

A Puff of Wind

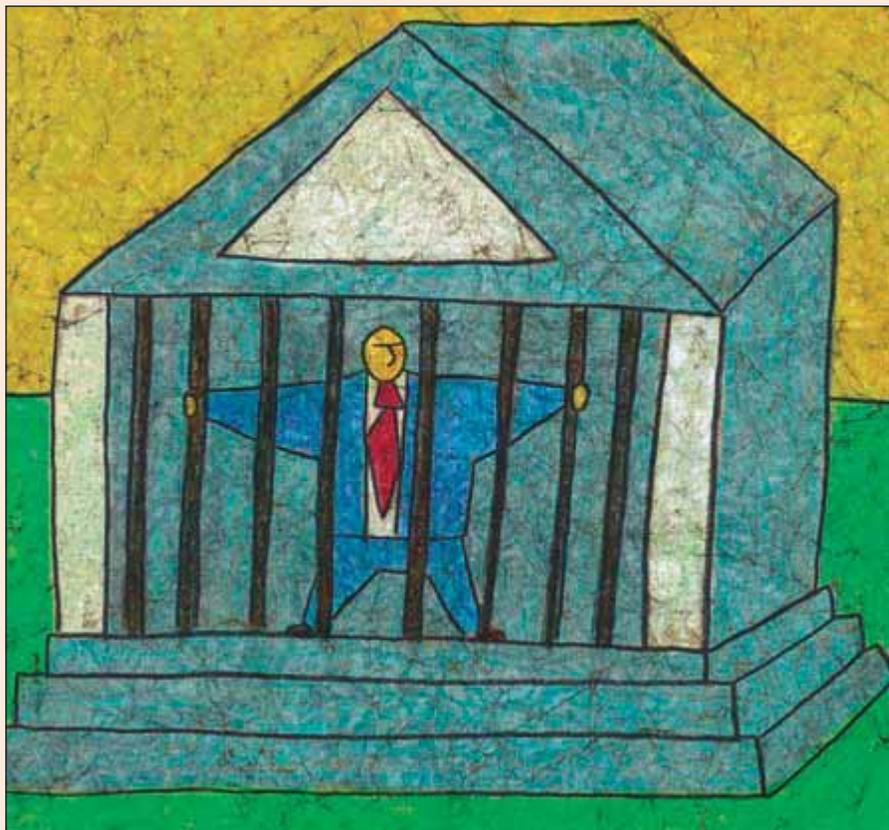
By J. Ellis Millsaps

Angels appear unannounced, or so I've read. I don't know how Angela Kent came to be standing in front of my desk. My secretary said she didn't see her come through the reception room, but there she stood saying, "Mr. Hollis, may I please talk with you, sir?"

I could have said, "Do you have an appointment?" "Have you paid a consultation fee?" "Do I know you?" But I didn't say any of those things. I said, "I'd be delighted. Have a seat."

I'd never had what I later learned to be a 16-year-old girl seek my services, unless she came about her boyfriend in jail, more often than not with a poorly tended infant wedged on a jutting hip. Angela looked more like my teenaged daughter, maybe come to ask the high school counselor if she could take another advanced class. I wondered briefly if they knew each other.

Most people, in my observation, if they're ever going to be good looking, will at least show strong signs of future beauty at 16. Some



at that age have reached their peak of pulchritude and begun their descent into the ubiquitous, flabby sameness of American middle age, but Angela Kent had the kind of face you see on magazine covers. Time would change that face, but not its perfect proportions.

"It's about my father," she said, then, "Excuse me," and blotted a tear. There seemed to be no make-up to smear.

"Who is your father?" I asked.

"C.W. Kent. He's in jail. He's charged with murder." She squeezed her eyes shut and opened them, lashes glistening.

The middle Georgia town in which I live is not a large one. We have our share of murders, but as a criminal defense attorney I make it my business to be aware of them all. Most of those accused at least inquire about my services.

"I've read something about this in the paper, I think. Your father—" I

paused to consider the delicacies of the situation, then realized the poor child was already acquainted with the facts, probably read the same article I had. It was a familiar story: man finds wife at motel with man and shoots him, in this case with a single-shot 12-gauge shotgun.

People say you win cases nobody else can win. My friend's brother says you're 'more powerful than death.' Please, please, say you'll be his lawyer.

"Is the woman your mother?"

"No sir. My mother died when I was 3. Lynette's my stepmother." She leaned forward on stiff arms, hands gripping the sides of her chair.

"Does your father have a lawyer?"

"He's got the public defender. He says he's guilty and there's no sense wasting money on a lawyer."

"Since you're here, I'm guessing you think otherwise."

"I don't want my father to go to prison. He's not a criminal; he's the kindest, best man I know." She released her hold on the chair and leaned back, resting folded hands in her lap. The tears had stopped. I could tell she'd rehearsed this part.

"He raised me by himself. He married Lynette five years ago, but...well, she's not my mother. She's a whore, Mr. Hollis. I was in the sixth grade and I could see that but he couldn't. I never said anything because she seemed to make him happy, and I wanted him to be happy. Nobody deserves to be happy more than him.

"He's a cabinet maker, Mr. Hollis. He makes beautiful cabinets. He's got a shop behind our house. He could get a job doing woodwork anywhere and make

more money but he never did that because of me, so he'd be home. When I had something at school where other kids' mothers showed up, my daddy was there. He's always been there and now—". Her voice cracked, but she stopped herself, sighed and went off script.

"My father wouldn't hurt a flea. Well, O.K., we like kill the fleas on our dogs. We spray for ants, but he won't like kill snakes or spiders. The gun, the shotgun, was one my grandfather owned. He didn't even have shells for it. He had to like stop at Wal-Mart to buy shells.

"I saw an old movie on T.V. where Jimmy Stewart was a lawyer. This soldier had killed a guy who had like raped his wife or whatever. The lawyer won the case because...something about temporary insanity I think. I know you could do that for Daddy, Mr. Hollis. People say you win cases nobody else can win. My friend's brother says you're 'more powerful than death.' Please, please, say you'll be his lawyer."

I'd heard things like this before, but my pleasure at hearing them is undiminished by repetition. It's one of the reasons I do what I do.

Before I got whole hog into fantasizing myself as the protagonist of *Anatomy of a Murder*, I broached the subject of another reason I do what I do. "My services don't come cheaply in a case like this and if your father doesn't want to hire a lawyer, I can't make him. I can't go down to the jail and try to talk him into hiring

me. It's against the rules."

"I can pay you, Mr. Hollis. I don't know what you charge, but I've got this." She handed me an envelope. "And I can get a job and like pay you every week. My mother's parents can pay you some; they get social security."

The envelope was from one of the local banks. Inside was a savings account statement. The balance was \$6,134.27.

"It's none of my business, but I'd like to know where you got this money."

She smiled and my heart fluttered. I was then 46 years old. I don't lust after young women. If I were not married, I'd be embarrassed to date a woman, say, 15 years younger than me. It's like the schoolyard maxim about picking on somebody your own size, but although it had been years since I could touch a basketball rim, my eyesight was still good, and there was no denying the female seated across from me was a visual credit to the gender.

"I've been saving it all of my life. It's my college fund. Every time Daddy gave me my allowance he like matched it with a savings deposit. But it's my money," she added with an assurance the conversation hadn't elicited to that point, "and it's all yours if you'll help my daddy."

"Now how are you going to go to college if you give me your college money? Your father's very likely—you need to face this—going to prison, and your grandparents are living on social security. I'm sorry to be so blunt, but this is serious business. It's your future. I know this is a horrible thing you're going through. I couldn't imagine being in your situation, but someday you'll wish you had this money."

"If I didn't give you the money, I might someday be like a doctor or a lawyer, but I'd also be dead inside. I mean there's more to life than money, right?"

I can't help it. I get choked up every time I watch "It's a Wonderful Life" when George Bailey reaches in his watch pocket and finds Suzu's petals. I've been known to find Suzu's petals during closing argument. I sat tapping the corner of the bank envelope on my desk and I knew two things.

I knew I was going to visit a man named C.W. Kent at the county jail, and I knew I wasn't taking a penny of his daughter's college fund.

I waited until I thought my voice was steady to say, "I'll see what I can do. I can't promise anything, but I'll go talk to Mr. Kent."

"Oh, thank you. Thank you. Would it be O.K. if I hugged you?"

"No, young lady, it would not. You shouldn't be hugging old geezers you've just met. You don't know where they've been."

She laughed. "Well, we'll shake hands then," she said standing and we did. She looked at me so intensely I had to look away. "You'll call me?"

"Yes, I'll call you."

She turned around as I followed her out. "About college," she said, "there's always the Hope Scholarship, and I'm a pretty good basketball player. Ask Charlotte," she added, mentioning my daughter's name and giving me another shot of the heartbreaker smile.



I'd like to say that the reason I found myself sitting with a phone to my ear looking at C.W. Kent through a plexiglass window had nothing to do with his daughter's dazzling smile. I'd like to say that,

I'd like to say that the reason I found myself sitting with a phone to my ear looking at C.W. Kent through a plexiglass window had nothing to do with his daughter's dazzling smile. I'd like to say that, but I indulge in the conceit that I'm an honest person.

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A county-issued orange jump suit is a leveler of social classes. I've seen professionals and beggars, the morally reprobate and the just plain unlucky wearing them and, until they spoke, you might not know which was which, but before C.W. Kent spoke I could tell he was a good man. His face was strong featured, kindly. I think I would have guessed he was Angela's father if I hadn't already known.

"Good afternoon, Mr. Kent. My name's Hubert Hollis. I'm a lawyer. Your daughter asked me to come see you."

"Pleased to meet you, Mr. Hollis. Angela said you'd be coming." He smiled engagingly, as if we were meeting to discuss some cabinets I wanted built. He didn't have the air of desperation I usually encounter in these short-distance phone calls. He wasn't talking a mile a minute about how he'd been wronged; he was matter of factly saying, "I apologize for taking up your time, but I'll talk to you for her sake. I'd do anything for Angela, but I've put myself in a situation where this is about all I can do for her.

"I'm afraid there's nothing you can do for me, Mr. Hollis. People in here tell me you can move mountains with a wave of your hand. I've had jailers tell me I ought to hire you, so I know you're a good

lawyer, but you can't change the fact that I murdered a man who was trying to get his pants on. I can't afford to hire you but that's beside the point. What's done is done."

If I were going to be his lawyer he'd stop saying "murder," but that could wait.

"You let me decide about that after I know a little more. Don't concern yourself with money for the time being. We can talk about that later if I decide to take your case."

"It's your dime," he said. "What would you like to know?"

"Did you give a statement to the police?"

"I don't know about giving a statement. I told them what happened."

"Did they tell you that you didn't have to talk to them if you didn't want to?"

"Oh yeah. They read me that Miranda thing right off the bat. The deputy who arrested me at the motel was Clyde Ferguson. I've known Clyde all my life. When he put me in the back of his car he said, "I'll swear I never told you this C.W., but if I were in your shoes I'd tell anybody who asks that you're not saying a word until you get a lawyer."

"And you're telling me, I take it, that you disregarded the best legal advice anybody could have given you at that point."

"It's like I told Clyde when he

told me that. Them two made a fool out of me, or at least showed me up for the fool I am. Taking credit for killing that boy is the last shred of dignity I got."

"I see. I want you to tell me as best you can exactly what you told the police."

"I told them I was an old fool when I married Lynette and this is what it got me. She was divorced twice when I met her and young enough that anybody but an old fool like me could see I was headed for trouble. I didn't want to see that anymore than what her and that boy was doing right under my nose.

"The funny thing is the boy wadn't a bad worker. Only good help I ever had and I killed him. Ain't that a hell of a note?"

"Maybe I should've fired him the first time I saw them making eyes at each other, but I didn't. I didn't think the boy would do me that way after I give him the chance I did. You know he was an ex-con?"

I in fact knew the "boy" to be Shane Davis, a 26-year-old imprisoned three times for burglary, drugs and probation violations.

I nodded.

"Lynette started coming up with more and more reasons why she needed to be gone for a few hours, but I'm such a fool it took me six months to realize this only happened when Shane wadn't working. Last week when he called in sick I followed her, followed her to the Days Inn and saw her park by his old truck and go in 13B. '13' be their unlucky number wouldn't you say?"

He paused for me to acknowledge his joke, and I did, hoping for his sake he didn't offer this pun to the cops.

"Anyhow, I drove home, got my shotgun, stopped at Wal-Mart,

bought some shells, went back to the motel, kicked the door in, shot Shane while he was putting his pants on and...and I don't know why I didn't kill Lynette too, but the truth is I don't remember that part. The next thing I remember is Clyde putting handcuffs on me."

"You ever done things and not remembered them before?"

"Not right after the fact as far as I know, but look Mr. Hollis, I'm an old fool, but I'm not stupid. I see where you're going with this and I appreciate it, I really do, but I was crazy when I married the woman but I wadn't crazy when I killed that boy. I was just plain humiliated and mad enough to kill. I don't know why I didn't kill her too. I meant to.

"I've got to pay the piper now and I know it. Nothing's going to change that.

"You tell Angela that you talked to me and I think you're a helluva lawyer but we both decided there's nothing can be done.

"I'm not looking forward to prison but a man can face what he's got to. The thing I really feel bad about is that I won't be there for Angela."



That night I asked my daughter about Angela Kent.

"Angela Kent? She's amazing. The most amazing thing about her, aside from the fact that she can shoot three-pointers better than anybody on the boys team, is her clothes."

I revisited her attire at my office. A corduroy skirt that challenged the school system's fingertip-length rule and a little knit top that didn't quite reach the skirt. I know the outfit well. I've purchased my share of them.

"What about her clothes?"

"Well, she like makes them her-

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self and they're so cool. Some of the snottier girls like make fun of her for that, but they're just jealous because their boyfriends have the hots for her."

"She have a boyfriend?"

"Just you, Lawyer Hollis. It's all over the school that she's saying you're going to get her dad off for murder."

I winced at that, not only because her father didn't want my representation but because of the girl's naive faith that I could do what was likely impossible.

The following afternoon I called Angela. Her father had obviously prepared her because she accepted the news with a polite, "Thank you, Mr. Hollis. I'm sorry to have wasted your time. Please let me pay you."

When I declined she said she wasn't a charity case yet and she would pay because it was right. I finally convinced her that free tickets to her first basketball game was about fair.



November passed and my contact with the Kents was apparently over, but not my interest in the situation.

The fact that C.W. Kent was not my client hadn't stopped me from keeping posted through Charlotte as to his daughter's well-being, which, not surprisingly, was not well at all: quiet, withdrawn, frequent absences.

Nor had it stopped me from visiting the Days Inn and marveling that anyone, let alone an average-sized, 55-year-old man, could kick in one of its metal doors. Kick it in with apparently one blow, because Shane Davis hadn't had time to whip out the .45 he was illegally carrying.

Nor had it stopped me from going to the PD's office and gather-

ing information like the fact of the gun in Shane Davis' possession and reading a copy of C.W. Kent's confession. They were happy to have any insights I might offer and hoped that I would take that case and a few hundred other losers off their hands.



Angela appeared again on December 3, this time having made an appointment. She was thinner and pale but animated.

"I've got great news, Mr. Hollis. Daddy wants you to take his case." She was writing a check as she talked.

"Hold on here. If I take your father's case I'll work out the financial arrangements with him. What changed his mind?"

"You'll have to ask him. He didn't tell me and I didn't ask because I didn't want to do anything to like change his mind back."

She was so happy she was giddy.



As I waited for Mr. Kent to make his way through doors being electronically opened, I sifted through conflicted emotions. True, I was fascinated with the case and highly empathetic to the plight of C.W. and his daughter. I very much wanted to help, but seriously doubted I could. C.W. would take things in stride, I thought, but Angela had higher hopes than the situation warranted. I was very likely going to shatter her dream and just thinking about it saddened me.

Before Angela's second visit, I had, for a person who loves praise and approval as much as I, the best of both worlds. I was in Angela's eyes a miracle-working attorney who could save the day if only her father's obstinacy would allow it.

Not only was that immensely flattering, it was invaluable advertising with the future generation of felons the "war on drugs" would create among Angela's classmates. Now I would lose those things.

Also, I would likely never be paid. C.W. would go to prison or, in the highly unlikely event the only defense of which I could conceive were successful, he'd stay in a state mental institution indefinitely. Neither venue offered lucrative employment opportunity. I particularly like to be paid well if I'm going to lose because, unlike winning, it's not good advertising.

But there I sat, looking at a loser for which I was being paid in high school basketball tickets, thinking that all I had to do was insist on payment up front and I could walk away with my reputation in tact. No one, no lawyer anyway, would think less of me for that.

I was looking at that, looking hard at that, as I was looking at C.W. Kent's genial face, a telephone receiver at his ear.

"We meet again," he said.

"What changed your mind, Mr. Kent?"

"Call me C.W. Everybody else does. My parents named me Clark so you can see why I go by C.W. It wasn't that their expectations were that high; they were old country folks, farmers—kind of like the place where the super baby landed—they'd actually never heard of Clark Kent.

"But they were good people, Mr. Hollis. Solid as a rock. We never had more than one old car. I was grown before I lived in a house with a color T.V. or air conditioning, but they always had money when my tires went bald or I couldn't make my house payment. Growing up I thought they could

handle anything that came our way. I was grown before—I'll never forget—it dawned on me that they were poor, that any minute during my childhood I thought was so secure a puff of wind could have wiped out what little we had.

"It's more than just my life at stake here. Angela's just turned 16. One thing I've always done is make sure that girl had everything she needed so she never knew about that puff of wind thing. Till now. Trying so hard, I thought, and in one fool moment I unleashed a damn tornado."

Clark Kent hung his head and cried.

"I've got to do whatever I can to get out of here for her sake. I know you can't keep me from doing some time but I need you to help me. I don't want to spend the rest of my life talking to my little girl through prison bars and, to tell you the truth," he looked up and grinned, "I'm scared to death of prison for my own sake. You hear things in here."

I grinned back. "I sure as hell can't blame you for that."

"I don't have any money, Mr. Hollis, but I do own most of a house. I'll give you that to sell. If there's any change back you can put it in Angela's savings. I want you to take my case. I'll do whatever you tell me, say whatever you tell me to say to get me back to Angela as soon as the Good Lord's willing."

This was my last chance to walk away from a situation that would consume my time and drain me emotionally for a long time to come, but I didn't take it. I wouldn't be telling you this story if I had.

You recall that I crave approval.

"I'll take your case C.W., but we're going to do it on my terms. The house is Angela's. You're

going to sign a promissory note for \$25,000 and whatever expenses we incur. When and if you get out we'll set up a payment plan.

"Take it or leave it."



Of course there's more to the story, but five years later that's the part I remember best. A lot of the rest is kind of a blur, but I'll hit the high points for you.

The first trial came seven months later. The core of the defense was one of the best you can have in a murder case: the son of a bitch needed killing anyway. Juries are sympathetic to that defense, especially out here in the sticks, but you've got to, as we say, give them something to hang their hat on. Something in the judge's charge that makes it "legal."

The hat peg, of course, was insanity. After a lot of shopping around I found a psychiatrist with halfway decent credentials who was willing to get with the program. C.W. took the stand and in response to the crucial question, "Did you at the time you shot Shane Davis know the difference between right and wrong?" answered, "I knew the day before. I of course know now I did wrong. I'm a fool but I'm not stupid—I like to think so anyway—but from the time I saw their cars at the motel till they put the cuffs on me, the only thing I knew was I was going to kill the both of them."

We put up 20 character witnesses including the president of the P.T.A., a county commissioner, and the aforementioned Deputy Clyde Ferguson.

You wouldn't think that would work and it only sort of did.

The first jury hung 8-4 for conviction. C.W. went back to jail and six months later we tried the case in

another county, there being hardly anyone left in our bailiwick who hadn't followed the first trial.

After three days deliberation the second jury announced they were hung, this time reportedly 7-5 for acquittal. The following week, after 16 months in the county jail, C.W. Kent was granted bond over the state's objection.

C.W. never spent another day in jail. He eventually pled guilty to voluntary manslaughter with a sentence of five to serve one, credit for time served. Every month I get a check from him for \$250.

I only see Angela Kent when C.W. and I can make it to a Tennessee Lady Volunteers' game, but every April when my birthday rolls around I get a handmade linen shirt. Embroidered on the pocket of each is "Angela Loves Mr. Hollis."

When I'm trying a case I don't have a snowball's chance of winning, when I wonder whether I can give my closing with a straight face, when the odds of winning are so low a bookie wouldn't give you a line and I know they'll take my client off in handcuffs and drag his wailing mother from the courtroom, I wear one of Angela's shirts.

They're one of the reasons I do what I do. 



J. Ellis Millsaps, a life member of the Georgia Association of Criminal Defense Attorneys, practices out of Covington, Ga.

His two children attend Emory University where his wife, Cynthia, is an employee. He writes a weekly humor column for The Covington News and is currently putting the finishing touches on a novel, "Good Cop, Bad Cop."