

AT 9:08 P.M., a silent alarm rang at Ajax Security Co., sending an armed guard to the midtown branch of First National Bank. When he arrived on the scene, the guard discovered masked men scooping \$20 bills out of the automatic-teller machines. One of the burglars physically attacked the guard, getting his own mask torn off in the fight and revealing his face to the bank's video system.

Somehow the guard managed to pull his gun and shoot, hitting his adversary squarely in the chest. The second burglar dropped the money and went to his bleeding partner's aid. He dragged his injured friend into a light-colored car hidden in the nearby alley. Both bank robbers escaped.

About 7 miles away, a pair of workmen from the water department had just finished restoring service to a rural neighborhood. "The water was off for about an hour," the senior technician later told the police. "We got it running at about 8:55, then stopped for a cup of coffee. We were just heading back when Mike spotted this guy in a field. It was a full moon and we could see he was dragging something through the weeds. We pulled over to see if he needed help. And then we saw the body. He was dragging this dead, bloody body. This guy was little and didn't have a gun. So Bill held him while I phoned the police. That was like 9:25."

"We arrived at 9:31," Officer Brill explained. "The man identified himself as Wally Heath. The body had a bullet in its chest, but Mr. Heath didn't have any explanation to offer. He invited us into his house. Mr. Heath, as it happens, lives right beside the field. The house was furnished nicely but kind of messy. He said his wife had recently left him, run off with some traveling salesman. He seemed more preoccupied with telling us about his domestic situation than about this body. We were there for maybe 10 minutes. Just before we took him in, the washing machine timer went off. We went with him to check it and saw the clothes in the washer were kind of dingy, like they'd been sitting in dirty water. We advised him not to touch

them, just in case there might be some evidence. Then we read him his rights."

When the case came to trial, Wallace Heath stood accused of robbery, not murder. The corpse he had been dragging through the field has been identified as the late Judd Okan, a career criminal with a rap sheet in burglary and larceny. Computer-enhanced "sills" from the surveillance camera identified him as the unmasked burglar shot by the security guard. A still of the other robber remained unhelpful. Although the masked image did resemble Wally Heath in general size and build, it also resembled hundreds of other local men.

In court, Wally Heath's attorney seems at a loss.

DEFENSE: My client has absolutely no criminal record. He has lived in this town for 8 years, held the same job for 7 and was married to the same woman for 12. Although the Heaths were not a particularly sociable couple, Mr. Heath has been known to be a law-abiding man with the patience of a saint. He was at home the entire night in question, watching TV and doing his laundry.

True, Mr. Heath is not willing to tell us how he happened across Judd Okan or why he was dragging the body through the field behind his house. But it is not the Defense's job to establish Wally Heath's innocence. Rather, it is the Prosecution's job to establish his guilt, something they will be unable to do.

You and your fellow jurors are also at a loss. If Heath is so innocent, then why won't he explain his incriminating behavior?