



JOHN GRISHAM

A NOVEL

THE GUARDIANS

ALSO BY JOHN GRISHAM

A Time to Kill
The Firm
The Pelican Brief
The Client
The Chamber
The Rainmaker
The Runaway Jury
The Partner
The Street Lawyer
The Testament
The Brethren
A Painted House
Skipping Christmas
The Summons
The King of Torts
Bleachers
The Last Juror
The Broker
The Innocent Man
Playing for Pizza
The Appeal
The Associate
Ford County
The Confession
The Litigators
Calico Joe
The Racketeer
Sycamore Row
Gray Mountain
Rogue Lawyer
The Whistler
Camino Island

The Rooster Bar

The Reckoning

The Theodore Boone Books

Theodore Boone: Kid Lawyer

Theodore Boone: The Abduction

Theodore Boone: The Accused

Theodore Boone: The Activist

Theodore Boone: The Fugitive

Theodore Boone: The Scandal

Theodore Boone: The Accomplice

JOHN
GRISHAM



THE
GUARDIANS



DOUBLEDAY

New York

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Also by John Grisham

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Author's Note

To James McCloskey
“The Exonerator”

Duke Russell is not guilty of the unspeakable crimes for which he was convicted; nonetheless, he is scheduled to be executed for them in one hour and forty-four minutes. As always during these dreadful nights, the clock seems to tick faster as the final hour approaches. I've suffered through two of these countdowns in other states. One went full cycle and my man uttered his final words. The other was waved off in a miracle finish.

Tick away—it's not going to happen, not tonight anyway. The folks who run Alabama may one day succeed in serving Duke his last meal before sticking a needle in his arm, but not tonight. He's been on death row for only nine years. The average in this state is fifteen. Twenty is not unusual. There is an appeal bouncing around somewhere in the Eleventh Circuit in Atlanta, and when it lands on the desk of the right law clerk within the hour this execution will be stayed. Duke will return to the horrors of solitary confinement and live to die another day.

He's been my client for the past four years. His team includes a mammoth firm in Chicago, which has committed thousands of pro bono hours, and an anti-death penalty group out of Birmingham that is spread pretty thin. Four years ago, when I became convinced he was innocent, I signed on as the point man. Currently I have five cases, all wrongful convictions, at least in my opinion.

I've watched one of my clients die. I still believe he was innocent. I just couldn't prove it in time. One is enough.

For the third time today, I enter Alabama's death row and stop at the metal detector blocking the front door where two frowning guards are protecting their turf. One holds a clipboard and stares at me as if he's forgotten my name since my last visit two hours ago.

"Post, Cullen Post," I say to the dunce. "For Duke Russell."

He scans his clipboard as if it holds vital information, finds what he wants, and nods to a plastic basket on a short conveyor belt. In it, I place

my briefcase and cell phone, same as before.

“Watch and belt?” I ask like a real smart-ass.

“No,” he grunts with an effort. I step through the detector, get cleared, and once again an innocence lawyer manages to properly enter death row without weaponry. I grab my briefcase and cell phone and follow the other guard down a sterile hallway to a wall of bars. He nods, switches click and clang, the bars slide open, and we hike down another hallway, trudging deeper into this miserable building. Around a corner, some men are waiting outside a windowless steel door. Four are in uniform, two in suits. One of the latter is the warden.

He looks gravely at me and steps over. “Got a minute?”

“Not many,” I reply. We move away from the group for a private chat. He’s not a bad guy, just doing his job, which he’s new at and thus he’s never pulled off an execution. He’s also the enemy, and whatever he wants he will not get from me.

We huddle up like pals and he whispers, “What’s it look like?”

I glance around as if to evaluate the situation and say, “Gee, I don’t know. Looks like an execution to me.”

“Come on, Post. Our lawyers are saying it’s a go.”

“Your lawyers are idiots. We’ve already had this conversation.”

“Come on, Post. What are the odds right now?”

“Fifty-fifty,” I say, lying.

This puzzles him and he’s not sure how to respond. “I’d like to see my client,” I say.

“Sure,” he says louder as if frustrated. He can’t be viewed as cooperating with me, so he storms off. The guards step back as one of them opens the door.

Inside the Death Room, Duke is lying on a cot with his eyes closed. For the festivities, the rules allow him a small color television so he can watch whatever he wants. It’s on mute with cable news giddy over wildfires out west. His countdown is not a big story on the national front.

At execution time, every death state has its own silly rituals, all designed to create as much drama as possible. Here, they allow full-contact visits with close family members in a large visitation room. At 10:00 p.m., they move the condemned man to the Death Room, which is next door to the Death Chamber where he’ll be killed. A chaplain and a

lawyer are permitted to sit with him, but no one else. His last meal is served around 10:30, and he can order whatever he wants, except for alcohol.

“How you doing?” I ask as he sits up and smiles.

“Never felt better. Any news?”

“Not yet, but I’m still optimistic. We should hear something soon.”

Duke is thirty-eight and white, and before getting arrested for rape and murder his criminal record consisted of two DUIs and a bunch of speeding tickets. No violence whatsoever. He was a party boy and hell-raiser in his younger days, but after nine years in solitary he has settled down considerably. My job is to set him free, which, at the moment, seems like a crazy dream.

I take the remote and change channels to one from Birmingham, but I leave it on mute.

“You seem awfully confident,” he says.

“I can afford to. I’m not getting the needle.”

“You’re a funny man, Post.”

“Relax, Duke.”

“Relax?” He swings his feet to the floor and smiles again. He does indeed look rather relaxed, given the circumstances. He laughs and says, “Do you remember Lucky Skelton?”

“No.”

“They finally got him, about five years ago, but not before serving him three last meals. Three times he walked the gangplank before getting the shove. Sausage pizza and a cherry Coke.”

“And what did you order?”

“Steak and fries, with a six-pack of beer.”

“I wouldn’t count on the beer.”

“Are you gonna get me outta here, Post?”

“Not tonight, but I’m working on it.”

“If I get out I’m going straight to a bar and drinking cold beer until I pass out.”

“I’ll go with you. Here’s the Governor.” He appears on-screen and I hit the volume.

He's standing in front of a bank of microphones with camera lights glaring at him. Dark suit, paisley tie, white shirt, every tinted hair gelled with precision. A walking campaign ad. Sufficiently burdened, he says, "I have thoroughly reviewed Mr. Russell's case and discussed it at length with my investigators. I've also met with the family of Emily Broone, the victim of Mr. Russell's crimes, and the family is very much opposed to the idea of clemency. After considering all aspects of this case, I have decided to allow his conviction to stand. The court order will remain in place, and the execution will go forward. The people have spoken. Clemency for Mr. Russell is therefore denied." He announces this with as much drama as he can muster, then bows and slowly backs away from the cameras, his grand performance complete. Elvis has left the building. Three days ago, he found the time to grant me an audience for fifteen minutes, after which he discussed our "private" meeting with his favorite reporters.

If his review had been so thorough, he would know that Duke Russell had nothing to do with the rape and murder of Emily Broone eleven years ago. I hit the mute again and say, "No surprise there."

"Has he ever granted clemency?" Duke asks.

"Of course not."

There is a loud knock on the door and it swings open. Two guards enter and one is pushing a cart with the last meal. They leave it and disappear. Duke stares at the steak and fries and a rather slim slice of chocolate cake, and says, "No beer."

"Enjoy your iced tea."

He sits on the cot and begins to eat. The food smells delicious and it hits me that I have not eaten in at least twenty-four hours. "Want some fries?" he asks.

"No thanks."

"I can't eat all this. For some reason I don't have much of an appetite."

"How was your mom?"

He stuffs in a large chunk of steak and chews slowly. "Not too good, as you might expect. A lot of tears. It was pretty awful."

The cell phone in my pocket vibrates and I grab it. I look at the caller ID and say, "Here it is." I smile at Duke and say hello. It's the law

clerk at the Eleventh Circuit, a guy I know pretty well, and he informs me that his boss has just signed an order staying the execution on the grounds that more time is needed to determine whether Duke Russell received a fair trial. I ask him when the stay will be announced and he says immediately.

I look at my client and say, "You got a stay. No needle tonight. How long will it take to finish that steak?"

"Five minutes," he says with a wide smile as he carves more beef.

"Can you give me ten minutes?" I ask the clerk. "My client would like to finish his last meal." We go back and forth and finally agree on seven minutes. I thank him, end the call, and punch another number. "Eat fast," I say. He has suddenly found his appetite and is as happy as a pig at the trough.

The architect of Duke's wrongful conviction is a small-town prosecutor named Chad Falwright. Right now he's waiting in the prison's administration building half a mile away, poised for the proudest moment of his career. He thinks that at 11:30 he'll be escorted to a prison van, along with the Broone family and the local sheriff, and driven here to death row where they'll be led to a small room with a large glass window that's covered with a curtain. Once situated there, Chad thinks, they'll wait for the moment when Duke is strapped to the gurney with needles in his arms and the curtain will be pulled back in dramatic fashion.

For a prosecutor, there is no greater sense of accomplishment than to witness an execution for which he is responsible.

Chad, though, will be denied the thrill. I punch his number and he answers quickly. "It's Post," I say. "Over here on death row with some bad news. The Eleventh Circuit just issued a stay. Looks like you'll crawl back to Verona with your tail between your legs."

He stutters and manages to say, "What the hell?"

"You heard me, Chad. Your bogus conviction is unraveling and this is as close as you'll ever get to Duke's scalp, which, I must say, is pretty damned close. The Eleventh Circuit has doubts about the trivial notion of a fair trial, so they're sending it back. It's over, Chad. Sorry to ruin your big moment."

"Is this a joke, Post?"

“Oh sure. Nothing but laughs over here on death row. You’ve had fun talking to the reporters all day, now have some fun with this.” To say I loathe this guy would be a tremendous understatement.

I end the call and look at Duke, who’s feasting away. With his mouth full he asks, “Can you call my mother?”

“No. Only lawyers can use cell phones in here, but she’ll know soon enough. Hurry up.” He washes it down with tea and attacks the chocolate cake. I take the remote and turn up the volume. As he scrapes his plate, a breathless reporter appears somewhere on the prison grounds and, stuttering, tells us that a stay has been granted. He looks bewildered and confused, and there is confusion all around him.

Within seconds there is a knock on the door and the warden enters. He sees the television and says, “So I guess you’ve heard?”

“Right, Warden, sorry to ruin the party. Tell your boys to stand down and please call the van for me.”

Duke wipes his mouth with a sleeve, starts laughing and says, “Don’t look so disappointed, Warden.”

“No, actually I’m relieved,” he says, but the truth is obvious. He, too, has spent the day talking to reporters and savoring the spotlight. Suddenly, though, his exciting broken-field run has ended with a fumble at the goal line.

“I’m out of here,” I say as I shake Duke’s hand.

“Thanks Post,” he says.

“I’ll be in touch.” I head for the door and say to the warden, “Please give my regards to the Governor.”

I’m escorted outside the building where the cool air hits hard and feels exhilarating. A guard leads me to an unmarked prison van a few feet away. I get in and he closes the door. “The front gate,” I say to the driver.

As I ride through the sprawl of Holman Correctional Facility, I am hit with fatigue and hunger. And relief. I close my eyes, breathe deeply, and absorb the miracle that Duke will live to see another day. I’ve saved his life for now. Securing his freedom will take another miracle.

For reasons known only to the people who run this place, it has been on lockdown for the past five hours, as if angry inmates might organize into a Bastille-like mob and storm death row to rescue Duke. Now the

lockdown is subsiding; the excitement is over. The extra manpower brought in to maintain order is withdrawing, and all I want is to get out of here. I'm parked in a small lot near the front gate, where the TV crews are unplugging and going home. I thank the driver, get in my little Ford SUV, and leave in a hurry. Two miles down the highway I stop at a closed country store to make a call.

His name is Mark Carter. White male, age thirty-three, lives in a small rental house in the town of Bayliss, ten miles from Verona. In my files I have photos of his house and truck and current live-in girlfriend. Eleven years ago, Carter raped and murdered Emily Broone, and now all I have to do is prove it.

Using a burner, I call the number of his cell phone, a number I'm not supposed to have. After five rings he says, "Hello."

"Is this Mark Carter?"

"Who wants to know?"

"You don't know me, Carter, but I'm calling from the prison. Duke Russell just got a stay, so I'm sorry to inform you that the case is still alive. Are you watching television?"

"Who is this?"

"I'm sure you're watching the TV, Carter, sitting there on your fat ass with your fat girlfriend hoping and praying that the State finally kills Duke for your crime. You're a scumbag Carter, willing to watch him die for something you did. What a coward."

"Say it to my face."

"Oh, I will Carter, one day in a courtroom. I'll find the evidence and before long Duke will get out. You'll take his place. I'm coming your way, Carter."

I end the call before he can say anything else.