

Chapter Eight

Evidence

My lawyer's name, no kidding, was Al E. Newman, and the entire time I spoke to him over the telephone I thought I was talking to the grinning freckle-faced Alfred E. Newman on the cover of Mad magazine. It was unsettling.

My dad found him for me. The day after I checked in with Davy, I walked down to a pizza parlor and called Dad from a pay phone. He picked up.

“Hi,” I said, “it's me.”

“Where the hell are you?” he shouted back. Before I could answer he went into a harangue. “For Christ's sake, the FBI has been all over my ass. The phone has been tapped— they're probably listening to this now— they open our mail, they watch the house, they follow us around like we're criminals and keep asking if we've heard from you. What the hell have you done? Rob Fort Knox? They won't tell us— they just keep saying it was awful, which has nearly killed your mother. So, where the hell are you?”

“A pizza parlor,” I replied, pretty much stunned after his monologue topped off my last two days. I had been hoping that, if they caught Hamilton or not, I had gotten away without a trace. But I was wrong. They knew who I was and they were searching for me, and I knew I was in trouble.

My father started back up. “I got in touch with a lawyer in New York,” he said. “That's where you'll go to court, he claims.”

“You already spoke with him?”

“Yeah. I know his brother from down here. Now, get with it, son. You are screwed to the wall. Call the lawyer and get some advice before they throw a net over you. It’s always better to turn yourself in. Believe me, I’ve known enough criminals in my life.”

“Okay,” I said. “Okay.”

“Well, do it,” he persisted. “Besides, your mother is suffering overtime. God only knows why she loves an ingrate like you, but she does.”

“How are things going with the business?” I asked, hoping to gain some relief with a change of subject.

“Jesus,” he cursed. “The island is sinking under the waves. Houses are broken into every night. People are being shot. The only good thing about having a screw-up for a son is that the FBI is watching the house day and night, so I can sleep like a baby. Now, pay attention to your own business and call the lawyer.” He gave me his name and number. “And keep me informed day by day,” he said, before hanging up.

I called Al E. Newman. “Yeah, I spoke with your father,” he said. “And I already called the district attorney. They want to meet with you. I set up an appointment for tomorrow afternoon to turn yourself in. Where are you?”

I told him.

“Well, get yourself up here pronto,” he advised. “In a case where there are a lot of guys involved you don’t want to be the last guy to turn yourself in. It’s like that game— musical chairs— last one down is a loser.”

“Do I have to turn myself in?” I asked.

“No,” he said in a deadpan voice. “You can hide out until they catch you, and they will. And they’ll be totally pissed off and throw the book at you, which according to the prosecuting attorney is seventy-five years. Do you know you made the newspaper? Nice work.”

I grinned like an idiot. There I was, wanted by the FBI. I should have been pulling my hair out. Instead, I was basking in my criminal glory. “I’ll be up as soon as I can,” I said. “Tell them I’ll turn myself in.”

After I got off the phone I went back to the motel and checked out. Davy was disappointed. “Are you in trouble?” she asked.

“I think so,” I replied.

“Well, don’t go down without a fight,” she advised. “That’s what Davy always said.”

They may have been his last words, I thought.

I caught a taxi to the main branch of the Fort Lauderdale library. The taxi waited as I ran into the newspaper reading room and found the paper Newman mentioned. On the front page, there was a photograph of the Beaver with the story. The picture was taken at the 79th Street Marina. They had Hamilton sitting on some gear, squatting with his face hidden between his knees. It was a sad shot. I ripped the story out of the paper, folded it into my pocket, and ran back to the taxi.

“Fort Lauderdale airport,” I said.

On the way, I read the article. Some facts were mixed up but the important stuff was true: Two men had sailed a boat from Morocco to New York with two thousand pounds of hashish. One

man was captured. One was still “an unknown suspect.” That was old news. The Feds already had my name.

I caught a flight to New York, and once I landed I caught a taxi to the Chelsea Hotel. I was right back to where I’d started, but it was the only place I knew and since I was going to turn myself in it didn’t seem dangerous anymore. I had read enough crime novels to know the real criminal runs. Only an idiot would return to the scene of the crime. When I checked in I asked the clerk for room 273, our old room. It was available. I lugged my duffel bag up the stairs and unlocked the door. It looked pretty much just as I had left it. I opened a dresser drawer. Hamilton’s stuff was still there. His T-shirts, underwear, and shorts. I pulled them out. Beneath them were his boating knife and a hash pipe. Remarkable, I thought. I opened another drawer. My books were where I’d left them. But the ship’s log was missing. Had I taken it with me? Had I lost it somewhere? I couldn’t remember. I opened the closet. Hamilton’s denim jacket was still on a hook. A pair of his scuffed-up boat shoes was on the floor. It looked like nobody had even bothered to clear out the room. I wondered if Hamilton had hidden anything, like money or hash. I lifted the mattress. There was nothing. I pulled out all the dresser drawers. I lifted the false ceiling tiles in the bathroom. I checked the curtain hems, the chair upholstery, inside the phone — everywhere. But there were no hidden treasures. Just spooky evidence of our having been there before.

When I finally convinced myself there was no money hidden in the room, I took Hamilton’s hash pipe and smoked a bowl and fell asleep. I was exhausted. In the morning, I went shopping at a discount store and bought a cheap navy blue suit off the rack. I picked out two matching shirts and a tie, some socks and dressy half boots. On my way back to the Chelsea I stopped and got a

decent haircut. Later, after a hot shower and with the suit on, I looked like an Ivy League kid from the 1950s. It was a relief not to recognize myself.

Al E. Newman's office was on 21st Street, not far from the Chelsea Hotel. I walked over and rang the bell on his red brick townhouse. "Come in," he said, smiling, and shook my hand. He was tall, muscular, and fit— nothing like his Mad magazine counterpart. He held the door and as I passed by him he smelled clean, like the inside of a bar of soap. I thought that maybe, just maybe, he could clean up after me now. He directed me to a wood-paneled office with walls lined with law books, school diplomas, and family photographs. He sat behind his busy desk and cut right to the point. "I spoke with the prosecuting attorney, Mr. Tepper," he said. "We'll see him in an hour. But first, let me get you up to date. We're going to keep this an all-federal offense. No state involvement, which is good, because the state prisons stink. Always remember, if you have to do time, you want to be in a federal pen — so plan your crimes accordingly."

I didn't realize people gave their criminal activities so much advance thought.

"So, I asked Tepper," he continued, "what the indictment looked like and he said they have you listed for fifteen five-year charges. Twelve of the charges are for conspiracy to distribute a controlled substance, one for conspiracy to smuggle, one for conspiracy to possess counterfeit currency, and one charge of conspiracy to possess."

"Everything is *conspiracy*," I said. "What proof do they have?"

"He won't say over the phone," Mr. Newman replied. "We'll soon find out and plan our defense based on the strengths and

weaknesses of their evidence. I'm hoping to build a case around the idea that you were just hired to sail the boat and didn't know anything about the hash. Let's start with that premise and see what he has to shoot it down."

"Okay," I said. I had no other choice, but I figured it was unlikely that premise would hold up.

We walked outside and caught a taxi to the Foley Square courthouse. Tepper's office was upstairs. "You gonna be okay?" Newman asked.

"I'm scared," I said honestly.

"Well, suck it up," he advised. "This is hardball."

After we all shook hands in Tepper's office he smiled smugly and said, "This is the most airtight case I've ever taken before a judge."

"All your charges are conspiracy based," Newman replied. "You don't have a case."

"Then take a look at this," Tepper said. He smiled a kind of "checkmate" smile and flipped open a manila folder that was about an inch thick with documents. "First, you are the last one to come out of the woodwork, which means everyone in front of you has snitched your ass out.

We caught everyone you sold to, and every one of those dealers has named you as a person they bought from. And take a look at this." He flipped the page and there was Rik's mug shot taken in Miami. He had gone there from St. Croix before going up to New York. "We busted this yo-yo for shipping twenty-seven pounds of hash in a crate—and turned him like a key. He unlocked the whole operation. We had you followed all the way from St. Croix. Here are aerial photos of the boat taken from a Coast Guard

surveillance plane.” Rik was the snitch. And suddenly on another photograph, there I was, the idiot waving to the turboprop that passed over us after that storm off Cape Hatteras. “And look at this,” he said, uncovering photographs taken by the Coast Guard launch in Cape May. “And this.” He had photographs of the hash stashed in the boat— in the fo’c’sle and aft cabin, taken when they boarded the boat at the Flushing Marina. “Then we have photos of you at the boat loading hash into a shopping cart— look at the smile on your face. Would you like a mirror to see how you look now?” he asked sarcastically.

He was enjoying himself and I could feel myself becoming more and more numb as I was beaten down.

“And here are photos of you and Hamilton and Rik at the Chelsea, and let’s see ...” He shuffled through the papers. “We have a photo of you delivering to your buyer drop points, and finally, here’s a mug shot of Hamilton after we popped him.” Poor Hamilton. There he was with his angry eyes and his beard roughed up, and all I could think of was him saying, “There is always a snitch.”

“I thought he got away,” I said quietly.

“Almost,” he replied, with a chuckle. “Get this. He runs out the back door of the Chelsea and down an alley. Somehow, we lose him. Can’t find him anywhere— which is why we stopped paying attention to you for a bit— so Hamilton hops in a cab, but the traffic is all backed up because we started blocking the streets. He gets out and runs to a barbershop to get his big beard cut off. But the barber says, ‘Oh no, it is too beautiful to cut.’ And he refuses, so Hamilton runs out to find another barbershop and we pop him. Ha.”

I looked at Newman. He had a game face on. I had no game face. I had no game, and I knew it. Newman knew it. And Tepper certainly knew it.

“Still,” Newman said, trying, “you don’t have my client in the act.”

“Give me a break,” Tepper replied. “This case is a lock. I have a statement by everyone popped that Gantos was part of the operation. Not to mention that Rik— who hired him— is set to testify.”

“So what are you offering?” Newman asked.

“Gantos here gives us the names of all his St. Croix contacts and we’ll tell the judge he cooperated.”

Newman gave me an expectant look.

I didn’t know anyone on St. Croix who sold dope. I never even bought any when I was there. Rik gave me enough hash to keep me high until we dug up the stash. “I don’t know anyone who sells,” I said.

“Well,” he said, and closed the folder. “You think about it, because your only value to us is who you can rat out.” He glanced at his watch. It was nearly six p.m. “I need a drink,” he announced.

I did, too. At a little bar around the corner Newman told me to buck up. “Every dog has his day,” he said. “We let him have his. I’ll call him tomorrow and see what we can plead to. Despite the fact that he’s a real S.O.B.— he does have a seamless case against you.”

“That’s for sure,” I said. At that moment I didn’t feel so guilty as stupid. Really stupid. So stupid I could hear Mr. Bacon’s voice predicting I would fall flat on my ass. I had, and I was angry.

And I was angry that Rik had ratted us out right from the beginning.

That night I went out and bought Chinese food and a collection of Poe stories. I was reaching for anything to escape into, even “The Pit and the Pendulum.”

Newman called the next afternoon and woke me up. “Okay,” he announced, “here’s the deal. We plead guilty to one charge of conspiracy to distribute and they drop the rest. They want to make it simple.”

“What do you think?”

“You do it,” he replied without hesitation. “Besides, there’s a good chance you’ll just get five years’ probation.”

“When do we plead?” “We can file the plea now, and go for sentencing on the 22nd.” “What do you think will happen?” I asked. “Seriously.”

He paused. “Don’t sweat it,” he replied. “You’re just a kid.”