

**“Last Rights” by BRAD FERGUSON**  
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IT WAS ONE OF THOSE GRAY-ON-GRAY March mornings that go so well with decaying downtown Manhattan. I had nothing much to do but look out the window to where the demo crews were nibbling away at the World Trade Center, inch by ugly inch. Then my phone buzzed.

The ansatope whirred, lying to whoever it was that I was busy. I pressed the bug button and listened to the incoming message.

“Dave?” came a voice I didn’t recognize. “This is Frank Bridges. Might have a job for you, if you’re not too busy. Call me before noon. You should have the number. Bye.” Bridges clicked off.

But who *was* Bridges? I couldn’t remember him to save my life. “Computer.”

“I’m listening.” Insolent bitch. I wished again for one of those sweet, new IBApples with the sexy voice and the white slave manner ... but at six thousand newbucks, one of those is too rich for my blood. (I was *still* paying off my law school loan and my initiation charge for the Metropolitan Law Library. Oh, never mind.)

“Search: phone file: Bridges, Frank. Add: Bridges, Francis.”

“Okay.” There was a short pause, and then: “Found. One entry.”

“Read it.”

“Bridges, Francis Xavier. Assistant vice president, Aetnadential Insurance. Address, Two Broadway. Shall I dial?”

“Hold,” I said. “Date of entry?”

“Last December 16.”

That explained it. I must have met Bridges at a Christmas party and filed his business card right away. That meant I probably didn’t owe him any money or favors.

I looked at my watch; it was just nine thirty-two. I had plenty of time to call Bridges back

without appearing overanxious. “Flag reference: Bridges, Francis. That’s all.”

“You’re welcome,” the computer said.

I leaned back in my creaky chair and put my feet up on the desk. If Bridges had work for me, I wanted to talk to him; the office rent was due. And I noticed I could use a new pair of shoes; the uppers were cracking.

I killed the rest of the morning doing the *Times* puzzle and did not call Bridges back until just before eleven-thirty. “Computer.”

“I’m listening.”

“Retrieve reference: Bridges, Francis. Dial.”

It did, and Bridges came on the phone.

“Frank, this is Dave Aaron, returning your call. How are you?”

“I’m just fine, Dave. Busy morning?”

Bridges seemed in a good humor. I wished I remembered what he looked like; I had a vision circuit when I worked for the city, but not any more.

“As usual,” I replied. “And you?”

“Busy enough. Actually, not to rush you, but that’s what I called about. Tom Meaghan over at Smith and Stern says you’ve done some revival work for him.”

Yes, I had. I knew Tom pretty well; I’d done half a dozen cases for him, all paper-filing, all pre-programmed losers. It was good to know Tom didn’t hold it against me. “That’s right,” I said, and gilded the lily: “Revival work is a specialty of mine.”

“Fine. Want to handle one for me?”

My eyebrows went up. “We could talk about it,” I said casually. A revival case for Aetnadential, the biggest life insurance outfit in North America? You bet your ass I’d talk about it.

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“Good. Look, I don’t want to waltz around the block with you on this. The fact is, I need someone *fast* to handle a revival hearing.”

A hearing? I hesitated a bit; I hadn’t pleaded a revival in person before, but I couldn’t afford to let Bridges know that if he didn’t know it already. “Uh, Frank, if I might be so bold — why are you farming this one out?”

Bridges didn’t hesitate. “Fair question. Our guy got sick, and his backup’s on vacation. Tom can’t oblige me either; too busy. It happens.”

“It does indeed.” I thought a moment. You win about one of every hundred revival cases, ungood for a lawyer newly in private practice. Revival cases are dogs. “Frank, I need to know more.”

Bridges hesitated. “If you take the job, I can zap you the particulars over this line.”

So I was supposed to buy a pig in a poke, after all. But it didn’t matter. First assumption: The case was a truly sick dog, even for a revival case. Second assumption: I would lose. Third assumption: Bridges didn’t expect me to do better than lose. Fourth assumption: If I *won*, I’d be in tight with Aetnadential. “Fair enough. I accept.”

“Thanks,” Bridges said. “Thanks very much. If you’re ready to receive, I’ll shoot you the packet. The hearing’s at two.”

“Two? This afternoon?”

“Yep. *Told* you it was a rush job.” I think he was grinning, the scumbag.

“All rise,” called the bailiff. We did. “This honorable Court is now in session. The honorable Houghton J. Barnes, presiding.” The honorable Barnes sat down in his plush chair behind the bench. “Be seated,” said the bailiff.

“First case?” asked the judge.

“The petition of Barbara W. Criswell, Your Honor. Docket number NYRC-8965-44.”

The judge scanned a sheet in front of him and nodded. “Will the parties in the matter now before this Court please rise and identify themselves?”

Maggie went first, of course. “Margaret Whitling for the City of New York, Your Honor.” The judge bestowed upon her a fatherly smile, which Maggie returned with just the right amount of Virgin Mary behind it. It’s all a game, every bit of it, and Maggie plays it pretty well. (I’m not much of a game player, myself; about all I do is make sure my hair’s combed, my nose is blown and and my fly’s zipped.) Maggie looks the part, too: tall, pretty and slim, her head topped with bunches of tight blonde curls. She looks real good in a navy blue business suit, which doesn’t hurt a lawyer, especially a female one. I used to work with Maggie. I miss that.

It was my turn with the judge. “David Aaron, Your Honor, representing the petitioner.” I got a respectful nod, something I don’t rate yet from a man with as many years on the bench as Howie Barnes has — except that Judge Barnes is generally respectful of everyone who’s respectful of him. I’d only been before him twice, on city business. “To my left are Mrs. Barbara Criswell, the petitioner, and her son, Michael Anthony Criswell. Mrs. Criswell is Mr. Alton Criswell’s widow, and Michael is their son. He is an only child.”

Judge Barnes smiled at the boy, who returned it sweetly, thank God. “How old are you, son?”

“Four and a third, sir,” piped the boy. *Ten points for using “sir”, I told myself. Ten more points for the cute answer, not that it’ll make much of a difference.* Mother and son were good casting, too. Barbara Criswell was a slight brunette who looked like she’d been crying all

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night and all day; the boy was brown-haired, blue-eyed and polite.

“Good boy,” Judge Barnes said. “Mrs. Criswell, I think I speak for us all when I say we’re terribly sorry for your grief.”

“Thank you, Your Honor,” Barbara Criswell said quietly. “Everyone’s been very kind.”

“I should hope so. Now, has everything been explained to you about what we’re going to be doing here?”

“Yes, Your Honor.” I’d done a rush job of it myself. I’d met Mrs. Criswell and Mike for the first time just ten minutes before court met. Legal Aid clients get more time with their counsels than *that*, for Christ’s sake.

“Fine, then,” Judge Barnes said. “All right, Mr. Aaron, please proceed. Everyone else, be seated.”

“Thank you, Your Honor.” I took half a second to gather my thoughts, and began. “Your Honor, petitioner’s spouse at the time of his death was a Caucasian male, 32 years old, with a wife and a young son.” I caught the judge stealing a glimpse of Barbara and Michael. Good. “They were all, at the time of Mr. Criswell’s death, legal residents of the city and had been resident here for the required five years. Mr. Criswell was president and co-owner of CrisLock ThinkWare, a small software design business also located in the city. Mrs. Criswell is a part-time management consultant for another firm.

“Two days ago, on March 19, Mr. Criswell died in his office. The coroner is carrying the cause of death on its lists as a self-inflicted zapgun wound to the heart.” I picked up several papers from the raft of them before me. “At this time, if it please the Court, I would like to enter the police report of the March 19 incident into the record, and I ask that the police report be marked as Petitioner’s Exhibit 1.”

“Any objection, Miss Whitling?”

“None, Your Honor.”

“So ordered.”

The bailiff took the police report from me and handed it to the judge; Maggie already had a copy. I continued, “The medivac unit put Mr. Criswell’s body into stasis as soon as the team leader determined that Mr. Criswell was deceased. It remains in the stasis unit of the coroner’s office, pending Your Honor’s decision.”

“Just a moment, Counselor,” the judge said. “Let me take a look at this.” He scanned the police report. “I see here that the coroner determined the moment of death at, um, three-twenty in the afternoon.”

“That’s correct, Your Honor.”

“We’re getting fairly close to the seventy-two hour cutoff, then.” I could almost feel Barbara’s apprehension about that; I hope Judge Barnes did, too. “The time frame here is a little tighter than I’d like. Let’s make it move, Mr. Aaron,” the judge said, scowling a bit.

“Yes, Your Honor. Simply put, petitioner asks that her petition for the revival of her husband be granted forthwith. We will show that Mr. Criswell’s credentials for revival are both substantial and compelling, and that they demand the utmost consideration. Thank you, Your Honor.” I sat down.

“Miss Whitling? Proceed.”

“Thank you, Your Honor.” Maggie rose, pencil in hand; she always worked with a pencil, sometimes jabbing it in the air or rapping it on a table or jury bar, driving her words with a lawyer’s jungle rhythm; now she was simply holding it, but that at least gave her hands something to do. “The people will not dispute the facts in this case. The circumstances of Mr. Criswell’s tragic death are as counsel described. However, Your Honor, we intend to show that

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no compelling reason exists within the law to revive Mr. Criswell.” If the presence of my client and her son inhibited Maggie in any way, it didn’t show. That was bad. I’d hoped to take some of Maggie’s edge off by their presence, especially the kid’s. I should have known there wasn’t a chance it would work. Maggie can be tough.

“The city grieves with Mrs. Criswell and her son over the death of Mr. Criswell,” Maggie continued, “but restoring a husband and father to his family simply for the sake of making the family whole again does not fall within the guidelines for revival set in the law.” Maggie began pacing. “The candidate for revival must be shown to have been of substantial value to the community while alive, and the candidate’s physical *and mental* condition at the time of death must support the decision to revive him. The city feels that neither point is satisfied by the history of this particular candidate. Thank you, Your Honor.” Maggie sat down.

“Very well,” Judge Barnes said. “Do we have the coroner’s report here?”

“State’s Exhibit A, if it please the Court,” Maggie said.

“Any objection?”

“No, Your Honor,” I said. That report — the coroner’s eyeball inspection of Criswell’s body, with his best guess as to Criswell’s cause of death — was not going to help my case. Maybe I could create some doubt as to the facts, though; there would be no autopsy until, and only if, I lost. There’s no sense in tearing apart a corpse that’s up for revival until the case has been settled.

“Let’s get the report into the record,” the judge said. The bailiff took it from Maggie, and the judge studied it. I already had a copy, of course. “Does the petitioner stipulate the cause of death as given in State’s Exhibit A?”

“No, Your Honor,” I said, and the judge nodded; my refusal was standard stuff. It’s almost impossible to win a revival case for a suicide. Such revivals are not precluded by law as are, say, the revivals of people older than sixty, individuals of any age with bad health histories or overwhelming disabilities, and so forth ... but just try to get a judge to agree to revive a guy who’s already killed himself once.

The *only* thing I could do to win this case would be to create some doubt as to Criswell’s state of mind at the time he killed himself. I just might be able to get Barnes to agree that Criswell was a good guy whose suicide was the result of an insane impulse and not part of a psychotic pattern. Then all I’d have to do is convince the judge that Criswell was worth bringing back.

I always do my questioning from my seat at the petitioner’s table, although I stand; not everyone does. Lawyers who wander around the courtroom as if they were in a 3V drama exhaust themselves and annoy judges.

My first witness was in the box and had been sworn: William Locker. “Mr. Locker, what is your profession?”

“I’m chief executive officer of CrisLock ThinkWare,” Locker replied.

“That is the same company in which Alton Criswell served as president?”

“That’s correct.”

I nodded as sagely as I could. “Please tell the court how you met Mr. Criswell.”

“We were roommates in college. Columbia.”

“So you’d known each other for a long time.”

“Yes, we did. More than ten years. We were very good friends.” Locker’s voice ran down; he suddenly looked sad.

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“You liked each other well enough to found a business together, didn’t you?”

“Yes, we did.” Locker came up with a slight smile. “Right after graduation, we signed a lease on an office and opened the company.”

“And how *was* business?”

“We did well. After a year, we paid off the three-year note at our bank and were hiring staff.”

“I understand those hirings included Mrs. Barbara Criswell?”

“Yes, but Al and Barbara weren’t married then. Barbara was our first secretary, but she soon became our office manager.”

“How did you two meet Mrs. Criswell?”

Locker stirred uncomfortably. “Well, Barbara and I had a relationship at the time. It ended, though, and I bore no grudge. Nor did she. We worked well and successfully together.”

“So, is it fair to say that CrisLock ThinkWare was a successful company?”

“Objection,” Maggie tried. “Calls for a conclusion.”

I looked unconcerned. “The witness is qualified, Your Honor.”

“Overruled,” the judge said. “Go ahead and answer, Mr. Locker.”

“Yes, it was successful.”

“Would you say its success was an important contribution to the community?”

“Objection,” Maggie said. “Same grounds.”

“Sustained.”

“Thank you, Mr. Locker. No more questions.” I turned to Maggie. “Your witness.” I sat down as Maggie rose, her trusty pencil in hand.

“Mr. Locker, how much money did CrisLock ThinkWare make last year?” she asked.

Locker blinked. “Well, I’m not sure, not without having all that information in front of

me.” *Oh, Christ*, I thought to myself. *Clear evasion on the first damned question!*

“A guess will do, Mr. Locker.”

“Objection,” I called, and now it was my turn to sway slowly in the legal wind. “The witness is not required to guess at facts that can be demonstrated otherwise.”

“The witness *is* qualified, Your Honor,” Maggie said, too sweetly.

“Overruled,” rumbled the judge. “Mr. Locker, an approximation will do. Counsel, will you please rephrase to fit?”

“Certainly, Your Honor. Mr. Locker, about how much did your company make last year?”

Locker’s lips pinched together. “Nothing.”

“It lost money, did it not?”

“Yes.”

“About how much?”

There was no use in my objecting again. I let Locker answer. “About three hundred thousand dollars.”

Maggie looked surprised; she’s a pretty good actress, as I said. “As much as that? How?”

Locker frowned. “There’s several reasons why losses occur in business.” He was beginning to look surly; I began to worry. Damn, I thought Locker would make a *good* witness!

Maggie smiled. “Please go ahead and tell us what they are, Mr. Locker.”

My man’s frown deepened. “We’d signed a contract with the United States Department of Defense. The amount of the contract did not cover the cost of the work we were doing. Covering those costs deprived us of resources in other areas important to our business.”

“And what kind of work was involved in the Department of Defense contract?”

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“Objection, Your Honor,” I said, rising; here, I was on solid ground. “The matter is classified.”

The judge nodded. “I don’t see the relevance in any case. Next question, Counselor.”

“Very well, Your Honor. Mr. Locker, did CrisLock ThinkWare make any money in the year before last?”

Locker looked stubborn now. “I can’t recall.”

“Or the year before that?”

“I don’t know.” Locker folded his arms. *Oh-oh*, I thought.

Maggie looked puzzled. “Excuse me, Mr. Locker — didn’t you say you were chief executive officer of the company?”

“Yes, I did. *I am.*”

“And you can’t remember whether your company made or lost money a year or two ago? Doesn’t that strike you as strange?”

“Objection!”

“Sustained. Watch it, Miss Whitling.”

“Sorry, Your Honor. Withdrawn. At this point, if it please the Court, I would like to introduce into evidence State’s Exhibit B. Exhibit B consists of tax returns filed by CrisLock ThinkWare with the New York State Department of Taxation and Finance for the past seven years.”

“Objection, Mr. Aaron?” Judge Barnes asked.

“Point of procedure, Your Honor. This one takes us by surprise. We haven’t been copied on this.”

“I apologize for that, Your Honor,” Maggie said, “but the necessary documents did not arrive at my office until just this afternoon. There was no time to copy counsel.”

“These cases do move quickly,” the judge said. “I’ll allow the introduction. The returns are a matter of public record, in any case.” The

bailiff took the returns from Maggie and handed them to the judge; Maggie came over to hand me my copy. She looked very serious.

“Sorry, Dave,” she whispered.

I shrugged. “I know. Forget it.”

“I didn’t mean about the tax forms.”

“I know that, too.”

“Yeah.” Maggie walked back to her table. “Now, Mr. Locker, please look at State’s Exhibit B, if you would. Please tell the Court what those returns say about the amount of money made or lost in the past seven years by CrisLock ThinkWare.”

Locker ruffled through the papers, stalling.

“Come, now, Mr. Locker,” Maggie said, a bit impatiently. “After all, you signed those returns, did you not?”

“Yes,” Locker said, grudgingly.

“So please answer the question.”

Locker sighed. “The first four show profits of from ten thousand to two hundred thousand dollars per year. The next three show losses of from one hundred thousand to four hundred thousand per year.”

“And in what tax year did the firm begin losing money?”

“In 2040.”

“The year after the contract you already testified to was signed with the Defense Department?” Maggie asked.

“Yes.”

“And those losses are successively greater in each year from 2040 through 2043?”

“Yes.” Locker sighed.

“You’ve testified that ‘we’ signed that contract. Who were ‘we’?”

Locker paused, uncomfortably.

“An answer, please, Mr. Locker,” Maggie insisted. “Was it you?”

“No,” he said. “The contract was signed by the president of the company.”

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“Mr. Alton Criswell?”

“Yes.”

“With your consent?”

Locker remained silent.

“I ask again.” Maggie said, “if the contract was signed with your consent.”

“No, it wasn’t,” Locker finally answered.

“It was signed without your consent?”

“Yes.”

“Against your advice?”

“Yes.”

“What, in your opinion, was the matter with that contract?”

Locker thought for a moment, and then spoke. “I did not consider that the contract compensated us enough for the work we would be called upon to do. Al — Mr. Criswell — insisted we bid low in order to secure the business; he was worried about the recession growing, and he wanted a fat government contract in our file. He thought it might lead to our getting other government business.”

“Has it?”

“No.”

“So the contract was signed anyway, and CrisLock ThinkWare began losing money?”

“Yes.”

“Didn’t you attempt to renegotiate the contract with the government?”

“The government refused.”

“I see. How far is CrisLock ThinkWare from bankruptcy, Mr. Locker?”

“Not far.”

“Would you say that bankruptcy is imminent?”

“Yes.”

“Primarily because of the Defense Department contract that Mr. Criswell insisted be signed and *did* sign?”

“Yes.”

“Would you, based on your experience in business and your experience as CEO of CrisLock ThinkWare, call Mr. Criswell’s decision about the contract a good one?”

“No.”

“In fact, that decision was a disaster that destroyed a promising new company, wasn’t it?” She jabbed toward Locker with the pencil, emphasizing that all-too-deadly point.

“Objection!” I thundered, as Maggie knew I would.

“That’s all, Mr. Locker,” she said, not even waiting for the judge. I heard Barbara Criswell sniffle; I didn’t look at her.

“ — and eighteen months after I began working there, I married Alton,” testified Mrs. Criswell.

“Have you been happy?” I asked her. I was trying to show that the Criswells had had a good, stable marriage — not much against Maggie’s having painted him as a clod in business, but something, anyway. That community welfare issue again — lots of good husbands die every day, but a good businessman is hard to find.

“Very,” Barbara said. “Alton was good to me and Mikey. I loved — love — him very much.” A tear rolled down her cheek, daintily, as good as if we’d rehearsed it.

“Was your husband seeing a psychiatrist or psychotherapist, or receiving medical aid of any kind before his death?”

“No, he was not.”

“Did he seem depressed to you?”

Barbara actually considered that for a moment. She was an honest woman. “No,” she finally answered. “I wouldn’t say so. He seemed worried about how the business was doing, but he wasn’t obsessed by it.”

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“That’s all. Thank you, Mrs. Criswell.” I sat; Maggie got up. Something in her eye told me this was going to be a bad one.

“Mrs. Criswell, if I may, I’d like to ask you this: Have you ever heard the name ‘Stella Mae Childress’?”

Barbara’s eyes snapped open in surprise.

“Again,” Maggie insisted, “I’d like to know if you’ve ever heard the name ‘Stella Mae Childress’.”

Barbara looked down. Finally, not looking up, she said “yes” in a small voice, and I knew exactly where Maggie was going. I turned a bit and saw Locker, sitting in the front row of the nearly empty spectator section, turning red. He looked coldly angry. I didn’t know who Stella Mae was, but I could make a goddamn good guess.

“And who is Stella Mae Childress?” Maggie asked.

“A friend of my husband’s.”

“A good friend?”

“She was.”

“A *very* good friend?”

Barbara began crying.

I shot to my feet. “Objection, Your Honor! The witness obviously cannot continue!”

Before Judge Barnes could respond, Barbara gathered herself and said, “Yes, she was. They had an affair about four years ago. It ended.” She looked Maggie straight in the eye. “Alton and I worked it out. *And it’s none of your business!*”

Maggie turned to the bench. “Will Your Honor please instruct the witness on this point?” she asked.

“Mrs. Criswell,” Judge Barnes said, “while I know this must be painful for you, the questions Miss Whitling is asking are entirely proper and must be answered if I am to come to a decision. You must answer her questions.”

Barbara’s mouth tightened. “I understand, Judge.”

“Very well. Proceed, counselor — but keep within the bounds.”

“Certainly, Your Honor. Mrs. Criswell, how did your husband and Miss Childress meet?”

Barbara paused. Just before Maggie could prod her again, she said, “She was a secretary at the firm. She worked for one of the programming teams.”

“How long had Miss Childress been working there before the affair between her and your husband began?”

“Several months.”

“You were still working there at the time, were you not?”

“Yes, as office manager.”

“But you left. Why?”

Barbara seemed to slump in her chair. “The affair had been going on for, I don’t know, a few weeks. The word was all over the office. I *couldn’t* stay there.”

“You were embarrassed, of course.”

“Yes.”

“Humiliated?”

Barbara nodded. “Yes,” she said quietly.

“So you quit the firm and went to work as a consultant.”

“That’s correct.”

“But that wasn’t all, was it? Didn’t you move out of your apartment as well, and take your son with you?”

“Yes.”

“How long were you and your husband separated?”

“About three months. Then Alton begged me to come back.”

“And you returned?”

“Yes. I forgave him.”



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“But you didn’t return to CrisLock ThinkWare, did you?” Maggie’s pencil jabbed again.

“No.”

“You couldn’t, could you?”

“No.”

“It would have been too humiliating.”

“Yes,” Barbara said.

I looked to my left, and little Michael Anthony Criswell was drinking it all in with wide eyes. This crap was worse than Family Court.

“How much money did Mr. Criswell pay you during your separation, Mrs. Criswell? How well did he support you and your son?”

Barbara looked very sad all of a sudden. “Nothing,” she said.

Maggie’s voice was very kind. “He didn’t pay you anything? He didn’t contribute to your support?”

“No. No, he didn’t.”

“That was why you had to go to work right away, even though you had an infant to care for, isn’t it?”

“Yes,” said Barbara, sniffing.

“Thank you, Mrs. Criswell. No further questions.”

Well, that was probably the ball game. I looked at my watch and decided to try for a break. “Your Honor, I said, rising, “I respectfully point out that the hour is late, and ask that we recess until tomorrow morning.”

Judge Barnes nodded. “Do both parties expect to finish this case by the lunch break?”

I nodded. “We have to, Your Honor.” I shrugged. “The seventy-two hour rule.”

“Miss Whitling, can you finish off your end by lunch tomorrow?”

“We will, Your Honor.”

“Then we’re adjourned until ten tomorrow morning.” Barnes wasn’t a gavel-rapper; we all

stood as he left the bench. I watched Mikey Criswell as the boy hurried to hug his mother. As Barbara reached down to him, I tapped her on the shoulder.

“We have to talk,” I said. “Right now.”

Barbara looked up at me, still red-eyed. “No, not now, Mr. Aaron. I want to take care of my son. Please excuse me.”

What could I say? Could anything change the way this case was going? I left Barbara alone with her son, and wondered just how much of this he’d understood. I hoped his mother could do whatever healing of the boy’s soul was called for; the way it looked now, it would be those two, alone, against the world from now on.

I turned and saw Maggie packing all those papers back into her briefcase. She glanced up and saw me; I held up two fingers, our old symbol for drinks. She smiled a little and nodded a quick yes.

A couple of hours later, Maggie and I were still in The Bar Bar, pretty near the courthouse. We were working on thirds. I never go past the second drink unless something’s eating at me, and the case of Alton Criswell was chewing away at my innards with great good gusto.

I was beginning to mumble. “Dunno. Be better off getting a 3V job, pleading cases before the Joe Wapner disneykins on *The People’s Supreme Court*. Real life’s too complicated. Gotta get me an agent.” I squinted at Maggie. “You know any?”

My beautiful drinking buddy looked concerned. For me? “The case isn’t over, Dave.”

“C’mon, Magg, you’re a pro. There *isn’t* any case. It got blown away because the freaking client told me absolutely jack-shit *nothing*, not that she had much time to tell me anything in the ten whole minutes we had together before

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the hearing started. I go into Barnes’ court with the usual rap about how the dead guy was a really good son of a bitch and how we all miss him, and you shot me down in about eleven seconds. It should have *taken* longer, Maggie. The guy’s got a little kid, for Chrissakes.”

Maggie didn’t say anything; I sighed heavily. “Criswell’s wife couldn’t even afford her own lawyer, the bastard left her so broke. He suicides, so his personal life insurance is no damn good, and everything else he had got plowed back into that rotting hulk of a company. His top-man policy at Cris-whatzit pays even in case of suicide, and it’s the only reason I’m here. The good-hearted people at Aetnadential figure it’s cheaper for them to pay me to get ol’ Al resurrected than to pay that geek Locker a million bucks. If I get Al back on his feet, Aetnadential doesn’t have to pay off on the top-man policy. Need I mention that I’m fairly new at this and I come real cheap, so it’s a bargain for Aetnadential all around?”

Maggie frowned. “All right, all *right*, so private practice isn’t all what you’d thought it would be. So you’re going to lose one. You go on to the next, that’s all.”

“That’s not all, kid, and you know it.” I sipped at my bourbon. “I feel like I’m killing this guy all by myself, like I pushed the stud on that freaking zapgun. You see Barbara Criswell? Man, that’s a woman who doesn’t even know it’s time to grieve. Her husband’s dead, but he’s not *really* dead until I lose tomorrow. Then she’ll fall apart.” I felt haunted. “And I’ll have to watch her do it.”

Maggie frowned even more deeply. “You’re taking this all too personally.”

“Listen, listen,” I said. “In the good old days, Al Criswell would have done himself in, and there’d be an end to it. Barbara would cry, they’d bury Al somewhere, and life would go

on. Now, it’s more complicated. We can *fix* people who’ve burned a hole in their chests, or even their brains. We can fix just about anything fatal that happens to anybody. *But we hardly ever want to*, and that’s the hell of it.”

I shook my head and raised a finger. “Eleven billion people in the world, Magg; nearly half a billion in the U.S. of A., and Al Criswell is just one too goddamn many, especially since he threw away his ticket. We don’t have room for Al, not on *this* planet — and there ain’t any others because we threw away *that* chance last century. Tell the class, now, how many suicides win revival cases?”

“Nearly none,” Maggie said.

“Right the first time. That congressman two years ago is the only one I can think of. Congress cases are open-and-shut, anyway, regardless of cause of death; God bless federal exceptions to state revival laws. Those guys don’t see the inside of a box until they’re in their nineties, at least. They took *care* of themselves, all right.” I raised my glass. “Too bad my pal Al wasn’t connected.”

Maggie was still frowning. “Maybe somebody was,” she said.

“Whaddya mean?”

Maggie shrugged. “This was the easiest case I ever had to put together. Everything was in the city investigator’s package — the affair with the Childress woman, the tax returns, everything. Usually the package comes through with hardly anything useful in it. You know how public investigators are. Everything takes them a month, and we only have a couple of days.”

“Sure, I know that. Invvies are useless eaters. So?”

“So what I got was a polished report. I didn’t think much of it at the time; I figured I’d win the case based on the suicide, so who needed all that evidence? Criswell’s not well-

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known, not well-connected, not much of anything — *and* he’s a suicide. Who could lose?”

“Me,” I said. “Here’s to poor Al.”

“Never mind that,” Maggie said. “All that information in the packet — it’s overkill.”

“You should pardon the expression.”

“Not funny. There’s just *too* much in there, Dave. Somebody fed the investigator everything he could possibly want.”

It was my turn to shrug. “So what difference does it make? Somebody had a grudge against Alton Criswell. Doesn’t make a difference. The stuff checks out. He ruined a thriving business single-handedly, which defeats the state’s community-welfare provision. He cheated on his wife *and* left her without support, which defeats the good-character rule and, incidentally, makes him look like a louse to the judge. That’s okay, because I guess he *was* a louse. To top it off, he committed suicide, which utterly defeats the mental-competence provision. Have I missed anything?”

“No, I’m afraid not.”

“So let’s have another,” I said. “Then I’ll be ready to go home and collapse. When I’m drunk, I don’t dream. By the way, Magg, I miss you a lot.”

“Same here.” We finished our thirds and had fourths and stopped there.

We were all in court again the next morning. I’d insisted that Barbara bring Mikey in, too, despite her strong desire to leave him home with his grandmother. I didn’t have a case any more; I needed that little boy’s face in the courtroom to sway the judge, if Barnes could possibly be swayed. I doubted it, though.

“I call Myron Kolowitz,” Maggie said, and that was the opening gun. The bailiff echoed

her, and a small, thin man took the witness stand.

“State your name for the record, please,” Maggie asked.

“Myron Kolowitz. That’s K-O-L-O-W-I-T-Z.”

“And your occupation, Mr. Kolowitz?”

“I work in the office of the chief medical examiner, City of New York. I’m an assistant coroner.”

“And what is your connection with this case?”

“I performed the inspection of Mr. Criswell’s body just after he died, in order to determine the *prima facie* cause of death. I also expect to perform the official autopsy.”

“Objection,” I said. “Prejudicial.”

“Sustained,” Judge Barnes said. “Stricken. Mr. Kolowitz, whether you perform that autopsy or not depends on the outcome of this hearing.”

“Of course, Your Honor. I apologize.”

“Proceed, Miss Whitling.”

“Thank you, Your Honor. Mr. Kolowitz, please tell the court what you found when you arrived at the offices of CrisLock ThinkWare on the afternoon of March 19, 2044.”

Kolowitz cleared his throat. “If I may refer to my notes?”

“Permission granted,” said the judge.

Kolowitz took a small datapad from his jacket pocket and thumbed a couple of studs. “I arrived at five-fifteen p.m. after my office received a call from the police dispatcher at Midtown South. I found Mr. Criswell’s body seated at his desk. It bore a chest wound typical of a zapgun burst fired at extremely close range. The weapon was still in Mr. Criswell’s hand.”

I’d seen the police pictures in the coroner’s report already — zapblasts aren’t as gory as gunshot wounds, but they’re close, and the

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expression on the dead guy’s face is always the same. Ugh.

“And your assessment of the manner of Mr. Criswell’s death?” asked Maggie.

“An inspection of the body and the surrounding scene convinced me that the wound was self-inflicted and that death was instantaneous.”

“Thank you, Mr. Kolowitz. Your witness.”

I stood. “Mr. Kolowitz, if we may, let’s step outside the formula for a moment.” Kolowitz looked a bit puzzled by that, and maybe a bit scared; Kolowitz was the type who was most comfortable when dealing with supplying programmed answers to standard questions. I hoped to shake him up, create that doubt about Criswell’s state of mind that I needed if I was to have any hope of bringing him back.

“How long have you worked in the coroner’s office in your present position, Mr. Kolowitz?”

“Six years.”

“And how many deaths have you investigated?”

“I don’t know, precisely. More than five thousand, certainly.”

“And, of those deaths, how many did you determine to be from suicide?”

Kolowitz thought for a moment. “Something on the order of three hundred, I think.”

“Three hundred. Thank you.” Good. That made Kolowitz an expert on death *and* suicide, for my purposes; I needed his expertise on the record.

“Now, as to the case of Mr. Alton Criswell, sir, what kind of inspection did you make?” I continued.

Kolowitz gave a small, short shrug. “I did my usual job, Mr. Aaron. First I looked around the office, noted the placement of the body in it, and tried to see if I could spot any gross clues

that the police might have missed or not gotten to yet.”

“Did you find anything?”

“Nothing unusual.”

“Did you find a note?”

“No. As my report says, no note was found.”

I tried to look surprised. “Isn’t that unusual, Mr. Kolowitz? No note at all?”

Kolowitz looked smug. “On the contrary, sir. In my experience, suicide victims leave notes less than half the time.”

“Really? Well, then, please tell the Court, in your expert opinion, what might prompt a suicide to write a note — or, in this case, *not* to write a note.”

Kolowitz settled into his chair. “Well, Mr. Aaron, the most frequent reason in this city is that the suicide victim is illiterate.” He gave me a know-it-all smile. I hate that.

“But that was hardly true of Mr. Criswell, was it?” I returned, as if to a little child.

Kolowitz frowned; he didn’t like that at *all*.

“Now, sir, why would Mr. Criswell, the college-educated president of a small business, fail to leave a note? It couldn’t have been because he was illiterate, now, could it?”

“Objection,” Maggie called out. “Calls for conjecture.”

This time Judge Barnes backed me up without my having to say a word, bless him. “I don’t think the expert qualifications of this witness as to the motives of suicides can be questioned, Counselor. I’ll allow it.”

“Thank you, Your Honor,” I said. “Mr. Kolowitz?”

Kolowitz gave another shrug. “It’s hard to say.”

“Please try.”

“Well ... it seems to me that the failure of Mr. Criswell to leave a note indicates that his suicide may have sprung from a sudden

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impulse, rather than an ongoing desire to kill himself.”

“Meaning that Mr. Criswell *impulsively* killed himself?”

“It could mean that.”

“And that impulse is indicated by his failure to leave a note?”

“Well, it doesn’t *necessarily* mean — ”

“Answer the question, please.”

Grudgingly, Kolowitz said, “It’s possible.”

“Thank you, Mr. Kolowitz.” I’d scored my point, and since I had damned few points to make in this case, I was happy ... or at least I was until I saw Maggie rise for a re-direct. She was in pencil-jabbing mode, too. Some days, you just can’t win.

“Mr. Kolowitz, *does* Mr. Criswell’s failure to leave a note *prove* that his suicide was motivated by a sudden impulse, and was not the result of an ongoing psychological problem?”

Kolowitz looked relieved; I guess he’d hated having his words twisted. “No, it does not. Not at all.”

“Indeed, Mr. Kolowitz, the fact that Mr. Criswell had a zapgun in his office might well indicate premeditation, couldn’t it?”

“Yes, it could.”

“In fact, Mr. Criswell could have been thinking about killing himself for quite a long time, couldn’t he?”

“Certainly.”

“Thank you, Mr. Kolowitz,” Maggie said. “That’s all.”

Next we heard from Criswell’s secretary, a fiftyish woman with the unlikely name of Binnie Bonner. She didn’t have much to contribute. I had to drag it out of her that the reason she’d not been at her desk at the time of Criswell’s desk was that she’d been in the can. Apparently Binnie Bonner had trouble admitting

in public that she had biological functions. In any case, she didn’t know anything, so I had Binnie song-and-dance her way through a useless recitation of how nice a guy Criswell was. Maggie didn’t even bother to cross-examine.

My last witness was Stephen Lane, the NYPD detective who’d been given the case. He looked anxious to be done and out of there; he probably had a hundred such cases pending, and there was damn little he could contribute to mine. I’d have called Lane earlier if he’d been available, but he’d been running around town putting toe tags on stiffes for most of the past two days.

After he was sworn and settled, I began. “Officer, please tell the court what you found when you arrived at CrisLock ThinkWare on the afternoon of September 27.”

Lane looked at the judge, waving his datapad. “If I might, Your Honor?” Barnes gestured him to go ahead.

Lane began in a bored voice. “I arrived to find four police officers from the Midtown South precinct already on the scene. The victim was in his chair. There was a zapgun in his left hand and a wound in his chest typical of the kind a zapgun makes when fired at close range.”

“Did you stay long?”

“No, Counselor. The uniformed officers had things well in hand. I talked to several people in the office; no one admitted seeing anything. The secretary — uh, Miss Bonner, Binnie Bonner — said she hadn’t been at her desk at the time of the incident and had nothing to contribute.”

I turned to gather my thoughts for another question, when I saw Barbara Criswell sitting shock-still in her chair, staring right at me, her eyes wide. It disconcerted me.

“Your Honor,” I asked, “might I have a moment to talk with Mrs. Criswell?”

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“Certainly, Mr. Aaron.”

I walked over to the table. “What’s wrong, Barbara?” I whispered.

Barbara shook her head slowly. “Left hand,” she mumbled. “That can’t be right, the left hand. No, no. Alton was right-handed. He *was!*”

“Shhh. Calm down, it’s okay. Look, I haven’t shown you the pictures from the scene, but it’s clear the zapgun was in your husband’s left hand.”

“But he was *right-handed*, Mr. Aaron.”

I turned. “A moment more, please, Your Honor?”

“Certainly,” the judge rumbled.

I bent to talk with Barbara again. “Look, Barbara, no one’s questioned the hand the gun was in. Your husband wore his watch on his right wrist. The most pathetic amateur armchair detective in the world knows that most left-handed people wear their watches on their right wrists. I assumed Al was left-handed. The cops assumed it. The detective, for Chrissakes, assumed it. Even the coroner assumed it.”

“But he *was* right-handed, Mr. Aaron.”

“Then why did he wear his watch on his right wrist, for crying out loud? It doesn’t make sense.”

But Barbara told me why, in a few brief words, and it *did* make sense ... and, all of a sudden, I had a case again.

“Mr. Aaron?” the judge called.

“Ready, Your Honor. Detective Lane, I have no further questions.”

“Miss Whitling?”

“Nothing, Your Honor.”

The judge nodded. “Mr. Aaron, is there anything else?”

“Yes, Your Honor.” I finally had something to smile about. “At this time, petitioner asks for summary judgment in favor of the petition.”

Maggie jumped to her feet. “Your Honor!”

Barnes looked as if I’d just committed an offensive biological act right in the middle of his Persian rug. “You *do* have grounds for this motion, don’t you, Mr. Aaron?”

“Yes, Your Honor. This wasn’t a suicide. This was murder.”

And *that* line was dramatic enough to suit anyone. Erle Stanley Gardner, eat your liver out.

Barnes didn’t look pleased by it, though. “In my chambers,” he said, rising. Maggie and I followed him as the bailiff announced a recess.

Barnes’ chambers were down a short hallway behind the courtroom. I shut the door behind us.

“Drinks?” Barnes asked. He headed for a bookshelf.

“Scotch rocks,” said Maggie.

“Bourbon, please,” I called. “Neat.”

Barnes swung the bookcase out, revealing a small but well-stocked and ornate bar; it even had one of those spigot things that could dispense all sorts of mixers from one nozzle. I’d been in Barnes’ chambers before, but I didn’t know he had a corner tavern hidden away in his wall.

Barnes saw me watching, and grinned. “I inherited it from old Judge Bennett. He had it put in sometime in the nineties, in between city scandals. Don’t ask me how Bennett paid for it all; I was clerking here at the time, and there were all sorts of rumors.”

Barnes made the drinks quickly and handed them out. He saluted us with his Chivas Regal and said, “Here’s to crime. David, this better be a good one.”

I raised my glass. “It is, Judge.” I drank deeply. I hoped what I had was good enough.

Barnes nodded. “I know. You don’t strike me as the kind given to theatrics.” He sipped. “Well, let’s get settled and you can lay it on us.”

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The judge took the seat behind his desk; Maggie and I sat in comfortable chairs facing him. “All right,” Barnes said. “What did Mrs. Criswell tell you?”

“Alton Criswell was right-handed, Your Honor.”

“So?” Maggie said, trying to interrupt, but Barnes gestured me to go on.

“Simply put, Your Honor, the case against Criswell’s revival rises or falls on the fact of his suicide.”

Barnes grimaced. “Not exactly true, David. I have to tell you that there’s not much of a case here at all for revival.”

I nodded. “Between you, me and the wall, I agree. Criswell screwed up his business, he can’t be shown to have contributed anything of value to the community, I can’t show that he could be expected to do so if revived, and the conduct of his personal life doesn’t help his case, either.”

“That’s an accurate representation, all right.” Barnes sipped again. “So your man was right-handed. So what?”

“The so-called suicide weapon was found in his left hand. The coroner found the death to be a suicide based simply on what he saw, and only the most rudimentary tactile examination of the body.”

“But, look here,” Maggie interrupted. “What does all this have to do with the case? So Criswell was right-handed. So he shot himself with a zapgun in his left hand. So what?”

“He didn’t shoot himself, Maggie,” I said. “He was shot. Attacked. The scene was faked, to look like a suicide.” I turned back to face Barnes. “Judge, what Barbara Criswell told me was that Alton Criswell wore his watch on his right wrist because he was nearly blind in his left eye. Criswell never had it fixed; I don’t know why. But, as it was, it was simply more

*convenient* for him to wear his watch on his right wrist, so he could glance at it quickly, without having to move his head awkwardly or drag his left arm across his body every time he wanted to know what time it was. Try it yourself and see; close your left eye and look at your watch.”

“It’s not too bad,” the judge said. “A bit awkward, though.”

“Now try looking at your right wrist.”

Barnes did so, with the merest glance. “I see. So Criswell wore his watch on the ‘wrong’ wrist for convenience’s sake. All right, I get that much.” I could see that Maggie did, too. “But, again, what’s the big deal?”

“I maintain, Your Honor, that the simple, almost trivial fact of where Mr. Criswell wore his watch has tainted the evidence as to the cause of his death. The police walk in, examine the scene, and one of the first things they see is the gun in Criswell’s left hand. Oh-ho, they say. They look a little further, though, and they see that Criswell’s watch is on his right wrist. Shoot, no problem, the cops say; he was left-handed. The coroner gets there and goes through the same thing. Criswell is dismissed as a left-handed suicide.”

“But why didn’t someone catch this before?” Maggie asked.

“So who sees those pictures except *us*? They’re cop pictures, Maggie; the only people who saw them were strangers. I mean, no one’s going to show them to Barbara Criswell, are they?”

Barnes nodded. “All right,” Maggie said. “I see how it could happen that way. The cops and the coroner deal with twenty or thirty dead bodies every day; each one’s a rush job. But, again, *so what?* What makes you think this was a murder?”

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“Because,” I said, “the guy who walked into Criswell’s office while his secretary was gone figured it the same way. Criswell was bent over his paperwork. Maybe he heard the door; if he did, he probably thought it was his secretary. He never looked up until just before whoever did it jammed the zapgun against his chest and fired it. The hit man’s a real smoothie, a clever guy. He saw the watch, too, and put the gun in Criswell’s *left* hand.”

“Hit man?” Maggie asked.

“Sure,” I said. “The murderer had to be a stranger. It’s unlikely that anyone in the office would have made that same mistake. They all knew Criswell; they *had* to know he was right-handed. But would a hit man be briefed down to that small detail? I doubt it.”

“So do I,” Barnes agreed. “David, you haven’t convinced me this was a murder, but you’ve managed to make me doubt the initial evidence. Under the circumstances, I can’t grant the state’s motion to deny revival.”

A happy little man inside me jumped up and down with glee.

“But, Your Honor — ” Maggie started, but Barnes waved her down. “No, Margaret. We’re up against the deadline as it is. Criswell gets another chance. *If* this was a murder, we’ll need him to supply evidence against the perpetrator — that’ll supply the ‘overriding social importance’ David needs to win his case. We can’t let a felon walk free. If David’s reasoning is wrong and Criswell *did* kill himself, well, Criswell gets a free ride. It wouldn’t be the first time that’s happened.”

Maggie shrugged. “I can’t really object, Judge. I saw that little boy out there. I must admit I’m a bit relieved.”

Judge Barnes nodded. “So let’s finish our drinks and do it.”

I drained mine. Tasted fine. God bless America.

“ — the state has an overriding interest in apprehending the suspect or suspects involved in the commission of a class ‘A’ felony,” Judge Barnes was saying. “This Court finds that petitioner has shown sufficient evidence to cast into doubt the coroner’s tentative finding that Mr. Criswell’s death was due to suicide. The Court orders that an investigation be carried out. Mr. Criswell will be needed to assist this investigation, and the Court further finds that said assistance is in the public interest. Therefore — ”

A voice came from the spectator seats. “Your Honor? Excuse me.”

I turned around. *Locker?*

Barnes frowned deeply. “Don’t interrupt me, Mister, uh, Locker.”

“I feel I must, Your Honor.” Locker stood.

I wondered what the hell was happening, and then I caught on. “Your Honor,” I said quickly, “this is most irregular. I must ask that Mr. Locker be removed — ”

“That won’t be necessary, Mr. Aaron,” Locker said calmly. “I confess that I arranged the death of Mr. Criswell. I hired someone to kill him. I’ll be happy to identify that individual. Now I’ll submit to arrest.”

“Your Honor!” I almost shouted. “That’s not a valid confession!”

Barnes looked sad. “Probably not, but I’m afraid it’s valid enough for our purposes here.” He sighed tiredly and changed tracks. “This Court finds that there is insufficient reason to grant petitioner’s request for the revival of one Alton Criswell of this city. The petition is therefore denied. Court is adjourned. Bailiff, take Mr. Locker into custody.”



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I looked at Barbara Criswell. She looked as if she were waiting for the judge to say something else — but we were already rising as the judge left the courtroom.

The bailiff was leading Locker away. “Hold it, Harry,” I said, and hurried over. “I need to talk to Locker for a second.”

“Make it fast, Mr. Aaron.”

“Right.” I stared at Locker. “What the hell was this all about?”

Locker almost smiled. “I hated that son of a bitch. He stole my woman and then cheated on her. He took all the money I had put into the business and lost it. He was about to lose a lot more. So I had him killed. I also made sure the city investigator got all the info he needed, in order to cripple Al’s case for revival. Simple.”

“So what happens now?”

Locker shrugged. “I’ll do my bit. Al Criswell’s death will be recorded as a murder, Barbara will get all his personal insurance, and the company will be bailed out by the top-man policy.”

“And you’ll probably walk,” I pointed out.

“Because I confessed without benefit of counsel. Yes.” Now Locker did smile. “Rather neat and tidy, don’t you think?”

“You’re a cool bastard, Locker.”

“Sorry I screwed up your case.”

“Go fuck yourself.” I turned my back on him. “That’s all, Harry. Thanks.”

Sure enough, the case against Locker fell apart. There was never any real ID on the hit man he’d hired — those guys are a little too careful to give valid names and phone numbers to amateurs — and the state couldn’t prove a murder rap independently. Locker walked. Tawdry.

Aetnadential accepted the coroner’s finding of murder, and Barbara got all of Alton Criswell’s personal insurance money — double jeopardy, in fact; she made out well. CrisLock ThinkWare got the top-man benefit, too, which bailed out the firm. A couple of years later, Barbara married Locker, and I still haven’t figured out why.

I got a \$2,000 fee and a see-you-later from Aetnadential Insurance. I paid the rent and bought some shoes. Haven’t heard from Frank Bridges since. •