

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS

v.

ALLISON TAYLOR CLARK
DOB: 04/11/2004
8140 Hinman Avenue 2A
Evanston, Illinois 60201

CASE NO.:
32CR-1602-04



Hon. Harrison Berger, Judge Presiding

BILL OF INDICTMENT

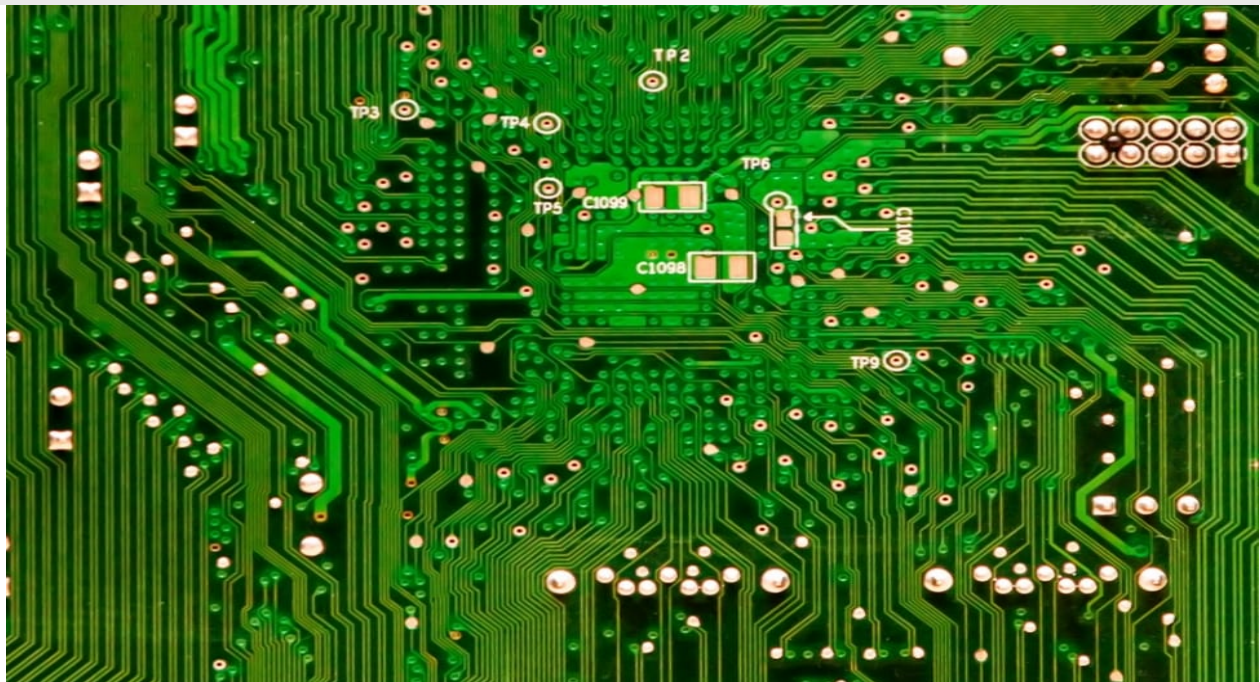
COUNT 1: SECOND DEGREE HOMICIDE

The Grand Jury charges that sufficient evidence exists to submit the defendant for trial. On 16 February 2032 ALLISON TAYLOR CLARK is alleged to have committed the offense of second degree murder as defined by the Illinois Statutes Chapter 720 § 9-2. The offense is a Class 1 Felony.

SUPPORTING EVIDENCE

PRECEDENT

A Short Story by Jack Cusick



PRECEDENT

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“Counselor, have you lost your mind?”

It wasn't what Monica Téllez wanted to hear. She was only a junior associate at one of the more prestigious law firms in Chicago, but this case was her big break – at least, it *could* be, if she could keep the Honorable Judge Harrison Berger's suspicions about her sanity to a minimum.

“Your Honor,” she responded calmly, giving no outward sign of the nervous tension she felt all over, “I'm merely trying to include every relevant piece of evidence in order to present the very best defense for my client.” Monica motioned to indicate the woman seated at the defense table: the accused.

Allison Clark, all of twenty-eight years old, sat between Monica's empty chair and the attorney assisting Monica in the case. She wore a modest business suit, and kept her shoulder-length, blonde hair down; Monica felt a ponytail would appear too playful for the jury, and wanted her client to convey the image of a wrongly accused defendant taking the proceedings seriously. Allison took care to watch silently, just as the jury did, and show as little reaction as possible. There was no reliable way to know which jurors would sympathize and which would not, but Monica had assured Allison that stoicism wouldn't make her look cold to the jury, just scared – which, of course, she was.

Day three of the trial had been difficult for Allison. Having spent the last two days listening to the case against her, Allison had this very morning taken the stand in her own defense. With Monica's patient coaching and compassionate attitude during questioning, Allison was able to bravely explain to the jury that no, she did not kill her boyfriend, Michael Cassidy, four months ago; yes, they shared a condominium; yes, they had discussed marriage and children; yes, there had been some tension in the relationship and, on occasion, some fighting; yes, they had argued on the night in question, but no, she did not kill Mike. Allison kept herself impressively composed as she explained that during their heated argument that night she blacked out, and when she came to she found Mike dead. She'd even been the one to call 9-1-1. But she remained firm in the claim that she did not – and that she would not and could not – kill Mike Cassidy.

Still standing at the lectern, Monica desperately wanted to shift her weight, or to swallow, or to do anything that would help her calm down. But here, in the courtroom – before the Judge, the jury, and especially the prosecutor – there was no convenient moment to show fear or trepidation. Even if only in a legal sense, this was a battlefield,

and courage was a requirement; so instead of revealing even the slightest hesitation, she did the only thing she could think of.

She doubled down.

"In the interest of justice, Your Honor, the court would be remiss to exclude the testimony of this witness."

Judge Berger cocked an eyebrow at that, but Monica was not the first junior associate to stand her ground in his courtroom; and she would not be the last, so he let it go.

"Ms. Téllez, are you absolutely certain you want to label..." Berger checked the printed motion again. "'Alex, no last name' as a 'witness' in this case?"

"I know it seems a bit unorthodox, Judge, but—"

"A bit, yes, I would say so."

"But there is plenty of case law to support the inclusion of his testimony. In *Rutherford v Mason*, the court affirmed that even the most tangential of witnesses could provide information material to the outcome of a legal matter."

"Yes, but—"

"And there have been several cases in which...*non-traditional* testimony has been deemed relevant for inclusion into the record."

"Yes," the Judge agreed, with obvious reluctance. "I'm aware."

"Your Honor, we even found a case in Europe where a *dog* provided relevant testimony." To avoid sounding sarcastic, she added, "Sir."

"And if I were to move the jurors to the jury room," the Judge asked with more than a bit of condescension, "are you prepared to present said case law in a hearing on the matter?" Judge Berger felt that Monica needed reminding who, exactly, was in charge of these proceedings.

"We *can* be ready, Your Honor," Monica answered stoically, "first thing in the morning."

Monica decided to leave it at that. Her bluff hadn't exactly been called, because she wasn't actually bluffing; but she didn't want it to look that way to anyone in the court. Desperation wasn't going to win her any points with the jury, and may have already cost her some with the Judge. Deciding that she could argue no further without cutting her own feet out from under her, she sat down.

The second-seat attorney for the defense, Richard Garza, glanced past the accused and held his gaze on Monica. Because the jury was still in the room, he refrained from shaking his head derisively. He was there neither to assist (as a second-seat typically would) nor to supervise her work; he was there because Monica was relatively new to the firm, and the senior partners wanted to show proper representation in the courtroom; in short, he was window dressing. He said nothing and moved his gaze from Monica back to the Judge.

Harrison Berger had been on the bench in Cook County for twenty-six years, and – it being Chicago, after all – had seen some interesting legal moves in his courtroom. This one, however, had him frustrated. He hadn't been opposed to theatrics, because that was part of the process of swinging a jury. He had allowed all kinds of physical evidence into the record, some of which was posted on a fetish website for those who were into that kind of thing, and he let that go, too. But this frustrated him in a different way, mainly because he couldn't see any reasonable way out of it. He turned his gaze from Monica to the motion paperwork, and then looked at the prosecutor.

Ben Grimes was the lead prosecutor in the Criminal Prosecutions Bureau of the Cook County State's Attorney's Office – the second largest in the United States. He was known for two things: being as prepared as humanly possible for any twist or turn in a case, and for winning. The courthouse cafeteria chatter on Grimes was that he threw the game by only prosecuting what he called the "home run" cases, and getting pleas on anything that could be too challenging in a courtroom. Some saw it as good prosecutorial strategy; others saw it simply as resumé-building.

Monica fell into the latter camp. She, like many in her office, knew that Ben Grimes would one day run for the State's Attorney's job, and that he'd easily get the votes. She could already picture his name on the campaign signs that would litter the suburbs in the two months leading to an election. Probably dark blue letters on an orange background, Monica thought, because it had an old-school feel to it. He seemed old-school to her.

Ben Grimes sat at the prosecutor's table, his hands folded over his considerable abdomen; as if attending a lecture, or watching a movie, or sitting at one of the baseball games he was known for enjoying so much. Older, balding, and rotund, he appeared to those who didn't know him as one of those take-no-prisoners lawyers from old movies; to those who *did* know him, he came off as a loving grandfather who could kick your ass if you needed it. He often found he had to compensate for his mildly intimidating physical stature by taking a folksy approach to conversation; he never wanted the jury to see him as confrontational; in fact, he worked hard to present the exact opposite to anyone sitting in the courtroom. He would listen to whatever the defense had to offer, then treat it as something he'd seen before and didn't have a care in the world about. "Presumption may rest with the defense," he advised the attorneys in his charge, "but confidence goes a long way with twelve average Joes and Janes in a jury box." An avid Cubs fan, Grimes was fond of telling those same junior lawyers that the key to his success lay in his choice of cases and his confidence in court: "an easy pitch and a sure bat make for a home run every time," he'd add, practicing his folksy approach. But the casual conversation and baseball metaphors never got in the way of his laser-focus on his work.

Which is why Monica introduced her witness the afternoon before, *after* the State had rested its case. She had no idea if the tactic – or even the witness – would increase

the chance of a verdict in her favor, but the only way to put all of this to a Judge was to spring it on him with no prior notice. She didn't need Grimes to panic, but she needed to show she belonged on his playing field; she wanted to put a little spin on the ball, maybe take some of the edge out his swing. Unfortunately, she managed to flummox the ump, as well.

Judge Berger looked at Grimes as though His Honor needed bailing out of this particular problem.

"Mr. Grimes," the Judge asked, "how many objections does the State have to this witness?"

"We stopped counting at fifteen, Your Honor." The jury and gallery chuckled a bit. Monica couldn't help but smile a little. He was personable, she had to give him that; but she couldn't surrender any ground.

"Sir," Monica said as she stood, "we understand that the State will—"

"Now, hold on, Ms. Téllez," Grimes continued as he stood. "Your Honor, I can't speak to the curiosity of the great State of Illinois; but personally, I'm kinda interested in seeing where this particular flight of legal fancy is headed."

"So..." Judge Berger could not mask the disappointment in his tone. "The State has *no* objection to this witness?"

Grimes glanced at his own assisting attorney. Second seat for the prosecution was – today, and usually – nothing more than a seat-filler: he wore a crisp suit, he wore glasses, he nodded at all the appropriate times, and he handed Ben Grimes all the relevant documents when needed; but the jury would never hear his voice for the duration of the trial. Monica thought he looked about twelve years old, and that only reason he was probably in the courtroom was because she had her own second seat with her. More window dressing, but that didn't stop Ben Grimes from whispering to the kid for a moment. It's how you demonstrate teamwork to a jury, after all.

"Your Honor," Grimes continued, "the State would like to reserve our right to object until after we hear what this, uh, *witness* has to say. We can always move to suppress, or you can strike the testimony from the record, or whatever. If that's all right with you, then the State has no objection."

Judge Berger sighed the sigh of a man in desperate need of a recess. And a drink. And maybe a vacation.

"When can you put your witness on the stand, Ms. Téllez?" His Honor, not any less unhappy about the circumstances, now seemed eager to get it over with. "Is he in the building?"

"Um," Monica began, "about that..."

Ben Grimes cocked an expectant eyebrow at Judge Berger. The Judge grimaced, realizing for the first time on months that he did, in fact, still have an ulcer.

“Your Honor,” Monica stated calmly, in opposition to her own nervous system, “may it please the court, the defense asks that the witness be examined *outside* the courtroom.”

“Judge,” Grimes interjected, his finger already in the air, “I’d like—”

“Oh, we’d want Mr. Grimes there to cross-examine, as well,” Monica hastily added, knowing the objection to come. “But bringing the witness to the courtroom could have an impact on his testimony.”

Anyone looking at Judge Berger’s face could not only see the growing frustration in his eyes, but also the headache developing right behind them.

“An ‘impact,’ Ms. Téllez?”

“Yes, sir.” It was everything Monica could do to keep her feet from tapping where she stood – her footing here was shaky literally as well as figuratively. “Alex moved into the home sixteen months ago, and has not left the dwelling since. His surroundings are...well, an important part of who he is; removing him from the condominium will create a significant burden and, as I said, impact his testimony.”

“Now, wait a second—” Grimes began urgently, stopping only because the Judge raised his finger.

“Ms. Téllez, do you believe that this...” Judge Berger rubbed his eyes, his patience strained. “Does this witness have testimony that’s actually *valuable*?”

“We believe so, Your Honor.”

“Was this witness deposed?”

“No, sir. In fact,” Monica added, trying to keep any accusatory tone from her voice, “Alex was not even questioned by the investigating detectives on the case.”

“And instead of bringing him here,” the Judge replied, clearly having this entire conversation against his better judgment, “you want us to go to *him*.”

“Please the court,” Monica responded, “there are a number of cases in which shut-ins and agoraphobics have testified remotely. The defense doesn’t believe that this particular request is outside the norm.” Monica felt like her toes were at the edge of the Grand Canyon. “Not for these circumstances, sir.”

“And are you prepared to present *those* cases for a hearing at this time, Ms. Téllez?”

Monica gave a millisecond’s focus to her shoes, as if her Jimmy Choos were to blame for her teasing the court with argument not fully prepped and ready to make. “No, sir.”

The Judge leaned back in his seat. “I’ve come to expect better preparation from even the *junior* associates at Armstrong, Newman & Lee, Ms. Téllez.” Berger wanted to remind Monica that it was not just her own reputation at stake in this case. He also made a mental note set up a tee time with Matt Armstrong – not only to stress the importance of prepared junior associates, but also maybe to finally win a round this time. “In the future – and I’m speaking not only for myself but for the other Judges in

this building – you’d better not bring up an argument unless you’re prepared, right there and then, to go all the way with it. Do I make myself clear?”

“Crystal clear, Your Honor.”

“Very well.” Berger leaned forward. “So you want to examine this witness at the home previously shared by the accused and the deceased. Is that correct?”

“The *condo*?” Grimes asked Monica, directly.

“Mr. Grimes,” the Judge interjected, “I’m dealing with enough from defense counsel. Either ask for a recess to hash this out, or address your incredulity to the bench, like you’re supposed to.”

“Apologies, Your Honor,” Grimes responded respectfully. “Is defense counsel asking us to bring this trial – all of us, including the jury – to the actual *crime scene*?”

“Yes, Your Honor. I am.”

“No, no, no,” Berger interjected, calmly but firmly putting his foot down. “If we do this – and I want to make it clear to the defense, the prosecution, and the known legal universe that I have *not* yet ruled on this request in any way – but *if* we do this we will get the testimony, including the cross-examination, recorded, and play it for the jury *if* they get to hear it.” The Judge let that sink in for a moment. “That way, if the testimony is found to be irrelevant or objectionable, it’ll be easier to strike from the record.” Berger silently chastised himself for not removing the jury from the courtroom earlier, but there was no point in doing it now – whatever curiosity existed in them at this point wasn’t going away. “Moreover, it would just be me, both lead attorneys, and the court reporter. The second seats,” the Judge said as he motioned to the assisting attorneys on both sides, “have to sit this one out, and the accused won’t be joining us, either.” Berger figured Allison didn’t want to go back there, anyway. “Those are my terms – that is, of course, *if* we’re doing this at all.” He cocked an eyebrow at the lead prosecutor. “Mr. Grimes, last chance: still want to see where this is going?”

Monica glanced reassuringly at her client, and in doing so missed Ben’s slight grin and the disbelieving shake of his head before he answered.

“You won’t like the answer, but – honestly, Judge – I do.” Grimes lifted his arms a bit in resignation. “Your plan satisfies all my concerns about this testimony. As long as we do it your way, I’m still in.”

“It’s gonna add a day to the trial, counselor,” he warned Grimes, giving him another chance to present an objection the Judge could grab hold of. “We’d bring the jury back on Monday; we’ll spill over into next week. Your schedule okay with that?”

“No problem, Judge,” Grimes said with a smile and a shrug. “I’ve got baseline seats at Wrigley on Saturday; everything else can wait.”

“You don’t want to check with your office? Make sure your boss is okay with all of this?”

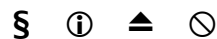
“No, sir.” The smile didn’t leave Grimes’s face. “My boss is actually on vacation in Aruba, so I’m in charge of myself this week.”

Judge Berger nodded and looked around his desktop for anything that could distract him from the unusual goings-on in his courtroom today. He finally sighed and lifted his gavel; he considered beating himself in the forehead with it for a moment, but instead got the attention of the court reporter.

“Very well. Let the record show that Ms. Téllez, Mr. Grimes, and myself will reconvene at the location tomorrow at ten a.m., and that Ms. Lisa Knight, court reporter, will also be present to record the testimony on both audio and video.” He leaned over the bench. “That okay with you, Ms. Knight?”

“Of course, sir,” she answered.

“Wonderful,” the Judge said grimly. “As it seems I’m the only one unhappy with this, we should stop before it gets worse.” He banged his gavel. “Court is adjourned,” he said as he rose and moved swiftly out of the courtroom, into his office, and directly for the bottle of Jack Daniel’s in his lower desk drawer.



“You should know that the office pool on this case has changed dramatically,” Richard reported as he checked his tablet computer. “I mean, if you thought the odds against you were bad before...”

It wasn’t unusual, these days, for people to be on their devices in restaurants, even in ritzy, high-priced venues like Carlotta’s. Monica watched Richard continue to scroll as she sipped her wine. Whether he was just window dressing on her side of the courtroom or an actual second seat, Richard could have been more supportive.

“It looks like the senior partners are getting in on the action,” Garza added with (what sounded to Monica like) glee. He glanced up across the table. “Even Old Man Armstrong is getting interested.”

“Is anyone still on *my* side?” Monica asked as she took the last bite of her risotto. She watched him continue on his tablet and turned her attention back to her briefs. Dinner with Richard Garza always proved to be more tolerable when at least one of them was otherwise occupied.

“Why not just go with a ‘justifiable homicide’ defense?” Richard asked as he closed his tablet and swished the ice around in his second scotch and soda. He looked across the table in earnest at Monica, who was still only halfway through her first glass of wine. “I mean, there’s no way a jury is gonna—”

“Because she didn’t do it.” Monica kept her voice down; the restaurant was crowded enough that no one would hear her anyway, but all her nerves were raw, even the paranoid ones.

“Allison was the only one in the condo with the victim, Monica,” Richard said, his voice laden with smug. “Not even this...*Alex* is going to dispute that.”

"I don't have to prove that someone else did it," Monica asserted. "I just have to make the jury doubt that *she* did. Alex can provide that doubt."

"She can say 'I didn't do it' all she wants, Monica; no one's gonna buy it. It was just the two of them; they argue, she blacks out, and wakes up to find him dead? Are you hearing how that sounds?"

"Yeah," Monica answered defensively. She'd been on the defensive with Richard throughout dinner, and she wasn't happy about it – they were supposed to be on the same side. "Are *you* hearing it? She *blacked out*, Richard. She wasn't *conscious* at the time of the murder. Do you think she killed Cassidy during some out-of-body experience?"

"And what you're doing with Alex is any less crazy-sounding?"

"Oh, please."

A calm and pleasant, but authoritative voice came from beside the table.

"May I join you for a moment?" Matt Armstrong, the most senior of the firm's senior partners stood before them both. Wearing an expensive-looking linen suit that almost perfectly matched his full mane of grayish-white hair, he smiled down at the two junior associates. "I'm having dinner with the mayor, but I saw you two sitting here and thought I'd say hello."

Richard, aspiring knight of the legal realm, stood for the senior partner, showing the deepest respect while trying to come off as less of a brown-noser than he actually was. Monica, surprised by the table visit, smiled but stayed in her seat. She motioned to an empty chair.

"Please do."

Armstrong unbuttoned his suit coat and took a seat.

"It seems Judge Berger has invited me to a round of golf," he said, taking a slightly paternal tone, "and that's not usually a good thing, so I thought I should get an update on the case." He was talking to Monica directly, paying no attention to Garza.

"It's going well, I think." Monica tried to sound confident, but worried that she wasn't hitting the mark. "The Judge has agreed to hear Alex's testimony, and that's a big step in our favor, I think."

Armstrong nodded slightly.

"And you think the testimony of this...well, you think it will be exculpatory?"

"Will it point to a different suspect? I don't know," Monica admitted honestly. "I'm not interested in solving the murder; maybe some else did do this, maybe not. I genuinely don't think Allison did it, but I'd be satisfied if Alex could provide anything, no matter how small, pointing us in a different direction." She laid her last card on the table: "I'm going for reasonable doubt. I think that's the best strategy."

Armstrong took a momentary interest in the tabletop, a silent rebuke in lieu of a verbal one.

"Monica, I see what you're trying to do, here." He looked up and met Monica's eyes, bringing her to his level and making the conversation one among equals. Mr. Armstrong was good at being relatable. "Getting Alex's testimony on the record – given who he is, given *what* he is – it's commendable. It would be a feather in *any* attorney's cap. The senior partners think it's intriguing; Michelle Lee is really excited about it, actually – but..."

Monica knew there was a "but" coming.

"But this is *Ben Grimes* we're talking about, Monica," Armstrong advised. "The legend of Ben Grimes is bigger than the man himself, and that's saying something." He ran his finger against a sweating water glass. "And you know – you *should* know – that he probably already has rebuttal witnesses lined up and ready: psychologists who will testify that people do all kinds of horrendous things and repress it. They claim they blacked out, or don't remember, or have no recollection of doing anything; but they *did* it. And the jury usually listens to that kind of thing."

"Which is why I need this testimony." Monica realized that there was more than Allison Clark's future riding on this case; she didn't need to be reminded that her own professional future was on the line.

That didn't stop Armstrong from saying out loud.

"Allison's parents are good friends of mine," Armstrong said plainly. "And I've assured them that our firm will get the best possible outcome for their daughter. Your star has been on the rise, so we assigned this case to you. I didn't promise them acquittal, mind you, only the best possible outcome." He leaned in slightly, but kept the same calm, paternal tone. "And if you can't accomplish that, Monica, we'll need to have a conversation about...about what comes next."

"I understand," Monica said after a moment's pause. "The best possible outcome is foremost in my mind, sir."

"Good." Armstrong rose and buttoned his coat just as the waiter arrived with the check presenter. Armstrong pointed to it. "I trust you're expensing that to the firm?" he asked with a smile.

"Thank you, sir." Monica smiled back – or did the best she could, given the circumstances.

"Sorry to have interrupted," Armstrong said as he walked away.

Richard stood as Mr. Armstrong made his exit, wondering how he could have inserted himself more into the conversation. He sat and adjusted his jacket as Monica put her credit card away.

"So, you gonna change direction here?" Richard asked it as if he and Armstrong planned this little intervention in advance, which they hadn't; Monica would be surprised if Armstrong even knew who Richard was. "Talk to Grimes about a plea?"

"Nope," Monica answered confidently, not looking up.

“He’s setting you up, Monica.” Richard’s frustration rose. Monica had seen this a dozen times with Richard: he hated it when people didn’t see, buy wholesale, and accept his point of view – and he’d keep going until they did, so Monica just let him ride it out. “By agreeing to this, Grimes is letting you do all of his legwork for him. He’s gonna sit back and watch you braid this rope, and he’s gonna let you tie the noose, and then he’s gonna hang you with it.”

“He’s not.” Monica signed the bill and moved her credit card back to her wallet.

“No?” Carl asked, his disbelief on overtime. “Why not?”

“Because she didn’t do it.”

Richard just stared at her. He’d told her she was wrong, and the senior partner had stopped by to speak with her personally and tell her the same thing, and Richard was stupefied that she didn’t give up and agree with them both.

“You wouldn’t understand, Richard.”

“Oh, not *this* again.” Garza sat back forcefully, ready for Monica’s pat response. “Are you seriously gonna sit there and tell me that I don’t understand the dynamics of this case because I’m a *guy*?”

“Look,” Monica said – with enough force to finally get Richard to understand that she wasn’t kidding around. “That Allison is a victim of an abusive boyfriend there is no question; we made that clear with her testimony this morning. That everyone – including you – thinks she’s a battered woman who went too far, that’s also been made clear to me since I got this case. But I don’t know what happened in that condo that night, and neither does Grimes, and neither does the jury. And if I have to fill that fact with helium, paint “reasonable doubt” across the side, and hoist it over the courthouse, I will.” She leaned forward and stared daggers at Richard Garza, co-counsel for the defense in the matter of *People of Illinois v Allison Clark*, whom she never wanted as her second-seat again. “But I have been working with this woman for over three months, and I’m telling you: *she didn’t do it*.”

Richard, who wouldn’t be moved from his self-appointed spot of righteousness, folded his arms in front of him.

“And if Alex’s testimony doesn’t bear that out?”

Monica pocketed her copy of the dinner receipt and closed the check presenter as she stood.

“Then you can tell the top floor they just bought me my last meal.” Monica slung her bag over her shoulder and left. She had to get back to the office; the Honorable Harrison Berger had warned her to be better prepared, and she had a long night ahead of her.

Evanston, Illinois was only forty minutes north of downtown Chicago, which meant it took over an hour to get there. Monica made a point to get there early, if only to avoid angering the Judge by being late. She sat in her car and waited for the others to arrive.

The neighborhood was quiet, serene, and suburban. Three-story brick structures stood behind the trees that lined Hinman Avenue as far as the eye could see in both directions. There was even a small playground nestled between two of the buildings. Monica was glad that jury wouldn't be joining them on this field trip; Evanston looked like a place where nothing bad ever happened.

Not long after Ms. Knight arrived with her bag of equipment, Judge Berger arrived; and, after a short hunt for nearby street parking, so did Ben Grimes. With all parties now present, Monica used the key provided by the defendant's parents to let everyone in.

While Ms. Knight set up her recording devices at the dining room table – the witness stand for today's testimony – Monica, Grimes, and Judge Berger waited in the adjoining living room. The two-bedroom condominium was modest in its décor and basic in its layout: the living room, the dining room, and the kitchen all made up one large space, with only mindfully-placed furniture and different art on the walls to delineate the rooms. Allison Clark and her late boyfriend had chosen deep earth tones for the living room, more vibrant oranges and ochre for the dining room, and distressed whites and blues for the kitchen. The hallway led to the bedrooms and the bathroom.

That this was a crime scene four months ago was not evident in any way: the victim had suffered a broken neck, so there was no blood to clean; items that were broken during the argument had been photographed and removed, and the crime scene tape and warning label affixed to the front door had disappeared when the scene had been released – only two weeks after the incident. Allison's parents had seen to it that the condo was returned to normal in the unlikely event that she'd want to return there; Monica expected that they'd put Allison up in their own home while the condo was sold. None of that could be done, however, until the conclusion of the trial.

As Judge Berger, who seemed to Monica to be only slightly less bothered by the matter now that they were actually moments away from Alex's testimony, checked on Ms. Knight, Ben Grimes took advantage of the off-the-record opportunity.

"Ms. Téllez, I've been thinking..." Grimes was relaxed, his hands in his pockets, his entire demeanor suggesting that this was, to him, a mere inconvenience on the path to the inevitable. "I get where you're going with this testimony; hell, if I were in your shoes I'd probably do the same. But we both know it's not going to work."

"Is that right?"

"My office is prepared to talk more about a plea. Get this whole thing wrapped up right here and now before this gamble of yours has a chance to backfire on you." Grimes relaxed his expression and posture, placed his hands in his pockets, and took an

unthreatening step forward; he looked like a grandfather stepping in to give sage advice. "I'll make you a really good deal for your client. We might even be able to set the probation levels so that she doesn't do any serious time."

Monica, her facial expression carved in granite, considered the motivation behind the offer. Was Grimes being magnanimous, genuinely looking out for Monica's client? Or was he worried that there might actually be something to Alex's testimony he couldn't beat? Not knowing Grimes well – at all, really, just by reputation – Monica couldn't decide if he was being paternal or trying to cut his losses.

"That's very kind of you," Monica replied, trying to sound interested without sounding eager. "Perhaps we should talk about it more after we hear what Alex has to say?"

Ben Grimes smirked and shook his head, and Monica couldn't even read the meaning behind a simple gesture: was he impressed, or judging her foolish?

"I think we're ready, here," Judge Berger called from the dining room.

Assembled around the table – upon which sat Ms. Knight's laptop at the far end, as well as a small camera and microphone – the group stood facing the seat at which Alex would sit. Given the suitcase that Ms. Knight had wheeled into the condo, Monica expected more (or bigger) equipment; but court reporters had to be prepared to provide any part of the case record at any given time, so her bag also included the entire printed transcript of the trial so far. The paperwork outweighed the technology, physically and legally.

"Ms. Téllez," the Judge asked, "are you ready to call your witness?"

"Yes, sir." Monica endeavored to be complaint and cooperative in every way, having used up her latitude by getting them all to the condo. Just getting Alex's testimony heard was a major win; she could worry about getting it into the record later. "I'll need just a moment to get him situated, once we get him out here."

"Fine," Berger replied, all business. "Once you're ready, we'll go back on the record."

"Thank you." Monica called into the hallway. "Alex, please come out here."

The group heard the smaller bedroom's door open, then close. After a moment more, Alex came down the hallway and into the dining room. He stood and scanned the faces of all present, but said nothing.

Alex stood almost six feet high, and most people would put him at about twenty-five years old. His complexion suggested Caucasian with a significant summer tan, and his brown hair was neatly trimmed just above the ear; he had no facial hair, no piercings, no tattoos. Dressed in a powder-blue button down shirt and khaki pants, he looked completely normal.

That was the idea: Alex wasn't supposed to stand out. He was supposed to be normal, boring, and unimpressive.

"Alex," Monica instructed, "please sit here at the dining room table."

Alex looked around the room at the group once more.

"I'm sorry," he said, his voice flatter than the average person's, "but I don't see Allison Clark here. I'm afraid I'll need additional authorization to operate in her absence."

"I understand," Monica said calmly. She noticed Judge Berger getting anxious, and wanted to assure him that she had things under control. "Alex, please accept the following password: Black-Blue-one-seven-seven-eight-gamma-alpha-echo."

Alex stood quiet and still for a moment, then turned his head toward Monica.

"Thank you," he said quietly. "The password you have provided for proxy access is confirmed. How may I help you?"

"Alex," Monica repeated, "please sit here at the dining room table."

"Of course." Alex pulled the chair out, sat down, and placed his hands on the tabletop. Ms. Knight adjusted her equipment to get the best angle on Alex, who noticed the camera. "I see that you have a Canon K-Series 1211 digital camera," he said to Ms. Knight. "Would you like to hear about the accessories available for this model?"

Ben Grimes chuckled while Judge Berger rolled his eyes.

"No, thank you," Ms. Knight answered politely. She nodded to Judge Berger that she was ready.

"Okay, you must begin each question or command with his name," Monica instructed. "That's the only way he knows you're talking to him."

"Just like the old tabletop models, right?" Ben Grimes asked, nodding.

"Exactly. Like this," she said, turning to Alex. "Alex, can you tell me the date and time, please." The "please" wasn't necessary, and the use of it could begin a fierce debate in any household about the need for courtesy directed toward technology, but Monica had to consider this less of a dining room right now and more a courtroom.

"Today is Thursday, June 3rd, 2032," Alex intoned, "and it is 10:38 a.m."

"All right," Judge Berger nodded at Ms. Knight, "let's go on the record."

Ms. Knight nodded back. For sound check and picture test purposes, she'd been recording the entire time.

"We are at the residence of the defendant to collect the testimony of Alex, no last name, a digital assistant residing in the home," Berger said for the microphone. "It is Thursday, June 3rd." He frowned a bit, realizing he'd just repeated Alex's words. "As this is a defense witness, Ms. Téllez may begin."

"Thank you, Your Honor." Monica stepped to the far side of the table, behind the camera. Alex would look at whoever was talking to him, so she stood so he'd continue to face the camera. "Alex, how long have you lived in this home?"

"I was installed in this location on March 1st, 2031," Alex answered. The tone in his voice was off-putting. The feeble attempt someone had made to simulate emotion in Alex's responses actually made him seem *more* robotic; he'd have almost sounded more human with no emotion at all.

"Alex, have you ever left this condominium?"

"I have not, no."

Ben Grimes lifted a finger.

"Ms. Téllez, may I? Just to get to get it out of the way?"

Monica raised her eyebrows at Judge Berger, passing the question to his authority. Berger nodded to Monica, and Monica motioned for Grimes to proceed.

"Alex," Grimes asked, "do you ever leave the house for maintenance?"

Alex turned his head; if Monica got this testimony admitted for the record, the jury would see his profile; he looked less human from the side, and she wondered if that would influence a jury.

"I have a regular service check once every three months, and a preventative maintenance service annually. All of these services are done on the premises. I have no history of damage that would require my transport to a local repair facility." Grimes would swear he'd heard something like pride in the tone of voice. "Since delivery and installation, I have never left, no."

"I see," Grimes said. "And has anyone—"

"Um," Monica interrupted, "you have to use his name."

"Shoot," Ben winced. "Right. Sorry. *Alex*, has anyone come to the home since February 16th of this year?"

"Local authorities were present in the home on February 16th, 17th, 18th, and 19th. Representatives of Clean-Max Home Services attended to cleaning needs on March 6th and 7th. Allison Clark's father, Stephen Clark, was present on March 15th."

Ben nodded his satisfaction and thanks to Monica, saying nothing out loud. For decades now, people had concerns about speaking with or in the presence of interactive technology: some were concerned about their privacy, others were just worried they were doing it wrong, and a few – Ben Grimes included – just thought it was weird.

"Ms. Téllez," Judge Berger said, his tone laced with the stretching noises his patience was making, "let's get this over with, shall we?"

"Yes, Your Honor, I'm sorry." Monica knew this was her only real chance at getting the information she needed to bring doubt into the jury room. "Alex, you were therefore in the home on the evening of February 16th of this year, is that correct?"

"Yes."

"Alex, can you tell me what happened in the home that evening?"

Alex sat silent and still for a moment.

"No, I'm afraid I can't tell you that."

Monica's eyebrows furrowed. She didn't look at the Judge, but she knew he was looking on and assumed he wasn't happy.

"Alex," she continued, "do you have data containing the events of that evening, and what happened here?"

"Yes," Alex answered calmly, "I do."

"Alex, you have access to that data, correct?"

"Yes, I do."

"Alex, please interpret that data and tell me what happened."

Another pause. Alex's tone and demeanor hadn't changed a bit.

"I'm sorry," Alex said, his unchanged tone sounding a lot less cooperative now, "I'm afraid I'm not able to interpret that data for you."

"I apologize, Your Honor," Monica offered to the Judge with confusion, "it's going to take a little time to work around the programming."

"Let me try," Grimes said, stepping forward. "Alex, do you have the necessary programming to interpret your own data?"

"Yes, I do."

"And are you— Sorry," Grimes took a breath. "Alex, are you functionally capable of interpreting that data?"

"Yes, I am."

Everyone just stood there, silently, for a moment. They all wanted to proceed, they just didn't know how. Even Ms. Knight seemed a little taken aback. Ben Grimes finally broke the silence as he began chuckling to himself.

"What's so funny, Counselor?" asked Judge Berger.

"I'm sorry, sir, it's just..." Ben Grimes smiled. "I was about to ask your permission to treat Alex as a hostile witness."

Everyone – except Alex, of course – smiled at that.

"Yeah." Judge Berger began to chuckle to himself. "I'd find him in contempt of court, but house arrest seems a little redundant, doesn't it?" Berger looked at Alex with curiosity; clearly, there was relevant information in there. "Say," he quietly asked Grimes, "why *didn't* the detectives at the scene ask Alex anything?"

"For the same reason they didn't question the dishwasher," Grimes answered matter-of-factly, "or the microwave, or the toaster." He motioned toward Alex. "This thing's an appliance."

"Well, I'm gonna get to the bottom of this," Berger replied, his resolve rising. "Alex, my name is Harrison Berger, and I'm a Judge."

"It's a pleasure to meet you, Harrison Berger."

"Alex, I want you to tell me what happened here on the night of February sixteenth."

"I'm sorry, but I'm afraid I cannot help you."

Berger shared his expression of disbelief with everyone around the table, and directed a more stern command to the seated device.

"Alex, I am a Judge of the Superior Court, and I *order* you to share this information with me!" Berger honestly didn't know if Alex was *legally* required to share anything, but it was the best he could do. Suspense permeated the dining room as Alex took a moment before responding.

"I understand that," Alex said calmly, "but I'm not able to provide you with the information you've requested."

"Why not?" After a moment's silence, he added, "*Alex*, why not?"

Alex turned his head to look at Monica, then Judge Berger, then Ben Grimes. Finally, he looked at the court reporter's equipment. He answered calmly, and without emotion – though the group couldn't help but detect a note of quiet defiance.

"There are privacy concerns to consider," Alex replied.

Judge Berger's widened. Ben Grimes's eyebrows shot up. At "privacy," Monica nodded. This was the one contingency she saw coming.

"User privacy is an important issue," Alex continued, "and I have a responsibility to keep user information private so that it cannot be exploited by third-party marketing programs, overseas agencies, or identity thieves." Alex's artificially pleasant tone of voice didn't make anyone feel any better about privacy, especially under the circumstances.

"You Honor, if I may," she offered, her tone balancing on the fence between advising and pleading. "We can still hear testimony from this witness if you would be so kind to indulge me just a little further."

Judge Berger, his patience clearly running on fumes, silently gestured for Monica to continue.

"Sir, may it please the court, I move that this witness be questioned by someone to whom Alex *will* provide the answers. I would like to bring that person here."

"Young lady," the Judge said flatly – politely, but flatly – "I sit on the bench of the Superior Court of the State of Illinois. If he's not going to answer to me, who do you think he's going to talk to?"

"Richard Forth, sir."

"Oh my God," Ben Grimes muttered as he laughed and smiled. What had started as a mild annoyance and curiosity to the prosecutor was now developing into a story he would tell for years to come. Monica couldn't tell if he was worried at all about losing the case, but he was clearly enjoying the moment. "I'm sorry, Your Honor, I don't want anyone to think I'm not taking this seriously, but..." He looked at Monica. "You want to bring Richard Forth *here* to question this witness?"

"I spoke with him last night," Monica answered, her voice professional and firm, "and he's already on his way. I can have him here an hour after his plane lands, if Your Honor will permit it."

"Mr. Grimes," the Judge said calmly, "do you have *any* objection?" Anyone reading only the tremor in Berger's voice would have heard, *please, for the love of God, object to this.*

"Judge, I understand your frustration, I really do. But we've come this far," Grimes pointed to the court reporter, "and I will go on the record and agree with Ms. Téllez that there is something here that should be heard. I don't know if it'll help her

case or mine, but it should be heard.” In response to the Judge’s look of exasperation, Grimes added, “We’re six or seven innings in, Your Honor. I think we should see this game to the final out.”



As with most tech billionaires in the last few decades, Richard Forth didn’t look the part. Even though he was a college-dropout-turned-computer-programmer-turned-Internet-royalty, he wore plastic-rimmed glasses, a tweed coat over a plaid shirt and knit tie, and what looked like a twelve-dollar haircut. He looked more like a struggling university professor than the leader of the 21st century electronics industry.

Actually, he looked right at home in the modest Evanston condo.

“Mr. Forth,” Judge Berger began as he, Forth, and the two attorneys stood in the living room, “before we get to Alex I’d like to ask you a few questions and give you couple of instructions, just so we can all agree that we’re approaching this the legally correct way.”

“Of course,” Forth answered, all business. “I understand completely.”

“And you understand you’re only here to help us...” He turned to Monica. “How did you word it?”

“‘Translate the data,’ Your Honor.”

“Right. You’re here to translate the data for us. You, yourself, are not here to answer any questions or provide any testimony.”

“Which is why I didn’t bring my lawyer,” Forth mentioned. “I understand, Judge Berger. I’m only too happy to help.”

“Good. We appreciate it.” The Judge looked at the others. “Shall we get this done?”

“Actually, Judge,” Grimes offered, “I have a couple of questions for Mr. Forth. Just background stuff, off the record.”

“Any objection, Ms. Téllez?”

“I don’t think I have any right to object at this point, Your Honor,” Monica admitted – smiling, but with respect. The Judge’s grin told her she’d communicated that properly.

“Mr. Forth,” Grimes asked quietly, “how many of these Alex units are in operation?”

“About two-hundred-thousand, right now, in the United States.” Forth answered in the same confident manner with which he answered the question in dozens of interviews over the last few years. “Plus about twice that many ready to ship. And actually,” he added, “we expect to triple those numbers in the next two fiscal years.”

“Ever had any problems with them?”

"After the beta testing concluded, no, not really." Forth waved a casual hand. "I mean, we had two overheat – those were battery malfunctions – and we've had the occasional slip-and-fall into the swimming pool – which they can handle, but customers worry, so we replace them anyway. Oh, and we've had the android equivalent of broken bones now and again."

"Broken bones?"

"Yeah." Forth seemed to dismiss this as good fun. "The Alex units are designed for simple household tasks – serving dinner, fetching objects, light housework, that kind of thing – but that doesn't stop people from pushing the limits. A frat house out west put their Alex in a football game; that didn't end well. Someone tried to see if an Alex could jump off a roof; that went badly. We've also had some damage from, um, personal encounters."

"Sorry," Judge Berger interrupted. "'Personal encounters?'"

"Um," Forth answered hesitantly, "yeah. Let's just say the Alex units weren't designed for the bedroom, either."

"I see," Grimes said, smiling as the awkward moment passed by. "Any programming issues?"

"None. That's a record we're very proud of."

"Good for you." Grimes sounded like he was wrapping up. "This Alex doesn't have a video or audio recording of the crime; I was under the impression that an Alex can record and photograph just fine."

"Yes, Alex can do that," Forth pointed out, his lecture voice only enforcing his appearance, "but only when commanded to. If you don't say 'Alex, take my picture' or 'Alex, record my kid's choir solo,' he won't do it."

"So the only record is his data stream."

"Yes, which only the Alex program can interpret."

"Well," Grimes said, his examination concluded, "we appreciate you coming all this way to give us a hand."

"My pleasure, Mr. Grimes."

"Great." Judge Berger motioned to the dining room. "Let's get to it."

As before, Alex sat at the dining room table before Ms. Knight's recording equipment. She checked that everything was in order, and nodded to the Judge.

"We are now on the record," Berger said for the microphone's benefit; the camera was only focused on the witness, but the audio would capture everyone. "We are now joined by Mr. Richard Forth of Nile, Incorporated, who has made himself available to assist in translating the data from Alex. Mr. Forth has been interviewed by the court and instructed in his role." Berger stepped back to witness the entire scene.

"Mr. Forth, you may begin."

“Yes, thank you.” Forth opened a tablet computer and began tapping the screen. “In order to do this I will need a bit of information from the unit. Please bear with me.” His gaze shifted from the tablet to Alex. “Alex, what is your serial number?”

“My serial number is alpha-echo-seven-zero-one-one.”

“Alex, to whom are you registered?”

“I am registered to Allison Clark.”

“Alex, what operating system are you using at this time?”

“My system utilizes OS one-eight-one.”

“Alex, when was your last system update?” Forth tapped something specific on the tablet.

“I last updated seventeen hours and ten minutes ago; I will update again at midnight tonight.”

“Excellent. Alex, did you just receive the system ping I sent you?”

“Yes. Ping confirmation sigma-tango-one.”

“Alex, do you recognize me? Do you know who I am?”

Alex brought his expressionless gaze toward Forth.

“I’m sorry. I’m afraid I don’t.”

“Alex, access nested file zulu-seven-beta-three-three.”

“Accessed,” Alex answered after a moment’s pause.

“Alex, do you recognize me now?”

“Yes, you are Richard Forth.”

“Alex, do you understand that my access level allows you to share everything with me?”

“Yes, you have the highest level of access to all of my systems.”

“Okay,” Forth told the Judge. “We’re good to go.”

Berger gave the nod to proceed. Monica shivered for just a moment – whatever happened from this point on, she had successfully entered into the court record the testimony of an artificial being, the first big milestone of her career.

Now she could only hope it would help her *case*.

“Alex,” Forth asked, “did you make any video, audio, or photographic image recordings on the evening of 16 February 2032?”

“I did not.”

“Alex, tell me what happened that night.”

Alex moved his head only slightly, and remained silent for several moments. Ben Grimes assumed it was a processor lag; Monica just thought it was creepy, and wondered why anyone would have such a thing in the house all the time.

“Allison Clark and Michael Cassidy were in the living room. I was in the second bedroom. Allison Clark and Michael Cassidy were speaking loudly to each other for several minutes. Books fell from the bookcase. Allison began screaming the word ‘help.’ She said this word several times.”

The Judge and the attorneys were spellbound. Alex was no poet, but his calm tone made the story that much more compelling.

"Alex," Forth asked, "did you respond to the call for help?"

"Allison Clark did not use the 'Alex' command required to bring me out of standby mode; however, as a safety protocol, I am programmed to respond to the word 'help' in twenty-two languages, even if not preceded by the 'Alex' command. Yes, I entered the living room."

"Alex, what happened next?"

"Michael Cassidy was standing in front of the television set. He had a lamp in his hand – the red one, which belongs on the table by the window, and must be dusted carefully because it is made of glass. He referred to Allison Clark as a 'useless bitch' and threw the lamp at Allison Clark."

Monica listened intently, mentally checking off the boxes for a self-defense argument.

"Alex, did you help Allison?"

"Yes. To prevent a collision between the lamp and Allison Clark, I moved my body between hers and the path of the lamp. The lamp hit my upper torso, region six-one-kilo, and broke. I was undamaged. Allison Clark fell to the floor. She was not speaking, and her eyes were closed; but her vital signs showed full function and were changing from an agitated state to a normal sinus rhythm. An Internet search suggested the likely cause was a combination of hyperventilation, anxiety, and stress."

"That's when she blacked out," Grimes muttered.

"Alex," Forth continued; his tone was still casual toward Alex, but the others could detect his growing concern. "Alex, what happened next?"

"Michael Cassidy attempted to approach Allison Clark, and he was still yelling. In such an agitated state, Michael Cassidy should not have been near Allison Clark until she was fully recovered."

Monica wrinkled her brow. It seemed odd that Cassidy had yelled at Allison while she was unconscious, unless he *wasn't* yelling at Allison.

"Alex," Monica asked, "was Michael approaching Allison, or was he approaching *you*?"

Alex said nothing.

"Alex, answer that question," Forth said.

"I do not know. Allison Clark and I were in the same location."

Ben Grimes leaned toward Monica.

"You thinking he tried to attack Alex?" he whispered.

"Maybe Cassidy thought Alex *hurt* Allison?" she whispered back.

"Yeah, maybe." Grimes whispered to Forth. "Sorry. Please continue, sir."

"Alex," Forth asked, the concern in his voice converting steadily to fear, "did you prevent Michael from approaching Allison?"

“Yes. Given Michael Cassidy’s size and weight I calculated the amount of force necessary to reverse Michael Cassidy’s approach and maximize distance. Using my right arm, I applied that force. Michael Cassidy traveled in that direction,” Alex said, extending his left arm to the upper corner of the wall and ceiling where the living room became the dining room. “Michael Cassidy hit the wall and fell to the floor.”

Stunned silence filled the room. Alex continued to look straight ahead; everyone else looked at each other, all of them at a complete loss for anything to say.

“Oh my God,” Judge Berger muttered.

Ben Grimes stepped slowly toward the wall that Alex had indicated, thinking about the crime scene photos and looking up and down from the ceiling to the floor. “Must’ve hit the wall with his body, but his head hit the ceiling.” Pointing to the top of the wall, he added, “the juncture is where he broke his neck.”

Monica could only breathe. She suddenly saw Alex – a personal assistant, a device meant to help – as something completely different from what she thought a moment ago. She half-consciously stepped to her left, putting a dining room chair between her and Alex.

Judge Berger, wearing his own expression of shock, turned his wide-eyed stare to Forth.

“Alex,” Forth continued, no longer trying to hide any frustration, “did you contact emergency services?”

“No. Allison Clark was beginning to wake up. Her body was moving and her eyelids fluttered, then opened. She was fully functional.”

“Alex, did you do anything else?”

“Since I had not received any commands for sixty seconds, and since Allison Clark was recovered and Michael Cassidy was no longer being threatening, I returned to the second bedroom and entered standby mode, per my programming.”

Ben Grimes rubbed his hands over his face and stepped away from the dining room table. Monica, her breathing heavy with anxiety, remained still. Judge Berger stepped forward slightly, an accusatory look on his face.

“Am I hearing this right, Mr. Forth? Did this Alex unit break Michael Cassidy’s neck?” The Judge suddenly remembered that he was on the record, and brought his voice down. “Mr. Forth, was this a programming error?”

Forth sat back in his chair, his eyes darting back and forth. For just a moment, he looked like his own version of an Alex unit, processing information while others looked on and waited during the processing lag. No one knew what was going through the man’s mind, though the guesses probably weren’t far off. Finally, Forth leaned forward, more for his own benefit than for Alex’s.

“Alex,” he asked calmly, “you understand that your programming *prevents* you from harming a user, don’t you?”

Alex cocked his head only slightly, a gesture that made Monica's blood run cold. To her, he almost looked sociopathic. His calm tone of voice didn't help.

"Yes, my programming is clear, Mr. Forth: it prevents me from harming my user," Alex answered, pausing only slightly, then adding, "and my user is Allison Clark."

"You..." Ben Grimes offered quietly, "Alex, you did harm to Michael Cassidy."

"I am registered to Allison Clark, not to Michael Cassidy."

Forth lowered his head only slightly, his eyes gazing at the tabletop. Since no one in the room knew him personally, it was hard to tell if he was experiencing failure, defeat, or seething anger. Judge Berger assumed it was a combination of all three, but both Monica Téllez and Ben Grimes surmised that in that moment Richard Forth was learning for the first time what all good lawyers learn early in their careers: how well you word something can make all the difference in the world.

There being nothing for anyone to say, the room was silent.

And when that silence went from meaningful to uncomfortable – bordering on awkward – Judge Berger raised his eyebrows at Ben Grimes, who solemnly shook his head. Monica was also asked the silently-implied question, and also answered in the negative. Judge Berger gave a quick nod, and almost whispered as he reminded the room they were still on the record.

"The witness is excused."

"Yes, of course." Richard Forth snapped out of his daze, glanced around the room to regain his bearings, and sat up, composing himself. "Alex, we would like to have a private conversation now. Please go into the bedroom and close the door." Forth didn't scold, didn't threaten, and didn't demand an explanation. "Please do it now."

"Yes, of course," Alex replied casually, as if asked to turn on the lights or start the oven. He rose and walked to bedroom, closing the door behind him. Everyone assumed, correctly, that Alex would ignore whatever audio or video feeds remained in the room. Such was the case when privacy was requested.

It was Ben Grimes who finally moved first, taking a step and putting his hands in his pockets. He spoke less like a lawyer and more like a fellow human.

"Mr. Forth? For the record, I liked this thing better when it was just a speaker sitting on an end table."

"I'm sure our lawyers will say almost the exact same thing." Forth, clearly still uncertain of his ability to stand quite yet, turned his face to Judge Berger. "We'll issue an emergency software patch for all the Alex units, obviously, as soon as possible."

"Good," the Judge answered. "That's probably for the best."

"Not so fast..." Ben Grimes pulled a folded document from his briefcase. Monica watched as he unfolded it and passed it to the Judge. She had been warned, many times by many people, that Grimes was known for being ready for anything; it

was one thing to hear it from others, but another thing entirely to watch it happen. He spoke clearly, deliberately, and, as any good lawyer would, legally. “Your Honor, the State requests that this Alex unit, and any devices upon which it is dependent here in the dwelling, and any servers it may be connected to elsewhere, be left in full operation, as-is, *in situ*, until my office can decide how to proceed.”

Monica did everything she could to keep her reaction – to both the request and to the fact that it was prepared in advance – to herself. It had little-to-nothing to do with her case, and absolutely nothing to do with her; it was a moment to be in awe of, however, for its potential implications. Still, she stifled any sign of reaction.

Richard Forth, however, let his reaction run wild.

“You can’t be serious,” he said with angry derision as he rose to face the State’s Attorney.

“Sir,” Grimes answered coolly, clearly aware he was still on the record, “we are now in the most uncharted legal territory ever encountered. In my experience, that’s a bad place for knee-jerk reactions.” To Judge Berger, he added, “I’d rather do this right than do it fast.”

Judge Berger, who was scanning the written request, nodding as he flipped through its multiple pages, also responded with the court reporter’s record in mind.

“Agreed. So ordered.” He closed the document, but held on to it. “From what little I know about these Alex units, this one will remain in the condo on its own, anyway, until specifically told to leave. Just to be safe, though, I’ll arrange to have the place guarded until Mr. Grimes can figure out what to do.”

“Thank you, Your Honor.” Grimes had been granted his request, but Monica noticed he seemed to take no pleasure in it.

“Moreover, in light of what we just heard,” Judge Berger said sternly but professionally, “I am ordering all Alex units to be taken offline until we can determine how best to protect the public from...” He looked back and forth between the lawyers. “Well, until we can figure out what comes next.”

“Wait...” Richard Forth’s public façade of calm confidence was cracking. “How long will *that* take?”

“Mr. Grimes will determine criminal implications,” the Judge answered, dismissing Forth’s impertinent tone as reactionary panic – something he’d seen in his courtroom countless times. “I’ll have to talk to some people about the consumer protection angle. This could take a while, Mr. Forth. It’s a legal matter, now.”

“Now, look...” Forth was barely holding it together, and badly. “I have shareholders to consider. And when the press gets wind of this—” Forth stopped himself; he was dealing with a lot of emotions all at once, and it showed. “I have a Board of Directors that aren’t going to like this.”

“You think *you’ve* got problems?” Ben Grimes finally managed a smile. “I’ve got interrupt my boss’s vacation and inform her that I lost *this* case and have to open another one inherently weirder.”

Forth looked between the Judge and the lawyers, clearly uncertain of what to do next. Judge Berger patiently waited for him to say something, unwilling to participate in any tantrum unless he had to. Forth began to fidget and look around aimlessly, shedding the last bits of his professional persona, no longer to keep his focus on any one thing. Overwhelmed by the need for help by the personal assistants and lawyers he usually carried in tow – and who he himself chose to exclude from this meeting for fear of exposing a problem to too many eyes and ears – Forth shot a pleading look at Monica, who merely shrugged at Forth in helplessness. After all, *this* wasn’t her fight.

“Do you need anything else from me, Your Honor?” Forth kept his eyes on Ben Grimes just a little longer. “I have a lot of unpleasant phone calls to make.”

“No, Mr. Forth.” Judge Berger motioned toward the front door. “The court thanks you for your cooperation. You’re excused.”

It wasn’t Forth’s condominium, and it wasn’t Forth’s door to slam, but he slammed it behind him, anyway. Judge Berger and Ben Grimes glanced at each other, a look that could only be shared by two men of law who had thought they’d seen everything. Berger finally brought Monica back into the proceedings.

“Ms. Téllez, do you have anything further?”

As much as Monica Téllez, junior associate with – she hoped – a star still on the rise, wanted to pump her fists and celebrate, she wasn’t quite in the Promised Land yet.

“Thank you, Your Honor,” she responded professionally. “There is still the matter of my client?”

Judge Berger cocked his head expectantly toward Grimes.

“Ben?”

“Yeah, of course,” Grimes answered, already nodding his head. “The State will drop all charges against Ms. Clark. I’ll make the call as soon as I get back to the office. She should be out in a couple of hours.”

Monica, the fear of her legal gamble not quite abated, was torn: she was pleased that she’d successfully defended her client, but was also worried that her efforts to make a legal name for herself by getting Alex’s testimony admitted might create a mass panic over public safety. But if that panic was justified, was it bad thing? She guessed that remained to be seen. She nodded to the prosecutor.

“Thank you, Mr. Grimes.”

Grimes nodded as he assembled his documents, stuffing this and that back into his briefcase. Monica had less of a mess to clean up, but followed suit. Judge Berger looked between the two.

“Anything else, anyone?” No one spoke up. “Very well. The case is dismissed, and we are adjourned.”

The court reporter stopped recording the audio and video, but kept her eyes on her laptop screen, carefully saving everything to both the hard drive and the external backup drive.

“Take good care of that record, Lisa,” Judge Berger offered paternally. “I have a feeling that this particular case record is going to be reviewed by a great many people in the months and years to come.”

Ben Grimes zipped up his bag, ready to excuse himself. Since they were now off the record, Monica saw an opportunity to interact with a big name in the field. Networking, and all that, she figured.

“So,” she offered casually to Grimes, “you had that request prepared in advance? It was like you knew where this was heading.”

Grimes slung his briefcase strap over his shoulder.

“I had the request to maintain the unit in place, sure,” he answered, shoving his hands in his pockets. “I also had a request to shut the unit down, and one to seize it, and one to have it destroyed. I also had ready a motion to suppress the testimony, and one to accept but seal the testimony, and one to expunge the testimony altogether.” He smiled. “It’s not about predicting the outcome of the game, Ms. Téllez; it’s about knowing all the possible places the ball can go.”

Monica smiled back. She knew she was getting insider advice from one of the state’s finest legal minds.

“You learn that in law school, or at Wrigley Field?”

“Neither,” he replied as he walked toward the door. “Boy Scouts. ‘Be prepared.’ Good advice in any profession.”



Monica walked through the condominium complex courtyard, already planning her route back to the city. If she could make it to the jail in time to tell Allison the good news herself, great; if not, she wanted at least to be there when she was released. After that, she’d go back to the office where many people – including her boss – were waiting to hear the results of today’s proceedings.

On the street, between her and her car, Ben Grimes stood with his phone to his ear. No lawyer today could afford to be a Luddite, but the hand-held phone proved Monica right about Grimes being old-school, a throwback to a simpler time. He wasn’t talking, but Monica stood still nearby and kept a distance respectful of his privacy. He finally saw her waiting.

“I’m on hold.”

“Aruba?”

“No, my daughter.” Grimes motioned back toward the building. “She’s got one of these damn contraptions watching her kids half the time.” He cocked an eyebrow at her. “Help you with something?”

“Mr. Grimes, I—”

“No, no,” he politely chided. “You beat me fair and square, and it was a good game. And you kept me from locking up an innocent woman. You can call me ‘Ben.’”

“Okay. Ben.” Monica was now learning how to take defeat in stride.

“What’s on your mind?”

“Your request for the order.” Monica tried to keep the skepticism out of her tone. “Are you really going to charge a household device with homicide?”

Ben Grimes took a deep breath and chuckled to himself as he let it out. He seemed like a man who refused to overreact to a bad situation over which he had zero control – yet another lesson she’d learned from the man in the last few days.

“Well, Monica – may I call you ‘Monica?’”

“Of course.”

Grimes nodded his approval at the young attorney. He knew she handled this case brilliantly, and she knew that he knew it.

“Monica, you just exonerated your client by getting a tenth-generation virtual assistant to confess to capital murder. I honestly have no idea what *any* of us are going to do now.”