

(Excerpt from 'The Red Road to Hades' - Charles W. Massie)

My public defender Harrison, from the Department of Public Advocacy, told me I would probably go back to court this week. I figured the day would be today and once again, my logic came in spot on. At about 9:30 A.M., a guard came in to fetch me for the transport van.

On this trip, nine inmates would make an appearance in court. We all squeezed into the transport van like sardines. Once again upon our arrival, all the inmates for court herded into a holding cell, to wait for the call to appear.

Do you have any idea how boring it is to listen to a bunch of criminals brag about their criminal exploits?

I had been sitting in the cell for over two hours. I listened to inmate tales of breaking and entering, stolen cars, acts of arson, and driving while intoxicated. The thing that got me was that some of these guys were actually proud of their actions.

For me, a person who never really got into any brushes with the law, my impression of these clowns was they all needed brain transplants. Perhaps I shouldn't maintain these arrogant feelings. Maybe I should feel compassion for people in the same boat as myself.

Even though I had been reduced to the level of 'criminal', I could not help thinking how my moral compass worked compared to others. Some didn't even know what a moral compass was.

Finally, the bailiff called me to appear in front of the Judge. When I entered the courtroom, Harrison was finishing up with another client he represented. I wondered how many others held their fate in his hands. Like the last time I appeared here, Harrison pulled me aside into the meeting room to discuss the matters at hand.

"Mr. Casey," he started, "I think I can work you a good deal today."

"What do you consider a good deal Harrison?" I questioned.

"I talked to the Prosecutor," he continued, "and he will not press for additional jail time if you plead out on these charges."

"Exactly," I asked, "what does plead out mean?"

"In other words, you plead guilty to the contraband and Cocaine charges and he will drop the Persistent Felon charge. There would be no additional jail time for you since you are already sentenced to five years."

"Harrison," I snapped, "I remember being born at night. However, I was not born last night. Do you think I'm crazy enough to accept a bogus arrangement, knowing what I do about the law and the justice system in Kentucky?"

"I thought the offer sounded like a good deal," Harrison whined. "I can't understand why you don't jump at the chance of not getting any more time."

"For starters," I claimed, "I don't trust these officials at all. They tell you one thing and do another. I will not allow them to put any additional convictions on my record. These are felonies and if I am convicted, they stay with me forever."

Second, I am innocent. I realize the jail claims they found Cocaine in my possession, but it is not true. I am moving to force them to send the Nitro bottle to an independent lab for testing. So this is the bottom line. If this court wants my raggedy ass, they will be forced to put me on trial, because I will not roll over for anyone. Are we clear?"

"OK, Mr. Casey," Harrison conceded, "I am bound by my oath to represent you. I will say though, you are sure not giving me much to work with. I will move for you if you want."

"No," I said, "I will file this by myself. I want you to file a motion in court for a 'Bill of Particulars' in the case."

"How do you know about a bill of particulars?" Harrison inquired.

"I'm not some dumb redneck Harrison," I told him. "I study and I will tell you this. I've been representing myself in court for over fifteen years and only lost two cases previously. Not bad for being a Yankee, wouldn't you say?"

"OK," he moaned, "We'll go to court and I'll inform them. But they will not be happy."

We left the meeting room and sat down to wait until the Judge called my case. I looked around the courthouse and recognized no representatives from the Bourbon County Detention Center present. I guess the jail administrator just wanted to make sure I got officially charged on my last visit; figuring the system would take care of the rest of me. On the bench once again, sat Honorable Maryann Lister.

"Commonwealth versus Mark Casey," the Judge announced.

"Here, Your Honor," Harrison chimed in as we made our way to stand in front of the bench.

"Did you receive the report from the psychologist, Mr. Janus?" The Judge quizzed.

"Yes, your Honor," Harrison replied, "and the report indicates Mr. Casey has an above average intelligence with no disabilities present. I will now present a copy to the court."

"Very well," the Judge commented. "I will review this and make a ruling on the next phase of this case. Is there anything else we need to address today?"

"Your Honor," my attorney began, "Today I would like to file a verbal motion for a 'Bill of Particulars' in this case. I realize it is premature since we haven't moved to the next phase. But a 'BOP' is an item we will eventually need for the case."

"Mr. Janus," the Judge commanded. "I cannot grant a court order for a 'Bill of Particulars' unless you present a written motion. I want you to draft up a motion and present it to this court within ten days. Then I will rule separately on your motion. Do I clarify myself?"

"Yes, Your Honor," Harrison answered. "I guess in light of this, we present no further issues to discuss today."

Wow, my attorney getting his ass chewed out by the Judge. I sure didn't see that coming. I am not surprised though. Even I recognized the Judge needed a written motion, because the Prosecutor gets thirty days to object to the request. This just showed me how incompetent my lawyer acted.

The Judge slapped her gavel and once again the bailiff put me back into the holding cell to wait until the remaining cases were heard. While I sat in the courtroom, the guards brought all the inmates waiting, a box lunch of Peanut Butter and Jelly sandwich and Kool-Aid. Fortunately, they kept mine outside the cell because they presumed some inmate asshole would eat it.

It wasn't much, but at least it staved off my hunger. After another two hours, we all loaded back into the van and returned back to the jail. I felt confident at this point because I knew my time in Bourbon Detention Center would be limited. I might even parlay this into getting my needed surgery done.

I got back to my cell at the jail and I had my work cut out for me. I needed to draft up a motion to make sure my Nitro bottle got tested by an independent lab. I believed strongly this whole situation began as a setup. I didn't want to tip my hand to any prying eyes what I was doing.

I spent the next two days, carefully crafting the motion. Then I wrote a phony top sheet for it, so anyone involved in photocopying my original would not be suspicious. After I got everything arranged in order, I promptly sent it up to the office to make copies. I hoped nobody made more than a cursory observation of what I intended to send to the court.

The office must have had a full staff on today because my four copies came back in less than an hour. I got everything addressed and ready to send out the next day. I hoped my attorney acted as expedient with the motion he was sending out. With any amount of luck, I may have both addressed within the next week.

But alas, good luck in jail is a rare commodity.

THE FULL VERSION OF 'THE RED ROAD TO HADES' IS AVAILABLE AT WWW.STARSHOWPUBLICATIONS.COM