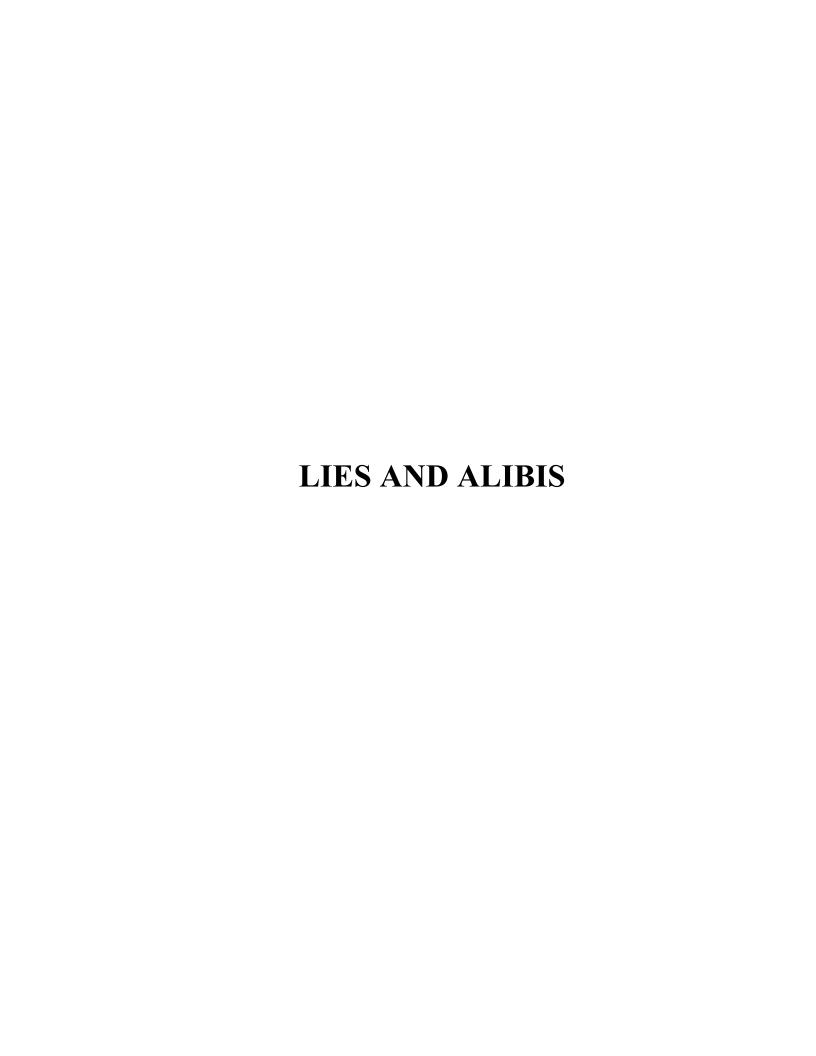
John Jacobs knows his friend Maura Ferguson did not commit the murder for which she is about to be tried. Helping her find out who did do it might be the biggest mistake he's ever made.

Lies and Alibis

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CHAPTER ONE

aura Ferguson didn't look like a killer. When she first walked in, her hands were cuffed in front of her, and there was an old black man in a security suit guiding her by the elbow toward the defense table. The orange prison jumper hanging loosely on her smallish frame battled with the red in her hair, but not in a bad way. She certainly didn't have the swagger of a killer, nor the menacing stare, and I didn't sense any chill spreading through the courtroom when she entered. Looks, they say, can deceive, though I didn't think so in her case.

Standing next to her, the guy she was paying to defend her looked like he had spent the retainer mostly on hair products. His mane was immaculate, his hands professionally manicured, and his smile perfectly calculating. He wore a navy blue suit—the expensive designer kind—with a lighter shade blue shirt and tie. And, it appeared, a very large stick up his ass.

This was the arraignment hearing for Maura Ferguson, accused of murdering her husband, his lover, and the family dog, all with little more than a sharp object and an arm to swing it.

It was the dog that seemed to fascinate the press and infuriate the masses. People desensitized to the murder of their own seemed to find a cause to care about in the murder of the floppy-eared black pooch.

Joe had been a three-year old mutt, saved from the gas chamber at the pound. He had, according to the news, tried to intervene in the foul play, only to become a part of it. Maura Ferguson, it was alleged, had two arms covered with incriminating teeth and claw marks. Right now those arms were hidden beneath the long orange sleeves.

Kill a pet and you've got real trouble. Animal rights activists had weighed in, as they always do. Did we really need to be told that taking a knife to the family pet wasn't an ethical form of treatment? They had gone so far as to organize peaceful demonstrations outside the courtroom with every cat-lady and dog-lover within a hundred miles there to carry a placard telling us Joe had died needlessly. *No kidding?*

The blowhards on talk radio wouldn't let it go either. They figured the killer had a cruel streak to have sliced up poor old Joe. I guess they missed the point that all killers tend more toward the brutality side of the ledger.

At least they were on the side of sensibility. They couldn't believe people were more concerned about a dog than two humans. The local columnists seemed to have lost their sanity on the issue. The two human victims got three columns in *The Times*, below the fold on the front page. Joe was the top of the page, and he got a picture, too.

By killing her husband, Maura Ferguson had taken the father away from her two-year old daughter. Now the state was trying to orphan the kid. The conviction, it was said, was a foregone conclusion.

Ms. Ferguson would be getting that same gas from which she had once saved Joe. This is only true in a poetic sense. We don't gas humans here, only pets no one wants. Humans get a needle full of poison. Just the same, dead is dead.

The account of the murder as presented in the local press was mostly guesswork. Sam Ferguson and Shannon Powell were found in the master bedroom of the Ferguson home, in bed. There was a bloody mess from the multiple stab wounds, but no weapon. Maura was arrested because she had no good alibi, she had access, and her husband was not being faithful. Obviously.

Oh, and she stood to inherit something just north of twenty-five million dollars.

Shannon Powell worked for Sam Ferguson. Or, more accurately, she was on his payroll. Sam Ferguson owned the Fergie's theatre chain, fourteen multiplex movie houses in the metro area alone. I

know, because I counted them in the morning paper. Shannon Powell was his assistant; Regional Manager was her bogus title. She was, at least from the look of the crime scene, allowed to work naked. Maybe it was casual day at the office.

Sam Ferguson had inherited the theatre chain from his dad, Charles Ferguson, the original Fergie, upon dad's early death. Sam's mother had been gone for years, a victim of a drunk driver. Sam had been in charge for a little more than three years before he met the business end of a knife.

Where Charles had been all class, Sam had tried to go bottom line. He had discontinued several popular discounts on concessions for regular moviegoers, and had stopped bringing in much of the less mainstream fair, opting instead for the biggest potential blockbusters available. He had alienated many of the loyal patrons with these tactics. Fergie's Theaters still made plenty of money, but they were no longer number one in town.

Maura Ferguson met Sam in college. He had gone to get some business education. Maura, it was being written, had gone for her Mrs. degree. They were married upon graduation, moved into a big house north of town, and bought Joe, the poor, dead mutt. That had been almost three years ago, just after Sam's ascension to the Fergie throne.

Maura got pregnant almost immediately, since that was her primary job. The cynics out there would argue the child was her primary goal in marrying Sam, but the nuances of love are many and one can never say for sure. Nine months later, as they tend to do, their baby came. And now the little thing stood poised to toddle away with twenty five million dollars.

I'm what you could call a courtroom regular. I don't work, nor do I need to. The Fergusons aren't the only rich people in town. While their fortune was made through overpriced popcorn, my money came from a one- dollar lottery ticket. A physicist would call mine the path of least resistance. It was really just dumb luck.

So here I was in court. It was my hobby, you could say. My exgirlfriend calls it morbid and sick. I don't see it that way, which is one

reason she decided to become my ex. I was here for no good reason other than curiosity. And we know what that did to the cat.

My name is John Jacobs, but most everyone calls me Jake. I used to work as a janitor at an office building downtown. I worked nights, which I kind of liked. It didn't pay well, but the perks of janitorial service are many.

For example, you can eat anything you find. I'm not talking about the half-eaten Snickers bar you find on some junior executive's desk, though those can make a nice morsel as long as you're careful to trim away the offending edge. I don't want to give away too many secrets of the trade, but you can imagine what might be left lying about. Some nights I felt like Santa Claus on Christmas Eve, a snack left for me at each stop.

You can play the radio as loud as you like, too. No one would tolerate Billy Joel cranked all the way up, were they in a cubicle next to mine. But with no one around, no one could really complain, could they. Many were the night I had the Piano Man sing me a song.

And I probably don't need to tell you what a janitor and his girlfriend can find to do in a deserted office building in the middle of the night. A love life can't go stale with that never-ending supply of forbidden lovemaking.

No job is perfect, but mine held a certain level of enjoyment I hadn't experienced before. Without the sweet intervention of fate I may have done it for forty years before retiring to my Social Security check

I bought a lottery ticket every Wednesday and every Saturday, along with a candy bar and a bottle of soda, on my way up to work. There was a little market tucked below the building, right next to the entrance to the underground garage. It was a holdover that wouldn't sell and get out to the suburbs. The place was called Jimmy's, and the current owner was actually the fifth in a string of Jimmys, all stubborn Irish sorts. He wasn't going anywhere.

One of those Wednesdays, when the jackpot had grown to two hundred million, I got a winner. And no one else did. After taxes I get around five million dollars a year, for the next twenty years. God bless America.

I still buy the lottery ticket every Wednesday and every Saturday, at the same little market owned by the fifth generation Jimmy, tucked into the office building I no longer work at. Sure I have two hundred million dollars, but it never hurts to have that second income, just in case the kids start to come along.

I always laughed at those lottery winners, lucky bastards like me, who said they would keep their jobs even though they were now filthy rich. Goodness, gracious, why? Unless your job is to sponge bathe supermodels, why would you want to keep it? Get a hobby. I did

And here I was, practicing my pastime. It's a fact that most trials are boring, full of detailed testimony from uptight experts, and painfully short on drama. The defendant is almost always guilty and everyone knows it, including the defense attorney and the jury. What about innocent until proven guilty? Yeah, right.

All of which begs the question, "Why?"

Most people just don't get it I guess, but most people would never find the sublime happiness I had as a janitor, either. My ex had asked me that very question at every opportunity. Actually she would say, "What the hell, Jake?"

There isn't one good answer, though I usually told her, "Why not?" The courtroom is cooled in the summer, heated in the winter. There are numerous places to get a good lunch nearby. It's easy to check the morning box scores in the sports section, as long as your seat is in the back. And boring though it could be, it still beat staying home to watch talk shows.

The real reason, though, was the chance at something exciting. I'd sat through two murder trials, hoping for judicial fireworks. Unfortunately they produced almost no drama, one ending with an early dismissal, and the other a plea.

The highlight came in a domestic violence case. The abused, a Latino woman with seven children, took the stand against her husband. She testified he had beaten her and the kids. He never tried the "rule of thumb" defense. In old England, with laws that are no longer in place, it was okay to beat your wife. You just couldn't use

anything wider than your thumb. They must not have had the same rule in whatever backwater jungle he had crawled out of.

One rainy Tuesday she had somehow managed to sneak a handgun past security, and when she said she could no longer stand her husband's abuse, she stood, pulled out that piece, and fired two shots over the wife beater's head. They hit nothing but wall, thankfully, and she was quickly arrested herself.

You don't get gems like that every day.

Both parents, by the way, are now housed in the finest correctional facilities our state can offer. The kids are in the care of a relative, one who neither beats them nor shoots at them.

I'd been pursuing leisure in this fashion for about ten months now, which would mean I'd been single for four. Leslie Watson, the aforementioned ex-girlfriend, gave me time to settle down and refocus, as she called it, after winning the cash.

Sitting on my rear in the back of a courtroom wasn't what she had in mind. Maybe she missed the nights at the office building. When I neither settled down nor found what she considered a new, useful purpose in life she re-focused herself, at someone named Lance.

We had been together just short of two years, and they were mostly good times. She's a morning anchor for one of the local news shows, and therefore a local celebrity. Because of her, her program kicks the competition's butt. It's not even close.

I haven't been in love too many times in my life, but I loved her.

Leslie Watson helped me pick out the house I bought when I became rich. She even decorated the damn thing. And then she left because she didn't understand my interest in the poetry of the judicial process. That house sits two blocks south and three blocks east of the Ferguson place. All us rich folk live up there.

Leslie never asked for any of my money. I respected her for that. She has a good job that pays quite well, so she doesn't need it. She never realized I bought the winner with a five I borrowed from her purse. I paid it back, and even bought her a new car. And, I thought, a house

Our neighborhood—I still talk about myself in the plural, like Leslie never left—sits in a small valley surrounded by several little hills. It's surprisingly green for being so close in to a city, and surprisingly clean. Money can buy a lot of things.

All the money in the metro area lives in that same valley, more or less. Three professional athletes, two very successful novelists, an actor/actress couple from the movies, and too many computer winners and stock market studs to count all called my little section of town home. And Maura and Sam Ferguson lived just a few blocks away from one John Jacobs.

This was the first case I'd been to where I actually knew the defendant. I guess that's a positive comment on the kind of company I keep. When I say she didn't look like a killer, it may be because I knew her. No one wants to think people they know could kill, not even if the victim were someone like Sam Ferguson.

Sam was a lout, a shit, and an all around arrogant sonofabitch. He drank too much, talked too loud, and his golf swing produced a wicked slice. Like his kind usually is, he was blissfully unaware of any personality shortcomings, which just served to make him that much more loathsome. There probably weren't many tears shed in our little valley neighborhood upon his demise.

Shannon Powell was with Sam at least as much as Maura was. His mistake, if you ask me. The Shannon Powell type appeals to a certain kind of man, and I'm not it. Her appeal, I should tell you, was of the 38DD variety. The best that money could buy.

Could Maura have finally done the deed? Did I just want it to not be her? Was the world a better place without Sam and Shannon? Did Shannon buy her boobs for Sam? Would the theaters survive?

I was just settling in to contemplate these questions in more depth when the bailiff broke into my thoughts.

"All rise," he said, "This court is now in session. The Honorable Gerald Houston presiding."

This was most certainly not a good sign for Maura Ferguson. "Gerry the Merry" they called him, and it was one of those ironic nicknames, like calling a bald guy Curly. He was anything but merry. And he looked especially annoyed walking to the bench.

Gerald Houston barely listened to pleas from the lawyers, rarely set a low bail, and always demanded a quick trial. If he gave the defense a month to prepare their case they were thankful. And he took shit from no one. Ever. Everyone present always knew he was in charge.

He sat down, slamming a file folder on his desk.

Ten minutes later he had already heard enough from the lawyers. The case against Maura Ferguson was pretty solid. The state didn't try to dress it up, and they didn't need to. There wasn't much for her attorney to do, but the guy tried, if nothing else.

Maura Ferguson's lawyer, dapper in all blue, said, "Your Honor, I'd like to make a motion to dismiss the case. The state has nothing but circumstantial evidence, and even that's on the weak side."

The judge sneered at him and said, "Motion denied. Anything else, Counselors?"

They said, almost as one, "No, your Honor."

Gerry the Merry said, "Trial begins two weeks from Monday. Bail will be set at one million per lost soul. Two million dollars."

The district attorney jumped to his feet and said, "What about the dog? Shouldn't Joe's soul count for something?"

"No," Gerry said, "It shouldn't. He's a dog, counselor."

The D.A. said, "The state feels Mrs. Ferguson should be held without bail, since the accused has nothing to stay in town for."

Maura's attorney said, "She does have a daughter, your Honor. She's no flight risk."

Judge Houston agreed with the defense. He said to the D.A., "Counselor, would you prefer I set Mrs. Ferguson free without bail? Because if you keep up this asinine line of reasoning, that's exactly what I'm going to do." The Judge glared at the prosecutor's table, daring them to say more.

No one said a word, so Gerry the Merry said, "Two million dollars."

He pounded his gavel a couple times and asked what was next. The uptight lawyer in the blue suit led Maura Ferguson back through the door as the next case was called.

Maura Ferguson was a wealthy woman, and if she were found innocent she'd become a whole lot wealthier, twenty-five million dollars wealthier. Unfortunately she was unable to access any of that money now. They had frozen her money, except for reasonable living expenses. I think it was a Writ of No More Allowance for the Accused, or something. In any case, she was not able to bail herself out

Funny thing about bail money—if the bad guy disappears, the sap that paid the bail is out the cash. I didn't think Maura Ferguson was going to go anywhere, so I filled out the paperwork and wrote a check. I called my bank so it could be cleared right away. The entire process took an hour, maybe a little bit more.

And I still don't know why I did it.

CHAPTER TWO

was sitting on a bench outside the jail, waiting. There isn't any rule that says I had to stay. Maura Ferguson was bailed out, and if I had so asked, she wouldn't have known by whom. But I didn't ask, and she already knew.

It took half an hour of patience, but she finally walked out. Her lawyer was with her, trying to find out if she knew John Jacobs.

"She only knows me as Jake," I lied to the blue suit. I stood and shook his hand.

Maura was wearing jeans and a red pullover sweater. She looked tired. I already told you what the lawyer was wearing. He looked offended.

He said, "Not to be ungrateful, but why did you post Ms. Ferguson's bail? Do you even know her?"

"Only in passing. I've seen her at some social functions," I lied again. "I'm the new guy in her part of town."

"Then why?" he asked.

"Let's call it curiosity," I offered. "I'm a student of the law, and I wanted to learn more about how this whole bail thing works. And I've got the money."

"You understand that you've put yourself in the middle of a murder trial, don't you?" he asked. "It's serious business."

"I understand," I promised.

"Can I buy you lunch, Mr. Jacobs?" Maura Ferguson asked, stepping away from the blue suit.

"Maura, I don't think that's a good idea. You barely know Mr. Jacobs, plus you've only got two and a half weeks until trial. We need to get back to the office and start working on your defense."

"I don't think I caught your name," I said to him, hoping he would stop talking.

"Grant Spencer." He said it like I shouldn't have had to ask.

Maura said, "Grant, I'm tired. I haven't eaten since breakfast yesterday. I wish to take this nice man to lunch to thank him for getting me temporarily out of jail. I think I pay you enough money to get back to the office, round up your little suck-up assistants, and get started on my defense without me so that I won't have to return to jail. I'll get some lunch and come by later this afternoon."

"I just think there's no time to waste. That's all."

"Then you best get going," she said.

We were on the sidewalk in front of the courthouse, with a cab pulled up next to us. Maura Ferguson opened the door and waved her lawyer toward the back seat. He climbed in behind his briefcase. He rolled down his window, probably to say something, but the driver took off with a squeal, sparing us.

"Pizza, Jake?" she asked, like we ate together all the time.

Another cab had pulled up and she pushed me into this one. She followed me in and told the driver to go to Guilianos, an Italian place in the business district.

"Thanks, Jake," she said once we were on our way. "And don't let Grant bug you. He's a good lawyer."

I had never seen him in action myself, but his name did carry a certain amount of respect. He may not have been in a class by himself, but it didn't take long to call the roll. He was younger than I would have guessed.

"Isn't he the guy that got McAlister off?" I asked.

Theo McAlister, former professor at the University, was tried in the brutal murder of four very attractive coeds over a two-year period. All four had him as an instructor, one each semester. Each died during the break immediately following the semester in which he was their teacher. Each was found in a hotel room, stabbed a whole lot of times. There were witnesses who testified in his defense who looked, give or take, just like the victims. It was the kind of case I would normally attend, but it finished up before I became the idle rich.

"Yes, he got McAlister off. But this isn't the same," she said.

Part of the case against McAlister involved evidence of sex on the bodies of each victim. More specifically, it had been sex with McAlister. There was no sign of rape on any of the victims. The theory was that he boinked each victim right before killing them, sending each out with a bang, so to speak.

"Why isn't it the same? It's a murder case. There's sex involved. It's pretty high profile. What's the difference?"

"I'm innocent," she said in a way that sounded like she didn't think he was.

"Should be a piece of cake for Mr. Spencer then," I said.

"Will he be able to do it without my alibi?" she asked.

"Sure, McAlister didn't have much of one, did he?"

"Said he was with one of his teaching assistants, I think. Maybe she hadn't slept with him yet, so he had no reason to kill her."

"Will you let me live if I testify for you?" I asked.

You see I was Maura Ferguson's alibi and this wasn't our first lunch together. She hadn't told anyone, and neither had I. Sam and Shannon had been killed sometime between two and six in the afternoon on Monday. Maura and I were at a movie, beginning at half past two. There was just one little problem. Maura dropped me off at my new mansion at about five, maybe just after. She only lives five blocks away. It wasn't a great alibi, but it was the only one Maura had.

And what about that extra hour? Well, Maura was arrested the next morning and I never had a chance to ask her about that hour. And though I had just signed over two hundred thousand dollars to spring her from jail, I felt awkward asking her about it. I was hoping she would tell me when she was ready.

Our city sits in between a series of rolling hills, covered with towering trees. Few streets are straight, so the going can be a little slow. Tourists come from everywhere to see this place, especially in the fall. The trees were just starting to turn, and I could see why they came. I stared out the window and enjoyed the beautiful view; glad it wasn't me on trial for murder.

I asked, "Maura, how'd you ever hook up with a loser like Sam in the first place? He doesn't seem like your type."

"Turns out he wasn't," she said. "In the beginning, though, you couldn't have convinced me of that. He had a girlfriend when I started seeing him. He just said she was from the wrong side of town and it would never work. He broke it off with her right away, so I never really asked about it."

"And he thought you were from the right side of town?" I asked.

"I'm not even from this town, so it didn't matter, I guess."

"And when did you realize Sam was a womanizing piece of crap?" I asked.

"When he was hitting on the maternity nurses the night Brittney was born. I spent the night in the hospital. I think he may have taken one of them home to our house."

"Did you call him on it?"

"He denied it. He told me it was postpartum bullshit and that I imagined intentions that weren't there."

"But they were there?" I asked.

"He hired Shannon a couple weeks later. I told him she wasn't the right choice for the job, but he insisted. Lately I was pretty sure they were having an affair."

"Why didn't you leave?"

"Because of Brittney. A divorce is very damaging to a child, especially at her age." I wondered if a murder trial was any easier for the kid, especially when mom was supposed to have stabbed dad, but I didn't ask.

The cab pulled up outside Guilianos. Maura paid the fare and we went inside. The big buildings down in that part of town do most of the city's important business. Guilianos is just one in a string of highend restaurants lined up downtown, just like the fast food joints are out by the freeway.

Guilianos is the Italian restaurant to go to, if you're anyone important. Maura Ferguson was certainly a socialite in this town. I was a lottery winner, but the genuine rich kids let me eat with them from time to time.

Come to think of it, Maura wasn't from money either. She had been raised in a typical middle class American home, just like me.

Then she married well. I guess that's as important a skill as many others

If the smooth operator working the front desk knew Maura was on the hook for a double murder, he didn't act like it when we walked in. He greeted her by name and sat us immediately at a table with a view. I slipped him a twenty and ordered a bottle of wine.

Maura Ferguson sat across from me looking at a menu. I didn't bother. I'd been to lunch with her before and knew she would pick something out for me, and that it wasn't worth my time to argue with her. Besides, she had said something about pizza before we got in the cab.

"Jake, I can't go home tonight," she said without looking up.

"Too hard on you?"

"No. I mean I can't go home. The police won't let me. It's a crime scene. I'm not allowed in there yet. They didn't think it would matter. They said my cell would be just fine. I'd get used to it, they said."

"Little did they know that you had a rich friend with too much time on his hands and nowhere to spend his money."

"Can I stay with you?" she asked. She still hadn't looked up from that damn menu. How many topping choices could there be?

"I'm not sure that's a good idea, Maura," I said.

"Sam isn't going to find out about us now," she said. Now she was looking at me. Was there an "us" to find out about?

"No, but everyone else is," I said.

"And that's a problem why?"

"I thought we agreed we would continue to appear as strangers as much as possible until this was over. Lunch today is okay, probably even a good idea. You should be thankful I bailed you out. But I wouldn't think most people would view spending the night together as an appropriate method of showing gratitude."

She was staring right at me, but didn't speak. I doubted that my argument had convinced her. She was more likely just too tired to battle me.

"We'll find you a hotel room. Someone else can change your sheets and clean your toilet. My janitorial days are over," I added.

With my job I never had to clean any sheets. There aren't too many beds in an office building. There are, however, plenty of toilets. There is nothing worse in this world than cleaning toilets in a public restroom. I generally left that to the day crew.

The waiter stopped by with our wine and poured us each a glass. Maura tasted it, nodded her approval. She ordered something. I think it was pizza, but I wasn't sure until it showed up at our table twenty minutes later.

We barely talked through the meal. Maura ate more than her half, but I didn't complain. She had spent some time in jail. I hear it can give you a mighty big appetite.

Had she been treated well in jail? Did she have her own cell? Were the guards all lesbians like in the movies? Were they men? Had she eaten? Why do they wear orange jumpsuits? Was I still hungry?

We finished and she asked, "Are you having dessert?"

"Well, it's about five now, and I have to be home by six. I'm not sure I've got time for dessert." Actually it was one o'clock.

"Okay, Jake, I get it. You want to know what I did after I dropped you off."

"If it's not too much trouble," I said.

She took a moment to order two slices of cheesecake. I think one was supposed to be for me.

"Okay, I was there," she said.

Fortunately I didn't have a mouthful of anything to spit out. I said, "You were there? At your house? You killed them?"

"No, I didn't kill them. And no, I wasn't actually in the house. Sam's car was in the garage when I got home. He doesn't usually get home before seven most nights. I glanced in the passenger side window as I walked past it. *Her* jacket was in there. I knew *she* was inside. I turned around, got in my car, and left."

"You never went inside?"

"No."

"You might be very lucky you didn't."

"I thought of that, too," she said.

The cheesecake came and I did get a slice. It was a mountainous piece covered with a chocolate shell. I guess Maura wasn't watching her girlish figure this meal.

"Can you explain the scratches on your arms, then," I asked.

"I'd rather not right now, if that's okay with you."

"You didn't have them at the movie, Maura. And you never saw the dog alive after you dropped me off. It sounds a little fishy." "The scratches aren't from a dog. They're from a man. Actually more of a boy."

We weren't dating, Maura and I, which is why there wasn't really an "us" for people to find out about. We had bumped into one another a couple times at neighborhood social get-togethers and so on. One night I was at the video store, and so was she. We talked ourselves into being friends. Since then we'd gone to a few movies and lunches, while Sam was at work with Shannon. We hadn't even kissed each other yet. I had no reason to be jealous, really. But I was.

"A man?" I asked.

"I jumped in my car, drove to Hud's Saloon. I saw a young kid shooting pool, so I bet him I could beat him. If he won, I'd go home with him. I let him win."

"And he scratched your arms?"

"It was what you could call angry sex, Jake. I'm pretty sure his back looks worse than my arms."

"Why isn't he your alibi?" I asked.

"I never got his name. I didn't think I'd need it. Grant's going to have to find him," she said.

The check came and she paid for it. I let her, since I had already spent my daily allowance. In the cab on the way to Grant's office she thanked me again. We agreed to stay in touch with e-mail. She said she'd have to rent a laptop to use from the hotel. Us rich people can do that sort of thing. She said her screen name would be MadSex. I told her mine would be Down200K.

As she climbed out of the cab in front of Grant Spencer's law offices she threw three twenties at the driver and told him to take me wherever I wanted to go. I watched her all the way through the doors.

The driver asked, "Where to?" I said, "Last Friday, if you don't mind."

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