

# Miscarriage of Justice

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## CHAPTER ONE

Everyone has dreams. Dreams of love, of success and riches, or of a long and healthy life. Given time, sometimes, those dreams become a reality.

The dream of Ethan Rafferty was one of freedom. And at last, his dream was coming true. After fifteen years of miserable incarceration, Ethan was finally ready, once again, to become a productive member of society. No, a psychiatrist hadn't determined that he'd been rehabilitated, his newfound liberty had been attained the old-fashioned way; he'd served his time.

Time he should've never had to serve.

Nearly every inmate professes his innocence and insists the system is faulty, claiming to be the victim of some grave injustice. That's the norm among convicts. And understandably so. No one wants to do time. Prison life is no day at the beach.

With Ethan however, it was different. He was in fact, not guilty. Although a jury, in a court of law, had convicted him, he was innocent. The murder of which he'd been accused, he hadn't committed. To make matters worse, the District Attorney, Miss Mariana Clark, had known Ethan wasn't the killer. Positively known—and not cared. Not only had she failed to vindicate him, as was her duty, but she'd aggressively pursued his prosecution. The only thing important to her was that she chalk up a victory with a conviction. And that she had done. Ethan Rafferty had been sentenced to fifteen years in Granite Hills Correctional Facility, the state penitentiary, for his alleged crimes. His time was up today.

With his debt to society paid, the state, via Granite Hills—affectionately referred to as Gray Rock by the inmates—no longer held claim to him. As of today, April eighth, he was a free man. Almost.

In an impatient laze the dark-haired clean-shaven, forty-year-old Ethan, sat unshackled behind the protective barrier, waiting while the insolent prison guard maneuvered the white transport van through the last gate. Then, the soon to be ex-prisoner breathed a small sigh of relief, he was finally outside the walls of Gray Rock—outside the contemptible confines of the prison. But not yet free to go. Had anyone cared that his momentous occasion had at long last arrived and been there to meet him, the last leg of his journey would not have been necessary. The driver could have let him out once they'd reached the outer grounds of the compound. Sadly, the inmate transfer area was ominously empty, as he'd known it would be. Another illustrative sign of his pathetic life.

And so, thanks to a recent procedural change regarding prisoner release, Ethan was forced to endure his insufferable captivity a few minutes longer. Forced to stifle any stirring emotion while the guards transported him to Fulton, the closest city, ten miles to the south.

Prison officials, namely, Anderson Matthews, the warden, and the Board of Directors, had instituted the new policy after receiving numerous complaints from local

citizens. Generally, no one cares about the public's safety if their own security isn't threatened. And so it was with the dozen families who made up the small rural community near Granite Hills Prison. At the heart of their complaints was the practice of turning inmates out on the highway, where the ex-cons could be tempted to harass or otherwise molest passing motorists and, more importantly, the few nearby residents. Consequently, the new procedures dictated that inmates must be chauffeured into town before being released.

Ethan understood the intent of the rules; still he found the whole thing rather ironic. After years of isolation, away from the general public, the now former inmates were turned loose in the middle of the bustling city, a place abuzz with activity, full of an unsuspecting and naïve populace; innocent men, women, and children. That of course, presented an even greater opportunity for those deviant individuals who were inclined to engage in illicit behavior, placing the population at a more substantial risk. So much for governmental policies making sense.

As the transport van pulled onto the highway, Ethan turned for a final look at Granite Hills Correctional Facility; the plain, drab, uninspiring complex, which had served as his home the past decade and a half. Fifteen years of his life he had spent in that hellhole. Fifteen years. Years that were gone; wasted. Though he'd counted the days one by one, all 5,479 of them, time had ceased to exist the moment he'd passed through the massive steel doors and heard them clang shut behind him. Those years had simply vanished, with nothing to show for them. Life, once esteemed and celebrated, had been demeaned and disassembled, piece-by-piece, relegated to mere existence. Anxiety, boredom and depression encapsulated his days.

Ethan purposely turned his gaze away from the stone walls and razor fencing to what lay ahead. While Granite Hills may have functioned as his place of residence, it was a far cry from anything remotely resembling a home. As long as he lived, he didn't care if he ever saw the place again.

Above all, loneliness is an inmate's worst enemy. With no family or friends, separated from all interaction with those once known and loved, far removed from the familiar culture, the lonely feeling is intensified. Day after day, it persists, week after week, as slowly, the months turn to years. Ethan's stay was no different. A lonesome train whistle was his only connection to the outside world and it was anything but comforting. The melancholy tone was a constant reminder that life for everyone else was going right on without him.

The one thing Ethan was sure of, he certainly wasn't going to miss the place. Riding along the last mile to freedom, he concentrated on the lone inspiration, which had seen him through the whole trying ordeal. His worry and depression had ultimately turned to an ever-growing anger, an intense rage, tempered with bitter resentment. The emotion steeled a quiet inner resolve to one day exact a wrathful vengeance against the one individual who was solely responsible for his circumstances; the Lincoln County District Attorney, Mariana Clark. The passing of time did nothing to diminish his solemn determination. Quite the contrary, it served only to further cement the notion of a justified revenge and bolster in him an iron will, deep inside his soul. The one who had sent him to Granite Hills was going to pay, and pay dearly.

Despite the intense desire to buy a gun and shoot her multiple times, Ethan held the impulse in check. While, that would make a quick end of things, he preferred to drag out

the suffering through many little things. Little things eventually add up and they would serve to prolong her misery. It didn't much matter what he did; only that he did something. During his fifteen-year sentence, he'd come up with several "somethings." Some petty, some not so petty. They would all converge into a giant source of frustration for the D.A. With a little luck, her frustration could easily turn to exasperation—maybe laced with a heavy dose of insanity.

He wasn't a vindictive man by nature, or hadn't been, but an undeserved prison sentence had changed that. The years on the inside had molded him into a ruthless and calculating individual.

The van came to a sudden stop and the guard called through the steel mesh barrier that Ethan could exit the vehicle. Looking out the window, the ex-con saw they were parked in front of the bus station. He frowned, and then shrugged. A bus station was as good a place as any, he reckoned.

"Thanks," he said in a forced friendly manner, opening the door.

The driver nodded. "Good luck."

Yeah, like that's going to happen, Ethan thought cynically as he eased his five-foot-seven-inch stocky frame out through the doorway. Standing firmly on the ground, he breathed in a welcomed breath of fresh air. It felt good to be alive, and even better to be free.

Not sure what to do, he stood idly by, watching as the van made a U-turn, heading back to Granite Hills. Then he smiled, a euphoric grin of exuberance. At last, he could allow himself the luxury of believing his discharge was real, and no longer just a fantasy. Being in confinement for such an extended period, the thought of ever actually attaining his release, experiencing freedom, and being responsible to no one but himself was so foreign, so far removed from reality, it seemed nothing more than an elusive dream. Just wishful thinking. Each day was a dull replay of the previous one. Every night, the same. No logical reason existed to offer even the slightest glimmer of hope that things would ever change.

Ethan continued to watch as the State Corrections vehicle slowly disappeared over the horizon. With the last visible evidence of his life as a convicted felon rolling out of sight, the reality began to sink in. He smiled to himself again. Then his lip curled into a sinister and devious snarl. After all the patient waiting, all the years of anticipation, he was finally free to embark on his mission of justice. A vengeful justice.

It's odd what a guy will notice after being locked away from the world for so long; the swaying trees, stately buildings, people moving unfettered through the streets, walking, and driving. The once familiar sounds of people engaged in their everyday activities of life; simply involved in living, now seemed strangely out of place. Then, there were the smells, pleasant aromas and pungent odors he'd long forgotten; gasoline, mowed grass, and the savory smell of food being prepared.

From a nearby restaurant, the strong scent of sizzling beef wafted through the air, and Ethan realized how much he had missed food, real food. Giving in to the sudden hunger pangs, he walked across the street to the *Wagon Wheel Grill*, as the sign outside proclaimed. Though he was eager to set his plan in motion, the thought of a decent meal dictated his behavior at the moment. Prison food wasn't necessarily bad, though he wouldn't exactly describe it as delicious either. Somewhere in the middle. Bland sustenance. Nothing more. Nothing less. What made it distasteful was that the menu

never changed. Every day, Sunday through Saturday, week after week, anyone could tell you what the fare would be. It was like eating at an elementary school, breakfast, lunch and supper, seven days a week, for fifteen years.

Opening the door to the diner, Ethan's mouth instantly began to water at the thought of a big juicy steak. And a baked potato, and a fresh salad, and of course dessert. His mind trailed off on a fanciful gourmet fantasy. When the waitress arrived, he ordered according to his ferocious appetite, choosing the largest steak on the menu, a twenty-four ounce Porterhouse. The waitress disappeared and Ethan sat sipping his water, feeling at ease and glad to be on his own. The other customers, he noticed, now and then glanced his way, but none met his eye, almost like they knew he'd just come from Granite Hills.

"Must've seen me getting out of the van," he grumbled under his breath. Then he shrugged it off; at least none of them had gotten up to leave. Sooner or later he knew, someone would ask why he'd been in prison and years ago, he'd come up with the best answer he could give, "Not having an alibi at the time of the murder!"

Slowly chewing his food, Ethan mulled over his options. Instead of jumping right in and starting immediately, he decided to take it easy. To relax for a few days and get used to the idea of freedom. The need wasn't so pressing that he had to rush into things, he had all the time in the world. After waiting this long, another week or two wouldn't make that much difference. Except to him of course, he planned to enjoy life a little, to revel and bask in his freedom. He laughed, almost out loud. In his younger days, the thought of waiting more than a few minutes on anything would have instantly sent him into fits. Waiting was simply out of the question. It just wasn't in his nature. Impetuous, that's what they called him; he was always in a hurry.

Ironically, it was his time in prison that taught him patience. Never, was there an occasion to hurry on the inside. Life, he'd astoundingly discovered, could be more fulfilling at a slower pace. With this new perspective came the realization that even outside the prison walls, aside from a rare emergency, there simply was no cause to rush or hurry. There is always tomorrow.

Finishing his cream cheese dessert, Ethan paid the check and asked the waitress if there was a hotel nearby. "Within walking distance," he clarified.

Handing him his change, the girl nodded. "The Spencer is just a few blocks from here." Then she hesitated, staring out the window. Turning back to Ethan she said, "It's that way," pointing up the street to her right.

"North?" he asked.

"Yeah, I guess that's north, ain't it," she grinned sheepishly. "It's on the same side of the street we're on."

"And it's hotel, not a motel, right?" Ethan said.

"I think so," the young girl answered slowly, wrinkling up her nose. "What's the difference?"

"Never mind," Ethan said not bothering to explain. "Thanks."

He carried no luggage. The few personal items he had acquired while on the inside fit easily into the pockets of the complementary change of clothes the prison commissary had delivered to his cell that morning. Stepping out the door, he looked north, the way the girl had pointed. He saw no hotel but, for some odd reason, he trusted her directions, and started walking. For the first time in years, someone had actually treated him like a human being, instead of like a criminal. He wasn't about to complain if she wasn't up on

her sense of direction. Then he laughed, or if she didn't know the difference in a motel and a hotel.

He'd walked no more than a block when he saw it. The trees had obscured the ten-story building, but now there was no mistaking it. The elegant architecture had the distinct look of a grand hotel. "That's got to be it," he reasoned, subconsciously picking up the pace.

The waitress hadn't said if the place was expensive or not, but judging from the exterior it appeared to fall somewhere in the middle—just his style! After the dull decor of his prison cell, anything would have stood out as luxurious, but he didn't want to recklessly throw his money away; money he'd earned working in the carpenter shop at Gray Rock.

While some inmates were allowed to participate in the state's work program, to hold a job on the outside, and then report back to the prison at day's end, the luxury was not given to those convicted of violent crimes such as murder. So, a prison job was Ethan's only option.

Prison wages were low, ridiculously low—fifty cents an hour! And that had just been for the last three years. Before that, the hourly rate had stood at a paltry forty-five cents. Not a lot of money for the work, but then, inmates didn't need much money. They were, after all, privileged guests of the state! As if they were being treated to an all expenses paid vacation, every need was supplied. The thing was though, most people just never realized how little was actually needed to survive.

He considered himself lucky. Through the prison grapevine, he'd heard that most other states charge inmates—for meals as well as room and board. And some states, he learned, do not pay prisoners for the jobs they work.

The barely profitable job did provide a mental release; a temporary escape from the cold reality of prison. As a model prisoner, Ethan had earned work privileges almost immediately. So, although the wages were but an abysmal penance, he'd been able to squirrel away a small fortune during his tenure at Granite Hills. For thirty hours a week—strictly regulated by the State Bureau of Prisons—he faithfully reported for duty in the various departments of the carpenter shop. At first, he'd been assigned cleanup duties, but had soon been moved to general carpentry, where they'd discovered his exceptional woodworking skills. Six months later, he'd been "promoted" to cabinetmaker, though still at the same meager wage.

Despite having every need met, he did find an occasional chance to spend some money; usually, in exchange for favors from other inmates or extra perks granted by the guards. Most of his money though, had been saved and upon his release, totaled a staggering \$17,900! No small chunk of change for a man who had no bills.

Aside from the right to work and the coveted leisure time, his good behavior hadn't earned him much else. True to his lifelong deplorable luck, under a new state law, his sentence had stipulated that he was not eligible for parole. "No early release," the judge had ordered. So, a fifteen-year sentence meant a full fifteen years in prison.

Ethan made the most of it. While possessing the uncanny ability to earn the respect of others and forge friendships with people in general, he found it particularly rewarding to befriend the guards. It had a negligible impact on his relations with other inmates, but the rapport he built with the guards made life easier in more ways than one.

He wasn't a big man; weighing in at one hundred fifty-five pounds—soaking wet!

So, he needed all the help he could get. Prison isn't a place where the "little guy" thrives. In light of this truth, he never missed a chance to talk with guards or other personnel, asking about their families, their weekend, or simply to offer a sympathetic ear while they vented their frustrations. He listened attentively as if he were genuinely interested in their troubles. He made it a point to do what was asked and expected of him, never balking and without complaint. His exemplary behavior engendered a respect from most of the guards. The day before his release, they, along with the Warden and other staff members, threw a going away party for him. An unprecedented event!

He'd been duly impressed and even felt a twinge of remorse at the idea of leaving. He managed to get over that rather quickly. While they may have treated him fairly, in no way did that make up for his loss of freedom, the long nights of being alone and afraid, the sheer psychological torture, the grossly inhumane conditions, or the indignity he'd suffered, usually at the hands of other inmates.

The good behavior routine was partly a product of his amicable nature, and partly due to design. Mostly, by design. With the passage of time, his cordial temperament had gradually faded; still, he forced himself to remain friendly and cheerful. This was a key element to his long-range scheme. The idea was simple; he wanted everyone at Granite Hills to remember a kind, soft-spoken, likable individual. A passive individual.

Later, when he'd begun to execute his vendetta against a certain well-deserving District Attorney, should anyone in law enforcement come snooping around asking questions, the personnel at Granite Hills would feel compelled to portray him as an easy-going, even-tempered guy. Certainly not a violent or raucous man. He'd seen too many cases where a former inmate wound up as a person of interest in a new crime and years after their prison stay had ended, the feds questioned past cellmates and others who had done time with their suspect. Typically, they found out more than they needed to know to build a strong case.

So, he never spoke a word of his frustration and innate anger at being falsely accused. Never mentioned the abject furor of being railroaded by a malevolent prosecutor. He told no one of his plans, not even Shag his cellmate for over half the fifteen years. No one knew of his consuming rage. He gave no indication of his future intentions, or what lay in store for the mendacious D.A. These things were kept locked away in a hidden corner of his mind. The plaguing thoughts of vengeance played privately in his head. While the world saw a good-natured, mild-mannered man, seemingly without bitterness, Ethan quietly plotted his revenge.

He liked to pretend his plan was some grandiose scheme, years in the making that had been masterfully formulated and steeped to perfection through careful consideration of all facets of the situation. While it *had* consumed many years of his life, the truth was the planning consisted of nothing more than brainstorming and dreaming up various ways he could torment, antagonize and otherwise wreak havoc in the life of the District Attorney. He had constantly revised his plans as new ideas surfaced. When the time came to implement his scheme, he wanted a long list of potential activities and deeds ready to go.

That time was almost here. Ethan pushed open the heavy glass doors to the Spencer Hotel, and confidently strode through the lobby, approaching the desk. The hotel was old and dark, but appeared to be clean.

"Anything available?" he asked the thin, frail, elderly man behind the counter.

The crotchety old-timer seemed perturbed at being interrupted, though there were no signs of him having been engaged in any sort of activity. The TV wasn't on. Ditto the radio and the guy hadn't been on the phone.

Maybe he was asleep, Ethan surmised. But then again, perhaps the man was simply lazy, or didn't like his job. That seemed a more likely possibility.

In a slow-motion shuffle, the clerk wandered over to the counter. Peering through wire rimmed glasses, he stared hard at Ethan and growled, "I've got a room, if that's what you're after."

"How much?" Ethan asked.

"Depends," the man replied. "How long you want it?"

Ethan shrugged. "Couple of weeks. Maybe more."

The aged clerk eyed him suspiciously. "You just get out of prison?"

Ethan wondered how the grouchy old codger knew. *Do I have I sign on my forehead?* The guy couldn't have seen him get out of the van as the people at the restaurant had. Yeah, he'd been in prison, but why should it matter? His first impulse was to deny it, but something stopped him. Obviously, the old man knew or he wouldn't have posed the question. Slowly, Ethan nodded, making it a point to look the man directly in the eye. "Yes," he said. "This morning."

"Figured so," grunted the clerk. Gesturing to Ethan's clothes he added, "Standard issue 'regular' civilian garb. You might want to think about getting something else to wear. Everyone in this town knows them clothes."

"Okay," a subdued Ethan replied. Now he understood why the folks in the restaurant had kept staring at him. Maybe they hadn't seen him get out of the van after all. Regardless of the old geezer's sour disposition, it actually was a good idea, he conceded. No sense in advertising the fact he was an ex-con. Besides, he'd need more than one change of clothes soon anyway.

"The room will run you two hundred dollars a week or five hundred a month," the clerk continued in the same surly tone. "No phone, no pool, no pets, just like the song says." The old man cackled at his own joke, without smiling.

Ethan was thinking that the song said rooms were fifty cents too, but wisely held his tongue. Pulling out his wallet, he slipped five crisp one hundred dollar bills across the counter. "I'll take it."

The old man had anticipated Ethan's decision. The paperwork was nearly completed before the money had exchanged hands. "Name?" he asked without looking up.

"Ethan Rafferty."

Scratching a near illegible scribble on the registration, the clerk tore a copy from the bottom and handed it to Ethan. Then he slid a key across the counter. "Room one thirty-six, top floor, last door on the right," he intoned.

Ethan nodded.

"There's a list of rules hanging on the door. Read 'em. Don't bother anyone, and no one will bother you." Without waiting for a reply, the clerk shuffled back to his chair.

Pocketing the receipt and room key, Ethan thanked the man. As expected, the clerk gave no response.

Taking the ancient, turn-of-the-century elevator, he slowly rode to the tenth floor. Walking down the hall, he paused outside room one thirty-six. Fishing in his pocket for the key, Ethan took a long breath and then unlocked the door to his room. The place

wasn't much, but for now, it was home. His home.

Far below, he heard the whistle of a passing train. He grinned wryly. Somehow, the wail didn't sound nearly as lonesome or mournful anymore.

End of Excerpt