



Xmas in Hawaii

LINDA SPALDING

She was eighteen and just out of high school. He was twenty-eight and just out of prison. Her name at that time was Maryann Bray, although it had replaced the name she was given at birth. His name at that time was William Acker, although he used other names in the commission of his crimes. She met him in April 1978 and married him a month later. In early June they flew to Hawaii for a honeymoon that would ruin her life.

She was brought back to Hawaii three years later, charged with the murder of Lawrence Hasker, a boy who'd been shot out at Hanauma Bay on a June night in 1978.

While Maryann waited in jail for her trial to begin, I read about her in the papers and celebrated Christmas with my daughters and my mother, whose annual visit brought reminders of my Kansas childhood. Without our men, we tried to re-enact long-standing family traditions. Without snow, or stairs to descend in order of age, or a fireplace for stockings, we did our best to create the appropriate atmosphere. I used to rush off to the truck that delivered mainland balsam trees to our side of the island and wait for one to be thrown down like a bridal bouquet. You took what you were thrown or you scrambled and fought with your neighbours for something better. Then you drove home with a tree that had come all the way across the ocean in a ship or a plane, and you put it in whatever solution you believed would keep it more or less fresh. My recipe included aspirin, gin, and three clean pennies.

That Christmas, Maryann was on suicide watch.

By the time she was back in the news and I was appointed to her jury, I was packing up my house, getting ready to emigrate to Canada after fourteen years in Hawaii. Fourteen years of living by the skin of my teeth as a single mother. The dog would go to my mother. The cat would come with us, and our furniture would follow. The plan was almost manageable. I had fallen in love.

I had not told anyone at work. Maryann's trial would be my farewell.

It began in March 1982, almost four years after she had hurriedly married William in the basement of the Mormon temple in Phoenix and he had talked her into a secret honeymoon. No letters. No phone calls. Even her parents must have no idea of her whereabouts. He talked about Ayn Rand and the idea of personal freedom, and Maryann, brought up a strict Mormon, was dutiful and impressed. In Honolulu she had unpacked their bags. His contained a bowie knife he called "Justice" and a gun he'd named "Little John."

William told Maryann he had jumped parole and could not get a job without exposing himself. They were going to need cash.

But only Maryann was on trial. And William was the prime witness for the state.

Taking my place in the jury box of that beautiful koa-panelled courtroom, I was actually proud of the role I was going to play in this high-profile case.

The first witness was a man named Joe Leach, who had been picked up by Maryann in the bar of the Hilton Hawaiian a few nights after she and William settled into the little apartment she'd rented in her maiden name. She had danced with Joe while William waited impatiently outside. Later, she'd asked Joe if they could give William a ride home. In the car, William put a gun to Joe's head and told him to drive out to Hanauma Bay, where they tied him up, gagged him, took his money and car, and drove away.

A few days later: the same bar, the same story, with William wearing some kind of wig. But this time, the newlyweds never got around to binding the hands of their victim. They never bothered gagging

him. Instead, they left Larry Hasker dead, lying close to the shreds of Joe Leach's torn shirtsleeves.

Larry had been shot once in the leg and once in the head.

William had a record as long as his arm, but he told the court he could never kill: "I would never take a life because that's wrong." He also told the court he was serving a life sentence for the June 1978 murder of Cesario Arauza in California, which had occurred a few days after Hasker's murder in Hawaii. He told us the sentence was life without parole, which could not fail to impress us, because what would he have to gain by his testimony? He would be in prison forever. He must be telling the truth. Maryann, after all, was in prison for that murder too, though her sentence was life with a minimum of seven years. Her lawyer said it was a felony murder charge, which means that she was present at the time of the crime. I sat in the jury box watching Maryann, who was tall and pale and always leaning forward to write on a legal pad. Blond, shy, somewhat awkward, she made me remember my younger self. We were both outsiders in that tropical courtroom.

I took notes. I paid close attention. I noticed William's aggressive behaviour, his jumpy unease. There was something wrong with his story, and Maryann seemed too passive, incapable of defending herself. For days then, I forgot about packing and moving and starting my new Canadian life. I was trying to make sense of hers.

On the last day of the trial: a minor errand, too much traffic, trouble finding a parking space, and I was a few minutes late to the courtroom. I arrived just as they were convening, and Judge Au turned

his head only slightly in my direction before he abruptly dismissed me from the jury. I believe Maryann looked too as I was sent off to sit with everyone else—the public—and wait miserably for the jury to go out and come back in with their verdict.

It was the most humiliating hour and forty-five minutes of my life.

Declared guilty on all counts—including first-degree murder—Maryann was given a life sentence with a minimum of thirty years.

Knowing I could have saved Maryann because the jury's vote had to be unanimous, what I took with me to Canada was a terrible, unquantifiable, debilitating sense of guilt. I stuffed the notebook I'd kept during the trial into a cupboard and got busy seeing my girls through high school and university, while I tried to forget that my carelessness had cost an innocent woman thirty years.

By 1999, the notebook had been moved from one house to another, from one cupboard to another, and one day it seemed to just fall into my hands. Such a great amount of time had passed that I felt no real connection to the trial by then, but the notebook was heavy with words, and reading my notes I saw that the injustice was worse than I'd feared. William's testimony was simply not credible. And why, the summer before the trial, had Hawaii overturned the spousal immunity law that protects one spouse from the testimony of another? Was everyone, even the state legislature, involved? Not only was Maryann's husband able to testify against her, but he'd been given absolute immunity in exchange for which he spoke with a braggart's nerve. He said that Maryann had forced him into kidnapping and stealing by

taunting him, calling him a coward, saying, "Oh, so you're the big macho man."

When I finished reading, I sat down and wrote to Maryann. "I'm the one on the jury who was late that last day when they convicted you," I told her, and instead of throwing my letter away, she quickly wrote back. She remembered me. She thanked me for writing. "These things happen." I was to learn that this kind of response was characteristic of Maryann.

At first our correspondence was tentative. Later we fell into the habit of long letters and then phone conversations once or twice a week. I asked her to tell me about the Mormon couple who had adopted her when she was three months old. Perhaps the strict religious upbringing had caused her to rebel. But Maryann would find no fault with the parents who had changed her name. She insisted that she was "spoiled," that she'd been given anything she wanted, that they adored her, even favoured her over an older sister. She told me that her wild behaviour and bad judgment were all the fault of her biological mother, a woman she's still never met. "She had two kids by the age of sixteen," Maryann wrote, as if to prove the impulsiveness in her genes.

A few months later, I spent three afternoons with Maryann behind the razor wire and chain-link fence at the California Institution for Women, where she had spent twenty-two years of her life. Because of the murder conviction in Hawaii, the California parole board considered her a serial killer, and with a life sentence they could hold her indefinitely. During those first visits I told her she had seemed frozen as she sat in our courtroom all those years before, never shaking her head or wiping her eyes. Never shouting.



Honolulu courthouse, 1982

Never bursting into tears or insisting on her innocence. Even so, I had identified with her then, and now I watched her closely, trying to decide if my belief in her innocence had been justified.

The California Institution for Women was built to hold eight hundred prisoners, but during Ronald Reagan's reign of terror and his campaign against crime, more and more women were put away for longer and longer terms until the prison was stuffed to the gills. The three strikes law jailed women for a minimum of twenty-five years and up to life for crimes like shoplifting, prostitution, or drug use. Through an Innocence Project at the University of Southern California, Maryann, now forty, had finally found a lawyer who had decided to appeal her Hawaii conviction.

William, it turned out, had perjured himself on the stand. He had not been serving a sentence of life without parole (as he'd testified), but a sentence of life *with* the possibility of parole. The prosecutors had known that, but the defence had never been told. In fact, William had made a profession of giving false testimony in exchange for small rewards. For his betrayal of Maryann, he'd been given immunity on all but one of the Hawaii charges and put in a prisoner protection program. His name had been changed and his tattoos removed so that he would not be identified with a particular prison gang.

I had started writing Maryann's story when I learned that Charles Marsland, the district attorney in Honolulu at the time of the trial, was the father of a boy who had been murdered on a beach late at night, just as Larry Hasker had been. Marsland was Hawaii's first elected D.A., and he'd campaigned on a promise to end crime in the state. Perhaps that

explained a great deal. Perhaps a conviction was more important than justice in 1978.

Marsland died a few years ago, but his legacy was a crop of young, eager prosecutors who felt shamed when Judge Michael Town of the appellate court in Honolulu vacated Maryann's conviction in 2005. Maryann was not even present in the courtroom for this hearing. There was no jury—only two attorneys and the judge, and me sitting on a bench that felt more like a pew because at last prayers were going to be answered. Except that a vacated conviction is not an acquittal. What Judge Town had done was somewhat like annulling a marriage, and Maryann was in a new kind of legal limbo. If the State of Hawaii closed the books at this point, she could go back to California and be paroled. Instead, there was a little respite, ever so brief, while we breathed and waited. And then those eager young prosecutors charged her with murder. All over again. And we began to wait for a brand new trial.

All the witnesses were old or sick or dead. Maryann's mother and father and sister were dead. Her cousins and childhood friends had forgotten her. But I had written a book about her life and in the process had become her friend. I was committed. I had been careless once, but I was not going to let her down again.

Three more years went by, during which Maryann worked training service dogs in a new program at the California prison. She loved the dogs and learned to train these amazing creatures to turn light switches on and off, flush toilets, even warn of an oncoming seizure. The collaborative work with women from the outside, and with the dogs themselves, began to

matter to her. "How can I commit to raising a dog when I may be sent back to Hawaii," she had asked me early on, and I had teased her and reminded her that she was serving a life sentence.

In February 2009, she was brought back to Hawaii for the first time in twenty-seven years.

This time she wore leg irons while she sat on the plane. And what did she pack? Only her toothbrush. In Hawaii she would be issued jail clothes and treated with some suppressed awe by the other inmates, who had never met anyone who'd served thirty-one years locked up. She was assigned to Keith Shigetomi, a public defender who had just won a big, complicated murder case, but he had to wait while the D.A.'s office tried to find William and dig him out of prisoner witness protection. William had ratted on so many fellow prisoners by then that he was moved from one state to another, from one prison to another. He had been given a false identity. No photographs of him could be taken—even his shoes were off-limits.

I began to worry about what sort of deals might have to be made. And indeed and at last, frustrated by the lack of witnesses and evidence, the D.A. did offer a deal. But this time it was to Maryann. If she would plead guilty to manslaughter, they would send her back to her prison in California, where she could take up her work with the service dogs and where—released by Hawaii—she would no doubt be quickly paroled. Just plead and they would be done with her. It would be over. "I can see a mountain from my little window," she told me on the phone.

"Are you going to take the deal?"

"How can I? I didn't kill Larry Hasker. How can I say I did?"

When William at last made himself available, I had a sudden hope that he might be tempted to tell the truth. After all, he had lifelong immunity for the murder of Larry Hasker. In fact, he had confessed twice to his California parole board to killing both Hasker and Arauza. The trial date was set for September 2009.

For me, this return to the islands felt momentous. As if I could greet myself at the airport and find myself young and potent enough to undo the awful mistake I had made. I missed the first day in court, at which Larry Hasker's father and sister gave their sad testimonies, enlisting the jury's sympathy and rage. I missed Shigetomi's opening statement, when he called William "an infection that gets under your skin, festers, and thrives." But I had an old friend from my Hawaii years sitting beside me in the otherwise empty courtroom pews and that was a wonderful comfort. It was a small, uninspiring room without windows, cut off from the world. I had expected the press to be there. And the public. Maryann had been a front page story in 1982. But this time Lynn Anderson Mahe and I were the whole congregation. Maryann was only a footnote to Hawaii's legal history.

The medical examiner who had written the autopsy report in 1978 was long dead. Now, a law student read the examiner's testimony from the 1982 trial. It stated that the bullet had entered Larry Hasker's head from front to back. But Shigetomi quickly pointed out that the medical examiner had misrepresented his own written autopsy report, which said Hasker was hit by a bullet *behind his ear*. This was relevant because William insisted that

Maryann had been facing Hasker when she shot him. Why would a medical examiner misrepresent such an important fact?

Keith Shigetomi is big and confident, more Hawaiian than Japanese in looks and bearing. He wore a grey suit with an obvious stripe and he looked packed into it, but he moved with wonderful, catlike grace. The courtroom was so small that I was sitting immediately behind him, only inches away. His son sat on his left, acting as his assistant, while Maryann sat on his right, dressed in a black skirt and top I'd picked out for her, with just a bit of makeup I'd begged Keith to sneak into the courthouse. Like all of us, Maryann had aged, but she stayed very erect and composed, though I saw her flinch when her glowering ex-husband was brought in.

In 1982, at the first trial, William was a slight, cocky boy, a thirty-two-year-old rascal who had never grown up and was almost appealing. Now, at fifty-nine, his long, dark hair was parted in the middle and pulled into a ponytail that revealed a mean-as-hell face. He was hard, cold, truly scary, and utterly changed. But before Shigetomi could get to him, the prosecutor, Landon Murata, led William through a version of events that hadn't changed by a word since 1982. Some of the words came straight from my book and felt almost stolen, until I remembered that I had stolen them from William's much younger lips. Now I wondered if he had memorized them. Even the punctuation matched.

Then Shigetomi's cross-examination caught William off guard. "Do you know the meaning of *perjury*? Have you ever committed it?"

William said perjury meant lying under oath in court.

Shigetomi explained that an oath is an oath whether made in court or not, and the prosecutor jumped up to object because this might have led to questions about William's parole hearings, where he had said under oath that he had killed both Cesario Arauza and Larry Hasker. The jury had no idea that William was serving a prison sentence, but in a trial, once a subject is "opened" it cannot be closed, except by order of the judge. This is one of the rules of the courtroom game, and observing the moves can be as thrilling as watching a well-played sport.

Another part of the game is careful coaching, which is part of the lawyer's job.

When Maryann and I had talked about her strange behaviour at the 1982 trial, she'd tried to explain her passivity. "I was terrified," she'd say. "I believed William would do something to my parents, because that's what he told me." In fact, her 1982 lawyer had done nothing to prepare her for cross-examination. She had never sounded convincing when she kept saying, "I don't recall." Now, as William glared down at her from the witness stand and repeated his strange, illogical story, I knew Maryann would disprove every word of it.

Shigetomi's next question to William: "Have you ever been diagnosed with a severe personality disorder and schizophrenia?"

"Well, I've been told that I'm anti-social," said William, "but I didn't know it was severe."

Shigetomi has a way of moving his head, cocking it in a roosterlike way while shrugging at the same time, that makes him look both wary and

annoyed. When William admitted that he had been given immunity on eight of nine charges in 1982, Shigetomi strode over to the big white eraser board on the wall. "So let's just do the arithmetic. Looks like you got exempted from, let's see, seventy-five years in prison for your testimony in that 1982 trial. Is that about right?"

The jury was presented with an old report in which William had said he had been taking cocaine every day for three months (one to two grams) at the time of Hasker's murder. Shigetomi let us understand that coke was a big motive in the break-in at Larry Hasker's apartment. Before the murder, the three of them had driven there and William had told Maryann to go up in the elevator, enter the apartment, and bring down Hasker's money and dope. When she'd come back without the cocaine, he'd sent her up again.

Shigetomi ended his cross-examination by asking again about perjury. Did William understand the meaning of taking an oath?

William said, "Look at me. I told you yes. I do. I never lied in a courtroom." The "look at me" had been used three times and was obviously getting to Shigetomi, just as it got to Maryann's lawyer in 1982. But the jury of nine men and three women was clueless. I was in a room without history.

The next morning, when Shigetomi asked William about the deal he'd made in 1982—a generous plea bargain—William played with the question: Which case? This case? His hair was tied in a ponytail with two long, skinny braids hanging down in front of his ears.

When asked if he had lied to the sheriff, William replied, "That's what criminals do."

During the break, Prosecutor Murata told me he'd read *Who Named the Knife*, my book about Maryann.

"Did you believe it?" I asked him.

He looked amused. "Maybe. Some."

It was a long day. I was actually shaky by 4:00 P.M., but Maryann, in her dark pants and grey top, was as composed as ever. I'd been shopping for her for months. Fairly severe, not too expensive, I had decided. The top looked good on her, but some of my purchases were too small and one hem had already ripped.

I was staying with my ninety-three-year-old friend, Katherine Tyson, who had worked in the public sector for decades and knew all the local personalities and scandals. As a social worker, she used to take care of families in the Waimanalo syndicate and literally knew where certain bodies were buried. Later she had worked for me at my social services agency and helped me disentangle the local welfare system, and now, every morning before I left for the courthouse, she'd fix me sliced papaya and fresh juice and biscuits and give me a pat on the back. Then I'd bid her goodbye and drive off in her car, leaving her stranded on the mountain known as Round Top. I'd turn on the radio and sing along to Hawaiian music, enjoying myself because at last we were going to get an acquittal for Maryann.

Thursday was a day off for the judge and I had promised to take Katy out to the prison. She had suffered a few little strokes and I wondered if she could stand the long wait we would have to endure in the hot sun. But she seemed eager, and we drove with the car windows rolled down, in good spirits.

"My god, just the same as it ever was—all grey and ugly as hell," she groaned as we approached the

old jail, which is primarily for men. At the entrance, I was told that my white pants were inappropriate. "We got some sick characters in here, lady." Ditto my sleeveless shirt and underwire bra. I asked for a big T-shirt, something to cover most of me, and Katy and I waited outside on a hard, narrow bench. After an hour of heat, I was told to proceed through the security machine, but Katy was not allowed inside. The day was reserved for off-island visitors. I hated to leave her in the sun, but I didn't want to give up a single minute with Maryann, who came into the empty visiting room with arms open for a hug. I told her Valere, her former CIW cellmate, had called me, worried that Maryann might sound "you know, the way Maryann sounds when she talks about William" when she got on the stand. "She sounds so bitter and of course we know why but she can't let the jury see that. Tell her to think about when her mother died. That's what she does at parole hearings and it softens her up and sometimes she even cries." Maryann and I sat in the big room with its rows of hard, empty chairs and I told her that Lynn and I had been approached by the court stenographer, who'd said that Maryann looked like anybody's mother. "But Mr. Acker, oh I looked in his eyes once and I'll never do that again. I've looked in a lot of bad people's eyes, but I've never seen anything like his."

Maryann nodded. She said she'd been thinking about William's diagnosis of severe personality disorder and schizophrenia. "Maybe that's really it and he actually believes what he's saying and that's why he sounds . . . so believable."

She said she was glad Lynn and I were there right behind her in the courtroom. It was good to have

support during this defining moment of her life. She did not add that there was nobody else in the world left to support her.

Katy was still alive when I got back to the outside bench, and we drove off in her old car with the windows down looking for a bakery out by the prison that used to make the best haupia cake on Oahu.

Friday was the fiftieth anniversary of statehood for Hawaii, an anniversary received with much protest from the Hawaiians and therefore downplayed. Still, there was no day in court for Maryann, so I got into a small plane and flew to the Big Island to visit Lynn and her husband, William Mahe. Lynn's husband is Tongan, and they live up on the slopes of Kilauea with eight dogs, ten cats, two goats, four wild pigs, and a lot of chickens and birds. "I'm invested in Maryann," Lynn told me. "I like her so much." If I thought it was odd for her to feel so strongly about someone she had never spoken to, I knew we were both projecting ourselves onto Maryann. And projection is as good as relationship. Together, this good friend and I drove up to see the volcano, home to the Goddess Pele, who was steaming away magnificently. It was the first of three incredible sights. The second was a perfect view of the great peaks Mauna Kea and Mauna Loa rising up in the new darkness above thick white clouds as I took off for Honolulu the following night. The twin peaks might have been two pointy islands surrounded by heavy white surf. They were even blacker than the sky with its rim of red at the horizon and its crescent moon. Then, much later, driving up the winding road back to Katy's in the darkness of Honolulu's night, I passed thousands of blooming

cereus. Round Top is covered in these cacti, which open their huge, fragrant white flowers for only a few hours each year. They made me want to shout. They made me think of everything Maryann had done without, shut away as she had been for thirty-one years.

I had returned to Honolulu on Saturday in order to visit Maryann again, and on Sunday I got myself out to the prison properly dressed, but the parking lot was empty. "We are understaffed," said the guard at the gate. No visiting.

Back on Round Top I got a call from Keith Shigetomi, telling me that William would be on the stand the next day. "Knowing Landon Murata, he'll try to redeem his witness all to no effect. Then we'll have two days of Maryann. I think she's ready," he said, and I thought of my friend in California who is hired to coach witnesses. "I teach them how to say 'I don't remember' and mean it," he once told me.

On Monday morning before anything had started, I heard this exchange between the two lawyers.

Murata: "So how much longer have you got?"

Shigetomi: "I'm on Leach. I've got Hasker. I've got Arauza. I've got William's recantations and his lies."

Murata: "So all day then."

When William was brought in, Shigetomi started his examination with a question meant to prove that it was William who was in charge: "Didn't you indicate that your weapon was loaded and that you would have used it if there was any problem with the robbery? You told Joe Leach if he reported it, you would get out of jail and go after him?"

William: "Sounds like something I'd say."

Shigetomi: “Did you put on gloves to prevent fingerprints?”

William: “Most of the time I wore them when I was makin’ a move.” His self-confidence was impressive. And his language! “When I come at her, even if I tell her to do something, it’s in a request modulation.”

I can’t imagine how Maryann must have felt after a day in court, but Lynn and I, sitting behind her without responsibility, were always exhausted by three o’clock—our duties for the day having consisted of not sleeping, eating, chewing gum, or roughhousing, as instructed by a sign on the wall next to us. We listened ardently and sometimes with clenched fists, though not in such a way that the clenching would be obvious.

Shigetomi: “Did you tell Joe Leach, ‘Don’t try to run’?”

William: “That’s what I always say.”

Shigetomi: “Isn’t it true that you told Larry Hasker not to run away, and he did, and when you shot him in the leg, he fell and you shot him in the back of the head?”

Shigetomi was quietly predatory. “In 1991, when you were seeking parole, sworn to tell the truth, the whole truth, and nothing but the truth, did you tell them you murdered Cesario Arauza and that you also killed Larry Hasker?”

William: “If that’s what the record says.”

Shigetomi: “They asked if you had ever committed perjury and you said yes?”

William: “But I was lying.”

Maybe he really does believe his version of things, I thought. He didn’t talk about using a firearm but about “gun enhancement.” He said Maryann was ten

to fifteen feet from Larry Hasker when she shot him. But the jury had been told that there was powder residue on the wound, which means the shooter was less than two feet away. I wondered what was going on in the jury box. Lots of note-taking. No sleeping. No chewing gum. No roughhousing.

The next day, Prosecutor Murata was setting up his PowerPoint equipment long before anyone else got to the courtroom. He had an irritating habit of running through his whole slide collection again and again, pretending to search for one image while forcing the jury to look at the same awful pictures of Larry Hasker dead and sprawled on the dirt. The ruse was obvious, but there was no way to stop him. Shigetomi, on the other hand, used a pen and the eraser board. Sometimes he stuck photos up very casually. He had no covey of helpers either, only his son, whereas the entire D.A.’s office was either sitting behind Murata and his deputy counsel or wandering in and out with files, nudges, and winks.

I have not said yet that for me the most moving part of what took place in the courtroom every day was the moment when the bailiff called out, “All rise for the jury,” and in came a line of the most ordinary-looking men and women imaginable. I’m fairly certain no one had ever got up for any of them before—not when they entered a room and not when they left it—and the effect on them must have been stirring. All rise! In the beginning, they shuffled in wearing flip-flops, cut-offs, T-shirts, and vacant looks, but by this point in the trial, half the men were wearing well-pressed aloha shirts and the three women were nicely turned out. It beat the

“Star-Spangled Banner” or “O Canada” for gravitas, that moment of standing up for our peers.

When one juror’s mother died and another juror disappeared due to a medical emergency, two alternates were moved up, and Judge Town begged all of them to stay healthy. “Hydrate, please. Hydrate.” I looked at the young woman who was sitting in the third alternate’s chair, where I had sat in 1982 before I got moved onto the actual, voting jury. We had four alternates back then, which was convenient when they dismissed me.

That morning Murata began his own questions by going back to Joe Leach, whose 1982 testimony was read by a law student. I was glad to hear that there was a full moon the night of the kidnapping since I thought I’d invented that for the scene in my book. “Don’t trip or fall or the gun may go off,” William had told Joe. And Joe had told the court, “He instructed her how to fire it. He said, if he moves don’t bother to cock it, just fire it.”

A law student read the old testimony of the criminologist who had “dusted” Larry Hasker’s white Pontiac Firebird after the murder. The third testimony read was that of the owner of the Makiki Arms, where William and Maryann had so briefly lived: “She was attractive and always dressed neatly.” “She did not even check out.” “There was a lot of personals left—snorkels, beach towels, clothes . . .” Then, the words of the pawnshop manager describing what they had pawned from Joe Leach’s car, for which he gave them forty dollars. And the words of the cop who was taken by Joe Leach to that stolen car, where he felt the hood to see if it was warm or cold. And the words of the L.A. sheriff who arrested Maryann at 4:45 P.M.

on June 28, 1978, in Long Beach: “She said she was staying at the La Fiesta motel, but she was staying at the Elmstead, four or five blocks away.” And the L.A. medical examiner’s old words, describing Arauza’s contact wound to the head, meaning he was shot at close range. These were the very same testimonies I had listened to at the first trial twenty-seven years before. The very same words, ghostly now, spoken by actors without inflection or interest, describing things like lividity, which is the condition of a body post-rigor mortis.

And at 2:30 P.M., the long-lost words of Wilbert On, the L.A. deputy sheriff who had arrested William Acker on July 1, 1978. He’d taken William’s call about “something that happened in Hawaii,” the call that gave William access to a deal a few days after Maryann had been arrested.

“Now between 1978 and 1980, did you see William Acker again?” the 1982 prosecutor had asked Deputy Sheriff On.

“Yes I did. Fifty to seventy-five times.”

And there it was: the wide-open gate—a bit of dialogue being read to us three decades after the fact that galvanized our little courtroom. Shigetomi jumped to his feet. Judge Town, in obvious panic, dismissed the jury for the day while the two attorneys raced each other to the bench. I heard Shigetomi say, “I want him back!” And when he turned, one of the deputies pointed out that William was probably on his way to the mainland by then, already gone. But Shigetomi shouted, “I don’t give a damn. They opened it up. I want him back on the stand.”

William’s career as a snitch started during a well-known scandal in L.A., when the D.A.’s office

allowed prisoners to give false testimony about cellmates in exchange for favourable treatment. William would be put into a cell for a few days and swear he had heard a confession. He became adept at this kind of performance and eventually testified in several big cases and put one man on death row. But how could the jury know any such thing? Murata couldn't object if the defence rushed through the gate he had accidentally opened by re-enacting an old testimony.

Back on the stand, William's deals with the devil would be made patently clear.

Earlier that afternoon, Lynn had shifted on our pew during a break, reached into her bag, pulled out a tattered mock orange blossom, and given it to the deputy sheriff who sat near us. "Maybe Maryann could have this, something nice to smell when she comes back in?" We weren't allowed to speak to Maryann while court was in session. But this deputy sheriff, who was young and Hawaiian and female, picked up the tiny blossom and put it at Maryann's place with a smile. Then she eyed the M&Ms Lynn had illegally brought into the courtroom. "How 'bout those?" Lynn handed the deputy the bag and she furtively poured some into a little water cup. Boundaries down, we got into a discussion about what Maryann should wear when she was called to the stand the next day. Should her long hair be up or down? The deputy sheriff said she'd try to get courtroom duty and maybe we could bring some little treat and she would somehow get it to Maryann during the break.

So the next morning I picked some ginger blossoms and brought some cookies to court with me,

but the nice deputy sheriff was nowhere to be seen.

It was Maryann's day.

Her long hair was down, but she was a little stiff, still keeping her emotions in check.

Judge Town explained her rights to her and asked her how much education she had acquired and if her mind was clear. He told the courtroom he had a "sore heart" because of the death of a courthouse volunteer named Al. "He always managed to get his face on TV."

Maryann was not wearing handcuffs, so a deputy stayed close by, as if she might rush past us and run, screaming, down the hall. I was worried about Judge Town's sore heart because I wanted it to be aimed at Maryann. At last, after all the years we had talked about this chance to regain her life, she was going to face a new judge and jury. "Show some feeling," I had begged. "Let them see how warm and real you are and that you care about what happened to Larry . . ."

Shigetomi began by taking Maryann through the basic facts of her life. The move from Phoenix to Yuma when she was fourteen and the way it felt like an awful dead end at that age; then leaving Yuma when she graduated at seventeen and rushing back to Phoenix in her Volkswagen bug; getting a job in a hardware store, getting her own apartment, and meeting William that spring. Why no mention of teaching Sunday school or the steady Mormon boyfriend to whom she was practically engaged? Why no mention of everything she was giving up while walking herself onto William's short plank? I could hardly breathe. And then, when her lawyer asked Maryann to tell about William pestering her to get married when he had known her only two or three

weeks, Maryann replied that she had simply told him, “Okay, whatever, just shut up,” and my heart sank.

I wanted the men and women on the jury to understand how young Maryann had been, how foolish, how romantic. I was no longer clenching my fists, I was wringing my hands.

Maryann looked down every so often and her hair fell around her face. She wore a black shirt I’d chosen with stiff, white, nunlike collar and cuffs. But how could that soften the shock of her words? And what about the many versions of “I was eighteen. I did what my husband told me.” Who would believe that in 2009, without the explanation of her Mormon upbringing?

When Murata began his cross-examination he asked Maryann if she’d been “a good kid.”

“Yes, I was.”

“So everything bad in your life started with William? Didn’t you start smoking marijuana in 1975, taking hashish and whites and reds? William was a bad boy and you liked it.”

“He was, yes, and I did.”

He mocked her for the *Okay, whatever, just shut up*: “Nice! Very romantic!” And he wondered why, if William had forced her to do bad things and she was so afraid of him, she wrote love letters to him from jail.

At the next break I stayed in the courtroom to listen to Murata gossip with the TV cameraman who was not allowed to take any pictures of William but could throw all his focus on Maryann’s face. When I learned a few weeks later that this cameraman had once been a friend of mine, it brought home the truth of how much time had passed since I’d lived

on these islands. We had even dated once or twice, but we no longer recognized each other. How could William or Maryann be expected to remember the details of what had happened in 1978?

When Murata asked Maryann about the time William had shot at her in their apartment, she explained where she had been standing and how it had happened, and Murata brought out photos that disproved everything she said. The bullet holes were not by the fridge but by the door! It seemed to me that the important part of the matter—that William had shot at his brand new wife—was ignored. Then came the question that nags at anyone who knows Maryann’s story. Why didn’t she leave? Why didn’t she use the phone? Why didn’t she call the police, her parents, a friend? “Haven’t you said in the past that if you had been able to get to a phone you would have called your parents?”

Yes. She had.

He produced three photos of Hasker’s apartment, which she had entered and burglarized while Larry and William stayed in the car. “And what is that please? On the table there. That white thing.”

“A telephone.”

“Will you draw a circle around it and show the jury?”

The ginger blossoms I had picked sat at her place on the table, but Maryann never got back to her chair. At the end of the day, she was taken out of the courtroom looking as limp as a rag. No wonder. Even I had begun to wonder what she was thinking or not thinking in 1978, and then I wondered what it must be like to have the world always unbelieving, suspicious. She is convicted by what she can’t

prove, although most of it is obvious: youth, stupidity, attraction, fear. I asked, in a whisper, if anyone wanted the cookies I'd brought, but Shigetomi, who was rapidly packing up his files, said, "I don't think we need a \$500 fine. Put them away."

That night, KITV focused on Maryann's "whatever" and "shut up" because that's what my old friend the cameraman had given them to air. Those words had given Murata his chance to say, "Nice. Very romantic," as his beginning snipe during his cross-examination, and his snide tone continued through the next day: "On June 29, 1978, you were interviewed and said your trip to Hawaii was only two days; is that right?" "About Cesario Arauza's car—you said it belonged to your husband's brother, is that right?" "About Arauza's murder—you said you were in a motel in Long Beach at the time. You were lying, right?"

Maryann nodded. "I lied to everybody at that time."

"And in January 1979 in California, you thought you were convicted of felony murder, right? Isn't that what you told us yesterday? But it does not say that on the conviction statement, does it? The truth is you are willing to lie to this jury."

"No sir, I am not."

Maryann was never considered the shooter in the Arauza murder, but she was there when the crime was committed, which in California is defined as felony murder. Murata was playing with words, playing with the jury. Next he began to recount Maryann's story in the most sarcastic tones. "And then the lovely idea of the Hawaiian honeymoon came up and you liked that idea, didn't you, and you went

out to Hanauma Bay, didn't you, and I'm assuming back then it was still beautiful and you were having such a good time you went and cashed in your return tickets and then you couldn't get a job or you didn't get a job and the idea came up of pulling a few robberies, and the truth is you were actually enjoying it; you were so comfortable in your role that you could spend two whole hours with Joe Leach and he didn't even suspect . . ."

After going on at some length, he then said abruptly, "The State rests, Your Honour."

Shigetomi's redirect made a point of the fact that the jury had only to decide whether Maryann had murdered Larry Hasker. She had served every year of her sentence for every other charge and this trial was only concerned with the murder, which had first earned her a thirty-year minimum sentence and then been vacated. Did she do it? Yes or No. He said he would call William back to the stand to discuss the fifty to seventy-five times he had talked to the L.A. sheriff's office "so the jury understands those discussions had nothing to do with Maryann and so they understand that he was what is called a jailhouse snitch."

Judge Town said he preferred the term "cooperating witness." He banged his gavel and we were done by 3:00 P.M.

I went to sleep that night with more hope than I had felt in years, and I woke to all the mourning doves Katy feeds fluttering against the roof shingles, cooing like crazy as if they too were ready to celebrate. It was our last day, and there were still two things on Shigetomi's agenda. First, he wanted to call an expert witness to explain the difference between a felony murder conviction (where a person is simply

present during the crime) and an accomplice conviction, which in Hawaii means the defendant has intended that the crime occur. Since Hawaii has no felony conviction, Shigetomi was concerned that the jury might want to convict Maryann as an accomplice. He wanted them to understand that she had no idea that Larry Hasker was going to be shot, therefore she was not an accomplice according to the legal definition of that term. Secondly, he had subpoenaed William to come back to the stand. William had been transported to the courthouse and was sitting in a holding cell on the third floor, just over our heads.

But William was refusing to come down.

At this point Murata remembered that he had left his jacket in the prosecutor's office, and Shigetomi said, "Bulletproof?" so I assumed things were moving along smoothly and William would be forced to testify. Shigetomi meant to demonstrate William's unreliability as a witness by exposing his activities as a snitch, but our deputy sheriff said it would take about two hours to "extract" William using the equivalent of a SWAT team. "He desires not to testify. We would need people and equipment."

Shigetomi said, "I would ask the court to extract him. I am entitled to put on a defence."

The judge asked what the scope of the testimony would be.

Shigetomi said, "We have documents that indicate that he was a critical witness in *People v. Jesse Gonzalez*." That was the man who had been sent to death row. Then Shigetomi went on to list other cases in which William had "participated" in exchange for special consideration. And in 1978, when he pled *no lo contendere* to first-degree murder in the Arauza case,



California Institution for Women, Christmas 2005

he asked them to agree to send him to Vacaville—a state mental hospital—instead of prison, but his reward that time was better than that. He was sentenced to life *with* the possibility of parole instead of life without. From then on, he always used his activities to obtain consideration. “He has been in protective custody, he has an alias, his housing is a secret,” Shigetomi reminded the judge. “You can ask Mr. Murata how difficult it was to find him inside the system. He won’t testify in front of a camera, and no photograph is allowed of his face. Now, once again he can go back and say he testified for the prosecution and use that to help himself. But he is refusing a lawful subpoena and the jury needs to know that. He can’t testify for the prosecution and not for me. His 1982 plea agreement was in exchange for truthful testimony. He can’t refuse to testify as my witness or I will ask the prosecutors to revoke their agreement. This is my case and I deem that his testimony is relevant and I want the court to extract him.”

Judge Town muttered, “William’s refusal sticks in my craw.” But after some thought he finally shook his head and when I saw smiles on a few faces in the jury box, I wanted to beat my breast and howl. After all the damage William had done, we had lost the opportunity to discredit him. Maryann sat through it all quietly and once, seeing her lawyer’s anger, leaned over and asked him if he was okay. Earlier I had asked Shigetomi how Judge Au in 1982 could have instructed the jury to consider whether Maryann was an accomplice and, if so, *find her guilty*. His answer: “Well, the wording is clearer now.” He had found the exact words Judge Au used, and they had no doubt confused and confounded the jury. One

of those jurors had said most of them didn’t think Maryann had “pulled the trigger, but she was the only one on trial.”

By 10:30 that morning, instead of the great exposé I had expected, we were done. Out in the parking lot, I saw William in the back seat of the deputy sheriff’s car, stone-faced. I wish I had taken a forbidden picture with my iPhone. I could have frightened him in my small way. Instead I stared and he stared back.

That Saturday morning I drove out to OCCC (commonly called O triple C), where Maryann was imprisoned in Module 8. This time there was a long line at the door and people were allowed in one at a time. I waited about half an hour and then learned that my shirt was, again, not acceptable. Long sleeves it had, but around the neck, “too much skin, auntie.” I asked for a cover-up and then had to wait for that. “I get the next shirt,” I said, in order to be cute with the guard, who had been jovial to that point. He frowned. “You telling or demanding?” I was immediately submissive, supplicant. Then the earrings had to come off. Then through the security gate and through the bolted automatic doors and across a courtyard and in through two or three more bolted gates. This was a real visiting day, and there were men sprawled all over the room on uncomfortable chairs with mothers, fathers, wives, girlfriends, babies, and kids. At the California Institution for Women, where Maryann had lived for thirty-one years, prisoners and visitors do not cuddle or kiss or hug. But here girls were sitting on laps, children were carried and adored, there was a lot of love being given and

received. When Maryann finally got called into that crowded room, she and I were the only *haoles*, which is the Hawaiian word for outsider, Caucasian. It seems almost to mean “intruder.” But Maryann was close to giddy. “Oh I just wish this could be Monday. I want it to be Monday. I want this to be over. So what did you think? I lay awake all night going over everything I said and I finally decided I was okay. Didn’t you think it was good the way I didn’t let Murata get away with those tricks he tried to pull on me?”

I wasn’t sure what she meant.

She said, “When he said he had a report that said I’d married William two weeks after we met, I asked to look at it and said, ‘Those are my dad’s words.’ I’m not responsible for what my dad said or thought. Linda, I never would have done that in 1982, would I? I would have just agreed and said, ‘Yes, yes, yes.’ And when he said he had a report that said I’d told William I felt like an actress in a movie, I said, ‘May I see that?’ And it was William’s report, William’s words, not mine. I never said that and I told Murata that right there on the stand.”

I said I thought she’d done everything right except for the “shut up” and “whatever,” but she seemed unconcerned.

“Well that’s the way it was. Really. That’s what I said when he wanted to marry me.”

No one used *whatever* as a catchword in 1978. But never mind. Whatever! We chatted about various jurors—who was okay and who might not be—and then we saw Keith Shigetomi stroll in. I hardly recognized him in jeans, a white polo shirt, messy hair, and flip-flops. He had come to see another client and went straight to one of the glass rooms reserved

for consultations while we sat on our hard chairs, and I told Maryann that I was so upset when William wouldn’t come down to testify that I’d gone back to Katy’s house at noon and gone straight to bed. I’d felt as if every drop of adrenalin had been drained from my body. I could hardly move for several hours. Anger it might have been or frustration or deep disbelief. I said I’d thought her good lawyer was really furious but then I’d heard his big, hearty laugh. Maryann said, “Oh he’s like that. Mercurial. He can turn on a dime.”

Which must be convenient when he’s dealing with someone like William. Maryann had met a woman at OCCC who remembered her from the L.A. county jail in 1979. The woman said, “I know you. Your old man put my old man in prison for life.” So even out here William’s jailhouse ratting had followed him. Meanwhile he was housed not at OCCC, but out at Halawa in his own private wing.

Maryann said, “How would you like to live your life with that kind of paranoia?”

We’d talked for forty minutes when the good lawyer sat down with us, stretching out his legs and looking pleased. “Well,” he said, “I think I’ve boxed them in. For sure Judge Town is going to give the jury an accomplice instruction, but I’ve asked him to introduce manslaughter in the equation. And if they go for that, well, there’s no accomplice to manslaughter so they can’t do anything but acquit.”

This was slightly incomprehensible, but his smile reassured me.

On Monday, the jury filed in and we got to our feet. Judge Town entered from the back of the room,

behind the bench, and we stayed on our feet. “Members of the jury, have you reached a verdict?”

Maryann was on her feet, just in front of me. Back in March, the State had offered her a deal. Plead guilty to manslaughter and we’ll let you go with time served. It was a huge temptation because she wanted to be back on familiar ground with the women she knew and the service dogs she loved. She did not want to go back on trial. But she would not plead guilty to manslaughter.

And now she was found guilty as an accomplice.

I remembered that last Christmas I spent in Hawaii with my children when Maryann was there too. She was twenty-two years old. Her picture was on the front page of the papers where one headline read: WANTED SEX AFTER KILLING, because that’s what William said about her. After my dismissal from the jury, when she was found guilty of first-degree murder in 1982, she was sentenced to life with a minimum of thirty years. If she had never appealed that conviction, she would be due for parole consideration in Hawaii by now. But because she appealed, that 1982 conviction was made null in 2005. And it might have stayed that way. The D.A. was dead. Judge Au was dead. Except for William, the witnesses were

dead. But I must not think that any fallen sparrow is unique. I imagined Maryann curled up in the prison yard, clutching a dog to her heart when she heard the new sentence. In the *Honolulu Advertiser* it was announced like this:

KILLER SENTENCED TO ONE HUNDRED AND
TWENTY-FIVE YEARS

Later that year she was finally paroled in California. Her freedom lasted for the two minutes it took to clear the prison gates, where she was picked up by officials from Hawaii and taken back there to serve the remaining years of her life. And beyond. One hundred and twenty-five Christmases. She will be serving time in her far away, unvisited Hawaii grave. How many ghosts must be exorcised to give the still-living a chance at living? How many appeals? There has been one for the sentence and Maryann may now be paroled. But the Hawaii Supreme Court heard an appeal on the conviction this April for which a decision is pending. And if that one is won? If the conviction is vacated once again? She could be arrested again. Charged with murder again. How much aspirin and gin? How many pennies dropped?