

Jim Howaniec

Lisbon Street

A lawyer's story set in the poverty of a
decaying Maine mill town.

MAINE
DISTRICT COURT



LISBON STREET

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Prologue

A year later, when it was all over, it occurred to him to pull out the police cassette recording of a 911 call from one of Frank's older files. He sat back in his chair in the quiet of the after hours in his office. He closed his eyes, and listened to the two female voices on the tape. The dispatcher's words were calm and deliberate, the victim's cries filled with terror and fear.

Dispatcher: "Nine-one-one, what is the address of your emergency?"

Caller: "Two-oh-nine Pierce Street."

Dispatcher: "In what town?"

Caller: "Lewiston."

Dispatcher: "What's going on?"

Caller: "Hi, um, um, my boyfriend, I locked him out of my apartment, but he has broken through the door, he has broken through my bedroom door, and now he has... he is intoxicated, he is threatening to kill me... and I'm scared for my safety right now."

Dispatcher: "Okay, are you outside of the apartment right now?"

Caller: "No, I'm in my bedroom. And he's blocking the doorway. And I'm scared for my safety."

Dispatcher: "Okay, tell me your name."

Caller: "Sandra Caldwell."

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Dispatcher: "And what is his name?"

Caller: "Frank.... Frank Cloutier."

Dispatcher: "How do you spell his last name?"

Caller: "He's blocking my doorway! He says he's going to kill me!"

He turned off the recorder. He knew where this was going. He had wanted to hear Sandra's voice one last time, and now he was sorry he did.

He turned off the lights in his office, and exited into the warm September evening. He was exhausted. It had been just about a year before that Frank had become something more than just another criminal client. It had been a crazy year in many ways. He was going to have to take some time off and try to make sense of it all. But for now he needed to get home. The London girl was waiting for him, and he was expecting an important telephone call later in the night. For a moment, though, he thought back to that lazy late summer Sunday morning from a year before, and how everything had changed since that day....

PART I: AUTUMN

Chapter One

Billy Cole approached the dark one-way window. He got close enough to look through his own reflection, and could make out a panel of video screens off to the right inside the control room. Each screen was focused in black and white on a different area of the Androscoggin County Jail. Everything else behind the window was shadowed from his view. Billy depressed the round metal button near the bottom of the window, a buzzer inside the sound-proofed station presumably announcing his arrival.

A few seconds passed before a jolting voice greeted him on the loud intercom: “Hi Billy, what brings you here on a Sunday morning?”

The voice was friendly, but the intercom static emanating from the other side of the mirrored window was piercing. Billy was already nursing a headache in the front of his temples from the night before, and an added jolt of discomfort spiked into the left orbital region of his face with the unpleasant volume of the scratchy intercom system. He winced.

This particular jailhouse visit was unusual for Billy Cole. It was a Sunday morning. The night before, while finishing a 1985 Leoville Las Cases, he had no inkling that he would be at the county jail less than twelve hours later. He was grilling a steak, getting drunk on the wine, watching some baseball, and basically vegetating after a long week in trial. He was drinking

a little too much lately, he knew, but was planning on cutting back and was already making half-hearted efforts at running and sit-ups as summer was winding down.

Billy had been here at the jail many times during the course of the work week during his legal career, but rarely on weekends. Today he was in a gray tee-shirt and jeans, with only a small notepad and pencil that he had scrounged up from a crowded drawer in the kitchen. A two-day growth covered his face, although, because his hair was a light brown, one would have to be up close to notice that he had not shaved. He peered into the blackness of the control room. He recognized the voice.

“They’ve got you working on weekends, Katrina?” he replied, bending over awkwardly to get closer to the intercom speaker. He was alone in the entranceway waiting room with a couple of plastic chairs, an ATM machine, and a set of lockers over at the other end. The cinderblocks were snot green, the paint now starting to chip from walls that, just a decade previously, had been the pride of the county’s brand new jail system. The odor of some antiseptic cleaning solution freshly applied by the weekend janitor permeated the bleak entrance area.

“Yeah, we’re short-handed,” replied Katrina. “The county commissioners are fighting with the jail administrator again.”

Billy had spoken with Katrina dozens of times over the past few years that she had been working at the jail. He had never seen her face. She usually had a wise-ass comment or two for him, but he had no idea what she looked like, and could not even really tell how old she was through the metallic intercom system. He was forty now, just shy of six feet, with the first speckles of gray mixing into his medium length, but usually slightly disheveled, hair. He felt pretty good physically, and he usually kept himself in decent shape despite the fairly recent weekend binges on French wine and the emotional and physical

ravages of a busy trial practice. Despite the headache and the serious nature of this unusual weekend visit, Billy still found the time to wonder what the deal was with Katrina and the sassy voice from behind the darkened one-way control room window.

"I called a little while ago, Katrina, I've got an appointment to see Frank."

A few more moments passed while Katrina, he assumed, was checking her census list. There were probably upwards of one hundred and seventy inmates at the jail at any given time on a late August weekend in central Maine, but there was no real need for Billy to refer to Frank by anything other than his first name. Billy had been representing Frank in one misdemeanor scrape after another over the past few years. Francois "Frank" Cloutier was a profound alcoholic. He was fifty-one years old, overweight, with several of his front teeth having each long before gone their own way. Frank was always short of breath, his voice hoarse from decades of cigarettes. His gray hair was long, bushy, knotted, and usually unwashed, with a few splotches of black strands still decorating the tangled mess. Frank had told Billy that the doctors thought he might be in the early stages of diabetes. Frank was always in some sort of pain.

Billy had actually most recently seen Frank less than a week earlier. The usual routine typically involved alcohol, and it usually involved Frank's forty-something girlfriend, Sandra Caldwell. The Lewiston police knew Frank well from the various scrapes over the years, usually as a result of a drunken disorderly conduct charge, or a petty theft, or some other minor offense. The previous winter Frank had attempted to steal the little plastic coin donation display for Jerry's Kids at the counter of the local Cumberland Farms because he did not have enough money for butts. He would usually be brought over to the jail to sleep it off until the following afternoon when the sheriff's deputies would transport him and the other detainees arrested

during the preceding forty-eight hours to the local district court. There, on a court-appointed basis, Billy would either argue for personal recognizance bail or just plead him in for time-served to get the nuisance misdemeanor charge behind him.

Frank and Sandra usually commenced their drinking each day by mid-morning. For the most part they got along quietly in her tiny downtown Lewiston apartment, each pulling in about six hundred and fifty dollars a month from social security disability, as well as subsidized housing and food stamps. Every once in a while, though, it would get physical. Sandra was a good-sized woman and she would scratch and claw Frank's face pretty aggressively during the typical altercation. On two occasions it was Frank who was taken away in handcuffs. The first time, about a year before this August Sunday morning, the victim had recanted her statements and did not want to pursue the charges by the time the case came to trial, a common result in domestic violence cases. The state in the end dismissed the charge due to the lack of a cooperative victim witness.

The second time, a few months later, they were back at it again. Frank got scratched up that night as well, but the allegation was that he had been basically dragging Sandra around the bedroom by her hair at the end of a long day of drinking. This time it was a neighbor in an abutting apartment who called the police. Some corroborating clumps of hair were found near the bed, and Frank was taken away.

Well before this particular sunny summer weekend in 2001, Billy Cole had seen a shift in the state's response to domestic assault cases. Back in the late 1980s, when he was just out of law school, the police would have probably responded, told Frank and Sandra to keep it down, and gone on their way into the night, not even filing a report. Things had started to change before the O.J. Simpson murder trial in California in 1994. The laws were being toughened around the country, state

legislatures were appropriating more monies for domestic violence projects, and more prosecutors and cops were being hired. Then O.J. hit and the pendulum swung way over to the other side, with law enforcement almost always arresting the male, at the most tenuous hint of physical contact or threat -- a good thing for the most part, but creating some abuses of the system and certainly resulting in an overburdening caseload for the courts that, out of necessity, required the state to plea down most cases.

Sandra liked Billy. She thought he was cute. She liked the fact that he was trying to get Frank off on the latest charges, even though she was the complaining witness. Invariably, Sandra typically ended up working more with the defense than the prosecution in these cases. In the end, she just wanted the charges dismissed. She just wanted to be back with Frank, for better or worse.

Billy did not believe that Sandra was truly afraid of Frank, even though she had called the police on him a half-dozen or so times over the years. From his end, Billy was always befriending Sandra, keeping her on his side. As usual, these cases were typically he-said, she-said situations. If the prosecution had an uncooperative victim, they were almost always forced to dismiss the state's case.

By the time Frank's second domestic assault charge had made its way to a trial list, though, the district attorney's office was no longer in a mood to bargain. The prosecutors wanted thirty days in jail, plus two years of probation with conditions requiring batterers counseling. The state yet again had an uncooperative victim. Predictably, Sandra was by now back surreptitiously with Frank, as usual, in violation of his no-contact bail conditions. But this time the state had Sandra's original statements to the police from the night in question, backed up by a 911 tape. Even though Sandra was going to

recant those statements, courts were nowadays allowing police to testify to the prior inconsistent statements of the reluctant victim pursuant to the “excited utterance” exception to the hearsay rule. The clumps of hair had been processed and preserved neatly in plastic for presentation as evidence in court. Frank had made some drunken statements that were consistent with admissions. The neighbor was subpoenaed in. The prosecutors had something to work with here, despite the uncooperative victim.

Billy’s defense strategy was to present the police photographs of scratches and scrapes to Frank’s face, and argue self-defense. Sandra had been out of control that night. Frank was just trying to keep her away, with limited success. Sandra was even prepared to testify that she had been the aggressor during the incident.

Billy requested a jury trial, which ended up lasting less than a day. On the witness stand Sandra was ornery and uncooperative with the prosecution yet again, and the jury came back in less than an hour with an acquittal. Frank and Sandra were free to resume their tumultuous relationship without any more court interference.

It was all pretty routine. Billy had last seen Frank late in the afternoon the previous Tuesday, as they left the courthouse after the verdict. The next day Frank was surely back drinking with Sandra. And Billy was back at it in the office with his caseload of over one hundred active files, consisting of divorce and family law cases, bankruptcies, personal injuries, and -- his favorite -- criminal defense.

Billy got a thrill out of being the only friend to the typical thief, child molester, or murderer, the only one standing between freedom and years in prison. He had done some prosecution in the state attorney general’s office for a few years after law school, but his heart just was not in it. He loved

criminal defense. After all these years, he was still awed by the drama of the jury trial. If he had his preference, Billy would be practicing only criminal law, but most of his clients in that category were indigent and were represented on a court-appointed basis at fifty dollars an hour, barely enough to pay the overhead in a small storefront solo law practice.

"He's up on the third floor," came Katrina over the intercom, interrupting Billy's late-Sunday-morning absent-mindedness. The third floor meant maximum security: orange jump suits as opposed to the blue or brown of medium and minimum. Inmates there were usually charged with crimes of violence, or were on suicide watch, or both.

A loud screeching buzzer signaled that the heavy metal door in the lobby had been unlatched electronically by Katrina from the control station. Billy pushed this first entry door forward, and stepped into a narrow passageway that led to another heavy door about ten feet or so ahead. He let the first door slam shut behind him by its own inertia, then moved a few feet forward to wait the required ten seconds for the second screeching buzzer and the unlatching of the second door. He pulled the door open this time. He was in.

"Thanks, Katrina," Billy called out.

"Good luck, Billy." Katrina's voice came from another nearby intercom speaker inside the jail.

The lawyer stepped a few feet forward to a tiny elevator cabin that was opened automatically from the control room. The elevator fit about six people comfortably. As he stepped inside, he quickly found himself staring distractedly up at the shiny black lens of a small security camera pointing at him from an upper corner. He flashed the peace sign to Katrina, whom he assumed was looking down at him.

Four young men, each in his early twenties, were in the elevator on their way up from the kitchen in the basement. They

were each dressed in the loose brown pajama-like garb of minimum security, in various states of dishevelment. Billy tried to make out the tattoo on the neck of the skinny one -- some sort of Asian markings, he guessed -- but could not tell for sure. These prisoners were most likely in there for lesser matters like second offense drunk driving charges or minor probation violations. The county jail housed prisoners who were either awaiting trial and could not make bail, or who had been sentenced to serve nine months or less. For sentences over nine months the convicted were sent off to the state prison system. These guys in the elevator were probably going to be released within a few days or a week or so, and had been entrusted with various jailhouse chores like serving meals in the dining area, or delivering toilet paper rolls to the different sections, or cleaning up around the yard outside the jail. There was always an edge, though, as typically incarceration was forcing them to dry out from booze or whatever drugs on which they were almost always inevitably hooked.

As the doors closed and the elevator began its ascent to the third floor, familiar odors came into Billy's sluggish Sunday morning consciousness. At least one of the men had a strong smell of vomit on his breath, and the sweet nauseating underarm odor from all of them was intense in the small quarters. It was the vile aromas wafting into the elevator from the kitchen below though that brought his stomach into his throat. Sunday morning jailhouse brunch was beginning at eleven-thirty, featuring frozen-dinner-like dishes of chicken and pilaf, with a slice of marinated pineapple, a stale brownie and a carton of chocolate milk.

The prisoners were joking about the quarantine that had been imposed a few days earlier after twin brothers, who had been arrested on burglary charges, had brought scabies in with

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them and exposed some of their fellow inmates and a couple of the guards. The jail had been infested.

Billy found himself breathing through his mouth during the remainder of the elevator ride. He began to focus again on Frank. Billy had awakened early that morning, despite the previous night of drinking. His plan was to run three or four miles to shake off the effects of the bottle of French wine. His eyes unfocused, he had thrown on some sweatpants and made his way down the sloped driveway to the street, where the Sunday edition of the *Lewiston Sun-Journal* had been delivered. It was a splendid August morning in Maine. It was still a bit cool on the tree-shaded driveway, but it was going to be pretty hot that day. The bugs had not come out yet, and the sparsely populated neighborhood in the wooded outskirts of town was quiet except for the distant muffled sound of the riding lawn mower of a neighbor down the road who had gotten up early to do the yard.

Billy had opened up the newspaper as he made his way up the driveway back to the modest-sized white colonial, early morning sun shining in blotches through the trees onto the front page. It took a few seconds for him to process the fact that it was *Frank's* mug shot that was over to the right, at the top of the front page. Billy turned over the folded newspaper to the bottom half to read the other headlines. *Wait a minute, why is Frank's picture on the front page?* He turned the newspaper back over and his eyes darted to the headline: "LOCAL MAN CHARGED WITH MURDER."

His thoughts turned immediately to Sandra. *Please...don't...let...it...be....* Before he could finish the thought, he saw her name, in the second paragraph. The rest of the print on the page became a blur.

Frank had been charged with murdering Sandra.

The sick feeling had originated in his stomach -- first nausea, then numbness -- but by the time he had gotten back to the house it was his head that was throbbing. He went into the house and sat down. The newspaper offered few details. The homicide had apparently occurred late Friday evening in downtown Lewiston, and had been discovered Saturday morning. The police had questioned some locals, including Frank, and an arrest had been made late Saturday afternoon, around the time Billy had been decanting his Leoville Las Cases. Apparently, no firearm -- or any other weapon, for that matter -- had been involved.

Back inside his house, Billy checked in with his weekend answering service. Sure enough, among some otherwise routine calls, someone from the jail had called in that Saturday evening with a message: Frank had been arrested, and was hoping Billy could come in to see him. On Sunday morning, only after reading the newspaper headline, Billy was just now getting the message.

"Jesus Christ," he muttered to himself, as he jotted down the last of the messages taken by the answering service.

On the third floor, Billy found himself seated in a closet-sized conference room, in the maximum security section of the jail. The four minimum security kitchen helpers from the elevator had been left off at the second floor. The only pieces of furniture in the pervasive green cinder-blocked room were a couple of orange plastic chairs and a small non-matching round pine green plastic table, not unlike the multi-season weather-proofed summer lawn furniture from K-Mart one might find in the backyard. Billy wondered whether either of the scabies-infested twin brothers charged with burglary had been sitting in the same plastic chair in which he was now waiting for Frank.

After a few minutes, a jail guard led Frank into the tiny room. Frank was in a bright orange maximum security jump

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suit, and his wrists and ankles were chained together loosely. As was the case when Billy had last seen him even in the controlled setting of the superior court less than a week earlier, Frank's unwashed gray hair was almost naturally dreadlocked, it was so tangled and filthy.

Frank sat across from Billy on the other side of the small plastic table. To Billy, knowing his client like he did, Frank's state of mind was clear immediately. From the rapidness of Frank's speech, Billy deduced that he was still pretty wired. His body smelled putrid. His breath was foul. It looked like Frank had not slept in a couple of days. Some dried up spittle or vomit -- something crusty, anyway -- adhered to the right side of his mouth and disappeared into the brownish-gray scruff on his face.

Billy pulled out his pencil and notepad, and eyed the man four feet in front of him, who had been charged with murder.

"Boy I'm glad to see you, Billy," Frank said, in his raspy, tired voice. There was still a slight slur from whatever it was that Frank had been consuming two nights beforehand.

Billy found himself fighting back a smile as he absorbed the sight before him.

"What the fuck, Frank?"

Frank paused, and then sighed.

"It's a long story, Billy."