Barrington's threats and suggested refusals are bluster because most of Grimes' fees are advanced in escrow and can be withdrawn as earned. Barrington Arms' insurance carrier will pay the balance. The carrier is entirely on board with the process. Insurance executives do not want to risk bad faith or liability for more than the carrier's coverage limits.

In addition, the high-end of the plaintiffs' potential awards have been escrowed. Much of it was from the carrier, but a significant eight-figure stipend came from the coffers of Barrington. By previous stipulation of the parties, only the escrow agent has the authority to pay out funds or permit withdrawals. After the dust settles, a tad less than one hundred million dollars is returned to Barrington and his insurance company. In comparison, over nine hundred million dollars, the largest settlement in Michigan history, is paid to Zack and his clients. The entire school shooting settlement, including amounts paid by the Burns family insurance company and the school district, approaches the billion mark.

Zack returns home after the last case is resolved, satisfied he has gotten his clients a fantastic result, perhaps better than any he might have achieved by trying the case. More importantly, every dime was paid into escrow in advance. The extraordinary result is *guaranteed*.

Zack owes a considerable debt of gratitude to Barry Frazier for his hard work and his ability to steer Jules Grimes toward the higher ends of the award parameters rather than the lower, despite some serious pushback from his clients. Roland Barrington will have a lot of explaining to do at the next Barrington Arms board meeting.

The cases of the Bloomfield School Shooting victims v. Kevin, Charles and Susan Burns, Bloomfield Schools, Roland Barrington, and Barrington Arms are officially over.

Still, Zachary Blake remains dissatisfied. He wants to see Roland Barrington behind bars, and Ronald John and Geoffrey Parley impeached, disgraced, and, if possible, placed in a cell alongside Roland Barrington. Today though, Zack wants to be with his family to celebrate the outcome of these important cases. Tomorrow, he will telephone Billy Ellington and Clare Gibson to see what role he can play to help fully and finally, close the books on Barrington Arms and its political cronies.

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The following morning, as Zack drives to the office, he telephones Clare Gibson for an update on the Barrington Arms criminal case and the connection between the company and the assassination attempt and the company and black market arms sales. Clare has George Trapp in custody, has negotiated an immunity deal with him, and has arranged for whistleblower status and witness protection. She is scheduled to meet with Trapp later in the day.

Zack offers his assistance for whatever actions Clare wishes to take to bring to justice those responsible for Cameron's death. He persuades Clare not to move forward against Barrington or the company until all of the settlement checks are cashed. No one wants to bring down Barrington and Barrington Arms at the expense of the school shooting victims. Clare assures Zack she will not move on Barrington until Zack gives her the green light.

Not only will George Trapp avoid prosecution for his role in crimes committed by Rafael, Barrington, and various government officials, his whistleblower status will net him a full one-third of money the government collects. All George has to do is tell the truth, the whole truth, and nothing but the truth. For the first time in his criminal life, George decides to sing like a canary.

He tells federal and local law enforcement officials everything he knows. Leaving out the clandestine and illegal work he's done for many previous administrations, George presents a compelling story about a high dollar individual and corporate donor who curries favor with a particular president by dumping over a billion dollars into the president's election coffers. In return for these donations, President Ronald John is expected to, no, he is more than *pleased* to do Barrington's bidding.

George's contact in the John administration is an assistant attorney general by the name of Justin Rochlin. Rochlin, Parley's *chief* assistant, recommended George to Barrington as someone who had performed clandestine contract work for the government in the past. Roland Barrington then retained George for some type of disruptive event aimed at Zack Blake and his family.

Suddenly, as the operation was being developed, George was out, and Rafael was in. Rochlin advised George those orders came from 'higher-ups' in the food chain, which could only mean Parley or President John.

George believes one or both of these men usurped Barrington and hired the hitman and terrorist known as 'Rafael.' Rafael's mission was to gun down

Zachary Blake, Jennifer Blake, or Kenny Tracey, anything to knock Zack Blake off his game or derail the civil litigation for a while.

Messing with a high-profile attorney like Blake was not a good idea, and these egregious acts caused Blake to become more determined to see justice done. George always thought the assassination attempt was a bad idea for a multitude of reasons. Still, Barrington was enamored with the plan, and, according to Rochlin, President John knew and intensely disliked Zack Blake.

For reasons no one will ever know, Rafael decided to use a bomb rather than his signature rope or other methods of making cold-blooded murder look like an accident. Worse, Rafael executed the wrong person, when Cameron Casey, not Kenny Tracey, decided to drive Kenny's explosives-rigged car home that fateful evening. Rochlin called on George to cover-up the operation and mask any apparent signs of deliberate conduct.

Unknown to George and before he could act, law enforcement was already involved. Micah Love uncovered a video linking Rafael and George to the crime and cover-up. George insists he was not involved in the crime. He was asked to participate in the assassination, but he wanted nothing to do with killing a kid.

Obviously, George is lying. He was initially assigned the assassination but was usurped by Rochlin and Rafael, a fact, George decides, law enforcement does not need to know. George lies and tells Clare Gibson his sole assignment was to pick up Rafael at the airport and drive him to his hotel. He claims he'd accomplished his mission and had no further involvement.

Clare Gibson isn't satisfied with the allocution. She wants more information and has additional questions for George Trapp. She arranges a sit down with Trapp and invites Billy Ellington to observe.

"Mr. Trapp, do we have anything other than your word to prove Justin Rochlin referred you to Barrington or replaced you with Rafael?"

"I tape all of my conversations. Will that help?"

"Have you ever had a conversation with anyone higher up than Rochlin?"

"Related to this incident?"

"There were others?"

"Let's just say I've worked for the government for a long time, even before President John occupied the oval office."

"Care to comment?"



“I would prefer to leave previous administrations out of our discussions. Suffice it to say I’ve never been asked by any previous administration to kill an American citizen on American soil.”

“You weren’t specifically asked to do that here, true?”

“It was left to my discretion. Barrington and, by implication, Rochlin, wanted me to create an incident to knock Blake off his game. And, yes, I have a recording of that conversation.”

“But Rochlin decided that Rafael was a better man for the job?”

“I believe Rochlin was a go-between.”

“Go-between who?”

“Between Parley and Barrington or between RonJohn and Barrington.”

“Can you prove such a link?”

“Not specifically. If you subpoena the private cell phone records of Justin Rochlin, Attorney General Parley, or President John, I believe you will identify a pattern. You might also consider questioning Rochlin or offering him a deal to avoid prison. Decide who your ultimate target is and work yourself up the chain. *My* marching orders came from *Rochlin* alone. Suddenly, Rafael was in, and I was out. Whatever the plan was going to be, I was relegated to airport transportation for the great Rafael. And that’s all I’m guilty of.”

“Barrington to Rochlin to Parley to John?”

“Yes, that appears to be the logical chain. There may have been direct conversations and variations between those four guys along the way, but you’ve got the right idea. I’m not important enough to connect *all* of the dots, but I’m convinced you’ll get what you need if you climb the ladder in sequential order.”

“You’re convinced our own government conspired with Roland Barrington III to assassinate an American citizen for the sole purpose of disrupting a lawsuit filed against his company, Barrington Arms?”

“That’s about the size of things, yes.”

“Okay, Mr. Trapp. You’ve been very helpful.”

“Because I’ve been so helpful, I’ll get my immunity deal, correct?”

“Yes, Mr. Trapp. You’ll have your immunity if you formally testify to what you just told us.”

“I repeat my suggestion to offer the same deal to Rochlin. I would never presume to tell you how to run your case. However, I’d get him to wear a

wire with Parley or Barrington or even President John, if such an opportunity presents itself.”

“Thanks for the suggestion. We’ll take it under advisement.” Clare feels sick to her stomach. She’s not naïve about off book government operations, but there is a line in the sand, and she cannot believe her government, for *years*, has had a contractual relationship with the likes of George Trapp.

After Trapp departs and is taken to parts unknown by the U.S. Marshall’s office, Clare turns to Billy Ellington, who has been silent during the questioning. Barrington Arms is headquartered in Detroit, Clare and Billy have worked this case together, and Clare wants the locals involved.

“What do you think, Billy?”

“I’m in shock. Our government contracts, *regularly*, with assassins? George Trapp has been a contract employee for years? I’ve been around the block and back. Hardly anything surprises me anymore, but this is beyond unbelievable.”

“Maybe it’s not true.”

“He’s got tapes.”

“Yeah, I heard. We need to get our hands on those.”

“What’s your next move?”

“I hate to agree with this scumbag, but I believe we need to question and, maybe, immunize, Justin Rochlin. Perhaps a sting operation is in order.”

“I know that look.” Billy is studying her face. “I can see the wheels turning. What do you have in mind?”

“Close the door.”

## Chapter Thirty

“This is Clare Gibson, Special Agent, *FBI* Detroit Office, and I am conducting a recorded interview of Justin Rochlin, Assistant Attorney General of the United States. Mr. Rochlin, I need to confirm you have upheld your promise to keep our discussions and your involvement in the Barrington investigation confidential. Have you done as you promised, sir?”

“I have,” Rochlin hisses.

“Excellent. Let’s proceed. Your full name, please?”

“Justin Rochlin.”

“And you are the United States Attorney General’s Chief Assistant?”

“I am.”

“You are answering questions today under a proposed grant of testimonial immunity, is that correct?” Rochlin refused to testify unless his grant of immunity for what he called ‘the Barrington situation’ was first placed on the record. Then, and only then, would he answer any questions.

“That is correct.” He shifts in his chair. A smug smirk remains on his face. Clare wants to slap the smile off the traitorous bastard’s face.

“Do you understand what testimonial immunity is?”

“I’m the Chief Assistant Attorney General of the United States. Of *course*, I understand what testimonial immunity is.”

“Will you please humor me and provide your understanding for the record?” Clare sighs and rolls her eyes.

“Simply stated, I have immunity for every single thing I talk about here today, but no immunity for things not covered by my testimony. Thus, it behooves me to answer every question and cover every issue for which I might have criminal liability.”

“Very good, let’s talk about Roland Barrington III and the Barrington Arms Company. How did you first come in contact with either or both?”

“A couple of years ago, I brought an issue to my boss, Attorney General Geoffrey Parley. I wanted to open an investigation into a questionable arms sale. When the AG discovered the sale involved Barrington Arms, he ordered me to stand down, to drop the investigation. When I pushed back, he advised me that Roland Barrington III was *POTUS*’ largest campaign contributor. Parley made it quite clear Barrington was off-limits.

“I valued my job, so I backed off. Over the last couple of years, our office has performed some rather questionable tasks for Barrington and Barrington Arms.”

“Such as?”

“The first one was the one I mentioned. Barrington Arms has an overseas plant, somewhere in England, if I recall correctly. The company uses that plant as the hub for smuggling black market arms from Great Britain to the United States and elsewhere. I don’t know everything about what can only be referred to as a criminal enterprise, but I know, for example, guns have been provided to groups Barrington refers to as ‘mercenaries,’ but who should more appropriately be labeled as ‘terrorists.’”

“Can you elaborate?”

“No, I can’t. I never got that far in my investigation, and it has been ‘hands-off’ ever since. The one deal I looked at for the purpose of opening an investigation, involved shipping arms to Russia. Historically, as you guys know, a back-channel deal with Russia is a big ‘no-no.’ An arms deal makes that ‘no-no’ even worse.”

“What else have you done for Roland Barrington or Barrington Arms?”

“Various politicians, usually Democrats and other progressive political groups, have been trying to introduce gun control legislation. The Attorney General’s office has been asked to render opinions about the constitutionality of the various proposals made by these groups or politicians. I was instructed by Attorney General Parley to make sure our opinions came down on the side of the Second Amendment and the unconstitutionality of any proposed measure, whether or not our attorneys believed there was a Second Amendment problem.”

“Anything else?” Gibson is impatiently waiting for him to get to the date and time of the school shooting and assassination attempt. She is mildly surprised there has been much more government protection of Barrington’s illegality.

“Yes, there were a couple of incidents involving what plaintiff attorneys were calling ‘defects’ in some of the weapons manufactured by Barrington Arms. The *American Association for Justice*, the country’s largest association of trial lawyers, wanted to establish class status for all plaintiffs injured by these particular models. Parley instructed us to conduct a bogus investigation, determine the guns were defect-free and safe for use, and lean on the judiciary to deny class-action status. Class-action status was, in fact, denied.

“Some cases were resolved for a significant amount. However, due to our determination and detailed reporting, the vast majority avoided a class action and were settled for far less. Barrington Arms took the guns off the market or fixed any defects, but our phony investigation and findings saved the company a fortune.”

“And you were involved in the cover-up?”

“I was involved in all things ‘Barrington.’ Any proposed investigation or issue involving Roland Barrington III or his company started with me.”

“What else have you done on behalf of Roland Barrington?”

“I’ve done a variety of things I would characterize as ‘political’ rather than ‘illegal,’ that is, until the school shooting incident.”

*Finally!* Clare is pleased to finally begin to discuss the main topic of Rochlin’s sworn statement. “Tell us about that. What was the genesis of what you refer to as the ‘school shooting’ incident?”

“Well, obviously, it started with the school shooting in Michigan. Law enforcement officials determined the two weapons used by the shooter were Barrington Arms branded weapons. That fact, in isolation, was rather meaningless. The shooter could have chosen *any* weapon made by *any* company. The fact he chose Barrington Arms weapons was not important in the beginning.”

“You say, ‘in the beginning.’ I presume something changed?”

“It sure did. The first issue was the plaintiffs chose to retain Zachary Blake. As you probably know, Ronald John and Geoffrey Parley despise Zachary Blake for making them look like fools during the whole Muslim ban issue with the criminal case against that Dearborn Muslim lady and the deportation hearing for her parents. Blake and that federal judge embarrassed Parley and RonJohn. Afterward, the media *crucified* the two of them.

“Since school shootings and gun control issues are huge political topics in the United States, the case was already on our national radar. When Blake announced he was going to handle the civil lawsuit, I was ordered to give the case more attention. When Barrington discovered he and his company were defendants in Blake’s lawsuit, we had the proverbial trifecta on our hands, strike three, if you will. Barrington went to Parley, and Parley came to me. They wanted to know whether or not Barrington Arms had potential liability under the *Protection of Lawful Commerce in Arms Act*.

“I didn’t know much about the lawsuit, so I inquired whether it involved a defect in the weapons, like the other case. Barrington advised it didn’t, so I

opined there was no liability. Then, Parley questioned whether any other provision in the Act might create liability. I told Barrington illegal or black market arms sales would create liability, which may have caused him some concern.”

“How so?”

“Roland sent me a copy of Blake’s complaint, the one he filed in court. The complaint alleged Charles Burns, father of the shooter, had a criminal record, thus was not qualified to purchase a gun. The lawsuit correctly questioned how the elder Burns obtained the weapons his son used in the massacre. When I asked Barrington whether he had any idea where Charles Burns might have purchased a black market Barrington Arms gun, Barrington clammed up.”

“What do you mean?”

“Barrington glanced over at Parley. Parley immediately terminated the meeting and kicked me out of the office.”

“Is that the whole story?”

“Not by a long shot. A few minutes later, Parley brings me back in, swears me to secrecy, and details an elaborate black market sales and marketing scheme involving a Barrington Arms plant in England, secret supplies of arms sent to mercenaries, and illegal shipments to the United States for gun shows, swap shops and what the boss called ‘private’ sales.”

“And that’s how Charles Burns acquired his Barrington Arms branded weapons?”

“Barrington and the boss weren’t sure, but if someone with a criminal record acquired Barrington Arms weapons and didn’t borrow them from a friend, he likely obtained them on the black market.”

“So, what did Parley want to do?”

“He told me to deal with Roland Barrington and ask Barrington whether there were any records of these types of sales.”

“Did you ask him?”

“Yes. He told me Barrington Arms kept careful track of everything. I told him he needed to ‘sanitize’ his records and deep-six any documentary evidence of black market sales, especially those sales to ‘mercenaries’ overseas or criminals here in the states.”

“Did he listen to you?”

“I presume he attempted to, but the record volumes were too significant, and his civil lawyers were reluctant to get involved in covering up criminal

activity. The lawyers suggested a large volume document dump. Barrington decided to do both, a document dump *and* sanitation.

“However, the lawyers underestimated the tenacity of Blake and his staff. Besides, Barrington’s people botched the sanitation process. As a result, Blake’s team discovered records to demonstrate Barrington Arms Europe sold more guns than it manufactured. Furthermore, there were some records to document, without a blatant admission, large quantities of weapons being sold to what Barrington referred to as ‘mercenary accounts’ in mid-eastern countries.”

“And Blake’s team discovered the records?”

“Yes.”

“How?”

“When Blake filed his request to produce documents, Barrington tried to sanitize the documents before the ordered release date. Unfortunately, he ran out of time. His attorneys decided to dump *all* of the Barrington Arms records, postulating the sheer volume would overwhelm Blake and his team. They couldn’t possibly find these proverbial needles in all of those haystacks, could they? Barrington and his attorneys underestimated Blake and his team.”

“And Blake and his team found documentation of illegal sales?”

“Not exactly, but they uncovered enough to persuade Barrington to agree to private arbitration and settlements in all of the school shooting cases.”

“Okay, but I think we are getting ahead of ourselves here. Where do George Trapp and the infamous Rafael fit in?”

“I’m glad you asked because that’s probably where I most need immunity. Earlier in the school shooting litigation, I got a call from Barrington. He indicated he spoke to George Trapp, one of our clandestine operatives, about a move on Blake or one of his people.”

“A move?”

“Yes, a move, an incident, an accident, or some such shit. Parley told me Barrington wanted to shake Blake up, take him off his game, and an accident involving him, his wife, or one of his sons should do the trick. Trapp was the perfect guy for that type of thing.”

“Trapp, not Rafael?”

“At that point, Trapp, not Rafael.”

“So, what happened?”

“Well, as Trapp was preparing to act, Barrington goes on Fox News and gets his ass handed to him by Chris Wallace, Kenny Tracey, and Kenny’s

little gun control advocacy group. Barrington decides he needs more decisive action than perhaps a local guy like Trapp was capable of delivering. As I understand it, Barrington has a direct private line to the President.”

“What?”

“You heard me. He frequently calls RonJohn on some private line and threatens him with who knows what. The President calls Parley, Parley calls me, and I call Rafael. Cameron Casey is killed in that exploding car, and the rest is history. The operation was pretty stupid if you ask me.”

“Have we covered everything? Sing now or pay the price later.”

“There is one more operation to cover. Clare, you and other law enforcement people discover Rafael was involved in the car explosion in Detroit. You circulate a memo saying the explosion was not an accident, was deliberate, and Rafael was involved. The memo ends up on my desk, and I bring it to Parley. We decide the only link between Parley, RonJohn, and Cameron Casey’s death is Rafael, so we arrange to have him eliminated.”

“Eliminated how?”

“We hire a hitman.”

“*POTUS*, the Attorney General of the United States and his assistants can access hitmen?”

“I’m afraid so.”

“You’re sure about the President’s involvement?”

“Upon information and belief. Parley does nothing without the President signing off.”

“Okay, is that it?”

“Well, as you know, Rafael and the other guy get into it and off each other. Local authorities discover them, so their deaths and any cover-up activity need to be considered part of my immunity deal.”

“Understood. You need to tie everything into a neat little bow?” Clare wants to pull out her gun and shoot the smug bastard on the spot. That he and Geoffrey Parley are the senior members of the justice department and Ronald John is *POTUS* make her sick.

“Correct. By the way, if you want to get to President John, you might consider providing immunity to Attorney General Parley.”

Clare hopes someday, somehow, there will be some wrongdoing, *anything* to hang a new charge and conviction on Justin Rochlin.

*I’ll be watching and waiting for your traitorous ass to screw up,*

“Appreciate the suggestion, Mr. Rochlin,” she grouses.



“That completes the testimony. Thank you for your candor—you are free to go. The record is closed.”

# Chapter Thirty-One

Justin Rochlin's testimony and the Barrington records dump currently in possession of Zachary Blake & Associates are sufficient evidence to press charges against Roland Barrington and Geoffrey Parley. Still, Clare Gibson and her *FBI, ATF*—Bureau of Alcohol Tobacco and Firearms—and local law enforcement colleagues want more. They want to put the Barrington Arms Corporation out of business, force forfeiture, and a government sale to law-abiding citizens. They want to end Barrington's illegal arms sales to mercenaries, criminals, and other undesirables.

The law enforcement team will soon possess the records Zack received in the civil case. Still, they decide, while these records are enough to cause Barrington to capitulate at the *civil* level with its lower standard of proof, they may not be enough to cause forfeiture under the higher criminal 'beyond a reasonable doubt' standard.

Clare and her team also must decide whether to pursue impeachment and prosecution of Attorney General Geoffrey Parley or whether to go all the way and seek impeachment and prosecution against the President of the United States. The thought of immunity for Parley makes Clare Gibson sick to her stomach.

*Is Parley's testimony necessary to get to the president?*

For the Barrington Arms operation, Clare decides to enlist the support of her friends at the *ATF* to conduct a sting operation against the company. Any sting has to include consideration of entrapment defense avoidance. Entrapment requires law enforcement to create or encourage the subject to do something the subject ordinarily would not have done. Conversely, the various law enforcement officials avoid the entrapment defense if they merely facilitate something the objects of the sting would have done anyway.

The question in this particular sting is whether Barrington, Barrington Arms officials, and their government cronies have engaged in sufficient *previous* black market or criminal behavior to demonstrate black market and criminal sales are something in which they *routinely* engage. Simply stated, if the deal solicitor is someone *other* than a principal in a government sting operation, would Barrington Arms still complete the deal?

Clare is keenly aware of various entrapment defense court rulings around the country, focusing on the defendants' willingness to contact a service

provider and engage in negotiations to complete a transaction. If the defendants are predisposed to engage in the illegal activity, they are simply asked by the service provider—in this case, the *ATF* and the *FBI*—to do something they would have done for *any* customer. The fact the government is making the request as part of a sting operation becomes irrelevant.

The wild card, of course, is the judge. Everyone involved in the potential sting knows a successful prosecution will depend on the judicial and political leanings of the judge evaluating the sting. And, of course, a sting and immunity deal for Parley probably sinks Barrington Arms, Roland Barrington III, *and* Ronald John. Immunity for Parley is something Clare Gibson decides to keep in her back pocket. So, what does the sting look like, and how do they get Barrington to take the bait? Should they bother with the trouble and expense of a sting, or simply threaten Parley with impeachment and prosecution?

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Roland Barrington III is determined to make Barrington Arms bigger and better than ever. He wants to recover all of the profits Barrington Arms paid to the Bloomfield School shooting victims, and he wants it to happen yesterday. Barrington and his henchmen, Visser and Saffron, believe resolution of the Bloomfield civil case will quiet the controversy. The case is now over—Barrington Arms is off everyone's radar and out of the news.

The best way to increase revenues is to create tax-free income. Barrington arrogantly and foolishly decides to ramp up Barrington Arms' under the table, black market arms sales. To do so, they reach out to black market and Internet sales operatives and announce Barrington Arms is back, bigger and better than ever, open for business in England and beyond. It does not take long for the company's black market sales strategy to bear fruit.

A group calling itself the Free Syria Liberation Brigade answers an Internet post offering a large cache of weapons at reasonable prices. The group needs a boatload of automatic and semi-automatic weapons and will pay any reasonable price the seller names, so long as the order can be filled and shipped within three-months.

The problem is the group wants far more weapons than Barrington Arms' smaller sized European operation can produce. Can these weapons be produced and loaded onto a cargo ship in the United States in avoidance of customs inspectors? Barrington has completed similar transactions in the past, but they are much riskier in the states than they are in England.

Visser and Safrin are not in favor of completing the deal, especially so close to the end of the school shooting trial. They counsel Barrington to wait, make sure the political and public relations heat is off, and Barrington Arms is out of the spotlight. Alas, their names are not 'Barrington,' and Roland Barrington III decides to ignore their concerns and move ahead with the operation.

Barrington orders a production ramp-up of AR-15 semi-automatics, AK-47 and M16 automatic assault rifles at headquarters in Detroit and nearby Toledo and Toronto mini-plants. With current stock and ramped up production of these particular models, in these locations, the company can easily fill the *Free Syria* order in the time allotted. The larger issue is determining the most expeditious way to get the weapons from points A, B, and C, to point D promptly and without customs detection. Barrington decides waterways from Detroit, Toledo, or Toronto are out. A ship has to travel through the Welland Canal and Saint Lawrence Seaway out to the Atlantic. Aside from various checkpoints along the way, travel is far too slow to meet the time deadlines.

Barrington, instead, contacts his favorite and most dishonest cargo transport company. They arrange to disguise and transport the cargo to Virginia Beach, where his favorite, 'no questions asked' shipping company will position two ships and significant manpower. There, workers will unload and ship the cargo to whichever country the customer wants to retrieve the goods.

It's been a long time since Barrington, Visser, or Saffron have personally visited any of their manufacturing plants or supervised the manufacturing process, but *this* operation requires hands-on attention. Each of the three is assigned a location, and each cajoles, browbeats, and bribes plant managers and workers with incentives, overtime, and kickbacks to finish the process on schedule.

Because of the Bloomfield fiasco, the company is low on cash, so Barrington taps his personal eight-figure line of credit at Huntington Bank for the capital necessary to complete the order on time. In the end, the money and the incentives push them over the finish line ahead of schedule. Now comes the risky part of the operation, shipping the finished products from the various manufacturing sites to Virginia Beach and beyond.

Barrington, Visser, and Saffron decide to leave nothing to chance. They, especially Barrington, want to be on hand in Virginia Beach to make sure the

goods are delivered on time. Besides, Barrington wants to personally collect the company's hard-earned money.

Two days after possession of the guns is transferred to the cargo transport company, the three men board a plane and fly to Norfolk. They book rooms at Hilton's Norfolk The Main and wait for confirmation the goods have arrived in port. Three days later, the telephone rings in Barrington's penthouse suite.

"Hello?"

"The Detroit shipment has arrived."

"Any word on the others?"

"Waiting for verification. Considering pick-ups were virtually simultaneous and distances similar, it shouldn't be too much longer."

"Keep me posted. In the meantime, get the initial shipment loaded and out of sight."

"Will do."

Barrington smiles to himself. *Shouldn't take long to be rolling in dough again. Got to love the arms business, so many opportunities . . .*

He calls his two partners to let them know the first shipment is in port. *Only two to go for the proverbial gold . . .*

Several hours later, shipments from Toledo and Toronto have arrived. Barrington receives phone calls announcing each arrival and provides detailed instructions to his men at the port. Then, he delivers the news to his partners. The operation is nearing completion, along with the return of their dignity and renewed financial strength. Visser and Saffron, once dubious about the operation, are now euphoric. They have to hand it to Barrington. He has balls of steel.

Barrington, alone in his hotel suite, thinks back to his deposition and Zack Blake. He recalls, with anger, how Blake tricked him, first into producing the documents and, then, by hiring an army of reviewers to track down the nuggets of gold hidden in vast piles of shit. He admires the tenacious bastard.

*He certainly works hard for his clients. He produced a great result in the case. And he out-lawyered the great Jules Grimes, which is no easy task. But, when this deal is done, we will have made up almost twenty-five percent of the settlement along with our regular business. Sure, we took a hit in the media and on the street. Some of our customers have gone elsewhere, but I'll lure them back. Besides, three more like this one, and it will be as though the*

*cases never existed. Maybe I can get Blake to come work for Barrington Arms . . .*

The following day, Barrington receives a call—the ship is loaded and ready to sail. At that moment, he realized he has been so focused on meeting manufacturing and logistics deadlines that he hasn't met the buyers. *They'll show, won't they?*

Panicked, he pulls out his cell phone and dials a number.

“*As-salaam-u-Alaikum,*” a voice on the other end answers.

“*Wa-Alaikum-Salaam,*” Barrington retorts.

He is very familiar with Muslim greetings and responses. He's completed numerous back-channel deals with Islamic fundamentalist terrorist groups.

“The goods have arrived at the port. Is the money in place?”

“Ready to wire to the account of your choice.”

“Ready for the wire information?”

“Shoot.”

“Funny.”

“I didn't mean it to be funny, but now that you mention it . . . Ready to take down the information.”

Barrington provides him with wire information. “Check back in an hour; I'll confirm receipt of the funds. Once that is done, I'll meet you at the dock so that you can execute the bill of lading. Then, the goods are yours.”

“Thank you. It was a pleasure doing business with you. I like a man who does exactly what he promises to do.”

“A man's word and reputation are all he is and all he has.”

“Good words to live by.”

An hour later, Barrington receives a call verifying the wire has been received in the company's offshore account. An 8:30 a.m. morning meeting is set. Barrington calls Visser and Safrin and invites them to dinner.

At dinner, Barrington orders a bottle of Dom Pérignon and pulls out the wire transfer notice. The three men toast the success of the operation and enjoy the Chateaubriand Roland has pre-ordered. They enjoy a marvelous evening.

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The following morning, the three men meet in the lobby of the beautiful new Hilton Hotel and again congratulate each other. Barrington has stopped at the café and picked up three cups of coffee and a four-cup drink carrier. Visser spills coffee on himself, trying to pull his cup out of its carrier space.

Saffron and Barrington laugh out loud, and while Visser is far less enthusiastic, he understands why the two dry guys find his clumsiness amusing. Besides, today is going to be a marvelous day; nothing can ruin it. It's 8:20 a.m.—time to head over to the dock.

A gorgeous late summer day is blossoming. The men stroll along the boardwalk from the hotel to the port. Their ship is supposed to be docked at Pier Fifteen. They get lost and decide to hail a cab. More quickly than they expect, a cab comes to their rescue and drives them to their destination. Barrington overpays the very grateful driver and persuades him to wait to return them to the hotel. Barrington and his partners exit the cab.

A group of Arabic men stands in front of Pier Fifteen. One man is holding a small file folder. The parties greet each other, and the man holding the folder pulls out an executed bill of lading and hands it to Roland Barrington III. The transaction is complete.

Suddenly, all hell breaks loose. The cab driver exits his cab and points a gun at the three men. Barrington turns away in fear of the cab driver and is greeted by three more guns pointed at his head by the Arabs. Several unmarked police vehicles cars arrive at the scene. People begin to exit these vehicles, guns in hand.

“What the fuck?” Barrington demands, raising his arms. “A double-cross? Do you people know who you're dealing with?”

Clare Gibson and several *FBI* and *ATF* agents walk up to Barrington and identify themselves.

“We know exactly who we are dealing with,” Gibson growls.

“Roland Barrington III, Albert Visser, and John Saffron, you are under arrest for multiple counts of illegal arms sales and for being complete assholes. You have a right to remain silent. Anything you say can and will be used against you in a court of law . . .”

After Gibson completes *Miranda* warnings to the three suspects, she handcuffs them. The cabbie and Arabs are slapping high-fives. Virginia State and Norfolk City Police vehicles pull up to the scene and provide tactical and logistical support. A coastguard cutter takes possession of and guards the massive shipping vessel, which is loaded to gills with off-book Barrington Arms weapons.

“What is the meaning of this?” Barrington blusters. “We have done nothing wrong. We are American citizens. I am the CEO of Barrington Arms. These weapons were manufactured in our U.S. plants for intrastate shipment.

They are completely legal. They were sold and remained in the states. No crime has been committed.”

“Get off it, Barrington, and exercise your right to shut the fuck up. We have the whole thing on tape – the Internet solicitation, response to the solicitation, your offer to sell the guns to terrorists, the price setting, delivery, and payment. Your account has been frozen, by the way, and the execution of the bill of lading, which, I’m sure you know, sets the destination as overseas. You’re toast, *Roland*, so, please, shut up,” Clare advises.

“Barrington arranged the whole thing,” Visser shrieks. “John and I had no idea!”

“Albert, how could you?” Barrington is wounded.

“Like I advised, *Albert*, we have everything, and I mean *everything*, on tape. Still, you and Saffron might want to consider retaining counsel and turning on your friend Roland here,” Clare suggests.

Saffron and Visser study each other, in welcome contemplation of Gibson’s offer.

“Don’t listen to her, boys, this is entrapment,” an obstinate and indignant Barrington declares.

“I’ll have your badges. I am a personal friend of Attorney General Parley and the President of the United States. You people will be brought up before whatever board licenses you to do what you do. You will be disbarred, defrocked, or whatever it is called.”

“Please, Barrington, shut the hell up! Entrapment requires you guys to have been unwilling to perpetrate crime in the first place. Who placed the ad on the dark web, you or us? That was the beginning of your little operation, was it not?”

“And all of your records are available for inspection at Zack Blake’s office. How many similar transactions will we uncover when we go through those records with a fine-toothed comb? This arrest is as solid as can be. If I were you, knowing what I know about the Attorney General and the President, I would be thinking of saving my own ass and turning state’s evidence on *them*. A judge might consider leniency at your sentencing. I certainly wouldn’t be considering going to those crooks for help.” Clare floated the bait.

*Will the fish bite?*

“You think he would?” Barrington considers, the wheels turning in his head.



“I’m almost positive; the bigger the fish, the better the deal, you know this.”

“Interesting . . .”

## Chapter Thirty-Two

Zachary Blake charters a bus to Lansing, Michigan's state capital, so the entire membership of the *March Against Gun Violence* movement can attend the vote of the Michigan legislature. Kenny and his fellow student members have persuaded their Democratic local state representative to sponsor legislation drafted by the group in response to the shooting. The bill seeks to increase the minimum age for purchasing a firearm from eighteen to twenty-one, ban assault-style and automatic weapons, and require at least four resource law enforcement officers at each high school, two at each middle school, and one at each elementary school.

The bill also calls for a small property tax hike to pay for the officers, since school funding in Michigan is financed, primarily, by property tax. A tax hike doesn't sit well with Republican legislators. One legislator offers an amendment to earmark lottery funds, instead of increasing property taxes to hire and train officers, but the amendment is shot down in committee.

Conservative legislators propose training and arming teachers and 'select' students, but that proposal, likewise, dies in committee. Staunch Second Amendment advocates try to kill the bill completely. Conservatives and Progressives offer dozens of amendments, some of which make it to the bill's final draft.

The version of the bill that finally makes it out of committee is acceptable to Kenny and his student group and, to the surprise of many legislative insiders, passes the very conservative Michigan House of Representatives by a slim margin. The bill is now up for a vote in the Senate. If it passes there, it becomes law, because it has already received the praise of Governor Whitman.

The Detroit News and Free Press write editorials urging the Senate to pass the legislation. The two major newspapers, along with every other Michigan newspaper, commend the students for drafting such a comprehensive bill and for getting the bill through committee and the conservative house. The editors of most small-town newspapers write editorials recommending passage of 'this important legislation' and urge voters to hold legislators accountable for voting the wrong way.

Conservatives have a majority in the state senate, and passage of the bill is considered, at best, a fifty-fifty proposition. Zack and other wealthy parents

make substantial donations to their children's valiant efforts and to retain influential lobbying groups. Specialists are retained to polish the original draft, donate to pro-gun control candidates' election campaigns, place ads, and hire lobbyists to lean on the uncommitted. *March Against Gun Violence* is committed to passing this legislation to honor the victims.

"Have all the senators voted?" Senate president Katherine Nichols calls.

"Yes," comes the response.

"Lock the board and announce the vote," Nichols orders.

"Seventeen ayes and twenty-one nays, Madam President."

"The bill is not adopted," Nichols announces.

The gallery begins to boo. Nichols slams a gavel and calls for order, but the crowd will not be silenced. A steady course of boos reigns down on the Michigan State Senate. Soon, the boos are replaced by a loud chant of 'vote them out.' Nichols, a Republican who voted in favor of the bill, requests silence so she can say a few words. The gallery finally quiets enough for her to be heard.

"Today is the anniversary of the Bloomfield School Shooting. The vote today brings dishonor to the Senate and disappointment to the brave young men and women who drafted and brought us this important legislation. I move to return the bill to committee for further debate so we can honor these brave students with meaningful legislation to improve safety without infringing on anyone's right to bear arms. By voice vote, all in favor?"

A loud bellow of 'ayes' fills the room.

"All opposed?" A small course of 'nays' is heard.

"The 'ayes' have it. We will return the bill to the committee for further debate. My fellow senators, please do not let these kids down."

A large, sustained cheer cascades down from the balcony above. The President of the Senate moves to adjourn the session, and the motion is carried, although no one can hear a thing. Nichols bangs a gavel and leaves the floor, followed by all of her fellow senators. The Bloomfield students' effort to pass gun control legislation has failed, but there is hope for the future.

On a quiet bus ride home, Kenny Tracey stands and speaks to a stunned and dejected group of students and parents.

"You guys should all be very proud we were able to draft important gun control legislation and get the bill through committee, through the Michigan House, and to a close vote on the Senate floor. I want to thank Representative

Marcy Lipton for sponsoring the bill and offer special thanks to Senator Nichols for her quick thinking in saving the bill from dying in the Senate.

“The bad news is we came up four votes shy today. The good news is we’re still alive. Our bill lives to fight another day.”

The students cheer and began chanting ‘Kenny, Kenny, Kenny.’

Kenny raises his arm for silence.

“Thank you for the show of support, but I do not deserve your praise. I did nothing on my own. You have been with me every step of the way. All of you and many parents, including my own wonderful Mom and Stepfather, contributed to this important effort. All today means is our fight isn’t over. We will have to continue to battle for our right to be safe in our schools. We will not rest until Michigan has a new set of laws to deal with these incidents in a meaningful and constitutional way. Conservatives and Progressives, Republican and Democrats, must work together to keep all students safe in school, in class, and on school property. Thank you, and God bless each and every one of you.”

The bus erupts in another thunderous cheer. The spirit of togetherness and joint accomplishment that existed on the trip to the state capitol has returned for the trip home. Much has been accomplished. Unfortunately, there is more hard work to be done.

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The Tracey/Blake family arrives home at approximately seven o’clock in the evening. Everyone is tired and hungry, but no one wants to go out for or pick up dinner. Zack calls the Restaurant Connection and orders a medium pizza and large antipasto salad from the Buddy’s Pizza location in Birmingham. They sit together in the family room, in stunned, depressing silence, waiting for the food to arrive. Zack studies the faces of his family.

“Tough day,” he finally murmurs.

“Sure was,” a shell-shocked Jake laments.

“We’ve been through tougher times and come out on the other side.”

Jennifer cheers. She’s the family’s perennial optimist.

“I’m fine, you guys—I promise,” Kenny assures.

“Nobody expected us to get a bill through committee. For some reason, even though Michigan most often votes Democratic in national elections, it votes Republican in local matters. I’m enthused about our chances, considering how far we got. The bill may get watered down. Perhaps we’ll lose the ban—maybe we keep the minimum age and the school officers. I’m

confident we'll pass something meaningful. I'm optimistic we can set a legislative standard for other states, or even for some national legislation."

"That's the spirit, Kenny. You and your fellow students should be damn proud of what you've accomplished. When the time comes, if you guys need additional financial support, you know you can count on me. I'm a little disappointed, but not completely surprised. We have a few chicken-shit senators who are afraid of the *NRA* and its ilk, but with the right tweaks, I still think you have a shot," Zack rallies.

"Thanks, Dad. Thanks for *everything*. We couldn't have done any of this without the lawsuit, your financial support, and the lobbying effort you paid for. Everyone tells me how lucky I am to have you in my life as if I need to be told. You're the best, and I love you."

"Kenny, what a sweet thing to say," Jennifer cries.

"Sappy shit, if you ask me. What a kiss ass!" Jake shoves a finger down his throat.

"Jake!" Jennifer is not pleased.

"I'm kidding, Mom," Jake throws up his hands in mock surrender and addresses his stepfather.

"Kenny and I have been through a lot of bad shit, between losing our Dad, battling the church, and Kenny getting shot, but the best thing that's happened through it all is Mom found *you*. You are the gift that keeps on giving."

Jake holds out his arms to Zack for a hug. Zack obliges him and holds him tightly.

"I'm the lucky one, guys." Zack now wipes tears from *his* eyes. While hanging on to Jake, he glances back at Kenny.

"I'm serious, Kenny. Our fight is not even close to finished. If we have to go through an election cycle, throw these bums out, and elect gun control advocates in their places, I am as committed as you are. I'm also helping the *FBI* and the *ATF* nail Barrington, Parley, and President John for all of their criminal wrongdoing. Had it not been for your decision to stay and party that night, we would have lost *you*. These guys will pay for Cameron, I promise you."

"Thanks, Dad. I know you're doing everything you can. What's the status of things?"

"Clare Gibson and someone from the *ATF* is in charge of the investigation. They deliberately waited to move on Barrington until after all

of the settlement checks were negotiated. That's a real bonus. We would have never gotten enough money for all of those killed or injured without financial contributions from Barrington Arms. We would never have gotten those financial contributions if he had been arrested before we settled the case."

"Wow! I never even considered the effect of criminal charges on personal injury or wrongful death settlements. That's why you're Zachary Blake, and I am your lowly servant," Kenny laughs.

"Why does it always feel the other way around?" Zack chuckles. Instantly, though, his expression and tone become serious.

"Barrington put out an Internet blast about some black market guns he wanted to sell. The feds set up a sting, pretended to be potential mid-eastern buyers, and nabbed Barrington and his two right-hand men trying to ship weapons illegally for terrorist purposes.

"If or when these jerks are convicted, they are looking at life in prison. Clare wants Barrington to cop to Cameron's murder. If Barrington rolls over on Parley and John, who, we now know, were involved in the hit on Cameron, federal prosecutors will shave some time off a long sentence. Barrington Arms has been shut down until further notice."

"Good," Jennifer gloats. "Who said we couldn't accomplish gun control?"

"Good point, Mom. I wonder what percentage of Michigan gun sales belong to Barrington Arms. We did some good, after all," Kenny cheers.

"Damn straight we did. These issues are now front and center with the American people, Kenny," Zack suggests.

"You guys have brought a lot of heat on the pro-gun people. Politicians who thought their seats were safe are sweating bullets, excuse the reference. You and your fellow students are responsible."

"And we're proud of you, Kenny," Jennifer sniffles, wiping away tears.

"Thanks, Mom. I'll be proud when we pass some meaningful legislation."

A loud knock of the door startles them. Jennifer holds a hand to her chest and takes a deep breath.

"Scared the heck out of me," she laughs. She goes to the door, and a delivery person is standing on the porch with pizza and salad.

"You scared the heck out of us," she scolds.

"Sorry, your door knocker is pretty loud. Where would you like the grub?" He motions down to the food.

"You can put it down on the table over there. What do I owe you?"

Jennifer settles with the delivery guy while Zack brings the pizza and salad into the kitchen. Kenny and Jake enter the kitchen and immediately open the pizza box. They each grab corner pieces and shove them into their mouths with one hand. With the other, they help themselves to large portions of salad. Zack grabs a corner and begins scooping salad onto a plate. Jennifer walks in and sees her men stuffing their faces.

“Real nice, you guys. You couldn’t wait five seconds while I paid the guy?” Jennifer chastises, walking into the kitchen. “So selfish,” she sighs, shaking her head from side to side.

“You snooze, you lose,” Jake mumbles, spitting pizza out as he speaks. Everyone laughs at the sight.

“Clean that up, young man!”

“Yes, Mom. Sorry. There’s a corner for you, too. And there is still lots of salad.”

“For the time being, at least,” Zack warns. “With these guys around, you better grab what you think you might eat now!”

“It’s Buddy’s, Dad. Who can resist?”

“True that, Kenny, true that,” Zack shrugs. He glances at his wife. Her eyes dart from son to son to husband as she smiles. Her family is together, enjoying each other’s company. What more can any woman ask for?

## Chapter Thirty-Three

Charlie Barnes sits in the Detroit office of the *FBI*, waiting to speak with Clare Gibson. Three days earlier, Charlie received a call from Jules Grimes, a corporate attorney and litigator for Barrington Arms. Grimes asked Charlie if he would consider negotiating a plea deal in exchange for cooperation with the investigation into Barrington's involvement in the Cameron Casey assassination and the sales of illegal arms to undercover *ATF* officers in Virginia Beach.

Charlie doesn't want the case. He despises entitled people like Barrington. To dissuade them, Charlie quotes an outrageous fee. Grimes accepts his proposal without batting an eyelash. It's the proverbial offer Charlie can't refuse.

Charlie's first meeting with Barrington makes him doubt his decision to accept the case. His client *kvetches* and acts as though *he's* the aggrieved party. Barrington is indignant that his own government would resort to such tactics.

"If I'm going to help you, Roland, may I call you Roland?"

"I prefer Mr. Barrington."

Charlie ignores the slight. "If I'm going to help you, *Mr. Barrington*, I'm going to need you to level with me. I need the truth, the whole truth, and nothing but the truth, understood?"

"Certainly. I'm not an idiot."

"Nobody thinks you're an idiot, *Mr. Barrington*, but they do think you are a criminal."

"We were *entrapped*, pure and simple. Jules Grimes told me to tell you that."

"Since when is Jules a criminal lawyer?"

"Well, uh . . . he's not, but he told me it sounded like entrapment to him."

"Why not let me be the judge? Tell me what happened."

"Everything I tell you is attorney-client privileged, right?"

"Right."

Barrington recounts the entire story to Charlie Barnes.

"The company was in financial turmoil following the school shooting settlements. We had an ungodly amount of unsold inventory. We needed a



large sale, and we needed it quickly. When these customers called, we were ready. They could easily have gone elsewhere to buy these weapons.”

“Who did these guys say they were?” Charlie knows the truth but wants to hear Barrington’s version.

“They claimed to be local wholesalers who represented end purchasers willing to pay a higher than retail price for quality automatic and semi-automatic weapons. I didn’t care to know who the end purchasers were, but I knew Barrington Arms was one of a few gun manufacturers large enough to fill an order of that size. I also knew I could charge a premium for quantity and speed. The deal was perfect and, besides, we were desperate for money after the school shooting settlements.”

“And the fact the buyers were mid-eastern mercenaries never came up?” Charlie also knows the true answer.

“No, as far as we were concerned, we were selling to a *U.S.* wholesaler.”

“Has anyone from the government discussed their case or their evidence with you?”

“No. I refused to talk or cooperate with them without counsel present.”

“Mr. Barrington, that might be the only smart move you’ve made throughout this entire fiasco. I *have* seen the evidence. I’ve heard the tapes, and you, sir, are lying to me. If you can’t be truthful in responses to my questions, and can’t take your situation *seriously*, you may find yourself another lawyer.”

“Who the fuck do you think you’re talking to, Mr. Barnes?”

“I know who I’m talking to, *Mr. Barrington*. I’m talking to a man who is willing to kill a teenager if it helps him defend a wrongful death personal injury lawsuit. I’m talking to a scumbag who is willing to betray his country for money. I grant you did what you did for a large *sum* of money, but treason is still treason, regardless of how much is involved. Now, lose the attitude and listen carefully to what I’m about to tell you. You are only going to get one chance at this. Are we communicating?”

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“Have you heard from Barrington?” The President of the United States is seated in the Oval Office, having a conversation with his attorney general.

“Not a peep, sir, you?”

“Me, either.”

“What do you make of it?”

“I think it’s a double-cross,” RonJohn grumbles.

“How so?”

“I sent Barrington over one hundred fifty million dollars out of a secret campaign slush fund to help him settle with that asshole Blake and his fancy-ass Bloomfield clients. I don’t need to tell you I have violated campaign finance laws. Less than ten days ago, I called Barrington for an update. He tells me he has proposed deals on the table that will easily and quickly return my capital. He claims he’ll have the money in a week or so. After that conversation, he drops off the face of the earth. Quite a coincidence, wouldn’t you say?”

“Have you called his private cell?”

“Voicemail.”

“And the company’s toll-free number?”

“Voicemail.”

“It is suspicious. I’ll give you that.”

“Have you spoken to Rochlin? Are we in the clear on the Trapp and Rafael fiasco?”

“Rochlin is handling things. He’s never let me down. Trapp might be a problem, but Rochlin has good people working on locating him. Besides, can Trapp really hurt us? He has no credibility. Who would believe all the nasty things he’s done for the various presidents he’s worked for? As for Rafael, obviously, that asshole is no longer a loose end.”

“What about the guy Rafael killed?”

“Casey?”

“No, the other guy. The guy we sent.”

“He’s a ghost, not traceable. No loose end there.”

“Good. What do you plan to do about Barrington?”

“Keep trying to get ahold of him, I guess.”

“You do that. I want that money. I must return it to the campaign war chest, ASAP.”

“Yes, sir.”

“Don’t patronize me, Parley, misusing campaign funds is serious business.”

“And espionage, conspiracy, black market arms deals, and murder are, what, *not* serious business?”

‘Funny, Parley, very funny, a real comedian you are.’”

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Clare Gibson lays out the entire case for Barrington and Barnes. Barrington reviews document after document, most of which he and his attorneys have already provided to Zachary Blake. He also listens to select portions pulled from hours of digital recordings. As he does so, his bluster and arrogance begin to evaporate.

*What about my entrapment defense?*

Barrington is grasping at anything he can to maintain hope. Charlie and Clare put a pin in that one, demonstrating it was *Barrington* and not the government, who solicited the deal on the dark web.

All the government did was respond to an ad. Entrapment might have applied if the government had placed the initial ad, but it merely *answered* the one placed by Barrington, offering black market weapons at reasonable prices. To make matters even worse for Barrington, the group that answered the ad called itself the *Free Syria Liberation Brigade*, which destroyed Barrington's contention he was wholesaling to a domestic concern.

Roland Barrington III is a beaten man. His spirits are lifted, however, when he hears these words:

“Mr. Barrington and Mr. Barnes, the government might consider a lighter sentence for you and your associates, Mr. Visser and Mr. Saffron. All of you must come clean on the entire conspiracy, the sale of black market arms to potential terrorist groups, and the assassination of Cameron Casey.”

Barrington pauses, leans over, and whispers something in Charlie Barnes' ear. Charlie listens intently and responds with a long whisper into Barrington's ear.

“I believe my client can provide substantial assistance in that regard, Special Agent Gibson.” Charlie offers.

“We can't speak for Mr. Visser or Mr. Saffron, but I would be pleased to speak with their lawyers if you would like.”

“I'm not sure we need those two. Let's see what your client has to say and about whom he implicates. If we like what we hear, maybe we drop the conspiracy to negotiate with terrorists or reduce the first-degree murder charges.”

“To what?” Charlie glances at Barrington, who is listening intently.

“That remains to be seen. Your client can speak in hypotheticals, and we will let you know whether what we hear rises to the level of deal-worthy information.”

“Sound like a plan. Roland?” Charlie glares at Barrington. It is time to come clean. Suddenly, Roland Barrington, in a way he never intended, becomes the most powerful man in the world. He is now the man who can bring down the President of the United States.

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Later that evening, the president’s private cell phone rings in the residence.

“Hello?”

“Mr. President?”

“Rollie, where the hell have you been?”

“I’ve been putting together a large deal, one that will allow Barrington Arms to repay you the money it owes you, sir.”

“Good. When can I expect repayment? The money came from my campaign fund, and, as you probably know, the loan was not at all kosher.”

“I’d like to come and meet with you, Ronnie, if I could. I don’t like to discuss these things over the phone. Who knows about modern communications, and who might be listening?”

“I understand. How about tomorrow in the Oval?”

“Tomorrow would be great, Mr. President. Will Parley be there?”

“Why do we need him?”

“I want to discuss some legal issues he might be able to answer. We don’t want to get anyone else involved now, do we?”

“No, I guess not. I’ll make sure Parley attends.”

“Great. I’ll see you then.”

“Thanks for calling, Roland. I was getting worried.”

“There is nothing to worry about, sir. We are about to get everything we deserve.”

“About damn time, don’t you think?”

“I do indeed, Mr. President. Have a good night.”

“You too, Rollie. See you tomorrow.”

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The following day, President John’s secretary announces the arrival of Attorney General Geoffrey Parley and, shortly thereafter, the arrival of Roland Barrington III. Parley and Barrington greet each other in the anteroom. They engage in a brief conversation about the weather and the Washington Nationals baseball team. Their conversation is interrupted when

the President announces he's ready for them. The two men are promptly escorted into the oval office.

"Have a seat, gentlemen. Good to see you both. May I get you anything? Coffee? Tea? Soda? Water?"

Barrington settles for a bottle of water. Parley opts for black coffee. After refreshments are served, and light banter is concluded, the three men get down to business.

"So Rollie, what did you wish to see me about?" inquires the President.

"Mr. President, I have completed a nine-figure deal to raise enough cash to offset the school shooting settlements."

"That's good news, Rollie. I'm very pleased to hear it. What's the timeframe? When can I repay my campaign fund?"

"Soon, Mr. President, very soon, but I'm slightly concerned. It seems the ATF is checking into the transaction and asking questions. I'm sure you can appreciate the transaction does not meet their tests of legality and ethics."

"What the fuck does that mean, Rollie? I stuck my neck way out for you. I have to replenish my campaign fund. If the regulators, or worse, the Democrats, find out I borrowed that money from the fund for non-campaign purposes, I will be in deep shit."

"You loaned me my *own money*, Ronnie. Most of those campaign funds came from Barrington Arms and me."

"That's not relevant, Rollie. Once those funds became part of my campaign war chest, there are only certain ways they can be used. Financing an arms deal is not one of those. Are we clear? Now, tell me about your ATF issue. Maybe Parley can offer some suggestions."

He eyes Parley and nods his head in Barrington's direction, silently encouraging Parley's participation.

"The transaction was solicited on the dark web," Barrington begins. "The guns went to an outfit known as the *Free Syria Liberation Brigade*. I don't ask questions. I sell guns to those who 'A' want them, and 'B' can pay for them. These Syrian guys fit both criteria."

"Sounds like it might be a terrorist front, Roland," Parley interjects.

"That seems to be the ATF's take on things. I need you to get them to back off, Ronnie."

"If there was wrongdoing, Rollie, telling the ATF to back off would be obstruction of justice. I can't do that, can I, Parley?"

"No, sir, at least not through normal channels."

“What does that mean?”

“Well, sir, you might issue a hint rather than an order.”

“What does that look like, Parley?”

“I contact someone I know at *ATF* and hint the president would consider it a personal favor if a certain someone, say, number two at the *ATF*, would make sure any investigation into the transaction in question died a quick and quiet death.”

“I’m not sure I like the sound of that, Parley. It sounds dangerous, and it might come back and bite us in the ass in several different ways.”

“Mr. President, getting Trapp and Rafael to attempt to assassinate Blake’s son and killing Cameron Casey instead, now *that* was dangerous. So, help me understand. You were willing to order *that*, but not *this*?”

“That sanction can’t be traced to me, correct, Parley?”

“Correct, sir. Rochlin handled everything related to the sanction. Our involvement has been whitewashed. Rochlin does a good job, sir. Besides, Rafael is dead, and Trapp has been a good and loyal soldier for many administrations.”

“Previous administrations never ordered him to murder an American citizen on American soil, Parley. We still can’t find him.” The President has a knack for stating the obvious.

“On the plus side, Trapp has always been reliable,” RonJohn continues. “He follows orders and maintains discretion. Besides, I’ve got people actively searching for him. If we find him, we won’t take unnecessary risk.”

“What does that mean, sir?”

“It means Mr. Trapp may have outlived his usefulness. He may have to be sacrificed for the good of the country.”

“We already have too much blood on our hands, Mr. President. When does the killing stop?” Parley questions.

“Don’t go soft on me, Parley. The killing stops when every one of us is out of the woods and safe. Let’s get back to the *ATF* issue. Are you sure there will be no blowback on the administration?”

“I don’t see how Mr. President. I can be discreet when making the request.”

“Alright, then, Parley. We will talk to number two at the *ATF* and see if we can make everything go away. Sound good, Rollie?”

“Yes, Mr. President. Thank you, gentlemen. After all, what good is investing two hundred and fifty million dollars in a presidential campaign if

you can't influence the president?" Barrington smirks.

"Well, Rollie, you are certainly getting what you paid for, aren't you? We've done quite a bit of bad shit together. That is called influence peddling, no Parley?"

"We are criminals, Mr. President, in a literal sense," Parley sighs.

"The President of the United States is a murderer and a funder of terrorist activities." President John laughs. "So is the Attorney General. The Dems would have a field day with this information. You know, Rollie, people have speculated I might have a recording system here at the White House. Thank God the speculation is absurd. Besides, my last name is 'John,' not 'Nixon' or 'Johnson.'"

"Indeed, Mr. President, and thank you for your candor. You've helped me a great deal, more than you know."

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"Unbelievable shit! Historic stuff! Nixon did some bad things, but RonJohn is the worst criminal in Presidential history. Today is a date that will live in infamy." Agent Pete Westmore, Clare Gibson's partner, has just finished listening to Barrington's oval office meeting recording. He's reporting the details to Clare.

"It is, indeed, remarkable, Pete, but did we get all of it on tape?" Clare gasps.

"Well . . . let's back the recording up, and you can listen to it yourself." Westmore hits the back arrow twice and waits for a second or two. He hits the forward arrow, and voices are heard on portable speakers.

"That is called influence peddling, no Parley?" The voice of President Ronald John is vivid through speakers.

"We are criminals, Mr. President, in a literal sense." Attorney General Geoffrey Parley states for posterity.

"You certainly are, you son of a bitch," Gibson sneers.

"The President of the United States is a murderer and a funder of terrorist activities. So is the Attorney General. The Dems would have a field day with that information . . ."

The voice coming through the speaker, that of the President of the United States, begins to laugh as he speaks the words.

"Turn it off," Clare demands in frustration. Westmore hits the pause button.

“I can’t listen anymore,” Clare fumes. “I’m not old enough to remember Richard Nixon, but you’re right, Pete, even *Nixon* wasn’t as bad as John. RonJohn uses his power to discriminate, oppress, lie, cheat, steal even *kill* people to further his selfish agenda. We have to bring the recording to Congress, Pete. Ronald John must go. He must go *now*.”

“It’s too bad we had to offer deals to Rochlin and Barrington to get these guys, but, in the end, it was worth it. Parley and RonJohn will be old and broke before they ever leave prison. ‘Drain the swamp,’ indeed.” Clare references one of President John’s signature phrases from the campaign trail.

“What’s our next move?” Westmore wonders.

“Thankfully, we have not had much experience with criminal presidents. Nixon’s downfall began with the indictments of co-conspirators. The investigation of the President was conducted in the Senate. As I stated earlier, we have to get the recording to someone in Congress.”

“I’ll make some inquiries.”

“Discreetly, Pete, discreetly—be certain the person you approach is receptive to the information if you get my drift.”

“I read you, Clare, loud and clear.”

“Copy it to several flash drives before you go.”

“Will do. God, Clare, I knew RonJohn was a prick, but I can’t believe this shit.”

“The country needs a wake-up call, Pete. Maybe this is it. Democracy will survive.”

“Let’s hope so.”



## Chapter Thirty-Four

No sitting President of the United States has ever been involuntarily removed from office. Presidents Andrew Johnson and Bill Clinton were impeached, but not convicted. President Richard Nixon resigned rather than face the impeachment process. Shortly after Nixon's resignation, the new President, Gerald Ford, pardoned him, in effect, excusing his potential criminal acts.

Clare Gibson has done her homework. She discovers the only legal way to remove Ronald John from office is through resignation or the impeachment process. The process, under Article One, Section Two of the United States Constitution, requires an investigation and vote of the United States House of Representatives for Articles of Impeachment. Following that vote, the proceedings would move to the United States Senate for a trial and vote on whether the President should be convicted and removed from office. Under Article One, Section Three, the Senate has the sole power to try impeachments, and Article Two, Section Four, permits impeachment and removal from office only if the President is found guilty of 'treason, bribery or other high crimes and misdemeanors.'

Whether or not President Ronald John is guilty of treason is a close question. Many people in the law enforcement world believe his crimes reach that threshold. Others opine his behavior falls short of meeting that standard. However, following an exhaustive investigation by the House Judiciary Committee, there is almost *universal* consensus that President John is guilty of 'high crimes and misdemeanors' and must be removed from office. When the matter is put to a House vote, ninety-eight percent of the Representatives vote in favor of moving forward with Articles of Impeachment.

There is no formal definition of what constitutes a 'high crime and misdemeanor.' During the Nixon years, many legislators opined and adopted a standard that required a president to have committed an indictable crime, one that would have resulted in criminal charges levied against an ordinary citizen. Of course, judges or juries adjudicate the crimes of ordinary citizens. Under Article One, Section Three, the United States Senate is the sole adjudicator of a president's crimes.

As the process continues in the Senate, the president steadfastly maintains his innocence and refuses to step down. Privately, however, he is negotiating

his resignation and the best deal he can obtain. RonJohn confers with his vice president, Stephen Golding, and conditions his resignation on a subsequent presidential pardon.

Golding is a law and order politician and a former prosecutor. He hates Ronald John and has little sympathy for his predicament. He refuses even to *consider* a pardon, which leaves President John at the mercy of the Senate. Once a president is impeached and convicted, the new president becomes powerless to pardon his predecessor.

All of the witnesses who testified before the House Judiciary Committee testify again in the Senate. House of Representative Managers handle the prosecution with the assistance of attorneys employed for the specific purpose of prosecuting the impeachment case. Zachary Blake's political advocacy pays off—he receives a prestigious appointment to the prosecution team. He's the only private practice attorney on the team. The rest are seasoned, federal prosecutors.

Roland Barrington III, Justin Rochlin, George Trapp, and others have received either reduced sentences or immunity from prosecution in exchange for their truthful testimony before the Senate. Each witness takes great pleasure in rolling over on President Ronald John and Attorney General Geoffrey Parley, both of whom are subjects of these impeachment proceedings.

Zachary Blake is chosen to interrogate Barrington. He grills him on the witness stand for three days, laying bare, various plots to kill Zack's son, the actual assassinations of Cameron Casey and Rafael, the murder of Rafael's assassin, and the conspiracy to sell illegal arms to terrorists. Every step of the way, Zack gets Barrington to admit his own involvement in these 'high crimes and misdemeanors,' while implicating President John and Attorney General Parley at each and every step of the process.

The full Senate, sitting as a quasi-jury, absorbs the testimony. Many senators hang and shake their heads as Barrington admits his guilt and names Saffron, Visser, Parley, and *POTUS* as co-conspirators, guilty of murder and espionage against the interests of the United States.

At the close of the hearing, Zachary and the other prosecutors deliver the Senate's equivalent of closing arguments. Zack is afforded the pleasure of presenting the closing against President John.

"Ladies and gentlemen of the Senate. Ronald John is a stain on the office of the President, an embarrassment to his party and honest politicians of all

affiliations. Worse, he is a traitor to his country.

“Luckily, his final criminal act, an attempt to sell weapons to terrorists, was, in reality, a joint *FBI* and *ATF* sting operation. The country owes a debt of gratitude to Special Agent Clare Gibson of the Detroit office of the *FBI*. Agent Gibson’s tireless devotion to justice in the face of substantial risk of peril, deserves, in my humble opinion, a congressional medal for dedicated and selfless effort in bringing these criminals to justice.

“The evidence conclusively demonstrates, through tape recordings, countless documents, and reliable co-conspirator testimony, Ronald John retained assassins on the government payroll and tasked at least two of them to kill an American citizen and a foreign national on American soil. President John also conspired to sell weapons to people he thought were Middle Eastern terrorists. Thankfully, while the sale was completed, the so-called terrorists were undercover *ATF* agents, a fact unknown to President John. The overwhelming documentary and electronic record leave no doubt, Senators. President Ronald John has violated our laws as well as his sacred oath of office. He *must* be found guilty of high crimes and misdemeanors and be removed from office, pursuant to our Constitution.

“His behavior is heinous; I urge all appropriate law enforcement officials to consider criminal prosecution and incarceration after he is removed from office. I hereby offer my services as a special prosecutor in any future criminal trial, free of charge, in service to my country and the Constitution. We, the people, must send a loud ‘never again’ message to all future candidates for the highest office in our land. No one, including the President of the United States, is above the law. Thank you, God bless you, and God bless the United States of America.”

One hundred Senators, a huge gallery of press members, and select citizens politely applaud an exhausted Zachary Blake, who acknowledges the gesture with an almost imperceptible wave of his hand.

His thoughts drift to Arya, Hamid, and Riah Khan, Muslim American clients who, a few years ago, were treated horribly by President John. While these very special people have every right to celebrate the public emasculation of Ronald John, Zack doubts any member of the Khan family is celebrating this terrible moment in American history.

A week later, in a special session attended by every United States Senator, regardless of party, the Senate votes unanimously to convict and impeach President Ronald John. Shortly thereafter, President John is escorted

from the White House, screaming obscenities and vowing to get even. Vice President Steven Golding is sworn in as the new president.

Zack and Jennifer stay in Washington at Golding's request, to attend the inauguration and a small celebratory gathering of friends, colleagues, and dignitaries. Golding appears to be an honorable man. Whether he is capable of healing a deeply wounded and divided country is an open question. Time will tell. Golding's politics are far to the right of Zack's, but Zack is willing to give him the benefit of the doubt. For his part, Golding, in his inaugural address, promises to set politics aside and work on both sides of the aisle to 'heal our broken nation.'

Zack and Jennifer fly home the following morning. They arrive at Detroit Metropolitan Airport, intending to reserve a Metro Car limousine. As they exit the plane, Zack's cell phone vibrates. He receives a text from Kenny and Jake, who are in the airport's cell phone lot and waiting to drive their parents home.

"What a nice surprise." Zack grins. He shows Jennifer the text.

"That's my boys," she exclaims.

"They sure are, Jen. What terrific kids they are and what a great job you've done raising them."

"I didn't do it alone, Zack. You and Jim were by my side for most of the ride. Thank you for being the world's greatest husband and father."

"Easy to do with this family. I love you, sweetheart."

"I love you more."

"I love you less."

"I love you the most."

## Epilogue

Milan, Michigan is a unique town, as it is situated in two southern Michigan counties, Washtenaw and Monroe, about forty miles southwest of Detroit. The city features tree-lined streets, beautiful parks, and a historic, charming downtown area. The city's website refers to Milan as a great place to 'buy a home, open a business, raise a family, and pursue a wonderful small-town living experience.'

On a late August Thursday, the downtown area features *Third Thursday*. On the third Thursday of every month between June and October, visitors can find great food, beer, live music, activities for kids and adults, and a unique shopping experience, featuring handcrafted and homegrown items. Because it's August, the city also features its *Route Twenty-Three Arts & Music Festival*, a three-day event featuring arts, live music, street performers, plays, craft beer tasting, food trucks, and other attractions.

Initially, only Zack and Kenny were scheduled to make the short jaunt south from Bloomfield to Milan. When Jennifer went to the city's website and saw all of the fun things to do on a Thursday in August, she decided to tag along and convinced Jake to make the trip as well. Kenny's targeted visit became a mini family vacation.

Milan is also famous for housing the *Federal Correctional Institution, Milan*, a minimum-security prison, and a part of the Federal Bureau of Prisons. Few people are aware the prison is located, not in Milan, but in neighboring York Township. The prison is often referred to, simply, as 'Milan.'

Kenny Tracey has decided to pay a visit to one of the prison's newest residents. Zack offers to tag along, but Kenny insists on doing this alone. He researches the site and discovers the prison is famous for hosting the execution of a bank robber, Tony Chebatoris, who remains the only person in Michigan history to receive the death penalty after Michigan became a state in 1837. Someone was killed in the robber's failed attempt to rob a local bank.

Kenny is disappointed to discover he cannot visit an inmate unannounced. He has to obtain permission for his visit. Inmate 42767361 has to agree to the visit. *No way will he agree to see me.*

To Kenny's great surprise, 42767361 agrees to the visit. The trip is arranged, and his family tags along for the ride.

Kenny waits in the visitors' room. He carries a small backpack containing a single manila envelope, which, in turn, contains what resembles a small book. Guards inspect and approve the backpack and contents before Kenny can carry them into the prison.

A guard enters the waiting room and calls his name. Kenny stands and is motioned to a door, much the way a nurse or medical assistant would invite a patient into a medical office examination area. The guard escorts him into another room, which resembles a small cafeteria. There are several round tables, most of which are occupied by prisoners and visitors.

The guard directs Kenny to an empty table toward the back of the room. As Kenny takes a seat, the guard tells him not to talk or interact with anyone else in the room. Kenny is frightened any movement might cause his expulsion before he can accomplish his mission.

After a short, semi-painful wait, Prisoner 42767361 approaches the table. The prisoner, Roland Barrington III, is wearing a khaki, ill-fitting prison uniform. He hovers over the seated Kenny Tracey, who instantly and instinctually jumps to his feet. Barrington studies the boy and offers his hand, but Kenny declines to shake it. Prisoner 42767361 shrugs as if the snub was insignificant.

"So, young man. You came all this way to reject a handshake? Is that supposed to rattle me somehow?"

"How about we sit down, Mr. Barrington?" Kenny grumbles with more disdain than he intends.

"Don't mind if I do. I appreciate the distraction. I was growing weary of the book I've been reading."

"What book is that?"

"*Violent Ends.*"

"Sounds like something you'd like. What's it about?"

"Basically, it tells the story of school shootings from seventeen different perspectives."

Kenny is appalled by Barrington's casual arrogance. He attempts to maintain a calm, casual demeanor. He wishes for an alternate universe where he can jump across the table and strangle the asshole.

"Interesting," Kenny manages.

"So, Mr. Tracey, you're here. I'm here, is your father here?"

“He came to town with me, but, no, he’s not here.”

“No guts?”

“Hardly, sir. You, of all people, know this.”

“I suppose so. What can I do for you, young man? I’m rather busy, so if we can get down to business . . .”

Kenny almost laughs in his face. *Busy? You’re all dressed up in prison garb with nowhere to go.*

“I have a gift for you.”

“A gift for me? How thoughtful of you! What does one buy for someone who has everything he needs?” Barrington scowls.

“It’s a photo album and a biography of sorts.”

“Sounds like great reading, and with pictures, too. I’m so excited!”

Barrington continues to mock the young man.

“Who is the subject of this biography?”

“Cameron Casey.”

Barrington starts to say something but is stunned silent. Kenny seizes the opportunity to pile on.

“The pictures begin at birth. There are some great shots of Cameron throughout his short life, with his grandparents, his mom and dad, his brother, sister, and various friends. There are pictures of Cam and classmates from Bloomfield High School, many of whom were killed by Kevin Burns.”

Barrington maintains an uncomfortable silence. He begins to fidget and glances around the room, looking for a guard. Finding none, he is forced to remain seated, pretending Kenny’s banter has no impact.

“The text of the book highlights Cam’s recent accomplishments. Did you know, for instance, Cam was almost killed on the day of the school shooting? One of his best friends took a bullet intended for Cam.

“Because of that experience, Cam dedicated himself to our gun control movement. Perhaps you’d like to thank me by sending a large contribution. Or, I forgot, you’re broke, aren’t you?”

Barrington continues to fidget. The tables have turned. Now, it is *Barrington* who wants to reach across the table. He wishes he had his Lugar. Instead, he remains silent, refusing to give the kid any satisfaction.

“Anyway,” Kenny continues. “Cam decided to take full advantage of what he considered a second chance at life. He founded our charity and lobbied for gun control measures that included closing loopholes like the one you used to sell guns on the black market.”

Enraged, Barrington wills himself to remain silent as Kenny continues.

“Cam attended multiple town hall meetings as one of our principal spokespeople. He’s kind of famous for getting in the face of Congressman Joseph Stafford, a Conservative Republican from Sterling Heights, Michigan. Stafford promised to vote in favor of the legislation we were proposing. Cam asked him to state, for the record, he would not accept campaign contributions from the *NRA* or any similar organization.

“When the congressman paused, Cam told the audience Stafford recently received one hundred thousand dollars from the *NRA*. Cam demanded he pledge to return the money. Stafford uttered something stupid. He argued he had no control over who contributed to his campaign, and all points of view were welcomed. The congressman lost his bid for re-election.

“Cam also challenged people, probably hired by you, Mr. Barrington. Some were assholes who accused him of being a ‘crisis actor.’ Others were tragedy deniers who tried to argue the shooting didn’t happen, or the death and injury toll numbers were exaggerated. Mostly though, he talked about the pain the dead must have felt an instant before losing consciousness never regained. He spoke about the injured and the serious pain all shooting victims had to endure. Finally, he talked about the pain suffered by loved ones over the loss of their children, siblings, or friends.

“Funny, he never spoke about money or what some people are willing to do for money. He never knew what purely evil people would do for self-enrichment, or to hold onto riches already possessed. I recently heard about one incredibly wealthy guy who hired a hitman to assassinate the son of a lawyer who sued the wealthy guy’s company. Can you believe anyone would do something so terrible, Mr. Barrington?”

“Now hold on, young man. I’ve been very patient with you, but I’ve had just about enough. Where are the guards?”

He continues to scan the room, frantically searching for a guard, any guard, who will take him back to his cell.

“A mass school shooting wasn’t enough to move you, Mr. Barrington. A lawsuit almost bankrupted your company but was not enough to convince you to do things the right way. Kevin Burns wouldn’t have had access to guns if you hadn’t decided to sell them on the black market. And because someone dared to challenge you in a court of law, to be a better man, you decided to get even with him. You decided to kill his son.”



“But, I didn’t . . .” Barrington begins to plead. “I never intended to kill anyone. I told them to scare you. It was President John who hired the assassin. Surely you know that, Kenny.”

“I know President John did what he did because you demanded it. You have the blood of all of those kids on your hands, Mr. Barrington, especially the blood of Cameron Casey. Enjoy the book. I understand you have lots of time to read in here. How long is your sentence, fifteen to thirty years? My dad will make sure you serve the whole thirty. That is if you live long enough. How old will you be, *if* you ever get out of here? Ninety? One hundred? How old *are* you, Mr. Barrington? Cameron Casey was about to celebrate his eighteenth birthday. He had his whole life ahead of him.”

Kenny stands and yells ‘Guard.’ A guard enters and immediately approaches the table.

Barrington is stunned. *Where were these guys when I was trying to get their attention?*

“We’re done here,” Kenny signals the guard. “My family and I have a great evening planned at that wonderful *Route Twenty-Three Festival* you guys have in town.”

The guard plays along. “That’s a wonderful event. You’re going to have a great time. Enjoy your stay in Milan.”

“Thanks,” Kenny chirps as they head toward the exit. Kenny never looks back to Prisoner 42767361, who stands, picks up the book, and begins leafing through the photos. To his great surprise, a single tear trickles down his cheek. A guard approaches the table and snatches the book out of Barrington’s arms.

“I was reading that,” Barrington cries. “It’s mine. The boy gave me that book as a present. Give it back right now.”

“Guards give the orders around here. Maybe you’ll get the book when you return from chore duty. But only if you’re a good boy.” With that, the guard takes the once-great Rolland Barrington III by the arm and escorts him to the laundry.

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After a nice weekend at the festival in Milan and a few more days of allowing things to return to some semblance of normal, Kenny Tracey and Zachary Blake are seated in Zack’s cozy den. Kenny is at the computer, checking his email. Zack studies a case file, preparing for an upcoming court hearing.

“I’ve decided to go pre-law, Dad.” Kenny swivels the desk chair to face his stepfather.

“That’s great news, son. I’m certain you’ll make a hell of a lawyer. I’m also certain you’ll make a difference in this world no matter what you do. Kenny, your mother and I are so proud of you.”

“Thanks, Dad.”

“Kenny, it’s been a week. You’ve never talked about your visit to Milan. Anything you want to get off your chest?”

“I don’t think so, Dad. I’m okay, I promise. I guess I wanted to see what makes a guy like that tick. What kind of person hires someone to murder a kid?”

“Someone who is pure evil, son.”

“That’s just it, Dad. He didn’t come off that way. He was more pathetic than anything else. His life is ruined, and he has no one to blame but himself.”

“Don’t tell me you feel sorry for the guy?”

“No, not at all. However, I do see a waste of obvious talent and a guy from a prominent family. If he had put those attributes to use for good rather than guns and greed . . .”

“But he didn’t, Kenny. And that makes him a scumbag unworthy of your sympathy.”

“Speaking of scumbags, what’s going on with our former president?”

“He’s going to be charged with murder and conspiracy to commit acts of terrorism.”

“Did the government take you up on your offer to prosecute?”

“I’m afraid not, son.”

“Talk about pure evil—that’s the guy. I hope he goes away for a long time.”

“He’ll spend the rest of his life in prison. He’s toast, Kenny.”

“And Parley?”

“He’s toast too, but he was smart enough to fix it so he might get out when he’s old and grey. We’ll see. It’s too soon to tell.”

“Speaking of toast, what’s for dinner?”

Zack appears to muddle over the question. “Reservations. Your choice tonight,” he finally suggests.

“Joe Muer’s?”

“A great choice.” Zack rises and strolls to the staircase. He shouts up the stairs. “Jennifer! Put on something nice. We’re going to Joe Muer’s. Kenny’s buying! Can you believe it?”

“Great! I’m starving!” Jake yells from his room.

“Me too,” yells Jennifer from the master bedroom.

“Thanks, Kenny!”

“Hey!” Kenny cries.

“I never offered to treat. I’m a poor, starving college student.”

“You’re anything but poor, Kenny. Besides, young man, you choose, you lose, Kenny,” Zack teases. “You choose, you lose.”

END

Thank you for reading *Betrayal High*. I sincerely hope you enjoyed my fifth Zachary Blake legal thriller. As an independently published author, I rely on you, the reader, to spread the word. So, if you enjoyed this book, please tell your friends and family, and I would appreciate a brief review on Amazon. Thanks again.

Mark

*Join Zachary Blake in his next journey into justice in Supreme Betrayal. Please continue for an excerpt.*

# Supreme Betrayal

## Prologue

August 1997

Teenagers in various states of inebriation and consciousness packed the Walnut Lakefront home in West Bloomfield. Hayley Larson had a couple of beers but was among the soberer of partygoers. She needed a bathroom for a variety of reasons related to her drinking and partying. She climbed the stairs of the beautiful lakefront residence, more mansion than home, looking for a bathroom.

Hayley wasn't a *bad* girl—hell, she wasn't even a *party* girl. She was tired of her friends accusing her of being a 'pussy' and always doing anything and everything her parents ordered. Her parents certainly wouldn't approve of her being at a party where kids were engaged in various sex acts or where alcohol, drugs, and marijuana were being used and abused.

*This is my coming out party! I'm going to college next year!*

Hayley reached the landing, looked left and then right. She decided to go right.

*Good choice!*

She found herself in the master bedroom. *There must be a gorgeous master bathroom.* She breezed through the enormous bedroom and found herself in the most beautiful bathroom she'd ever seen. It was *huge*, perhaps larger than the *bedroom* she just passed through. The bathroom featured beautiful black and white marble with gold accents.

*Is this solid gold?*

As she walked to the commode, the seat cover automatically rose, and an electronic robotic voice chirped 'welcome.' An automatic fan began to hum, activated by her entry through the bathroom door.

She sat down on the toilet and did her business. She couldn't locate toilet paper, so she swiveled while seated, attempting to locate some paper. Instead, she found a panel of buttons where one would expect to see a toilet paper dispenser or holder. She pushed the top button. A panel opened and dispensed a toilet seat cover. Hayley laughed out loud.

*Too late for that!*

She crumbled the seat cover, spread her legs, and dropped the crumpled paper into the toilet.

There were two more buttons. Naturally curious, Hayley pressed the second button. A gold metal flap opened, and a toilet paper dispenser roll immediately projected through the opening. She did what one does with toilet paper, and when she finished, Hayley disposed of the used paper into the toilet. She pressed the third button, and the toilet flushed underneath her. She smiled to herself, stunned at the wasted extravagance.

The home belonged to the parents of a classmate and his older brother. It was a popular party spot because the boys' parents were always traveling without them, more than willing to leave their two sons alone in the house. Mr. and Mrs. Orville Wilkinson were narcissistic and obscenely wealthy. The boys, Jared and Oliver, both unplanned, were nuisances who cramped their parent's active lifestyle.

To assuage their guilt, they spoiled the boys rotten. Oliver, a freshmen law student at Wayne State University Law School in Detroit, was considerably older than Hayley's classmate, Jared, Oliver's younger brother. Oliver sported a Rolex watch on his wrist and drove a Mercedes convertible, both purchased for him by his father.

The two boys possessed all of the latest and greatest electronic gadgets of the time. They had everything a high school or college student could want except for caring and loving parents. Jared and Oliver loathed their parents for their neglect. To get even with their neglectful parents, the younger Wilkinson threw parties entertaining hundreds of partying teenagers and college students in their parent's expensive lakefront mansion, every time the elder Wilkinson's ventured out of town.

The boys' entitled lifestyles, wealth, and party man images were chick magnets. Girls of all ages flocked to their parties. Drugs, booze, and wild sex orgies ruled these events. Jared and Oliver were famous for these get-togethers, excessive use of drugs and alcohol, and, especially, for their sexual conquests. High school-aged girls considered sex with Jared and especially with Oliver a badge of honor in the West Bloomfield and Bloomfield Hills areas.

Jared was somewhat of a gentleman. Perhaps it was because he was younger. Oliver, on the other hand, rarely waited to be asked—he simply *took* what he wanted. Young girls in various stages of inebriation would be swept off their feet and carried into a bedroom. Whether previously deflowered or

not, they became willing participants (so they all claimed) in wild moments of sex and drugs. Not a single girl ever pressed charges or uttered a word of complaint about Oliver's behavior.

While Hayley Larson was undoubtedly impressed with the house and its extravagance, she was not especially enamored with her hosts. She thought both Jared and Oliver were gross, obnoxious, immature, entitled, and spoiled brats.

Her parents had nothing to worry about. Though under the drinking age, Hayley didn't mind a beer here and there. However, she did not do drugs and was not sexually active. Hayley was no puritan, but, at eighteen, she had never been in a serious relationship. She was saving her virginity for her first loving relationship and would never engage in gratuitous sex.

Hayley rose from the commode. The toilet seat descended and closed; automatically, of course. Suddenly, a sweet-smelling room deodorizer sprayed from a ceiling fan. She surveyed the room, taking in various gadgets and gizmos, shaking her head from side to side, and wondering about other hidden devices the boys' parents might privately enjoy using in this bathroom of all bathrooms. She chuckled at the thought, and then studied and primped herself in front of a massive gold-trimmed mirror.

Hayley was a very attractive young lady. She had long, straight auburn colored hair and large greenish-blue eyes. A few light freckles dotted her face. Her skin glowed like porcelain, almost like the skin of a doll. She was tall, about five foot nine, athletic (she played varsity soccer), and dressed impeccably, tastefully accenting her long smooth legs and ample breasts. In short, Hayley was a stunning young woman.

Hayley adjusted her clothing, freshened her make-up, and opened the bathroom door to leave. She took a step, looked up, and was startled to see Oliver Wilkinson standing at the door, blocking her exit. Shane Marbury, Oliver's best friend, stood by Oliver's side.

"Shit, guys! You scared the hell out of me! How long have you been standing there?" Hayley uttered with a stunned smirk.

The young men were barely coherent, seriously drunk, stoned, high, or a combination of the three.

"Hey, baby. We saw you come up here and we thought you might want to party. Jared's told me all about you. You're Hayley, right? How about this bathroom?" Oliver's speech was slurred. He turned three hundred sixty degrees, taking in his surroundings.

“We *are* partying, Oliver. I needed to use the bathroom, and now I’m ready to go back down. You coming?”

She tried to push by them, but they continued to block the bathroom exit.

“Let me show you all of the clever gadgets my parents enjoy using in here.” Oliver gyrated and made lewd gestures.

Hayley expelled a nervous laugh. She felt trapped, threatened, and unsure where this was going.

“From the gadgets in the bathroom, I can imagine, but I’ll pass, thank you.” She was very anxious to leave.

“Come on, Hayley. Don’t be like that,” Marbury stammered.

“We can have a lot of fun in here. Stop being so high and mighty. Do you think you’re better than us? You’re nothing but a pompous bitch,” Oliver added, turning to Shane. “I think our girl Hayley needs to be taught a lesson, don’t you agree, Shane?”

Oliver waxed hurt feelings. The two young men pushed forward, backing Hayley further into the bathroom. She tried, unsuccessfully, to push by them, but they held their positions. Oliver closed the door behind him.

Hayley’s nervousness now escalated into full-blown panic. She tried to maintain her composure.

“Cut it out, guys! This is not the least bit funny. If you two want to play in the bathroom, be my guest, but find another play toy. I’m not interested.”

Hayley was now experiencing a complete loss of composure. She again tried to push by the two men and was again blocked from leaving. They continued to push her back into the bathroom.

“Let me show you the whirlpool,” Oliver urged. He staggered to a panel on the wall closest to him. He hit a button, and the whirlpool activated.

“My parents have all kinds of fun in here. See this panel?”

He walked over to another gold-plated panel and pushed a button. The panel opened, and a tray of sex toys, lubricants, and oils shot out from the opening behind the panel door.

“Pretty cool, huh? Have you ever had sex in a whirlpool? It is the absolute shit!”

“I’ve never had sex in a whirlpool,” Shane exclaimed, gyrating his pelvis. “I can’t wait to give it a try.”

“I’ve never had sex anywhere. I’m a virgin, and I plan to keep it that way. Now, get out of my way, or I am going to call 9-1-1,” Hayley threatened.



She pulled out her phone and began to dial. Oliver raced over to her, pulled the phone from her hands, and threw it into the filling whirlpool.

“Not so fast, bitch,” Oliver snarled.

“If you truly are a virgin, which I don’t believe for a fucking second, prepare to lose your virginity. You have two choices: Relax, enjoy the experience, and have fun with two great guys. Or fight, scream, scratch, and resist. Either way, we always get what we want. No one ever denies us, and no one has ever been sorry.”

The disgusting young men stood in front of Hayley, blocking her exit, gyrating their pelvises and hips back and forth. They unzipped their pants and grabbed their crotches.

“You assholes just ruined my phone. You’re drunk or high, maybe both. You’re out of your damned minds. Let me out of here, now! I’ll fucking scream!” Hayley raged. She was officially terrified.

“Language, Hayley, language, shame on you. Everyone’s wasted. Scream all you want. No one’s coming to help you, Oliver rumbled and sneered at her. He reached his arm toward her, grabbed her blouse and ripped it open, revealing a scant bra and ample cleavage.

“What beautiful tits you have, my dear,” he marveled, imitating the Big, Bad Wolf character from the ancient children’s story.

“The better to suck on,” laughed Shane.

Hayley stepped back, helpless, stunned at their escalating criminal behavior.

*Have they done this before?*

Hayley screamed at the top of her voice. Her screams had the opposite effect of what she intended. It triggered action from the two men. The young men cornered her and began to rip at her pants, tearing them from her body and leaving her standing in bra and panties. They stepped back and admired their handiwork and her body.

“Beautiful specimen, Dr. Marbury, wouldn’t you say?” Oliver asked Shane, studying Hayley, one arm crossing his chest, the other supporting his chin like *Rodin’s* famous *The Thinker*.

“Stunning, Doctor Wilkinson,” replied Marbury, adopting a similar pose and glaring salaciously at Hayley’s body. His eyes darted up and down. He reached out and ripped at her bra, attempting to yank it off her body. Hayley screamed again and lashed out at Shane, deeply scratching his left cheek. He recoiled in pain. Blood began to run down his cheek.

“You fucking bitch!” Shane snapped. “You cut my face.”

He turned to Oliver and then to the mirror, studying his torn cheek.

“That’s going to leave a scar.”

He turned back to the terrified Hayley, now cowering in the corner of the bathroom and screaming at the top of her voice.

“Stop that fucking screaming! Look at my face. What the fuck? You are going to pay for this. No more mister nice guy.”

Shane and Oliver pounced and began tearing at Hayley’s bra and panties. Someone knocked loudly on the bathroom door.

“What’s going on in there?” A female voice screamed. “Open the fucking door!”

She continued to bang on the door and was soon joined by others outside of the bathroom door.

Hayley continued to scream as loud as she could. Oliver placed his hand over her nose and mouth in a vain attempt to shut her up. His actions prevented her from breathing, and Hayley began to thrash and kick violently. Oliver held on for dear life while the girls outside the bathroom continued to shout and hammer on the door. Shane was no longer interested. He continued to peer into the mirror, studying his injury.

Hayley mustered all of the strength she could and finally pulled one arm free. She poked Oliver in the eye and then swung her fist as hard as she could, hitting him squarely on the chin. Oliver tumbled backward and fell into the whirlpool. Hayley raced for the door and pulled it open. Four classmates, three girls, and Oliver’s brother, Jared, were standing outside the door.

“Oh my God, Hayley! Are you okay? What happened in there?” One girl cried.

Hayley didn’t answer. She was hysterical. She lowered her head like a charging bull and charged out of the bathroom, leaving her four classmates stunned at her appearance and demeanor.

They looked into the bathroom and saw Shane Marbury staggering around, tending to his bloody face. His penis was exposed. Oliver was fully clothed and lying in the whirlpool. His arms were on the side railings, and he was trying, without much success, to extricate himself from the whirlpool tub.

Two girls ran down the hall to check on Hayley. They reached the top of the stairs and observed Hayley running down the stairs. She was almost to the

bottom. They watched her run toward the front door and called out to her, urging her to wait, to let them help. Stunned partygoers turned to watch Hayley Larson run out of the front door in scant undergarments.

“Holy shit!” One jubilant and inebriated college boy shouted.

“That bitch sure knows how to party!”

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# About the Author



Mark M. Bello is an attorney and award-winning legal thriller author. After handling high-profile legal cases for 42 years, Mark now treats readers to a front-row seat in the courtroom. His ripped from the headlines Zachary Blake Legal Thrillers are inspired by actual cases or Bello's take on current legal or sociopolitical issues. Mark lives in Michigan with his wife, Tobye. They have four children and 8 grandchildren.

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