

A Breach of Promise (Revised)

"You're going to be fine, Mark. Did you bring the glasses?" Ethan gave his friend's shoulder a squeeze, he could feel his body vibrating from the shaking of his leg.

Mark drew the glasses from his pocket and put them on. The frames really brought out his cheekbones. It was as if he changed from his superhero persona to his alias. Ethan read that jurors can have a bias towards the way that the defendant looks. In some people's eyes', glasses are a face of innocence. "You don't know that. Lots of innocent people go to jail."

"Then you'll be in the percentage of innocent people that walk away."

Mark raked his hand through his hair. "How are you so positive that I didn't do it?"

"I've known you forever. I think I know what you're capable of."

"That's what people say about serial killers all the time." Mark cleared his throat and adjusted his tie for a moment. "Oh, little Ted? He'd never hurt anyone. You've got the wrong guy."

"I'm going with my gut. I mean what kind of witness and friend, would I be if I didn't?"

The Case Of

Ohio v.

Mark Smith

"Your Honor, and members of the jury: the defendant has been charged with being the suspect of the crime of killing Sarah Davis. The evidence will show that bloody clothes were found in the back of the defendant's car on the morning of September 4th. The next day the defendant was arrested at his home. The evidence I present will prove to you that the defendant is guilty as charged," Jones said. He was the Deputy District attorney representing Ms.Davis' family. Ethan tried looking him up online to learn his approach to questioning so he could plan what he wanted to say if he was cross-examined.

Mark's lawyer, Weston had a very positive energy when he first met Mark and Ethan. He never stopped smiling and promised Mark he would see himself back at home by the end of this. "Your Honor and members of the jury: under the law my client is presumed innocent until proven guilty. During this trial, you will hear no real evidence against my client. You will come to know the truth, that Mark was asleep during the time, and the evidence was planted in his car. He only realized the evidence was in his trunk once he was investigated by the police, and the evidence was found once opening the car. Therefore, my client is not guilty."

From where Ethan was, he could still see Mark trembling in his seat. Jones opened the investigation by calling in Anna, Mark's neighbor, to the stand. She was a middle-aged lady that lived beneath Mark, and wasn't exactly a fan of his late night gaming sessions. Sometimes it was Ethan's fault that he was screaming at three in the morning because he liked combo spamming, but usually he just refused to play games at decent hours. Thus the purpose of her interrogation was probably to show that Mark is known to stay up late. However, Weston cross-examined her and it was revealed that she hadn't heard Mark at all that night.

The next witness to be called was the arresting officer. When Mark first told Ethan about him, he referred to him as the, “scary tall bald man,” that woke him up that morning. The officer carried himself in a strange way, with all of his weight seeming to be shifted towards the front.

“Officer, where do you work?”

“I have worked for the Office of Criminal Justice Services for the past ten years.

“Were you on duty on the morning of September 4th?”

“Yes. I was out working on this case.”

“Did you observe anything that morning?”

“Yes, Ms.Davis’ car was found alone on the side of the road. Upon further investigation, we found her body a good distance away from the car. It was also next to a brick that had traces of the victim's blood on it.”

“What did you do after finding the body?”

“I looked around for anything else that would help the investigation, and that led me to Mark’s neighborhood. I asked around to see if anyone saw anything. A neighbor told me they heard a car door being slammed late at night; so I proceeded to search the cars. One of them was found to have blood stains on the outside of it.”

“What did you do then?”

“I asked around the homes nearby to see who the car belonged to.”

“What did you do after finding the owner?”

“I asked him to open his rear door.”

“What did you find inside of the car?”

“An outfit of black clothes covered in blood.”

“Just to be clear, do you see the owner of the car in the room?”

“Yes.” The officer slowly raised his hand and pointed in Mark’s general direction.

The same line of questioning happened with the rest of the evidence presented to the jury. Since the brick was found next to the body and matched the bruises, it was labeled as the murder weapon. The fatal blow seemed to be on the skull, allowing the killer to continue to beat the body without opposition. Along with the clothes, there were traces of blood found on the sidewalk near the apartment. This suggests that once the killer murdered the victim, they fled the scene and came to Mark's neighborhood. They then removed their clothes, and placed them in the backseat of the car. There was no sign of forced entry, so it was likely the suspect had keys to the car. The timeline of the murder was said to take place between 11:00pm-2:00am. The clothes were planted in the car around 3:00am. It was Weston’s turn to question the officer.

“Officer, you said that you found the clothes in the backseat of the car correct?”

"Yes, that is correct."

"Can you tell me the size of the clothes?"

"The size? I'm not sure, maybe large?"

"And by looking at my client, do these seem like clothes he would be able to fit himself?"

Mark weighed about 160lbs. He wasn't tall or didn't go to the gym either, so it would be fairly difficult for him to hurt anyone. At least, not without a weapon.

"No I can't say I believe so."

"Did the clothes belong to any of the murder victims?"

"No."

"Did the clothes contain any DNA?"

"Yes, there were hair samples found that belong to Mr. Smith over there."

"Thank you, I have no further questions."

It was now Ethan's turn to come up to the stand. He made eye contact with Mark who was still shaking and now biting his lips. He was constantly adjusting the way he was holding his hands above the table. Ethan became nervous too from all of the eyes that were now on him.

"What is your relationship to the defendant?"

"I'm a close friend. We've known each other for many years." His voice wobbled towards the end. It felt like he was lying when it was just an obvious fact.

"Does Mark contact you often?"

"Every now and then yes."

"Did he contact you on the night of September 3rd?"

"Yes, he asked me to come over. He said he wanted to play a few rounds of Mortal Kombat, but I didn't feel like going out that night. I did stay on the phone with him until he fell asleep."

"How late would you say the two of you were on the phone?"

"Around 12:30 pm maybe 1:00 pm."

"I have no further questions."

"Does the prosecution have any questions?"

"Yes, Your Honor." John rose from his seat with a pen in his hand. "Did Mark say he had anything planned for the rest of the night?"

"No, he said he had a meeting in the morning so he was trying to go to be relatively early."

Despite Mark's looks and hobbies, he was fairly dedicated to his job. Even when he did stay up late, he made sure he was up and ready for work the next day.

"What is his job?"

"A software engineer at Verizon."

His eyebrows creased together as he narrowed his eyes at Ethan. "No further questions, Your Honor."

Mark had been dreading the moment he would have to be called to the stand the entire time. His lips were bleeding from how raw they became after he kept tugging them with his teeth. He was constantly nudging his glasses higher on the bridge of his nose as well. His eyes wouldn't sit still as they were switching back and forth between his friend and Weston.

"Mark, where were you the night of September 3rd?"

"I was at home." His voice was tremulous as he spoke.

"Were you up at all during the night?"

"No, I was asleep. I had an early shift the next day so I went to bed early."

"What size do you usually purchase your clothes in?"

"Medium."

"Have you ever bought larger clothes for yourself? Say from a store not based in America?"

"No, I prefer to have a normal fit to my clothing. And I never trust buying clothes offline."

"Did the clothes found in your car look familiar to you?"

"No, not at all."

"Mark would you say that you shed a lot of hair?"

"Yes, a lot of my hair ends up in random places because of it. I'm sure there's some even on my seat over there."

"Members of the jury, if Mark's hair is able to easily spread like this, is it unreasonable to believe that evidence is tainted? Once the clothes were placed in the back of the car, Mark's hair was bound to cover them. Hence being another way for the suspect to shift the attention to him."

Weston ended his line of questioning there to allow the thought to sink in with the jurors. Jones' eyes bore into Mark as he approached him. It was an intimidation tactic that Weston warned Mark of prior. Despite knowing this, it didn't ease his nerves.

"Mark, if the clothes didn't belong to you, then whose clothes were they?"

"I-I'm not sure."

"Is there anyone besides yourself that has access to your car?"

"No."

John's sigh was a signal, not of anger but acceptance of defeat. "Thank you, Mark. I have no further questions, Your Honor."

It was now time for both sides to make their final statements before the jury. John tried to maintain that the clothes found in Mark's trunk were his. Instead of the clothes belonging to Mark, he now labeled them as clothes that belonged to a potential undiscovered victim. Weston's statement didn't waiver much from the beginning, however he now had the addition of Anna's and Ethan's statements that gave Mark an alibi. He also suggested the car could've been broken into through lock picking.

"Has the jury reached a unanimous verdict?"

"Yes." The clerk received the verdict from the foreperson and passed it to the judge. There was a stillness that overtook the room as the Judge read the paper. No one shifted in their seat or tapped a pen against the table. The judge handed the verdict back to the clerk to announce the verdict.

"The jury finds the defendant not guilty."

Mark's eyes went wide but he stayed still in his chair as if he had become a part of it. Then all at once he broke down into tears. His bottom lip began to tremble as he profusely tried to thank Weston.

"The jury is thanked and excused. Court is adjourned." With the slam of the judge's gavel, the verdict was final.

Ethan gave Mark a lift after the trial was over. He decided it would be better to bring him to his apartment instead of his own. Even after sitting on Ethan's couch for a few hours, he just couldn't seem to relax. Some of the color returned to his skin, but he was stationary in fetal position wrapped up in a blanket. He never moved, he just stared off into space. Ethan tried feeding him just about anything, but he wouldn't budge. Eventually he had to just leave him on his own.

It was Ethan's fault that he was like this anyhow. If he had returned back to the car in time, the clothes might've never been discovered. Granted Ethan felt it was Mark's fault for "losing" his spare car key. He didn't plan on that night being particularly messy, if so he would've put some spare clothes in his trunk like he usually did. For now though, he planned to take a break for Mark's sanity.