

Sample Chapter

DEADLY BLOOD

by

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A STAN TURNER MYSTERY
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Ad Litem

One of the drawbacks of starting my own law practice right out of law school was my total lack of experience. I'd learned enough about the law to pass the bar exam but knew little about actually practicing law or running a business for that matter. When I got a new case, there were no experienced partners to consult or associates to help guide me through the many perils and pitfalls that I was sure to face. As a sole practitioner, I was on my own so a lot of what I did was by trial and error.

So, why didn't I join a law firm, work for a big corporation or join the DA's office? Well, that just wasn't me. When I was growing up my parents pretty much left me alone. My sister was a troubled teenager and she kept them quite busy. So, as long as I didn't get in trouble at school, wasn't late for dinner and got decent grades they were happy. Over time I got used to being on my own and liked it. What I didn't like was taking orders and having people tell me what to do. To make matters worse, I was broke. I'd started a law practice with barely any capital, just a \$2,000 advance on my American Express card. Most of my family and friends, I'm sure, thought I was crazy, but in my mind, I simply had faith and confidence that with hard work everything would work out okay in the end, and it usually did.

I wasn't one of those lawyers who would take on any case just because everyone had the right to the best legal representation possible. No, that may have been true, but I wanted no part of it.

Unless I thought the criminal defendant was innocent or a civil client was doing something legal and ethical, I wouldn't touch their case with re-enforced rubber gloves. At least, that was my goal. Unfortunately, it didn't always turn out that way.

It was late Wednesday afternoon on September 15, 1982, not long after I'd hung out my shingle, when I stopped by the Collin County Law Library to check out some audio tapes of a probate conference I'd missed. As I was heading for the elevator, I was hailed by Martin Johnson, an acquaintance I vaguely remembered meeting at a bar seminar.

"Stan Turner. Is that you?"

The face looked familiar, but I'm not good with names, so I hesitated while I rummaged through my mind for a name. "Ah—Martin?"

"Right. Martin Johnson. We met at the civil procedure seminar last month."

"Yes. How's it going?"

"Fine. You got a minute?"

"Ah, well. I guess."

"I'm so glad I ran into you. Listen. I need a favor."

I shrugged, thinking maybe his car wouldn't start and he needed a jump. "Sure, what do you need?"

"Listen, I'm down here for to a TRO hearing, and the judge is insisting that an attorney-ad-litem be appointed for the minor daughter."

A TRO was short for a temporary restraining order which usually meant it was an emergency situation. Judges didn't like to issue TROs unless somebody was going to be seriously injured or prejudiced if it wasn't issued. Sometimes a TRO was sought without the defendant or his attorney even being present if they couldn't be found and notified of the hearing. When there was a child involved the Court would almost always insist an attorney-ad-litem be hired to represent the interest of the minor child.

I shook my head. "No, Martin. I'm sorry. I don't practice family law."

Martin put his hand on my shoulder. "Stan, I'm desperate here. I've scoured the building for an attorney and you're the only one still here. If I don't have this hearing today, my client may be beaten up again by her husband over the weekend. He's really pissed off about the divorce and may take it out on her."

A cold chill washed over me. Martin had set the trap and I was

just about to be yanked into something I knew would haunt me for months, if not years. I'd tried family law when I first started practice and quickly realized I didn't have the stomach for it. Before I knew it, Martin was dragging me down the hall to the 199th District Court. We stepped inside where everyone was impatiently waiting.

"Your Honor," Martin said. "I've found someone."

Judge Patricia Renner looked up and nodded. I'd been in her court many times before. The 199th District Court was the only district court in Collin County, so every litigation attorney knew her well.

"Mr. Turner," Judge Renner said, "I didn't know you practiced family law."

"I don't, Your Honor. I'm here under duress," I said, only half joking. "I'm not seeking this appointment, but just doing Martin a favor since he said it was important. If the Court thinks—"

The judge smiled. "No. No. I'm confident you'll be able to handle this appointment and, Mr. Johnson is correct, it is an important matter that must be handled today." The judge made a notation on her docket sheet and then looked up. "All right, I've signed the order appointing Mr. Turner as attorney-ad-litem. Mr. Johnson, you may continue."

The minor child, Melody Monroe, was already on the stand and had been sworn in. Her mother, Marjorie Monroe, was seated next to Martin at the plaintiff's counsel table. The table where the defendant and his attorney would usually sit was empty. Melody was an attractive blond about 5' 4" tall and I doubted she weighed a 100lbs. She was dressed in blue jeans, a pink cotton shirt, and white sneakers. I guessed her to be fifteen or sixteen. She had a serious bruise on her left cheek and her eyes were dark and swollen like she'd been crying.

"Melody, I know this will be difficult, but will you tell us what happened last Friday, September 10, 1982, in the morning?" Martin asked.

Melody looked over at the empty defense table as if her father was actually sitting there. "Yes, sir," she said softly. "I was getting ready for school when I heard Mom and Frank arguing downstairs. It makes me nervous when they argue because Frank hits Mom sometimes if he's mad or been drinking. So, I went downstairs hoping they'd stop arguing when they saw me, but it didn't work. Frank punched Mom in the face and then pushed her up against the wall and started choking her. I ran over to pull him off her, and he

elbowed me in the face."

"Is it painful?" Martin asked.

"Yes, it hurts like hell," Melody said running her fingers over the bruise.

"Had he ever hit you before?" Martin asked.

"Sure, but not like he hits Mom. He claimed he hadn't meant to hit me, but I'd gotten in the way."

"Right. But he does hit you often?"

"He spanks me if I'm bad. He says it's good for me."

Martin grimaced. "He spanks you? How often?"

"I don't know. Once or twice a week, I guess. He seems to enjoy doing it."

"Why do you say that?"

"I don't know. I guess it's the look on his face when he does it."

"Does he touch you inappropriately?"

"Sometimes. He likes to pinch my ass or give me a massage. And he storms into my room whenever he wants, often catching me undressed. He's got a knack for that."

"Did you complain to your mother about it?" Martin asked.

"No. She has enough of her own problems dealing with him."

"Are you afraid when he is at home?"

"I'm not afraid of him, but I worry that he'll hurt Mom."

"Okay. Thank you, Melody. "Pass the witness," Martin said and took his seat.

I had seen a few attorney-ad-litem in action in probate court, so I wasn't totally out of my depth. Under the circumstances, I didn't need to ask any questions. I was representing Melody's interest, and the testimony so far indicated that she clearly needed protection from her father. I could have simply said nothing. The judge had heard plenty to justify the TRO and Frank wasn't here to dispute what had happened.

That's probably what Martin had expected me to do, but I also had a duty as an officer of the court to make sure the judge had all the facts before she made a decision. Since I had just been drawn into the case and had no idea what was going on, I did need to ask some questions. At the conclusion of the testimony, the Judge would want my recommendation and I wanted to make sure I got it right. I stood up.

"Melody. I'm Stan Turner, and I have been tasked by the Court to represent you as your attorney. Do you understand that?"

Melody nodded.

"You have to respond verbally so the court reporter can take down your testimony," I said.

"Right. Sorry," Melody replied. "I understand."

"We have never met before, right?"

"That's true."

"Since I don't know you, I'm going to have to ask you some routine questions, so I will have a basic understanding of your current situation. Is that all right?"

"Sure," she replied.

In ten minutes of questioning I learned Melody was a junior at Plano High School, a cheerleader, had a C+ grade average and had just gotten a 1972 Ford Mustang to drive now that she was sixteen. She had been adopted four years earlier by Frank and Marjorie who had only been married a year before the adoption took place. Frank, her father, was a real estate developer dealing mainly in shopping mall construction and development. He conducted business in a corporation known as North Texas Contractors, Inc. or NT Contractors for short. Marjorie was in real estate sales with PS Realty and had met Frank at a real estate seminar in Las Vegas a year before they'd been married. Their chance meeting in Las Vegas was the inspiration for going back there to tie the knot.

In further questioning, I learned that other than the recent altercation and the occasional spanking that she had testified about, she and Frank had gotten along reasonably well. When I pressed her about the alleged physical abuse to her mother, Melody didn't have much to say.

"So, other than that one time you testified about, you never actually saw Frank hit your mother?"

"No. He was careful when I was around, but I knew he had done it. I saw the bruises."

"How do you know he hit her if you didn't see it?"

"Mom told me he did it. She wouldn't lie to me."

I didn't press the issue because Marjorie would be the next witness, and I could ask her. Then I got to wondering what efforts were made to serve Frank and give notice of this hearing. Martin had said Frank was upset about the divorce, so upset Martin was worried he might beat Marjorie up. But, if he hadn't been served, how did he know about the divorce? And, if he'd found out a process server was after him, had connected the dots, and was trying to evade service, it would be unlikely he'd go anywhere near Marjorie or Melody, so why the need for the TRO.

"So, when was the last time you saw Frank?" I asked.

"Sunday."

"After the altercation?" I asked.

"Yes. Mom kicked him out of the house, so I helped him move his stuff to his condo."

"He had a condo in addition to the house you and your mother live in?"

"Yes. It was the one he owned before Mom and he got married. He never got rid of it."

"So, how much time did you spend with him on Saturday? I asked.

"I was there Saturday and Sunday helping him get settled," Melody replied.

"So, you stayed overnight on Saturday?"

"Yes."

"Weren't you worried he'd abuse you?"

"No. I can handle Frank. He knows not to cross the line."

"What do you mean?"

She sighed. "I've been in the system. I know people at CPS, you know, Child Protective Services. Frank knows if he crosses the line, I won't hesitate to call them. I don't want to, believe me, I hate foster care, but if he started molesting me, I'd have no choice."

"I see. Did he know your mother was going to file for divorce?"

"Not over the weekend. I don't think mom had decided to file yet."

"When did you find out your mother was filing for divorce?"

"Monday when Mom told me she'd need me to miss school to testify."

"Did you talk to your father after you left him on Sunday?"

"No."

"Has your mother spoken to Frank since you got home on Sunday?"

"I don't think so, but you can ask her."

I couldn't think of anything else at that moment, so I passed the witness.

"Mr. Johnson, call your next witness," Judge Renner said.

Martin stood up. "The petitioner would like to testify, Your Honor."

"Very well. Mrs. Monroe, take the stand, please."

Melody left the witness stand and went back to the gallery. Marjorie stood up and walked to the witness stand. Marjorie was a

tall, slender woman who looked to be in her early forties. She had long black hair with a few streaks of grey. She wore a red floral dress with white sandals. After she was sworn in she took the stand.

"Ms. Monroe, your daughter has testified as to your marriage," Martin said. "Is there anything you would like to correct or add?"

"No. She got it about right," Marjorie replied.

"What about the physical abuse that your daughter mentioned?" Martin asked.

"Frank likes to micro-manage the people around him. He does it at work and he does it at home with us. If we don't listen to him or try to defy him, he gets very angry. Usually, he just yells and screams, but sometimes he'll push me around or hit me, particularly if he's been drinking. I've had to go to the emergency room more than once."

"So, he has a drinking problem?"

"Yes. He's an alcoholic, although he won't admit it."

"So, are you worried that Frank will hurt you now that you have filed for divorce."

"Oh, he will. He's promised me many times that if I ever left him he'd kill me or if he was feeling merciful, he'd just break every bone in my body."

Judge Renner grimaced.

"Did you and your husband adopt Melody?" Martin asked.

"Yes, we did. I made that a condition of our marriage. I wanted children and I was almost 38 at the time, so it was then or never. I couldn't have children naturally, so we had to adopt."

"So, you are asking this Court to award you primary custody of your daughter and order your husband to pay child support as well?"

"Yes."

"What kind of income does he make?"

"On his last tax return, he had income in excess of \$350,000."

"And how much do you make?"

"About \$50,000 with overtime."

Martin looked at the judge and said, "Pass the witness."

"Mr. Turner," Judge Renner said. "Your witness."

I stood up and addressed the witness. "Do you know what efforts were made to serve notice to Mr. Monroe of this lawsuit?"

"No. I left that to my attorney."

"Have you talked to your husband in person or by telephone since the day he left?"

"I talked to him several times over the weekend. He wanted to

come by and pick up the rest of his clothes and personal belongings. That's when Melody agreed to help him move back into his condo."

"Did you tell him you were filing for divorce?"

"No. I didn't really make up my mind until Monday when I went to see Mr. Johnson."

"How would you characterize the relationship between Frank and Melody?" I asked.

Marjorie shrugged. "Frank works long hours and travels a lot, so they don't have a close relationship."

"To your knowledge has Frank ever physically or sexually abused Melody?"

"No. I haven't seen him abuse her, but if he's drunk and gets mad he's liable to punch anybody in close proximity, no matter who they are."

"Okay. No further questions," I said and sat down.

"All right, the witness is excused," Judge Renner said.

Marjorie left the stand and took her seat next to Martin. Judge Renner made some notations and then looked up. "I'm going to grant Petitioner's motion for temporary orders and a TRO. The Petitioner is temporarily granted sole and exclusive custody of Melody Monroe. Respondent shall pay child support in the amount stipulated in the schedules for his income bracket as contained in the local rules. The Court grants Petitioner a TRO enjoining the Respondent Frank Monroe from making any contact with Melody or Marjorie Monroe, in person or by telephone and orders him to stay at least 1000 feet away from them at all times until this order expires in thirty days or is superseded by a temporary or permanent injunction."

"Thank you, Your Honor," Martin said.

"As soon as you get service on the Respondent, Mr. Martin," the Judge added. "I want you to set a final hearing on this matter within ten days and notice Mr. Turner and the Respondent."

"Yes, Your Honor."

"Mr. Turner, please get to know your client, and conduct whatever investigation you deem appropriate. Have it complete before the final hearing."

I nodded. "Yes, Your Honor."

"Thank you, you are excused," the Judge said.

We all left the courtroom and gathered again in the hallway. We hadn't discussed fees, so I confirmed with Martin that I would get the standard ad litem fee of \$100 per hour, payable by Mrs. Martin unless the court ordered the Respondent to pay it instead. Then I arranged

for a time to meet with Melody to get to know her better. Marjorie didn't seem too keen about the meeting, but I reminded her of the judge's instruction that I get to know my client. After they had left, I noticed Melody had left her coat. I was about to snatch it up and run after them, but the double doors flew open and there she was.

"I forgot my coat," Melody said.

"Here," I said and handed it to her.

She took the coat and then handed me a folded piece of paper. I took it and started to ask what it was, but she shook her head and put a finger over her mouth to silence me. She turned quickly and went back through the double doors. I opened the folded note she'd handed me and read it. In all capital letters, it said: I lied!

The note shocked me. I just stared at it wondering what it meant. Should I go back to the Courtroom and show the note to the judge. Attorneys weren't supposed to talk to the judge without all attorneys being present, so it would have been unethical to do that. Plus, whatever Melody told me was protected by attorney-client privilege. I could call Martin and tell him about the note, but obviously, Melody didn't want anyone to know she'd given it to me. After all, that was the point of forgetting her coat. She wanted an excuse to slip me the note. Finally, I decided since I was going to be meeting with Melody in a few days, I'd wait and ask her about it when we met.

Finally, I left the courthouse and headed home. I was anxious to tell my wife Rebekah about my unusual day. Rebekah and I had been through a lot together. We got married during our second year of college and had two children by the time I started law school. Before I finished my first year, I was drafted into the Marine Corps. When I reported for duty six months later, Rebekah was pregnant again. My military career ending up being a disaster—too long a story to get into here—and when I finally resumed law school, the family had grown to six. So, needless to say, finishing law school was no easy task. Rebekah and I both worked full time to make ends meet. For me, that meant going to school during the day and working at night. For Rebekah, it meant long weekends working at the hospital.

It was unusual for me to get home before seven, so Rebekah raised her eyebrows in feigned astonishment when I walked in the back door at 5:30. I shook my head. "I know. Don't faint, I've had enough trauma for one day."

She laughed. "What happened? Did the landlord lock you out?"

It was a not-so-funny joke about our dire financial situation. We barely made enough money between us to pay the bills each month, if nothing went wrong.

"No. I got ambushed at the courthouse by an acquaintance, Martin Johnson. He roped me into an attorney-ad-litem appointment."

"Well. What's wrong with that? It's paying business, right?"

"Yes, but it's a family law case. You know how I hate that."

"Oh. Well, beggars can't be choosy."

I walked over to her, put my arms around her and gave her a long kiss. She hugged me and then broke away. "Don't think you're going to get lucky just because you got home on time for once. I've got dinner to make."

"The kids won't mind," I said as Reggie our eldest son strolled into the kitchen.

"Mind what?" Reggie asked.

"If we delayed dinner for an hour or two," I teased.

"What? I'm hungry."

Reggie was seven and going on eleven—very smart. As a first child, he was very outgoing and sociable. He liked to be the center of attention and wasn't one bit shy, a personality very different from both his parents.

"Don't listen to your Dad," Rebekah advised. "Dinner is almost ready."

"Good?" he said as he left the room.

I told Rebekah a short version of what had transpired at the Monroe hearing. She nodded as she poured boiling water out of a pot of potatoes. "What do you think she lied about?" she asked.

"It's hard to say, but she's afraid of something or somebody, obviously. Her mother, maybe."

"Maybe you should call her mother's attorney tomorrow and inquire as to how Melody is doing. You could say that you were worried about her and just wanted to check in."

"That would sound pretty lame. He'd know something had happened to cause me to do that. If it is Melody's mother who she's afraid of, I don't want to tip her off to the fact that her daughter reached out to me."

"Hmm. I don't know what to tell you."

"Another thing that bothers me about this whole thing is the husband Frank wasn't even there. They claim they couldn't find him to serve him the divorce papers and the notice of the preliminary

hearing, but he also said Frank was upset about the divorce. How could that be if he hadn't been served?"

"Can they do that—have a hearing without one of the parties present?"

"Yes. In family law cases it happens sometimes because a spouse may abandon the marriage and intentionally hide to avoid the courts' jurisdiction."

"So, what are you going to do?" Rebekah asked.

"I need to find Mr. Monroe. I want his side of the story. She claims he likes to touch her in an un-fatherly way, but she claims not to be afraid of him, so it couldn't be that bad. There really wasn't a lot of evidence presented to justify restraining him from seeing his daughter. She's adopted, so he may not care that much, I don't know. But if they have developed any kind of relationship it would be a shame to destroy it."

"What does Melody want?"

"She says she wants him to stay away from her, but I don't think she was speaking from the heart. I think she was trying to make her mother happy."

"But shouldn't you do the same thing—make the mother happy. She knows her husband. Why would she lie?"

"There could be a lot of reasons. I just don't like being a rubber stamp particular after Melody has signaled that something is wrong."

Reggie came back with his brothers and sister Marcia in tow. Rebekah served dinner, and there was no more talk about work. We had a rule at the Turner house, the family always had dinner together, and the conversation was centered on the children and their activities. That night I had difficulty sleeping. I couldn't get Melody's note out of my mind.

On Friday, when I got to the office there was a big pile of phone messages on my desk. While flipping through the stack, I noticed there was a message for me from Martin Johnson. Curious why he'd be calling me so soon, I called him immediately.

"Stan. Thanks for calling me back."

"No problem. What's up?"

"Ah. There's been a new development. It's going to complicate things a bit."

"What happened?"

"The process server finally found Frank Monroe."

"Oh. Good."

"No," Martin said. "Not so good. They found him in his car

slumped over the steering wheel. He's dead. There's no telling how long he's been there."

"Oh, my God! That's not good," I said, not knowing exactly how to react. I had never met Frank, but I still felt bad that he was dead. Now I would never find out the meaning of Melody's note since my attorney-ad-litem appointment was now moot and there would be no need for me to do an investigation.

"So, I guess you are going to dismiss your divorce case, right?" I suggested.

"Yes. Send me your bill and I'll make sure Marjorie pays it."

"I will. Tell her I'm sorry about her loss."

"Will do," Martin said and hung up.

Ordinarily, I would have been relieved that I wouldn't have to continue with the Monroe divorce, but not this time. Frank's death seemed very convenient, and it would haunt me until I got some answers. Since the divorce hadn't been dismissed as yet, I was still technically Melody's attorney-ad-litem, so I decided to do a little investigation anyway just to see if I could make some sense out of all that had happened. My first call was to an old friend from SMU Law School, Paula Waters. We had been study partners in law school and spent a lot of time together. Since law school, we'd drifted apart. She'd gotten a job with the Dallas District Attorney's office after graduation, and I knew she was dating someone in the Collin County DA's office. I figured she could find out what the police knew about Frank's death. I dialed her number.

"Stan, it's been a while. How are you?" Paula asked enthusiastically.

"Fine. How is it working at the DA's office?"

"Actually, it is bit boring. New assistant DA's have to start out on misdemeanor cases. Shoplifting, bar room assaults, public intoxication and lots of other bullshit stuff."

"No murder cases yet, huh?" I asked.

"No. That's a few years down the road, I'm afraid."

"Hey. I need a favor. I was appointed attorney-ad-litem for a teenager named Melody Monroe. Her father who adopted her was found dead at his condo in Canyon Creek yesterday. It appears to be from natural causes, but I was wondering if your friend in the Collin County DA's office might know the detectives handling the case. I'd like to talk to them."

"Why? You think it is a suspicious death?"

"I have no idea, but after spending the afternoon in court with

them yesterday, I feel they are hiding something."

I told Paula about the hearing and Melody's note. "So, before the divorce case is dismissed and I have no standing to investigate, I would like to make sure Melody is okay and there hasn't been any foul play."

"Don't you think you should leave that up to the police?"

"Probably, but if I do that I'll never know the truth. The medical examiner and the police are so backlogged with cases they will be tempted to close it out without much of an investigation, but I want to find out what actually happened."

"How will the truth benefit your client?" Paula asked. "If it was murder, she would be a beneficiary of the estate and a suspect based on what you have told me."

"So, I should stay out of it in case she did it, so she can get away with murder? Is that what you think?"

"No, but that is ethically what you should do as her attorney."

"I'm pretty sure she didn't kill anybody," I said tentatively.

Paula laughed. "I hope you're right."

"Me, too."

There was a moment of silence and then she said, "Okay. I'll see if I can find out who has been assigned the case and ask them to call you."

"Perfect. Thank you. We should have lunch one of these days and catch up," I said.

"Absolutely," Paula replied. "Call me."

I had no intention of going to lunch with Paula. She was a very attractive woman and there was dangerous chemistry between us. If I hadn't been married, we'd have been lovers. Since I loved Rebekah and my children, the smart move was to stay clear of her.

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