

Motion to Suppress

Perri O'Shaughnessy

**MOTION
TO
SUPPRESS**



PERRI O'SHAUGHNESSY



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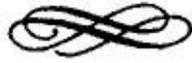
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*To Helen June O'Shaughnessy
In memory of Roger Charles O'Shaughnessy*



HIGH PRAISE FOR PERRI O'SHAUGHNESSY'S BESTSELLING LEGAL THRILLER

MOTION TO SUPPRESS

"WITTY, COMPELLING AND DOWN-TO-EARTH ... a tasty legal thriller that leaves you hoping there will be more to savor in the future."

—The Orlando Sentinel

"MOTION TO SUPPRESS DELIVERS! Suspense, plot twists, and legal thrills make this a real page-turner."

—Darian North, author of *Criminal Seduction*

"This courtroom drama maintains a swift pace.... Keen detective work, smoldering romance and ongoing consciousness-raising ... create a Roman candle of a novel that just may rocket O'Shaughnessy to pop-lit fame."

—Publishers Weekly

"MOTION TO SUPPRESS IS NONSTOP EXCITEMENT! O'Shaughnessy combines the mystery of a masterful whodunit with edge-of-the-seat courtroom drama, and mixes in plenty of riveting psychological intrigue. The portrayal of the glitz and the underbelly of the casino world is top-notch and the characters are finely drawn."

—Jeffery Deaver, author of *Praying for Sleep*

"MOTION TO SUPPRESS DRAWS YOU IN ON PAGE ONE AND NEVER LETS YOU GO. Perri O'Shaughnessy writes about the law with authority, and in *Motion to Suppress*, she has created two strong, sympathetic characters and placed them in a fast-paced, compelling plot that will keep readers turning the pages into the wee hours of the morning.... My highest recommendation."

—William Bernhardt, author of *Double Jeopardy*

"Fresh in every way ... this first novel weaves its fascinating spell ... A compelling debut."

—The Hartford Courant

"A FAST-PACED LEGAL THRILLER. All the ingredients for a bestseller are present in this first novel."

—Library Journal

"The talented sisters O'Shaughnessy are newcomers to watch."

—Kirkus Reviews

"When Scott Turow wrote *Presumed Innocent* he was reinventing the American courtroom drama ... and in his wake dozens have followed. The latest, and, on this showing, one of the best is Perri O'Shaughnessy. *Motion to Suppress* is a taut, suspenseful legal thriller, full of twists and turns that keep the surprises coming right to the last page."

—Val McDermid, *Manchester Evening News* (England)

"A SPELLBINDING NOVEL that doesn't let go from the first page until the shocking, unforgettable conclusion. O'Shaughnessy delivers an electrifying legal thriller."

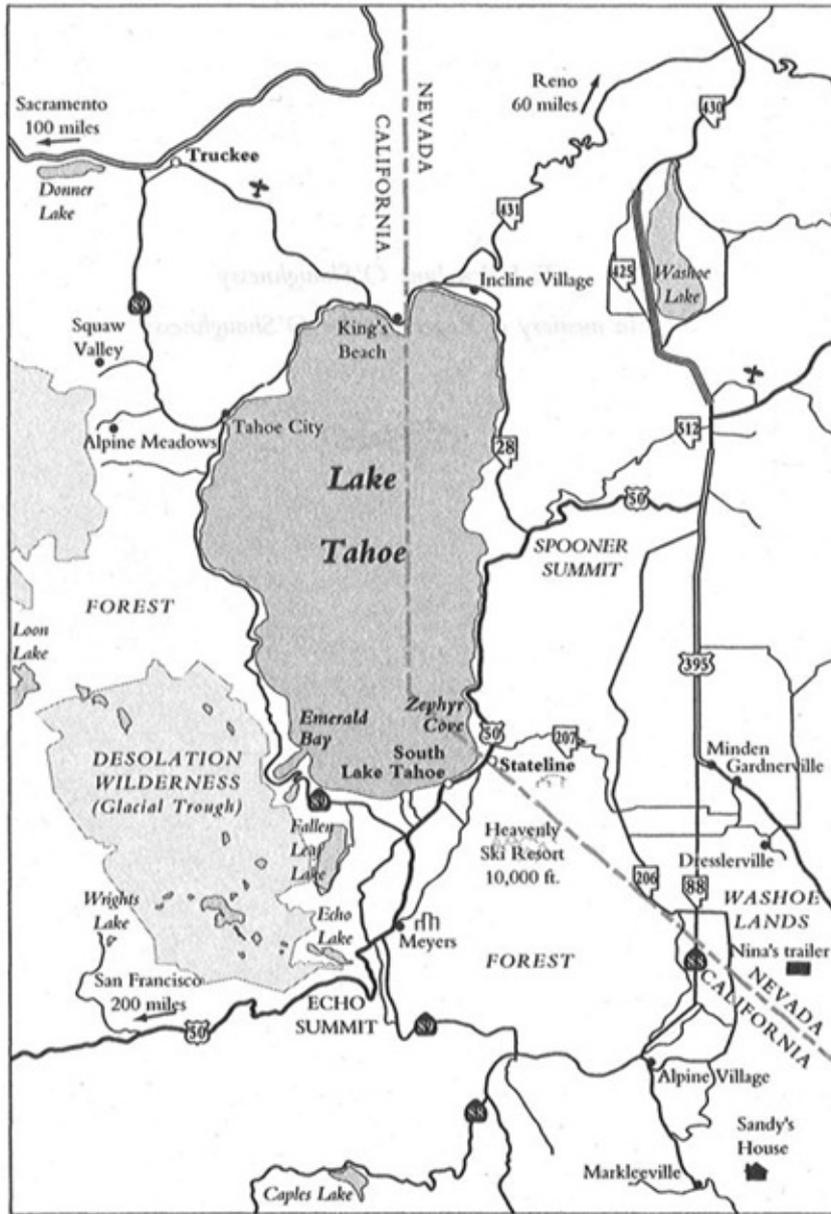
—Somerset American (Pa.)

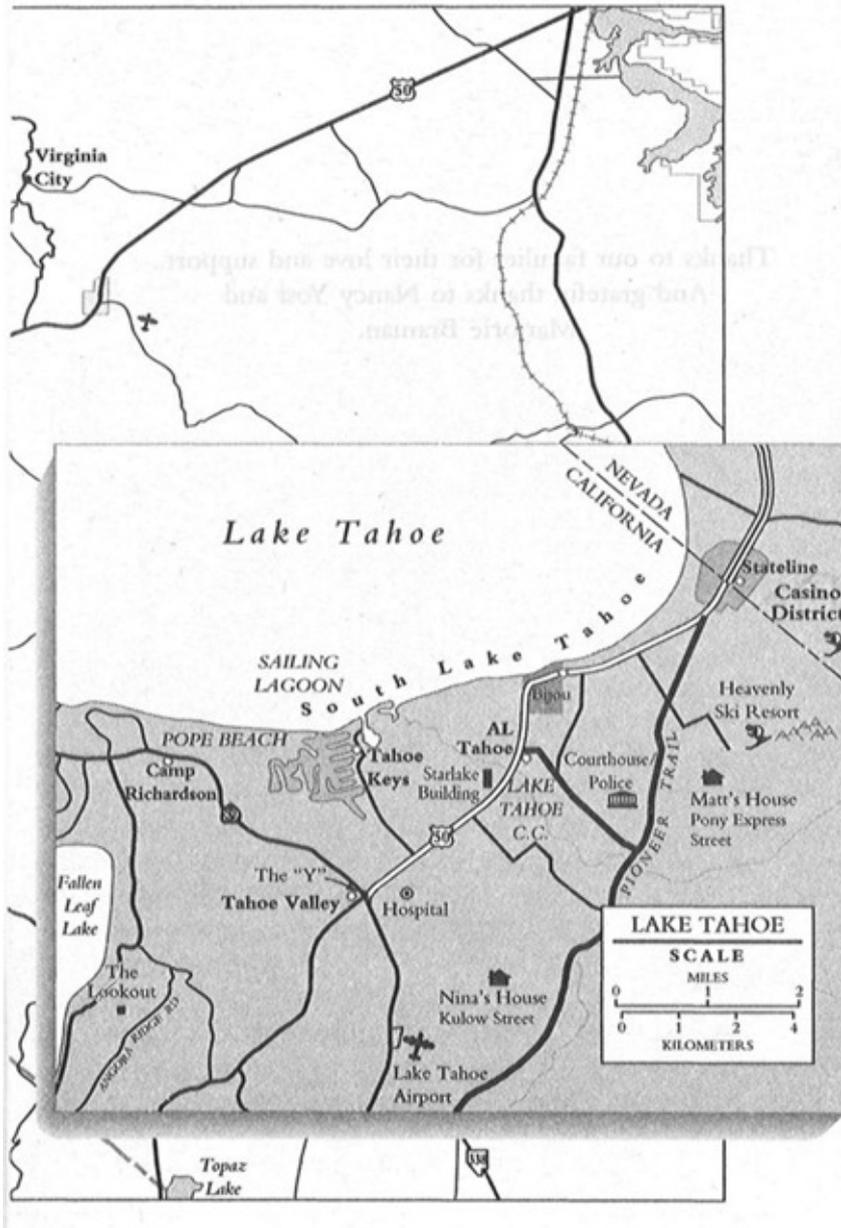
"Courtroom fiction buffs will relish this first novel [with an] elaborate and surprising double-whammy climax."

—Ellery Queen

"After reading the opening chapter of *Motion to Suppress*, I genuinely couldn't put it down. Perri O'Shaughnessy has done a masterful job of presenting both a battered wife and refugee lawyer. The Lake Tahoe setting rings true, and the only aspect of the book I found hard to believe was that this is a first novel. "

—Jeremiah Healy, author of *Rescue and Act of God*





Thanks to our families for their love and support.
And grateful thanks to Nancy Yost and
Marjorie Braman.

My love is bigger than a Cadillac
I try to show it and you drive me back
Your love for me got to be real
For you to know just how I feel
A love for real'll not fade away
A love for real'll not fade away

APRIL 26, MIDNIGHT

LET ME TELL you the way I remember it.

I worked the four-to-twelve shift at Prize's Thursday night, April 26.

One thing I learned my first year at the casino, a lot of gamblers hate snow in April, and they don't come up the hill. Maybe they've already stowed their parkas in mothballs, or it's 1040 time and they're hurting. Maybe so many drought years in a row in California made them forget how to deal with snow, so they hit Vegas instead of Tahoe. Maybe they're all tired out from skiing in their shorts.

But Tahoe casinos stay open night and day, no matter how slow it gets, just in case some big loser might show up in the dead of night. I was glad to be working even if it meant looking busy when there was not much to be done.

No high rollers showed up that night to gamble away the money that, if they had any sense, they had already kissed good-bye, so most of the staff was pretty low-energy, including me. A few local guys slumped at their stools, flipping over cards at the twenty-one tables, sweating into their hiking boots, waving cigarettes and sucking in the smell of saloon mixed with cleaning fluid. Along with the junketers who come up once a month from Sacramento and San Jose, and the floaters—guys who stay for a night or two on their way somewhere else—they play lousy and tip worse.

The dealers silently handed out cards at the ten or twelve tables that had any players. They don't let us wear watches, but we all knew what time it was exactly, and exactly when the next shift would take over our stations so we could return home to our loving spouses.

I was feeling a wicked twinge in the ball of my right foot every time I walked. They make you wear these killer spiked heels, black patent, like something out of an S/M movie, supposed to keep everybody awake, I guess, players included. Even though I had been taking it easy whenever the shift supervisor wasn't watching, it was late and I was really tired.

By the Tonga Bar, a man with shiny brown boots and a cowboy string tie was watching me. He had caught me by the quarter slots earlier, but I'd seen something I needed to do across the room. This time, he moved in fast. My back was against the wall and these thin, hard lips started whispering about his room upstairs. I pushed him off me, spilling his house bourbon, and Security came to the rescue.

I remember thinking it was a good thing it wasn't Anthony behind the mirrors, watching. He blames me when I get cornered.

That night I was working swing, which I usually like. Swing shift I get home about one in the morning, so I have afternoons to do the shopping and errands around town, but that night I felt bad, and it showed. I decided to shine a bunch of smiles around in my last ten minutes to make up for the rest of the night, maybe up the tips a little, even though underneath I felt like hell, because no matter what happens with me and Dr. Greenspan and Anthony, I need that job.

I had seen Dr. Greenspan just before I went to work that night to tell him Anthony wanted me to quit treatment. I did some crying in the parking lot afterward. See, when I started my therapy, I told Anthony I thought it would help our marriage, which was a lie. I guess he finally figured that out. He told me the day before that Daddy, meaning Dr. Greenspan, was not going to get me out of this one. He was sick of me exposing our private life to a stranger and I was going to shape up and act like a wife. He'd told me he was done paying for crapola that made him look bad.

Dr. Greenspan told me I could make payments each month and cut back the hypnosis sessions to twice a month. He warned me that we were at a crucial point in the therapy, where things I had buried were just coming up. The sessions were starting to get painful. He told me that was a good sign. But Anthony was saying no more.

All that evening—passing the rows of slot machines, giving free liquor to players at the blackjack tables, saying, "Cocktails?" in my nicest voice, letting the guys look down the front of the skimpy outfit I had to wear—I had been trying to think of a way to continue my treatments. I knew my parents wouldn't help; they're Christian Scientists who would make me go to a Church healer.

The thought of asking Tom for help crept into my mind just as I leaned over to pick up my first big tip from the guy losing on third base at Table Four. He was an amateur who had spent the evening pouring free drinks down his throat, and now, practically horizontal, flashed his money and tried to stuff a bill down my front, but I saw it coming. I straightened up fast and he ended up handing it to me before he fell off his stool. Two other people at the table laughed.

I hated to ask Tom to loan me money. Supporting a wife and three children on a school principal's salary, he was stretched. It wasn't like he owed me anything.

Plus, Anthony was going to find out about Tom if I kept going to the doctor. He's an ex-cop and a suspicious type. Bad for Tom. Very bad for me.

The last few minutes of my shift that night took forever. When Brenda showed up about ten after twelve, a few minutes late the way she always is, I ran into the employee lounge. Off with the black satin Playboy-bunny knockoff, which I folded and put into my cubby, off with the mesh stockings and heels, which I stuffed into a canvas bag. I washed some of the junk off my face, and got into warm leggings and my down coat. The parking lot at Prize's is just down from the mountains at Heavenly. You can't imagine the wind and cold some nights.

A couple of inches of new snow covered the ground by the time I got to our house. It's in the Tahoe Keys and we have a piece of the lake with a little dock in the backyard. No boat, though. We can always use Rick's. Anthony doesn't like owning anything he can borrow. I could see into the picture window through the heavy flakes. Anthony wasn't lying on the blue couch, but the fire was bright.

"I wanna love you night and day/ You know my love'll not fade away." The CD player boomed out ancient Rolling Stones, and when I heard it, I almost drove away. That music meant he was awake, drunk, and waiting for me. I sat watching the dashboard ice over long enough to hear him start his favorite song up again.

I got out. I locked the car, because Anthony always checks. Then I saw some boot tracks leading off toward the side of the house, recent, because the snow was fresh. I couldn't figure out what he would have come outside for, but I called anyway and got no answer.

Anthony had left the door unlocked, so I sneaked in quietly. When I got inside, I could only see firelight, a few candles burning, orange flickers on the wall and a lot of shadows. I didn't see him and that was a relief. I took off my parka and sat down on the couch to take my boots off. I pulled too hard, and knocked a plate and fork onto the floor. The bedroom door opened.

"You're late, Misty," Anthony said. His feet made the parquet tiles crackle when he walked. He pulled the tie belt into a knot on the maroon silk robe from China he had filched from somewhere and dug around in the pocket. His hand came out with a crumpled cigarette pack that he stuffed back inside. His hair stuck out, and his eyes were puffy and red-rimmed. He walked over to turn off the music.

"I thought you were out there in the snow," I said, waving at the window. Anthony grunted, sat down in front of me on the coffee table, and picked up my foot to take the boot off.

"I can do that myself," I said, pulling my foot back.

"Okay, I'll get you a drink."

"No, thanks."

"Take it." He jammed a stiff Yukon Jack into my hand and I knocked it down fast, saying to myself oh, what the hell, holding the glass out for another, feeling my face heat up. It takes two to make me brave.

"Anthony, I've got to tell you something."

He took hold of my chin and yanked my head up so I had to look at him. "Hurry up, now. I got work for you in bed," he said, like he hadn't heard me. "Did you bring your work shoes home, pretty girl?" His mouth turned down. He felt sorry for himself about

something. It was a mood I hated.

"I'm not sleepy yet." My voice sounded like it sounds at work, calm no matter what. I was hearing a rap song over and over that some fake had bleated all night from the lounge beside the gambling room. Inside my head the sound was louder than his talking, "Uh-oh, no, no, uh-oh," making me want to throw my boots through the plate-glass window. I drank down the second drink and pulled off my sock.

"I guess you didn't hear me, huh?" He spread his hands, palms open. The robe split open onto dark hair and shapes. I tried to look away.

"You go on," I said.

"I figured something out," Anthony said. He slid his hands down my neck, over my breasts, then grabbed my shoulders with thick, security guard's hands. "You don't care, do you, Misty? You just don't care. You'll never love me how I love you. You're givin' it away, and I don't even get to take your boots off."

"You're drunk," I said.

"Tell me you love me, then. Dance with me."

I couldn't help it. I know I flinched when he touched me. "I want out." That's all I said. He knew what I meant.

"You bitch!" He was trying to get me to stand up. I just went limp.

When he spoke again, he was real quiet. "All day long I waited for you, thinking about how to make you love me." The way he was holding me I knew I would be black-and-blue in the morning. "You want it over with me, maybe. But I'm not through with you. I'll never be through with you."

And then he started the ritual, our good night scene, this part just like we had done it a million times before. "Bedtime," he said. He lifted me up, holding my arms down. I smelled whiskey on his breath and was scraped by stubble on his jaw when he pressed me against him.

"Let me down, Anthony, please." But he held on. I could beg, but he would still carry me to bed. I tried to picture the next morning. With any luck he'd be cheerful, handing out money and orders to buy myself a present.

"Shut up."

I let myself drift off into the dream where I was someplace else, where it didn't matter what he did to my body. This time it didn't work. I felt pain from his hard fingers. I smelled his unwashed skin. I knew better but I couldn't stop myself; I struggled to get free. It wasn't part of the ritual.

He set me down and, still gripping me with his left hand, he gave me a hard knock in the head. When I opened my eyes again, I could see him looking down at me, breathing hard.

He was smiling, enjoying it. Like always.

Without thinking I reached behind him. My right hand connected with a crude carving of a polar bear, made out of gray rock, very heavy. I hit him in the back of the skull just right, with a nice, loose wrist, as if I had trained for this moment, solid as when you bowl, hitting the pins just off dead center for the strike.

His eyes closed and he fell forward. Then I saw the blood coming down onto his neck. I tried to catch him going down, but I dropped the statue on the table. Glass shattered and I swear the sound of it tore something apart in my brain. I managed to get him onto the couch, scared shitless, in a bad movie, knowing things had changed forever, already thinking about what he would do to me for this. He was moaning. I was too.

I left him on the couch while I ran for the cordless phone. It wasn't in the kitchen where it should be. I heard a thud, as though he had slipped down to the noor.

And then, what? I was so tired that night, tired and scared of him and sick of my life. I remember heading back toward the living room, but I guess I found my way to the bedroom instead. I don't even remember my head touching the pillow.

The clock radio said seven-thirty. My head was killing me and I was still dressed under the covers. Anthony had gotten up before me, which surprised me; I thought that meant he was on day shift. The noor felt ice-cold because the fire had gone out in the night and we're always too broke or too cheap to keep the heat going, so I pulled on a pair of grubby socks I found under the bed and went into the kitchen, kind of woozy, to get a cup of hot coffee from the automatic coffeemaker that Anthony always set up after dinner.

Then I saw the cordless phone on the floor by the stove. I remembered hitting him. I ran into the living room, burning myself when the coffee went flying. He wasn't on the couch. I was thinking, is this some new sick game of his? Is he hiding in the hall, or behind a door, ready to pay me back for the night before? I was careful as I checked around. Not a sound.

Outside, blinding April sun on fresh snow, Lake Tahoe out back just blazing blue against the sky, but no sign of Anthony. The footprints from last night were buried in the snow.

Back in the house, glass on the rug from the coffee table. Blood on the couch pillows. No polar bear statue.

No Anthony.



APRIL 2—OCTOBER. 14

NINA REILLY CALLED her son from a pay phone on the street outside San Francisco's First District Court of Appeals, barely able to hear his voice above the traffic when he answered, but reassured by his cheery hello. "I'm going to stop in at the office, honey. Can you stick something in the microwave?" He would eat something cold instead, she knew. Bobby had picked up on her husband Jack's reluctance to do domestic duty around the place. Changing into comfortable shoes she kept in her briefcase, she trotted back toward Montgomery Street, outdistancing the winos on Market, reverting to heels when she hit the lobby.

One of the elevators wasn't working, so she waited a long while, watched the crowd take their time unloading when the car eventually arrived, and jumped in, taking a hit from the impatient doors. On the thirty-fourth floor nobody was at the reception desk as she passed by to pick up her messages.

Early evening fog flowed into the high canyons of the Financial District outside her office window. Across the street, also thirty-four floors up, she could see fellow office workers hanging on the phone, rushing around with papers in their hands, holding meetings in their conference room, which looked a lot like her firm's conference room. Watching her competitors across the chasm, she was reminded of Bobby's hamster, Cheeky, circling in her wheel through the monotonous night.

Before she could pick up the phone, Mel Akers, one of the senior partners, came in.

"Heard you were back, Nina. How'd it go today?"

"Get ready, Mel. I'm ninety-nine percent sure I won."

"Oh. Good job, Nina."

"Maybe one last chance for this appellant to get out and straighten up. Let's hope there's no fourth strike. I never thought he deserved life in prison for what he did, Mel. He's not a bad guy, just a loser."

"Not today though, huh, Nina? You deserve a pat on the back."

She smiled at the thought, at his unusually unenthusiastic reaction. She had more to say, but he clearly didn't want to hear details. A win in the Appeals Court counted for more points than most wins. She had expected Mel to invite her out for a celebratory drink, at the least.

"Can I sit down, Nina?"

"Sure, Mel," she replied, instantly sensitive to this departure from routine. Mel usually had a quick joke for her, and then flashed off down the hall to spread it before she could. Instead he tapped his well-manicured fingers on her desk like he did just before a big court appearance.

"I have some tough news, Nina. You know how mid-size firms are having to specialize to keep up with all the new laws that get passed each year? And the recession is killing our clients. Hardly anybody pays anymore. They just sue us if they lose. We should have gone to medical school. Then people wouldn't hate us so much."

"Maybe so."

"Malpractice insurance eats up half our profits."

"Yep."

"And the State Bar, they've got this new industry, inventing new ethics rules and sending their stone-faced inquisitors around to haunt honest practitioners...."

"So ... what's your point, Mel?" Nina said.

"Well, you know, at the partners' meeting last week we decided we had been a bit hasty opening up a couple of departments. With the economy like it is we have to consolidate our resources. The days of the general-practice firm are numbered."

Mel's watery eyes behind their specs looked slightly past her, out the window, as though she were becoming as insubstantial as the fog outside.

"Unfortunately, we don't feel we should try to keep our appellate and family law departments going anymore. That's you and Francine Chu. We just don't have the depth."

"Huh."

"It's nothing personal. You've done a great job."

"So where are you putting me?" The firm had other departments—corporations, taxation, securities, insurance defense—where the money was, and the turgid paperwork that drove lawyers mad.

"Well, we might be able to fit you into our construction litigation department. Ralph

Teeter is looking for someone. I don't know if you have the interest." Now his eyes located her. Would she stay or would she go?

"What else do you have?"

"Nothing, unfortunately. Francine has decided to join her uncle in private practice in Marin County."

So Francie was leaving, her best friend at the firm. That hurt.

Soul-sucking work, construction litigation. Her professional life would consist of endless depositions of soil-subsidence experts and aerated-concrete engineers. She would become an expert on dirt, roofing materials, cracked and shifting foundations. It was big business in California. The quickie subdivisions of the eighties had led to the latent-defect litigation of the nineties. The lawyers took their tithe whether the construction was good or bad.

"Ralph Teeter's getting on to seventy now, isn't he?" He needed a strong, healthy, workaholic flunky. He would never retire. He lived with his ninety-two-year-old mother and he was well-known for arriving at the office every day at six-thirty A.M. "I'm not sure Ralph and I would be a good mix," Nina said.

"Well. Think about it. I'm authorized to offer you a three-month severance package should you decide to ... uh, seek new opportunities. Of course, we'd be sorry to see you leave. Obviously, you've done good work for us, Nina."

"A generous offer," Nina said. Mel relaxed visibly. He must be thinking Nina was not going to get hardnosed on him. She would bow out gracefully, not sue for wrongful termination. "Six months' severance would be even more generous," she continued.

"I don't know if the partners would go for it."

"Six months, and medical insurance for the rest of the year."

"I suppose I could propose it, but I—"

"Think about it," Nina said. Within an hour Mel called back and agreed.

She left at six, early for her, fighting the traffic back to Bernal Heights, taking forty-five minutes to drive what she could have walked in twenty. Her son grabbed her and absorbed her attention from the minute she walked in until, homework done and bath completed, he got tucked into bed. She pulled out a bottle of Clos du Bois blanc and made good progress on it for the rest of the evening, waiting for her husband. When Jack came home, looking tired and tense, she was lying on the couch in the dark living room, the glimmering city lights her only illumination. He gave her a distracted kiss and disappeared into the kitchen.