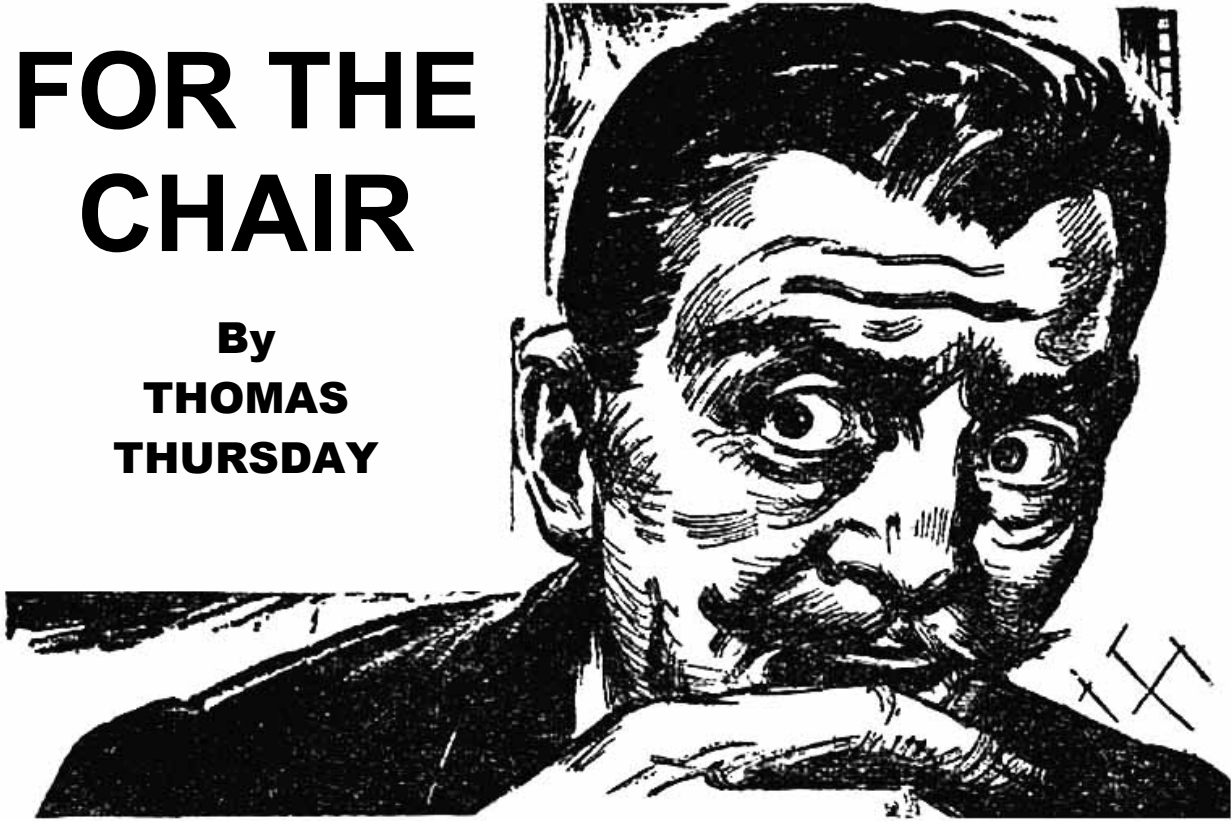


SCORE NONE

FOR THE CHAIR

By
**THOMAS
THURSDAY**



Gillen was scared, and sick; he didn't claim complete innocence, either.

IF ANYONE around Headquarters was making a book on a Murder Handicap, I'd lay 100-to-1 that Joe Gillen was guilty. A vicious and premeditated homicide, at that. But Howard—that is, Det. Chief Gwynn Howard—never said a word until the morning of the second day. Meanwhile, Gillen was sobering up in the county jail across the street.

Now, I'm no wizard at detectival deduction. I also know that circumstantial evidence can likewise be screwy. But the records will show that most murder cases are cracked via circumstantial evidence; and if it wasn't for such evidence a flock of homicidal hams would be acting in more murders.

But no matter from which angle you viewed Joe Gillen, he looked like the Murder of the Month

Club selection for the sizzle seat. And the evidence was more than circumstantial: it was also self-confessional, or practically so. If Gillen wasn't guilty, then Adolf Hitler had nothing to do with World War 2, as I saw it.

I found Howard alone in his office, adjacent to the temporary detention cell. It was 8 A.M. Howard never said much, and gave strangers the impression that the most important thing in his life was filing his fingernails. His left foot was usually draped over a corner of the battered desk, while a cigarette dangled from the right corner of his mouth. He smoked from mere habit, not because he liked it.

"Gillen talk yet?" I asked.

"Made a sort of confession. Even thinks he may be guilty of killing his wife."

"Thinks!" I snorted. "Why, the guy was caught

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by two squad-car men as he tossed the carved torso into the river. *Thinks!* Why, the man must be nuts.”

Howard smiled lightly and examined his nail file like he had just discovered a convicting fingerprint. “I admit it looks like a wrap-up case,” he said, “but, Bub, you never can tell.” He called everyone “Bub,” from the chief of police to the newsboy on the corner. “Don’t forget that Gillen was drunk when caught.”

“Is booze an excuse for killing your wife, or anybody else? It’s getting so that every man, or even woman, who gets in a jam with the law, tells the judge he has been drinking. And it’s never more than two bottles of beer. It’s time to change the record; that booze one is cracked.”

“Liquor is no excuse,” said Howard. “But men and women will do things under its influence that they wouldn’t have the nerve to do while sober. Gillen has not admitted that he killed his wife. He does admit that he carved up her torso and threw it into the river.”

“Now *that*,” I said, “is very nice of him to admit. He’s just telling us what we already know. Did he have any more fairy tales?”

Howard took three sheets of typed paper from his desk. “Here’s the official statement from the gentleman,” he said. “He was able to talk about 4 A.M.”

IREAD the confession. Briefly, Gillen stated that he and his wife, Mary, had been drinking in their small frame cottage. It was one of the rare cool days when the Miami temperature went down to 40 degrees. They began to quarrel. Over what they argued he could not recall; probably over nothing, as usual. In the small kitchen was a little potbelly iron stove. He put in some paper and charcoal and lit a fire. Then he went to a divan in the front room and fell asleep, his wife sitting in the rocker near the fire. This was about 4 P.M., as near as Gillen could remember.

He awoke about 11 P.M. His head was splitting and he was altogether groggy. He went to the kitchen, lit the light, and found his wife still sitting in the rocking chair. He called her a vile name; she did not answer. He shook her by the shoulders and she fell to the floor, motionless. He leaned over her and listened to her heart. There was no beat; he then knew she was dead.

“I became scared,” he stated. “I knew the neighbors had heard us fighting and they would all

accuse me of killing her. I don’t think I touched her, but I can’t remember very much. I knew the police would accuse me of murder. I just lost my head, and—well, you know the rest.”

I passed the confession back to Howard. “A very touching tale,” I said. “He could write some of that detective goo I hear on the radio. I still say he killed her, whether he knew it or not.”

“The examination showed no signs of a blunt instrument on any part of her body,” said Howard. “No gun wounds or even knife stabs.”

“What do you mean, no knife stabs? He carved her up, didn’t he?”

“True, Bub, but there was no signs of one-shot knife stabs. It was all good, clean carving. At one time, the guy must have been a butcher, he was handy with a knife.”

“If he didn’t kill her, it was two other fellows with the same name. He had to admit he carved her up because he was caught with part of the torso in the bag. Right now he’s just playing the old game of Chair-Ducking, hoping to win life instead of the Big Jolt.”

Howard examined the file very carefully. “Look, Bub,” he said, “when you’ve been in this crime-chipping game as long as I have you’ll learn that a criminal investigator has two duties. One is to prove guilt and the other is to prove innocence. Personally, I’m not wholly positive that Gillen killed his wife before dismembering her body. Years ago, before the creation of modern criminal laboratories, Gillen would have been railroaded to his death. No one really knows how many innocent persons, men and women, have paid the extreme, official penalty for crimes they never committed. But times have changed, Bub; when a person wins a rope around his neck or seat in the One-Way Chair, you can make book that he is guilty.”

I scratched my head and said, “Well, what are you waiting for now?”

“Doc Vollmer’s report. He’s been checking the remains and also the Gillen house.”

“I bet Doc says he’s guilty,” I said.

“Maybe so, but you may recall the Joel Hammond case. You had just come on the force, about ten years ago, and you were working in the uniform division. Well, Hammond appeared innocent, and even the first editions of the papers made him a burglar shooting hero. But the morgue subject wasn’t a burglar. At the time Mrs. Hammond was vacationing in North Carolina with

her parents.”

Howard put the nail file on the desk and went on. “The dead guy was named Raymond Nolle. Anyway, around midnight Hammond phoned Headquarters from his house and said he had just shot a burglar. We found a young man of about 30—who was Nolle—lying on the floor, with a .45 slug through his heart. It was a lucky shot. Hammond was still in his pajamas and his bed was disarranged, indicating he had been sleeping. He explained to us that he had been sound asleep when a draft from the open window awakened him. Then he saw a male form in front of his bureau. He reached under his pillow, got his gun, and fired. Since he claimed he fired in the dark, it was a good shot. In fact, too damned good.”

Howard picked up the file and went to work on his right thumbnail. “Well, Bub, Hammond’s story sounded reasonable until I flashed a light into the eyes of the dead Nolle. I found that his pupils were very small; you know what that means?”

“What?”

“It proved Hammond was lying. The lights were on when Nolle was shot. Moreover, he had been shot with planning and deliberation on the part of Hammond.”

“You mean the eyes of the dead Nolle showed you that?”

“Exactly,” replied Howard. “In death, the size of the eye-pupils do not change. Nolle’s were very small, proving they had been contracted when he was killed. Light contracts, darkness expands. So I arrested Hammond for murder. Two days later he confessed that he had asked Nolle to call on him, believing Nolle was having an affair with his wife. Subsequent facts proved his jealousy was both unfounded and silly. Dumb? Double dumb.”

I started for the door, stopped halfway and asked, “Do you mind if I call on Brother Gillen for a little chitchat?”

“Help yourself. You’ll find him in the county jail, with his head in his hands, no doubt.”

GILLEN sat on the edge of his cot, with his head in his hands. He was a stupid looking guy, with a half-moon head of hair—half hair, half

bald. He told me he was 42 and worked, when he worked, as a carpenter’s helper.

“Ever work in a butcher shop?”

I asked. His green-gray eyes looked at me like that of a scared fawn.

“Nope; never worked in a butcher shop. Why ask that?”

“Polite conversation. Skip it.”

He covered his face with his hands and began to cry. Have you ever seen a full-grown man cry? It makes you feel kind of silly and you begin to wonder if we’re not all babies in a pinch, no matter how old we get.

“Maybe I killed her and maybe I didn’t,” he said. “So help me God, I don’t know!”

Next morning Howard called me into his office.

“Your odds on murder have flopped,” he said. “Horses and murders are usually bad bets.” He tossed the nail file in the air and caught it with his left hand. He was in excellent humor. The forehead wrinkles, which always crease his brow when he was working on a case, had vanished. “Doc Vollmer says Gillen never killed his wife, whether he thinks he did or not. And Doc knows his stuff.”

“You mean Doc proved something that Gillen couldn’t prove himself?”

“That is correct, Bub. Vollmer has proved that Gillen never killed his wife.”

“Did Vollmer prove that it wasn’t Gillen who carved her up and tried to throw her into the river?”

“He didn’t try, Bub. That’s another angle and Gillen is guilty of the carving business. But—she was dead when he started to slice her. So he is not guilty of murder. You can’t kill a person twice.”

“Just how did the Doc prove it?”

“By a spectroscopic examination of what was left of Mrs. Gillen. She died from carbon monoxide gas from the potbelly iron stove; it nearly got Gillen but he didn’t know it.”

“What reward will he get for his carving ability?” I asked.

“I’d say ten years in the state pen.”

“Which is better than the Chair.”

“*Much* better,” said Howard.