

A Thriller

A silhouette of a man in a dark suit, seen from the back and slightly to the side, standing against a vibrant, fiery orange and yellow background that resembles a sunset or a fire. The man's hair is dark and styled. The overall mood is dramatic and intense.

James Patterson

The #1 Lawyer

HE'S AMERICA'S BEST LAWYER
UNTIL HE'S ITS #1 MURDER SUSPECT

& Nancy Allen

#1 ^{The} Lawyer

James Patterson
& Nancy Allen



LITTLE, BROWN AND COMPANY

NEW YORK BOSTON LONDON

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To Sarah, Yancey, Matthew, Meredith, Elizabeth, and Mallory

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LITTLE, BROWN AND COMPANY

PART I

CHAPTER 1

IT WAS a Monday morning in Biloxi.

I had on my best suit, fresh out of the dry-cleaning bag. I wore my lucky tie, the one my wife, Carrie Ann, had given me two Christmases ago. I'd bought a new pair of cap-toe oxfords for the occasion because my old ones were worn down at the heel.

I didn't want to look shabby next to my client on this big day.

The capital murder trial *State of Mississippi v. Daniel Caro* was set to begin.

I took a deep breath to center myself, gave a final glance at the note card in my right hand, made eye contact with my audience.

"I'm Stafford Lee Penney, attorney for the defendant, Dr. Daniel Caro. Ladies and gentlemen of the jury, this is what the evidence will show."

I'm a second-generation Mississippi attorney. My father, Charles Jackson Penney, is also a trial lawyer in Biloxi, Mississippi. He has been known to proclaim—so often over the years that I've lost count—that a lawyer wins or loses his case in the opening statement.

The old man is half right. After fifteen years of practicing law, I know you can lose a jury with a weak opening. But the opening is too early to win the case. Witnesses will take the stand and evidence will pour in; there are too many unknowns, too many battles to be fought.

Particularly in the Daniel Caro murder trial.

"We all heard the district attorney, Henry Gordon-James, outline the evidence he plans to bring before you," I said. "He went on and on about exhibits and experts, didn't he? Made all kinds of promises. But you need to think about what Mr. Gordon-James failed to mention. What word did he *not* say?"

I took a step forward. I wanted to move closer to the jury to ensure they'd listen to my key point.

"Ladies and gentlemen, that word is *circumstantial*. All the evidence in this case is purely circumstantial. The prosecution will not produce a single witness or a shred of evidence that directly ties my client to the crime he's been accused of committing."

I was warming to the speech. I could feel it. My blood was pumping; the words flowed easily.

"The criminal defendant in this case, Daniel Caro, is highly regarded in this community. He grew up in Biloxi, received his medical degree from Duke. His ob-gyn practice is a blessing to this town. For over a decade, he has delivered our babies and cared for our mothers and wives and daughters. Dr. Caro is an asset to this region. I've known him all my life. We played Little League baseball together. He's my client and my friend."

That last line contained a gross exaggeration. Caro and I weren't friends. In fact, I'd never particularly liked him. He wasn't my kind of cat. But the opening statement was my opportunity to humanize him before the evidence demonized him.

After I wrapped up my client's glowing bio, I took two steps to the right to signify a change

of direction.

“The events that you’ll hear about in this trial are tragic, undeniably horrific. They never should have happened anywhere, certainly not in Biloxi.”

Careful, I thought. It was time to mention the murder victim, to speak her name. It was imperative that I proceed delicately.

“Aurora Gates’s untimely death was a terrible loss. She was an exceptional woman: Valedictorian of her class at Biloxi High School. A promising law student at Ole Miss. Her future was bright. Someone took a gun and stole that future from her, cut her life short.”

Time to switch it up and alter the tone.

“But the person who committed that vile act was not my client, the man who sits in the courtroom today.”

I teased a few items after that, hinting at important evidentiary points I intended to score at trial without directly revealing the strategy. My father has another saying about the start of a jury trial: A defense attorney who shows his hand in the opening is a damn fool.

The old man’s not wrong. We see eye to eye on that one.

CHAPTER 2

I GLANCED at the clock just before I wrapped it up. Good—not too short, not too long. I said thank you and smiled warmly but without flashing any teeth so the jury could see that I was not flamboyant or showy, that I respected the gravity of the situation.

I stood there waiting. When I didn't get a reaction, I said: "Well? What do you think?"

Mason grimaced. "Meh. Not your best effort, Stafford Lee."

I tossed the crumpled note card onto the conference-room table. I'd been gripping it too hard. "Really? That bad?"

The guttural noise Mason made in reply could have been interpreted as neutral, but he followed it up with "Pretty bad."

"No!" Jenny, seated next to Mason, leaned over and swatted the back of his head. "Are you trying to jinx him? It was great, Stafford Lee. Really good."

"I've heard better," Mason said under his breath.

"Mason, quit being so negative," Jenny snapped. "You always do that."

Jenny was right. Over the past fifteen years, we'd done the ritual of the trial run scores of times, and Mason did always do that.

I performed these run-throughs at my law office for an audience of two: Mason Burnett, a trial attorney with his own law office, and Jenny Glaser, a licensed private investigator. They were my closest friends and both were excellent sounding boards. Helpful, even when it hurt.

Predictably, Mason skewered my weak spots, especially what he called my lackluster delivery. Without Jenny's supportive yin to balance Mason's criticizing yang, on the first day of any jury trial, I might have walked right past the courthouse, kept going until I reached the waters of the Gulf, and dived in, fully clothed.

Mason said, "All right, it wasn't a total flop. Remember the first time you did your opening for me, right after we graduated from Ole Miss? You essentially admitted your client's guilt in the first two minutes."

Jenny snickered. I didn't blame her; that misstep could have destroyed my legal career before it began. But on that long-ago occasion, Mason had pointed out my gaffe, and we fixed it. To the surprise of everyone in the courthouse, I went on to win the case even though it was a loser, almost as tough as the case I was handling now.

Since that first jury trial fifteen years ago, I had managed to win them all. Whether that was due to good luck or good tactics, I'd be hesitant to opine. Criminal defense lawyers are supposed to lose, so mine was a pretty unusual record.

If it ain't broke...

Leaning on a chairback, I asked, "Was there too much bio? Or not enough?"

Across the table, Jenny said, "The background on Daniel Caro was effective, the part about delivering babies and caring for mothers and daughters. People will respond to that."

“They’ll like him until they hear the evidence.” Mason put his feet up on the conference table. He was pushing my buttons, but I kept going. “Did it sound genuine, the stuff I said about Caro being a great guy?” I worried that the jury might detect a note of insincerity.

“Yeah, that was all right,” Mason conceded. “They’ll buy it. Unless they know him very well. Or know you at all.”

We were all Biloxi kids with a shared history going clear back to grade school. Mason’s mom had been my Cub Scout leader. She’d been like a second mom to me after my own mother passed away from non-Hodgkin’s lymphoma in her thirties. Jenny and I had had a brief romance in fifth grade—we went steady for almost forty-eight hours.

Jenny reached into a bright red attaché case and pulled out a stapled sheaf of papers. As she slid it across the varnished table, she said, “I did the background you wanted, ran more information down on the jurors and the alternate. No big surprises which ones might be defense-team-oriented and which lean toward the prosecution.”

Even from a cursory glance, I could see it was stellar work. “Jenny, you’re worth every damn cent I pay you.”

Mason chuckled. “Paste that quote on a billboard for your PI business, Jenny, right smack next to a picture of Stafford Lee. His fan club will love it.”

Jenny rolled her eyes. “Have you always been jealous of Stafford Lee, Mason? Even back when we were kids?”

“I’m not jealous of him.” Mason made a show of peering down at my feet. “But I’m seriously impressed by those shoes.”

I ignored the comment about my footwear and checked the clock again. I met Mason’s eyes and said, “Any final suggestions?”

Mason the irreverent comic disappeared. He was shooting straight and serious when he said, “The jurors are going to need a tangible reason to root for the defendant, so give them something to sink their teeth into. Go ahead and call the murder victim a floozy.”

I must have recoiled.

“Do it.” He raised his voice. “Call her a home-wrecker. Give her a black eye at the outset. They love that shit in Biloxi.”

Not my style, trashing the victim of a violent crime. But in this situation, it might give me a boost. God knew I was going to need one when the evidence started rolling in.

Jenny weighed in, playing her part in the ritual. “Mason, you can’t try the case in opening. And attacking that young woman is a dangerous gambit. If Stafford Lee offends jurors on day one, he’ll have trouble winning them back.”

We could have gone more rounds, but the chiming from my phone ended the fight. I turned off the alarm and slid my phone into my pocket.

My parting question: “What are the odds of winning this one?”

“Of getting a not-guilty verdict?” Jenny asked. “I’d say fifty-fifty.”

I swallowed down a groan. “Your odds, Mason?”

“Sixty-forty.”

Better.

“Sixty percent that your client will go down,” Mason added. “Just to be clear.”

I’d preferred the fuzzy odds.

I picked up my briefcase and shot a wry grin at my two closest friends. “Thanks for the vote of confidence.”

CHAPTER 3

THE HEAVINESS of my briefcase as I walked to the courthouse provided a physical reminder of the weight of the Caro case. My briefcase wasn't a slim nylon bag designed to carry a laptop and nothing else. Constructed of black leather and secured with nickel locks, it was more like a mobile filing cabinet. Mason thought I was crazy to haul the massive briefcase the blocks from my law office to the Biloxi Circuit Court.

Taking this solitary walk on the first day of trial was another of my long-standing rituals. Even when hurricanes threatened, I stubbornly adhered to it. Today, the September sun reflected off my sunglasses; the Gulf breeze blew balmy.

Big casinos lined the water's edge. People pointed to them and said, "We're the New South now, not the old fishing town famous only for shrimp and oysters and Jefferson Davis. It's twenty-first-century progress, these hotels rising up twenty-five stories, hotels that dominate local revenue. Biloxi has changed."

That's what people say, anyway. But we're still a small city with one public high school that serves a population hovering around fifty thousand.

The first couple of blocks cleared my head, and I girded myself for battle. I was acutely aware that I was in for the fight of my life against my opponent, Henry Gordon-James, the district attorney for Harrison County. Harrison County has two county seats, Biloxi and Gulfport, and Gordon-James served in both communities. He was personally handling the trial, and he was a powerhouse in the courtroom.

A whole lot was riding on the outcome of this trial. First and foremost, my client's life was at stake. It was a death-penalty case.

Tensions around town were running high, and when the jury returned its verdict, Biloxi would likely be in an uproar. Whichever way the case went, there were many issues that would leave people fired up.

Issues like race.

The murder victim, Aurora Gates, was a person of color. The population of Biloxi was about 21 percent Black, but the defendants charged in local criminal cases were about 75 percent Black. This defendant, my client, was a white man. And the particulars of the accusations against him were extremely inflammatory.

For several blocks, I had the sidewalks to myself. I turned the corner, and the courthouse came into view. The Second Judicial District Courthouse is a flat-topped, two-story structure built in 1968 for function rather than architectural style or grace.

Even from a distance, I could see the gathered crowd of onlookers and the news vans circling the building. I switched the briefcase from my right hand to my left and picked up the pace.

A woman coming off the graveyard shift at one of the casinos, still dressed in her poker dealer's uniform, called out, "It's Stafford Lee Penney! Hey there, Stafford Lee!"

I paused to return her greeting. “Good morning to you, ma’am.”

As the woman shouted, “Good luck,” the crowd surged toward me. A guy from my high-school class pushed through to clap me on the shoulder excitedly, like he’d come to watch the state football championship. I smiled, said hello, and continued on my way.

Standing near the courthouse entrance was a former client of mine, a young woman I had represented on a minor traffic charge. I had gotten her a good deal on a plea bargain and charged a reasonable fee. I hoped she was there to support me.

I stepped up to her, extending my right hand. “Hey, it’s Arnette, isn’t that right? It’s been a while. How are you doing?”

She stared at my outstretched hand without moving. Finally, she met my eye. “I went to school with Aurora Gates,” she said.

I dropped my hand. Clearly, trying to get the man who was charged with her schoolmate’s death acquitted made me a villain.

But it bothered me that my former client might misunderstand my motivation for taking on the Caro defense. Whether we like our clients or not, criminal defense lawyers sincerely believe in the Fifth Amendment right to due process for everyone. A person’s entitled to a defense, and I was in the business of providing one—for a price.

Still, I wanted to show Arnette that I was not a heartless guy, not just another white good ol’ boy.

“I’m sorry for your loss, Arnette. Ms. Gates was an exceptional young woman. What happened to her is a tragedy.”

Her face was stony, her expression unforgiving. “Right. If you’re so sorry, why are you trying to let her killer walk?”

She turned and left. I wanted to reach across the abyss, but this was not the time. I headed for the courthouse door.

Just before I entered the building, one of the locals who had come to witness the ruckus shouted, “You’ll get him off, Stafford Lee!”

When the door shut behind me, his voice rang in my ears.

Two women, clerks from the recorder’s office, grabbed me before I reached security. One of them, Liz Craig, was remarkably pretty. Mason had asked her out more times than any sensible man would have, but she invariably rebuffed him.

Breathless, Liz said, “You’re famous, Stafford Lee. Did you see the cameras following you to the door? Do you think you’re going to be on TV?”

“I don’t know, Liz. I guess we’ll have to tune in and see.”

“I love watching you in court. When we take our break, Renee and I are going to come and sit in for a minute just to see you do your thing.”

Her eyes were shining with admiration. A man would have had to be blind, senile, or both to miss it.

“That’s a real boost for me, knowing I have your support.” I gave the women a friendly smile. “Thank you, ladies, both of you. Now, I better get on upstairs.”

Before I stepped through security, Liz tugged on my sleeve and whispered, “Good luck, Stafford Lee.”

Walking up the stairs to the second floor, I was glad that Mason had not witnessed the exchange. He frequently claimed that I had a flock of lawyer groupies. Unfortunately, he’d been known to joke about that in the presence of my wife. Carrie Ann didn’t think it was funny.

In fact, it was one of the reasons she'd kicked me out of the house five weeks ago.

CHAPTER 4

I PEERED through the glass panel into the courtroom. It was too early for the press or the public to be admitted, but my client was already inside, seated on the front bench of the spectator section, his wife next to him.

I called out a greeting and hurried down the center aisle to the defense table. I set down the briefcase, shook out my left hand to get the blood flowing, and reached out to Caro with my right. “Daniel, join me at the counsel table as soon as you’re ready.” I smiled warmly at his wife. “Iris, how are you holding up? I know this is a difficult day for you.”

I liked Iris. Caro’s wife and I had gone on a couple of dates in college, when she was the reigning belle of Ole Miss. I’d stepped aside when Mason fell for her; he’d even escorted her to a sorority formal. All of this predated her romance with Caro and my marriage to Carrie Ann by many years. Ancient history, but I’d always had a soft spot for Iris.

Iris began to say something, but her husband cut her off. “Where the hell have you been? I’ve been waiting here for twenty minutes. Do you know how much I’m paying you?”

I certainly did know, down to the penny. Like a lot of defense attorneys, I charged my clients on a sliding scale, based in part on their ability to pay. Daniel Caro’s lucrative medical practice netted him almost half a million a year, and that annual income put him in the top 1 percent in the state of Mississippi.

Caro’s income was one of the few things I liked about him—it enabled him to pay his attorney fees in advance and in full—but the money wouldn’t necessarily endear him to everyone. I made a mental note to check Jenny’s background information on the jurors’ household incomes. One in five people in my community lived in poverty.

Iris Caro eyed her husband warily as she scooted down the bench, creating distance between them. Obviously, she didn’t like to be too close when his temper flared. Daniel got up and came over to the counsel table.

Caro’s father claimed the family had roots in Sicily, and my angry client did resemble Michael Corleone. His hair, longish and slicked back, added to the *Godfather* aura. We had to work on that. In front of a jury, it wouldn’t be a good look. “Daniel, you need to calm down.”

“Calm down? Really?”

Two people took their seats in the back row, and Caro dropped his voice to a whisper. “There are people here today who are out for my blood.” The newcomers were too far away to hear him, but the deputy standing near the judge’s bench wasn’t. She was serving as bailiff, and she was listening.

I could not deny that Caro was right, so I didn’t try. Nonetheless, I had to reassure him. “Daniel, thanks to trained personnel from the sheriff’s department, the courtroom is the safest place a person can be.” I turned to the deputy. “Isn’t that right, Charlene?”

She nodded. “We are on top of it, Stafford Lee.”

Caro grabbed my sleeve. “That little girl is supposed to protect me? That’s the best you’ve got?”

I looked down at the hand clutching my suit jacket. When he released it, I said, “Charlene is extremely competent. And she won’t be alone. They’re doubling up on officers for the trial. You’ve got nothing to worry about.”

His eyelid twitched. “Nothing to worry about? I stand to lose everything. It’s preposterous that you ever let this matter reach the trial stage. I didn’t do anything wrong.”

That wasn’t entirely accurate, but I wasn’t going to argue about it, not in front of his wife.

He continued. “You should know that I heard threats when we arrived. Actual threats from people milling around out there.”

I was running out of patience—and time. I was due in chambers to meet the judge and the DA, so I made a statement certain to shut him up: “If you really feel unsafe, you should talk to your father. Maybe he’ll provide a security detail for your protection.”

Caro blanched. He re-joined his wife on the bench and said something into her ear; her face crumpled, and she raked her fingers through her carefully styled ash-blond hair.

It was no surprise that Caro backed off when I mentioned his Mob-connected father. I picked up my briefcase, recalling my client’s embarrassment that his medical education at Duke had been paid for with money from Hiram Caro’s casinos. Daniel distanced himself from his roots. If he could have, he’d have rewritten history. But that’s hard to do in Biloxi, where roots are deep and memories are long. Everyone knew that the seed money for old man Caro’s casino complex had come from underground gambling in the 1970s and 1980s. Before casinos were legal in Mississippi, Caro ran slots and card games in the back room of the Black Orchid, his seamy striptease joint. The rest of the Dixie Mafia was taken down in 1985, but my father kept Caro’s father out of prison.

And here we were, the next generation, with a Penney again defending a Caro in court.

Things never really change in Biloxi.

CHAPTER 5

SPEAK OF the devil and he shall appear.

On my way to chambers, I ran smack into my old man. He was at the top of the courthouse stairs, leaning on the railing for balance.

“Hey, Dad. How you doing?” Without waiting for a reply, I veered to the left, giving him a wide berth. But he followed me.

“Hold up, Stafford Lee. I’ve come all the way up here to wish you good luck.”

I didn’t believe that, not for a minute. He had come to offer me unsolicited and unwanted advice. And the truth was, I didn’t have time to fool with him. Over my shoulder, I said, “Dad, Judge Walker is waiting on me. And you always told me never to keep a judge waiting.”

“Horseshit. I never said that. And Tyrone Walker isn’t a stickler for timeliness, never was.” Running a hand through his mane of white hair, he tried to keep up with me. He wore that bulldog look he got when he was determined to say his piece.

I paused at the door to the clerk’s office. “Later, Dad. Thanks for checking in.”

Something must have made him change his mind. He waved a hand, releasing me. “Go on, then.”

I did go, speeding past the judge’s clerk, Megan Dunn. The young woman glanced up at me with the serene expression she always wore, regardless of the circumstances. “Judge is waiting on you, Stafford Lee.”

“Thanks, Megan.”

When I stepped into chambers, Judge Tyrone Walker was perched behind his desk. Across from him sat the district attorney of Harrison County, Henry Gordon-James, somberly dressed in charcoal gray. Though the DA was about my age, his grave demeanor made him seem older. We weren’t close, but I respected his talent and his experience. He was the first Black man to serve as the district attorney of Harrison County.

As soon as the door shut behind me, I picked up the uneasy vibe; the tension in the room was so thick, the air seemed to vibrate with it.

I nodded at them. “Morning, Judge, Henry.”

The judge pointed to a seat. “Join us, Stafford Lee. Henry has been wondering whether you’d be here. But I assured him you wouldn’t bail on us.”

Gordon-James’s eyes briefly met mine. “I don’t believe I suggested that Penney would be a no-show. I did, however, mention that he had failed to appear on time.”

I was late by three or four minutes. But my old man was right; Walker’s nose wasn’t out of joint about that. The DA, however, was less forgiving.

The judge announced, almost gleefully, “We are going to have the battle of the gladiators in the Second Judicial Circuit today. Did you see the crowd out there? TV cameras, the whole nine yards. Good thing that jury is sequestered.”