

# The Runaway Jury

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Doubleday

## CHAPTER ONE

The face of Nicholas Easter was slightly hidden by a display rack filled with slim cordless phones, and he was looking not directly at the hidden camera but somewhere off to the left, perhaps at a customer, or perhaps at a counter where a group of kids hovered over the latest electronic games from Asia. Though taken from a distance of forty yards by a man dodging rather heavy mall foot traffic, the photo was clear and revealed a nice face, clean-shaven with strong features and boyish good looks. Easter was twenty-seven, they knew that for a fact. No eyeglasses. No nose ring or weird haircut. Nothing to indicate he was one of the usual computer nerds who worked in the store at five bucks an hour. His questionnaire said he'd been there for four months, said also that he was a part-time student, though no record of enrollment had been found at any college within three hundred miles. He was lying about this, they were certain.

He had to be lying. Their intelligence was too good. If the kid was a student, they'd know where, for how long, what field of study, how good were the grades, or how bad. They'd know. He was a clerk in a Computer Hut in a mall. Nothing more or less. Maybe he planned to enroll somewhere. Maybe he'd dropped out but still liked the notion of referring to himself as a part-time student. Maybe it made him feel better, gave him a sense of purpose, sounded good.

But he was not, at this moment nor at any time in the recent past, a student of any sort. So, could he be trusted? This had been thrashed about the room twice already, each time they came to Easter's name on the master list and his face hit the screen. It was a harmless lie, they'd almost decided.

He didn't smoke. The store had a strict nonsmoking rule, but he'd been seen (not photographed) eating a taco in the Food Garden with a co-worker who smoked two cigarettes with her lemonade. Easter didn't seem to mind the smoke. At least he wasn't an antismoking zealot.

The face in the photo was lean and tanned and smiling slightly with lips closed. The white shirt under the red store jacket had a buttonless collar and a tasteful striped tie. He appeared neat, in shape, and the man who took the photo actually spoke with Nicholas as he pretended to shop for an obsolete gadget; said he was articulate, helpful,

knowledgeable, a nice young man. His name badge labeled Easter as a Co-Manager, but two others with the same title were spotted in the store at the same time.

The day after the photo was taken, an attractive young female in jeans entered the store, and while browsing near the software actually lit up a cigarette. Nicholas Easter just happened to be the nearest clerk, or Co-Manager, or whatever he was, and he politely approached the woman and asked her to stop smoking. She pretended to be frustrated by this, even insulted, and tried to provoke him. He maintained his tactful manner, explained to her that the store had a strict no-smoking policy. She was welcome to smoke elsewhere. "Does smoking bother you?" she had asked, taking a puff. "Not really," he had answered. "But it bothers the man who owns this store." He then asked her once again to stop. She really wanted to purchase a new digital radio, she explained, so would it be possible for him to fetch an ashtray. Nicholas pulled an empty soft drink can from under the counter, and actually took the cigarette from her and extinguished it. They talked about radios for twenty minutes as she struggled with the selection. She flirted shamelessly, and he warmed to the occasion. After paying for the radio, she left him her phone number. He promised to call.

The episode lasted twenty-four minutes and was captured by a small recorder hidden in her purse. The tape had been played both times while his face had been projected on the wall and studied by the lawyers and their experts. Her written report of the incident was in the file, six typed pages of her observations on everything from his shoes (old Nikes) to his breath (cinnamon gum) to his vocabulary (college level) to the way he handled the cigarette. In her opinion, and she was experienced in such matters, he had never smoked.

They listened to his pleasant tone and his professional sales pitch and his charming chatter, and they liked him. He was bright and he didn't hate tobacco. He didn't fit as their model juror, but he was certainly one to watch. The problem with Easter, potential juror number fifty-six, was that they knew so little about him. Evidently, he had landed on the Gulf Coast less than a year ago, and they had no idea where he came from. His past was a complete mystery. He rented a one-bedroom eight blocks from the Biloxi courthouse--they had photos of the apartment building--and at first worked as a waiter in a casino on the beach. He rose quickly to the rank of blackjack dealer, but quit after two months.

Shortly after Mississippi legalized gambling, a dozen casinos along the Coast sprang forth overnight, and a new wave of prosperity hit hard. Job seekers came from all directions, and so it was safe to assume Nicholas Easter arrived in Biloxi for the same reason as ten thousand others. The only odd thing about his move was that he had registered to vote so quickly.

He drove a 1969 Volkswagen Beetle, and a photo of it was flashed on the wall, taking the place of his face. Big deal. He was twenty-seven, single, an alleged part-time student--the perfect type to drive such a car. No bumper stickers. Nothing to indicate political affiliation or social conscience or favorite team. No college parking sticker. Not even a faded dealer decal. The car meant nothing, as far as they were concerned. Nothing but near-poverty.

The man operating the projector and doing most of the talking was Carl Nussman, a lawyer from Chicago who no longer practiced law but instead ran his own jury consulting firm. For a small fortune, Carl Nussman and his firm could pick you the right jury. They gathered the data, took the photos, recorded the voices, sent the blondes in tight jeans into the right situations. Carl and his associates flirted around the edges of laws and ethics, but it was impossible to catch them. After all, there's nothing illegal or unethical about photographing prospective jurors. They had conducted exhaustive telephone surveys in Harrison County six months ago, then again two months ago, then a month later to gauge community sentiment about tobacco issues and formulate models of the perfect jurors. They left no photo untaken, no dirt ungathered. They had a file on every prospective juror.

Carl pushed his button and the VW was replaced with a meaningless shot of an apartment building with peeling paint; home, somewhere in there, of Nicholas Easter. Then a flick, and back to the face.

"And so we have only the three photos of number fifty-six," Carl said with a note of frustration as he turned and glared at the photographer, one of his countless private snoops, who had explained he just couldn't catch the kid without getting caught himself. The photographer sat in a chair against the back wall, facing the long table of lawyers and paralegals and jury experts. The photographer was quite bored and ready to bolt. It was seven o'clock on a Friday night. Number fifty-six was on the wall, leaving a hundred and forty still to come. The weekend would be awful. He needed a drink.

A half-dozen lawyers in rumpled shirts and rolled-up sleeves scribbled never-ending notes, and glanced occasionally at the face of Nicholas Easter up there behind Carl. Jury experts of almost every variety--psychiatrist, sociologist, handwriting analyst, law professor, and so on--shuffled papers and thumped the inch-thick computer printouts. They weren't sure what to do with Easter. He was a liar, and he was hiding his past, but still on paper and on the wall he looked okay.

Maybe he wasn't lying. Maybe he was a student last year in some low-rent junior college in eastern Arizona, and maybe they were simply missing this.

Give the kid a break, the photographer thought, but he kept it to himself. In this room of well-educated and well-paid suits, he was the last one whose opinion would be appreciated. Wasn't his job to say a word.

Carl cleared his throat while glancing once more at the photographer, then said, "Number fifty-seven." The sweaty face of a young mother flashed on the wall, and at least two people in the room managed a chuckle. "Traci Wilkes," Carl said, as if Traci was now an old friend. Papers moved slightly around the table.

"Age thirty-three, married, mother of two, doctor's wife, two country clubs, two health clubs, a whole list of social clubs." Carl clicked off these items from memory while twirling his projector button. Traci's red face was replaced by a shot of her jogging along a sidewalk, splendidly awash in pink and black spandex and spotless Reeboks with a white sun visor sitting just above the latest in reflective sport sunglasses, her long hair in a cute perfect ponytail. She was pushing a jogging carriage with a small baby in it. Traci lived for sweat. She was tanned and fit, but not exactly as thin as might be

expected. She had a few bad habits. Another shot of Traci in her black Mercedes wagon with kids and dogs looking from every window. Another of Traci loading bags of groceries into the same car, Traci with different sneakers and tight shorts and the precise appearance of one who aspired to look forever athletic. She'd been easy to follow because she was busy to the point of being frazzled, and she never stopped long enough to look around.

Carl ran through the photos of the Wilkeses' home, a massive suburban trilevel with Doctor stamped all over it. He spent little time with these, saving the best for last. Then there was Traci, once again soaked with sweat, her designer bike nearby on the grass, sitting under a tree in a park, far away from everyone, half-hidden and--smoking a cigarette!

The same photographer grinned stupidly. It was his finest work, this hundred-yard shot of the doctor's wife sneaking a cigarette. He had had no idea she smoked, just happened to be nonchalantly smoking himself near a footbridge when she dashed by. He loitered about the park for half an hour until he saw her stop and reach into the pouch on her bike.

The mood around the room lightened for a fleeting moment as they looked at Traci by the tree. Then Carl said, "Safe to say that we'll take number fifty-seven." He made a notation on a sheet of paper, then took a sip of old coffee from a paper cup. Of course he'd take Traci Wilkes! Who wouldn't want a doctor's wife on the jury when the plaintiff's lawyers were asking for millions? Carl wanted nothing but doctors' wives, but he wouldn't get them. The fact that she enjoyed cigarettes was simply a small bonus.

Number fifty-eight was a shipyard worker at Ingalls in Pascagoula--fifty years old, white male, divorced, a union officer. Carl flashed a photo of the man's Ford pickup on the wall, and was about to summarize his life when the door opened and Mr. Rankin Fitch stepped into the room. Carl stopped. The lawyers bolted upright in their seats and instantly became enthralled by the Ford. They wrote furiously on their legal pads as if they might never again see such a vehicle. The jury consultants likewise snapped into action and all began taking notes in earnest, each careful not to look at the man.

Fitch was back. Fitch was in the room.

He slowly closed the door behind him, took a few steps toward the edge of the table, and glared at everyone sitting around it. It was more of a snarl than a glare. The puffy flesh around his dark eyes pinched inward. The deep wrinkles running the length of his forehead closed together. His thick chest rose and sank slowly, and for a second or two Fitch was the only person breathing. His lips parted to eat and drink, occasionally to talk, never to smile.

Fitch was angry, as usual, nothing new about that because the man even slept in a state of hostility. But would he curse and threaten, maybe throw things, or simply boil under the surface? They never knew with Fitch. He stopped at the edge of the table between two young lawyers who were junior partners and thus earning comfortable six-figure salaries, who were members of this firm and this was their room in their building. Fitch, on the other hand, was a stranger from Washington, an intruder who'd been growling

and barking in their hallways for a month now. The two young lawyers dared not look at him.

"What number?" Fitch asked of Carl.

"Fifty-eight," Carl answered quickly, anxious to please.

"Go back to fifty-six," Fitch demanded, and Carl flicked rapidly until the face of Nicholas Easter was once again on the wall. Paperwork ruffled around the table.

"What do you know?" Fitch asked.

"The same," Carl said, looking away.

"That's just great. Out of a hundred and ninety-six, how many are still mysteries?"

"Eight."

Fitch snorted and shook his head slowly, and everyone waited for an eruption. Instead, he slowly stroked his meticulously trimmed black and gray goatee for a few seconds, looked at Carl, allowed the severity of the moment to filter in, then said, "You'll work until midnight, then return at seven in the morning. Same for Sunday." With that, he wheeled his pudgy body around and left the room.

The door slammed. The air lightened considerably, then, in unison, the lawyers and the jury consultants and Carl and everybody else glanced at their watches. They had just been ordered to spend thirty-nine out of the next fifty-three hours in this room, looking at enlarged photos of faces they'd already seen, memorizing names and birthdates and vital stats of almost two hundred people.

And there wasn't the slightest doubt anywhere in the room that they all would do exactly what they'd been told. Not the slightest.

Fitch took the stairs to the first floor of the building, and was met there by his driver, a large man named Jose. Jose wore a black suit with black western boots and black sunglasses that were removed only when he showered and slept. Fitch opened a door without knocking, and interrupted a meeting which had been in progress for hours. Four lawyers and their assorted support staff were watching the videotaped depositions of the plaintiff's first witnesses. The tape stopped just seconds after Fitch burst in. He spoke briefly to one of the lawyers, then left the room. Jose followed him through a narrow library to another hallway, where he barged through another door and frightened another bunch of lawyers.

With eighty lawyers, the firm of Whitney & Cable & White was the largest on the Gulf Coast. The firm had been handpicked by Fitch himself, and it would earn millions in fees because of this selection. To earn the money, though, the firm had to endure the tyranny and ruthlessness of Rankin Fitch.

When satisfied that the entire building was aware of his presence and terrified of his movements, Fitch left. He stood on the sidewalk, in the warm October air, and waited

for Jose. Three blocks away, in the top half of an old bank building, he could see an office suite filled with lights. The enemy was still working. The plaintiff's lawyers were up there, all huddled together in various rooms, meeting with experts and looking at grainy photos and doing pretty much the same things his people were doing. The trial started Monday with jury selection, and he knew they too were sweating over names and faces and wondering who the hell was Nicholas Easter and where did he come from. And Ramon Caro and Lucas Miller and Andrew Lamb and Barbara Furrow and Delores DeBoe? Who were these people? Only in a backwater place like Mississippi would you find such outdated lists of prospective jurors. Fitch had directed the defense in eight cases before this one, in eight different states where computers were used and rolls were purged and where, when the clerks handed you your list of jurors, you didn't have to worry about who was dead and who wasn't.

He stared blankly at the distant lights and wondered how the greedy sharks would split the money, if they happened to win. How in the world could they ever agree to divide the bloody carcass? The trial would be a gentle skirmish compared to the throat-cutting that would ensue if they got their verdict, and their spoils.

He hated them, and he spat on the sidewalk. He lit a cigarette, squeezing it tightly between his thick fingers.

Jose pulled to the curb in a shiny, rented Suburban with dark windows. Fitch took his customary place in the front seat. Jose too looked up at the enemy lawyers' office as they drove past, but he said nothing because his boss did not suffer small talk. They drove past the Biloxi courthouse, and past a semi-abandoned dime store where Fitch and associates maintained a hidden suite of offices with fresh plywood dust on the floor and cheap rented furniture.

They turned west on Highway 90 at the beach and limped through heavy traffic. It was Friday night, and the casinos were packed with people gambling away grocery money with big plans to win it back tomorrow. They slowly made it out of Biloxi, through Gulfport, Long Beach, and Pass Christian. Then they left the coastline, and were soon passing through a security checkpoint near a lagoon.

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