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Testimony

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John M. McNamara's "Testimony" is the winner in fiction of the College of DuPage 2016 Writers Read: Emerging Voices contest, held to showcase emerging voices in our community.

Testimony

John M. McNamara

Mr. Brody, before the day you shot the deceased, how long had it been since you discharged a weapon?

I didn't shoot Audie Johnson.

He shot himself then?

Inadvertently, yes.

But your hand was on the weapon.

I had one hand on his wrist and I gripped the hand in which he held the gun with my other hand. We struggled and the gun fired. My fingers never went near the trigger.

You struggled with the deceased but your finger never touched the trigger.

That's what I said.

How did you come to struggle with the deceased?

When he entered the house, I lunged at him, reaching for the pistol. I gripped his wrist with one hand and the gun hand with the other.

The other what?

My other hand.

Your wife and your mother were also in the house, is that correct?

Yes.

What were they doing while you struggled with the deceased?

Bleeding.

I beg your pardon.

They were bleeding from wounds they suffered when Johnson shot through the living room window. My wife was wounded in the upper chest and my mother sustained cuts to her face from flying glass.

Where were they at the time of your struggle with the deceased?

In the hallway at the rear of the house.

How did they get there?

I carried my wife and led my mother. You didn't want any witnesses to your confrontation with the deceased, did you?

I didn't know there would be a confrontation. I was concerned for their safety.

How long had it been since you last visited your mother?

Objection, your honor. Relevance?

Sustained.

Weren't you worried that your wife and mother would sustain additional injuries when you moved them from the living room to the hallway?

There was a lull in the shooting and when I looked out the window, Johnson was reloading his pistol. I used that as an opportunity to move them.

What did you do after that?

I called 911, reported the shooting, requested police and an ambulance, and then crept back into the living room.

Why didn't you stay with your wife and mother?

I was fearful for their safety.

How was abandoning them in the hallway going to guarantee their safety?

If Johnson attempted to enter the house, I was going to try and stop him.

Stop him.

Yes.

How?

I had no idea. I knew my mother kept no weapons in the house.

How did you know the deceased was at the patio door?

At first I didn't, but it was the only way he could have gained entry.

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How is that?

There's an iron fence with a locked gate at the front door. The garage can't be opened from the outside without a door opener. That left the side gate to the yard. If he climbed that fence and entered the patio enclosure, then the side door would be the only place he could get in.

You argued with the deceased earlier that evening, didn't you?

Not exactly.

What do you mean, not exactly?

An argument requires at least two people. I didn't argue with him.

Thank you for the clarification. Please describe what did happen earlier that evening.

Johnson is my mother's neighbor. She'd invited him to the house to meet my wife and me.

What was the nature of his relationship with your mother?

Objection, your honor. Relevance again.

I'll allow it.

I don't know anything about their relationship.

But they did have relationship?

I don't know.

How did the meeting with you and your wife go?

He went to the refrigerator and opened a beer for himself and then the conversation turned to politics. He used a derogatory term to refer to the president.

A derogatory term?

That's what I said.

Yes, of course. What term did he use?

He called him a raghead n-word.

Raghead n-word. What exactly did he say?

Objection, your honor. Is this necessary?

Sustained. Counselor, we all know the word Mr. Johnson used. Move on.

Sorry, your honor. So he used the n-word, which made you angry. Is that accurate?

Not entirely.

What do you mean?

I felt angry, yes, and disappointed.

You were disappointed?

That people still use the word, and that Johnson specifically used it in referring to the president.

Did you vote for the president?

Objection, your honor.

Goes to motive, judge.



Drama
Photography
Charles
Vazquez

Sustained. A different line of questioning, counselor.

I didn't.

What happened after the deceased used the n-word?

But you were preparing for something, weren't you?

I told him I didn't care for the term.

No.

What was his reaction?

Please describe your actions as they led up to the shooting of the deceased.

He laughed and said it a few more times in succession.

And did that make you angrier?

When I left the hallway and returned to the living room, I crept to the window and looked outside, but didn't see Johnson. That's when I worried he'd try to climb the fence. I moved to the side door and stood beside it, flat against the wall.

No.

Then what did you do?

Was the door locked?

I told my mother that my wife and I were going into our bedroom, and would she please let us know when Johnson had left.

He had a key.

You simply left the room?

The deceased had a key to the door?

Yes.

Yes. My mother had given it to him to use in emergencies.

You didn't argue with the deceased?

Was he a frequent guest at your mother's?

I already said I didn't.

I don't know.

I find that hard to believe.

Why don't you know?

I imagine you find many things hard to believe.

Objection. Relevance. Counsel is fishing again.

Your honor.

Sustained. I told you to move on from this line of inquiry.

My Brody, please confine your testimony to answering counsel's questions.

So the deceased let himself in with a key your mother had given him.

Sorry, your honor.

Yes.

How much had you had to drink by then?

Part of one beer.

How did he manage the mechanics of using a key and holding a pistol at the same time?

And the deceased?

I was on the other side of the door, so I don't know.

I wasn't counting.

It seems it would be awkward to juggle both the key and the handgun.

Back to the initial gunfire. You moved your wife and mother into the hallway, called 911, and then returned to the living room. Is that correct?

Okay.

Yes.

When the deceased opened the door, what did you do?

What did you do after that?

At first I remained still.

I waited.

You just stood there?

Waited for what?

Yes.

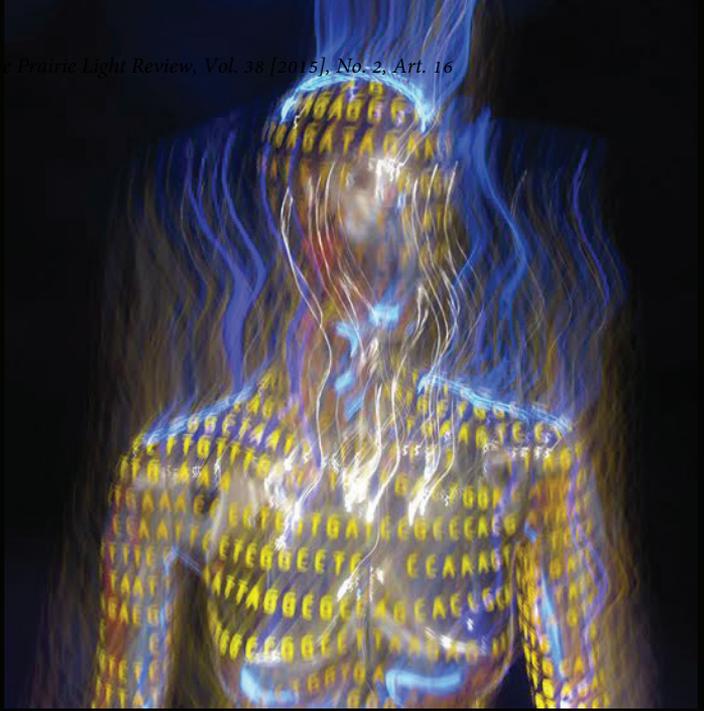
For what Johnson would do next.

What were you waiting for?

How did you know what he would do next?

For him to come in.

Nucleotides
ablaze
Gina M. Wadas



He didn't enter immediately?

No. I suppose he might have been putting the key back in his pocket.

So you waited. Then what?

He stepped from the patio into the living room, holding the gun in his right hand.

You saw the gun?

It was the first thing I saw as he stepped in. He was holding it out in front of him.

Then what did you do?

As I said earlier, I lunged at him, grabbing his wrist with one hand, and the hand holding the gun with my other.

And that's when you, when the gun fired.

Yes. I pushed him against the door when I lunged. The barrel of the gun slammed into his abdomen and fired. What did you do then?

I retrieved the gun from where

he'd dropped it and placed it on the dining room table.

Did you offer any assistance to the deceased?

I checked his pulse. He was dead.

What did you tell the police when they arrived?

Just what I've testified today.

Do you feel responsible for Audie Johnson's death?

No.

No?

Objection, your honor. Asked and answered.

Sustained.

You feel no culpability about this man's death?

Objection.

Sustained, counselor.

You have a very convenient con-

science, Mr. Brody.

Your honor!

Withdrawn. You put the gun on the dining room table, correct?

Yes.

I assume that's why your fingerprints were found on the weapon.

I suppose.

And you never touched the trigger, but that's where I'm confused again, Mr. Brody. I'm confused by how your fingerprints got onto the trigger guard and onto the trigger itself. How do you explain that?

Nothing to say, Mr. Brody? You testified you never touched the trigger, but your prints were found on it. Forgive me irritating confusion, but can you help me with this? Can you clarify for me how the evidence contradicts your testimony? What exactly is your explanation for this inconsistency, for this irregularity in your testimony?