Immune from Prosecution

A Short Story

By Maryanne Peters

There are always issues when it comes to granting immunity from prosecution. You have to ask the question as to how badly you want the evidence that the wrongdoer before you is prepared to give. How many criminals will be sent to jail by this evidence? You have to consider whether this volunteer might be just too dangerous to be allowed to be free. Is their liberty too high a price to pay?

At first glance I would have said that Hammer Magee was too bad to granted any immunity for anything. He had been a career criminal over 20 years even the only in his mid thirties. It was said that his name came the weapon he used the first time he killed a man, while still in his teens. What type f hammer is immaterial – it is a vicious way to kill anybody, to bash the life out of them as the sit in a pool of blood and brain tissue.

But you have to be utilitarian – that is the word. It was coined by the philosopher and judge Jeremy Bentham. He wanted “the greatest happiness for the greatest number of people.” That is what the law wants. Keep the majority safe by dealing to the deviant minority. Don’t give me principles, give me utility.

But I had to express my concerns.

“So, if we allow you this altered appearance and this new identity then how can we be sure that you won’t return to wreak havoc?” I asked him.

“That is simple,” he said. “Because I will not be me. I will be a completely different person. Besides, I know that immunity can be cancelled for serious offending, and with all that I will tell you, I will implicate myself in a bunch of crimes. I am not stupid.”

The second reason was more convincing. How many criminals think that they can be changed by a new name and an altered face? Plenty say “I will treat this as a second chance on life. I won’t make the same mistakes the next time around”. But they do, and least a good number do. Maybe criminality is deeply ingrained.

“So why are you prepared to turn on your friends?” I asked him. “A lot will go to jail. Some may even face the death penalty in other states. I have to ask why you would do this?”

“This is crime. I have no friends,” he said. “I have sent a lifetime looking over my shoulder, or rather waiting to feel the knife in my back. With one exception, I trust nobody and now the one person I do trust is dying. Of cancer, of all things. It is time for me to get out, and this is the way.”

This person that he trusted was better known to us than the man sitting before us – an old ruffian with a long rap sheet from years back and a suspect in several other crimes, but nothing recent. This old man was one of those who could listen while his strings were being pulled. But more than a puppet - somebody who would only follow out of respect.

Our prospective informant was something very different. Just a few minor affrays in his teens then a clean slate. “Unknown to the Police” we might also say. A little tough guy yes, but one ready to learn. No, hungry to learn. Self-taught, and taught well. That is what makes a criminal truly dangerous, because believe it or not, brain power in crime is limited.

“We will listen, and we will tell you what we can offer.” Having said what I just have, why would I think that would fly.

“No, I will give you the names of who you will be sending to jail, but you won’t be getting my testimony and some other hard evidence, until I have blanket immunity, in writing.”

He then proceeded to give us a list of almost everyone in the city that we wanted to send to prison – not just his associates but his rivals. And a few others besides – people like him – hidden kingpins – the guys at the top.

Like I said - you have to be utilitarian, and utility is the greatest number of bad guys behind bars.

I got the sign-off from the DA and I went to the State’s Attorney as well. I called in the Feds and got them on board. We were ready to act on whatever this guy cold provide, then and there.

“I will fulfil my side of the bargain, but you will need to go with my timing on this,” he told us. “The trap will close on this when I am safe.”

There is nothing wrong with this. If he needs to set things up, then law enforcement has an obligation to protect their witnesses. Sure, the evidence we were being provided might not even require him to give testimony, but he needed to be around to give it, screened off for protection. He needed to set things up and then slip into his disguise and be available.

“We can get you a new identity straight away for when you are ready,” I told him.

“I already have one,” he said.

He pushed some papers across to me. I looked at them with some slight confusion.

“Does this woman need a deal too?” I asked him, looking at the ID and what looked like a resumé.

“That’s me,” he said. “That’s my new identity.”

And that is how she came into my life.

I will call her Jessica, for her protection, and mine. That is not her name, but somehow it fits. T sounds like the name of a woman who is feminine yet a little wild.

“You want to change sex?” I may have even smirked.

“I have always wanted that,” said Jessica. “It was just that my life got in the way.”

She needed time. I did not know it then, but she was on hormones and her hair was longer than it had ever been. She was starting to look different, so she was running “the business” through her trusted old brute and keeping in the shadows when an appearance was required. She could sustain that for another few weeks while things were set up for us to bust in, with the FBI in attendance for those multi-state crimes.

The US Marshall Service agreed to meet the costs of the surgery. It was basically the only cost they would need to meet. They just needed to take the resumé provided and make it real. She was already a person, just cloaked in another skin that was about to be discarded.

The surgery was to the body and face but included some work on the throat that would prevent Jessica from speaking for a while, which meant that we had to close things out first. After that there would be months of waiting for the first court appearance. Her testimony would need to be heard through a voice distortion device. The Defendant would know who it was, but they should not hear the damning evidence delivered in a feminine voice.

By rights I had no reason to meet Jessica again. I was done and the files were now all on the desks of the prosecutors, but I was still the one who was responsible for marshalling the facts, and checking to ensure that everything was consistent. I needed to discuss some details.

You don’t call a protected witness into the station – that is an established policy to protect their new identity. I would go to her.

We like to say that crime does not pay, but any police officer will tell you that is crap. Crime pays very well, and even for those we send to jail they often walk out to a fortune. Jessica had done well from crime, as I could see when I went through the gates of her seaside compound. I told myself that she should enjoy a reward – we had seen many of those she fingered looked up for good. I have seen rewards go to less deserving people.

There was a maid who greeted me, and one guy working security. I was shown through a beautiful home into a conservatory on the south side. There she was in a floral dress, apron and gardening gloves attending to some flowers.

I took me a while to check that this as indeed her. The surgeon had rendered her pretty but had been respectful of her age to ensure that she did not look like Hollywood plasticated matron. Her hair was up but messy, with a lock hanging down beside her face, fully made up even at home.

“I have always loved flowers,” she said. “It was something that I could never admit to. Flowers and green tea and chamber music. But it had to be guns and coffee and trash metal. I feel as if a great weight has been removed from my shoulders.”

I said – “We need to talk, to go through a few things. Should we do it here?”

I was not expecting her to come over to me, removing her gloves and offering me her hand. I had never shaken her hand before. We had never greeted as friends. But when I took it in mine it seemed so soft that I was disarmed, as they say. Even in that floral greenhouse I could smell her. It was not a scent, I thought, it was the smell of a woman.

“I’m hungry,” she said. “Have you eaten. Let me make you a sandwich.”

She led me through to a huge kitchen, where she seemed completely at home. She had changed her apron. It seemed that she liked the idea of being a domestic goddess. I was not interested in eating, but I was interested in her. I was marvelling how this was possible. I had not known the man that she was, but there was nothing male about this woman.

I needed to snap out of this entrancement, and there was no better way than to take a quick glance at the folder in my hand. Photos of dead people always bring you back to reality.

“I am here to talk to you about Matt Garfield and his wife,” I said.

She almost dropped the jar of mayo. Her head dropped so that I could not see her face. I knew that she understood who I was talking about.

“You know who he was,” I continued. “A prosecutor who came too close to your organization. Gunned down at home, and his wife too, in front of their children. Now, in mitigation of this crime the man who pulled the trigger says that it was under your direct order. It is not something that you confessed to. We need to talk.”

She slumped her shoulders and looked up at me. Her eyes were just starting to show tears. That surprised me, and I felt a pang of sympathy that it seemed she did not deserve.

“There was no order given,” she said. “The business protected itself. People did things to prevent investigations. I did things, but I had no part in that. I would have confessed if I had. I felt badly about that. No – he felt badly. I was devastated.”

“He? Who are you talking about? The trigger man?”

“No. Him. The man I was.” The tears were running now, and that sympathy was growing.

“Look – that is not a separate person. That is you!” I have to say that there was a part of me that was angry that a person who was capable of such brutality, even if indirectly so, should be hiding behind this fragile creature in front of me, and my heart wanted to protect her.

“I made him, I know it,” she sobbed. “I was never him. I made him up when I was young. It was self-preservation. It was a rough place and time when I was small. My mother was a junkie who got pregnant. When she was gone I was alone, but worse than that - a girl in the body of a boy. Nobody could know I was that. I had to become him. I hated being him. I hated him. He needed to die. I killed him, with your help.”

Her body was heaving now. Convulsing with grief, or more likely with guilt.

It was contrary to who I was, but the tragedy played upon me so deeply that I seemed beyond the ability to control myself. I had to go to her, and hold her, and let her cry into my shoulder.

It was not the first time, but it is rare. A police officer has a job to do, but he is still a human being, and we talk about the need for empathy to do our job well. But you can’t get involved. You need to understand distance, even with victims. But in this case, the person clinging to me as if her life depended on it was no victim – or was she?

I never cared much for the notion that criminals are just a product of deprivation or abuse. That is too easy. My childhood had a bit of both, but I came through it with a knowledge of right and wrong. But it seemed to have gone well beyond and analysis, or any sense of professionalism.

I think that for the first time in her life she had been rescued, and rescuers are in a unique position of influence. Her grief turned to desire. Her shuddering sobs still and she looked up at me and saw the way I looked at her, and she kissed me. She kissed me long and hard.

What was that look? Whatever it was, it was an invitation. Despite what I knew that was singularly the most desirable woman I had ever met. There was beauty, perhaps well-constructed with the aid of the surgeon’s blade, there was the exotic understanding that this had once been not a woman, and then there was the sense of danger. It was an intoxicating cocktail.

We went upstairs to her bedroom. She explained that she was still very tender from the surgery although this was months after that. She asked for some time to prepare and for me to be gentle. I had time to reconsider, but when she reappeared before me naked, any thoughts of propriety vanished in an instant.

She was, in a word, every man’s fantasy of what a woman should look like – the face of an angel built onto a demon, and a body designed to be desirable and engineered without the baggage of a woman’s inner anatomy. Ageless to, in that the breasts were fresh like those of a teenager, and the vagina dilated well but still virginal.

“You are the first,” she said. It was like being given a special award – one that allows you a whole ceremony with that moment of special thrill in the middle – like ‘this is for you’. Who can turn that down?

I awoke in her bed the day after. It had been unplanned. I had work to do, or excuses to give her. She begged me to stay but I left with the promise that I would return.

But now I am confused. It is not her past as a man that concerns me. If you met her, you would not consider me in any way to be gay, so there is no confusion with my sexuality . No, my confusion is because of her past in crime. Is she the new person that she promises me that she is? Or, because criminals are deceivers am I just a fool to believe that? Am I driven by my desire for her to want to believe that?

Or, even if true, will it always be true? If I have learned anything about law enforcement it is that criminals reoffend, often despite all their efforts. Of is it that I have no contact with those who don’t? Somewhere inside is that sense of danger that proved so magnetic – will she be my gentle angel gasping sweetly as I come inside her, or will her past viciousness break though one day without warning?

The problem is that I think that I am in love with her.

The End

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