

Daniel McCoy walked down the hall convinced there was something there that his office should handle. A case file two inches thick was tucked under his left arm while his right hand balanced a mug of coffee, his chosen pace making the act more arduous than it had any right being. Now came the fun part of swaying Paula.

It may have been a Monday, but Dan had been working on the case a fortnight straight and the rigor in his gait showed it. The only obstacle he could see from afar: The Innocence Initiative focused on death penalty cases almost exclusively. It was its badge of merit along with its stated purpose. There were *ultra vires* occurrences, but they were so rare as to be unicorn exceptions: never seen but sometimes talked about as actual creatures out there in the real world.

He found himself standing outside her door, a timid soldier seeking leave from traditional battle. He finally knocked three times in quick succession.

“Come in,” he heard her voice say. He eyed the nameplate on the door before opening it. Paula Everhart, General Counsel: his boss and the ultimate decider at TII when it came to worthy pursuits.

“Hey Paula,” Dan said before ushering himself completely through.

“How are you?” she said, her eyes on the screen before her.

“Oh you know,” he said without actually answering. He quickly found the seat on the right, her left.

“And Leah?”

“She's well.”

Dan heard a few quick clicks from her mouse before Paula stopped gazing at her monitor and gave him her undivided attention. “So what's up?”

He placed the file on the desk and pushed it within reach. “I'd like you to review this,” he said. “I want us to pursue it.”

“Well then.” She held the file up but didn't open it. Then she shifted in her seat, one cheek to the other, and said: “What's happening with Martindale?”

Dan leaned back, eyes still on the file she now held as an afterthought. “DNA came back and confirmed the conviction.” His tone was without sympathy or care to the word's underlying effect. In fact he sounded a little annoyed by her pivot.

“Damn.”

“We knew his was a long shot,” Dan said.

“His mother'll to be crushed.”

“She'll have to understand. Sometimes the monster really is under the bed.”

“So,” Paula said, flipping the manilla folder open. She set it on her desk, the conviction report right there on top. “What do we got?”

“His name is Spartan Card. Black male, in his forties now. Sentenced to life about twenty or so years ago. No chance of parole. Convicted for killing his wife,” he paused for effect, “who happened to be white.”

“Surprised he's still alive.” She stopped eying the report and laid it on the desk. “Go on and start from the beginning,” she said, “and make me care.”

The offices of The Innocence Initiative began small. One attorney and one paralegal—small, in fact. In the decade to follow, with various successes across the country, it grew to a national organization hundreds of attorneys strong with offices in at least five major cities and two regional overseers. Their stated purpose was to zealously pursue post-conviction relief for death row inmates. With the rapidly expanding prison industrial complex, The Innocence Initiative hit a stride early on and never let up.

Like any item subject to supply and demand, once The Innocence Initiative started getting victories, and news coverage, the requests poured in. See this client. See that client. Many of the requests came from the imprisoned fellow's attorney, some poor sap still clinging to personal ideals formed during their second year at law school. Better a hundred guilty men go free than for an innocent man to be wrongfully imprisoned and other such sayings.

With so many requests, and limited resources, The Innocence Initiative quickly found itself in the unfortunate situation of having to deny involvement to many for the benefit of one. The quickest way to get TII involved with a case was to have a death penalty scheduled sooner than all the others. That was the benchmark test. After that the hierarchy fell according to likelihood of success and racial classifications. The darker your skin, the better. As far as TII's involvement went. In their experience, minorities tended to get dealt the death card quicker than their white counterpart.

Should none of those work, a coin would be flipped in the unlikely event a choice had to be made between two competing cases. It was a crude way to determine a man's fate, but it was the best they could come up with limited funding and hours in a day.

"I'll give it to you," Paula said, "because that's a compelling case you've been working."

Dan reclined in his seat and drummed his fingers together. "That's the half of it. Though the forensics are a bit more problematic."

She took her glasses off and rubbed her temples.

"Not convinced?" he said, a noble attempt to preempt her. He knew when his boss was feeling impatient and the gesture he was now witnessing was one of the first tells.

"It's just not a priority, McCoy."

"We're talking about a gross injustice here."

"Maybe."

"Yes, maybe."

"Every case we work on has those elements. What sets those apart from," Paula paused and looked at the case file again, "Mr. Card, is that the ones we work up have lives at stake. We've been over this. Our mission is to prevent death penalties from happening, not to re-litigate old murder convictions."

"I understand that Paula-

"-We're backlogged as it is. I'm actually feeling thankful, as much as I should anyway, that Martindale's DNA came back where it did. We need to put man-hours on Denison, then Motley, and then, assuming Texas doesn't beat us to it, Berrymore. And you know how much Texas loves their death penalty so Berrymore is likely fucked regardless."

"What if I pursue this in my free time?"

She shifted again. Paula had been General Counsel of The Innocence Initiative for almost eight years and knew her team of attorneys were idealists at the core. She took it as gospel that they would doggedly pursue cases in their off-time. In her experience this usually came at the expense of TII. At first, the work could be performed at equal levels to some reasonable degree. Ultimately and without fail, one case would then suffer for the benefit of another. It always happened because those were the kinds of cases they dealt in: complex, life-or-death struggles that required diligence measured by eighteen hour days and very little sleep.

"I can't control your private life," she said, "but I will know if you are sacrificing obligations here. The ones you're paid for."

The subtext that Dan read, which Paula intended, was clear: you will be fired if you can't handle both loads, so consider that when you start talking about pursuits in your free time, Danny-boy.

“That's fair,” he said and rose. Paula folded the file and handed it back to him. He turned and walked to the door.

“Oh, and Dan?” she said.

He stopped at the frame and looked back. “Yeah?”

“Can you go ahead and call Martindale's mother please.”

He rolled his neck and shook his head, an instinctive reaction to an unfair request.

“Come on, really?”

“Sorry sport.”

“How soon?”

“Tomorrow at the very least. Before the papers get it.”