

GUILTY UNTIL INNOCENT

ROBERT WHITLOW



THOMAS NELSON
Since 1798

Guilty Until Innocent

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To those who fight for justice and never give up.

*But let justice roll on like a river, righteousness like
a never-failing stream.*

AMOS 5:24

PROLOGUE

The air-conditioning in the Blanton County Courthouse was fighting a losing battle against the oppressive July heat of the eastern North Carolina summer. Joe Moore pushed aside his light brown hair, wiped beads of sweat from his forehead, and rubbed his hand on his pants. He was wearing a blue suit that his mother had purchased for the final day of the trial. Early that morning, she'd brought the clothes to the jail, including a freshly ironed white shirt and a yellow tie.

"I wish you were putting this on for church," Myra Moore said when she placed the neatly folded clothes on the table in the room where prisoners met with their families.

"For my funeral," Joe replied morosely.

"Hush, don't talk like that!" his mother said, a tissue tightly clutched in her hand. "Mr. Clark says he's going to explain everything to the jury in a way that they can see you're not guilty."

Joe stretched out his lanky legs and lowered his head for a moment before forcing himself to make eye contact with his mother.

"Mama, you've heard the testimony and seen what's been introduced into evidence. I'm going to be convicted. That's how I'd vote if I were on the jury."

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“I hate the drugs, but it’s not in your heart to kill someone,” Myra replied in a determined voice.

Joe knew it was pointless to argue. Guilt was irrefutable. His presence at the scene. The bloody knife. The fingerprint evidence. The crystal meth in his system. His history of fighting when high. The blood of the victims on his clothes, and worst of all, the photographs of the bodies.

“Who’s going to be there with you?” he asked.

“Sissy and some of the cousins. Hopefully, Aunt Vi will make it. She was feeling puny after yesterday. I need to be surrounded by my people.”

“Please don’t scream if it goes bad.”

Tears streamed down his mother’s cheeks. “Don’t ask me not to care!”

“I know you care, maybe too much.”

His mother reached across the table and grabbed Joe’s right hand tightly with both of hers. “That’s not possible.”

Joe sighed. “Do whatever you feel in the moment.”

“When God answers my prayers for you to be set free, I plan on shouting, ‘Hallelujah!’”

Being on trial for murder someday had seemed unlikely after Joe graduated toward the top of his high school class and enrolled in the local community college. As an elective in college, he’d taken a criminal justice course. Much of what had taken place during the trial matched what he’d studied in the course. But a huge gap separated the words in the textbooks from the reality of Joe’s experience. He understood why the overwhelming majority of

criminal defendants either pleaded guilty or were convicted. The resources at the government's disposal were immense. Resistance appeared futile. There'd been no plea deal. Joe's appointed lawyer told him a prosecutor's political career was made on high-profile convictions.

Joe again wiped away the sweat that now threatened his soulful brown eyes. A potbellied bailiff entered the courtroom, followed by the twelve-person jury of seven women and five men. Joe's lawyer had been pleased with the jury selection. Joe wasn't clear on exactly why. At the prosecution table sat the district attorney and Norris Broome, the chief investigator in the case. Inside Joe's pocket was a Bible verse his mother had slipped to him when she entered the courtroom. He'd not taken it out to read it.

"All rise!" the bailiff announced.

Joe stood but didn't turn around. He could feel the presence of his mother and sister in the row behind him. A double murder case was a huge event in Cranfield, and the courtroom was filled with spectators. The prominence in the community of the two victims, especially the young woman, had increased the local fascination.

"Be seated," Judge Brinson said in a deep, thick Southern drawl.

Rustling could be heard across the room. Joe forced himself to breathe. The absence of hope he'd expressed to his mother that morning had found a few live embers when he listened to Tom Clark's closing argument. The young lawyer gave an impassioned appeal. The evidence was grim, but there were unanswered questions and no direct eyewitnesses to the stabbings. Perhaps it was enough for what the judge had described to the jury as reasonable doubt.

"Have you reached a verdict?" the judge asked.

A man in the front row stood. "We have, Your Honor."

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“Please announce the verdict.”

The foreman, a local building contractor, looked down at the indictment in his hand and cleared his throat. “On count one, we the jury find the defendant, Joseph Moore, guilty of murder in the first degree of Cheryl Drummond.”

Joe heard his mother gasp and then groan. He clenched his hands tightly at his sides.

“On count two, we the jury find the defendant, Joseph Moore, guilty of murder in the first degree of Martin Brock.”

“Was your decision unanimous?” the judge asked in a matter-of-fact voice.

“Yes, Your Honor.”

The judge looked toward the defense table. “Any exceptions to the verdict from the defendant?”

“We reserve those for a motion for a new trial and appeal,” Tom Clark responded.

“The defendant will remain in custody pending sentence,” the judge said, banging his gavel.

As he was led from the courtroom by two deputies, Joe knew he should look back at his mother, but he couldn’t force himself to do so. His shame was too great; the agony he knew would be on her face too painful to see.

CHAPTER 1

TWENTY-SIX YEARS LATER

Joe rested his head on a smooth rock and dozed off. It was 12:30 p.m. at the Lower Piedmont Correctional Center. He'd stretched out on ground checkered by uneven patches of shade provided by a small stand of pine trees at the eastern edge of the vegetable garden. His best friend, a Black inmate named Ray Simpson, with whom Joe shared the same birthday, had selected a nearby spot for his midday siesta. The fourteen prisoners in the work detail had finished a lunch of bologna smeared with yellow mustard on white bread, dill pickles as thick as the end of a hoe handle, and potato chips from bags that expired months before they arrived at the prison. They washed down the meal with water from white plastic containers. When they left the main prison compound at 7:00 a.m., the containers held equal parts ice and water. By noon, the June sun in the sandhill region of North Carolina had turned the ice to liquid. But the water was still cool enough to refresh their parched throats and replenish some of the sweat lost during the morning's work.

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After eating, the work crew was allowed thirty minutes to talk, rest, smoke, or chew. Joe no longer smoked or chewed. Because the crew worked within the confines of the medium-security-level facility, no guards accompanied them to the field. A hundred yards beyond the eastern edge of the garden was a ten-foot-tall chain-link fence topped with graceful coils of glistening razor wire. Twenty feet beyond that fence was another barrier just like it. Watchtowers manned by armed guards provided clear lines of sight from multiple angles. The men assigned to garden duty weren't flight risks. Working the four-acre plot of ground was a coveted assignment. Not only did the men perform productive work, but they also got to enjoy the first ripe strawberries and eat sun-warmed tomatoes. Even though he was incarcerated for murder, Joe had transitioned from a maximum-security facility after six years behind bars. He'd been a model prisoner. Good behavior brought benefits. A significant number of the men at LPCC had also been convicted of violent offenses, but when not under the influence of alcohol or drugs, they wouldn't necessarily stick out as potential convicts at a Sunday school picnic. Joe fell in that category.

When he lay down, Joe positioned his straw hat so that it provided an extra layer of protection from the sun. The battered hat covered his face all the way to his chin. He folded his hands neatly across his chest on top of the broad orange stripe that ran down the front of his dingy white overalls. An equally broad orange stripe ran down the back side of the overalls. Beneath the overalls, Joe wore a plain white T-shirt. His clothes were stained from reddish-brown clay mixed with sandy soil.

Joe had been using the rock pillow ever since it emerged from the ground when a tractor plowed the garden in preparation for the

spring planting. It was amazing how the soil continued to produce a harvest of stone. The men on the crew had started calling the pillow “Joe’s rock.” It made Joe think about the patriarch Jacob, who once used a rock as a pillow at a place where heaven opened and a ladder reached down to earth. So far, Joe’s rock had only served to keep his head off the ground.

Seventy-five days earlier, the men had planted okra, bush bean, and lima bean seeds in cold frames built on the north side of the garden. They later added tomatoes and a special section dedicated to seedless watermelons. The earlier plants were maturing in the field. The okra plants were covered with light green pods. Fried okra would soon be on the menu for supper in the prison dining hall. Joe liked okra dusted in cornmeal and fried in a cast-iron skillet. The crunchy little pieces were like candy. He felt a tap on one of his black boots. He twitched it to the side. A second, more insistent tap followed.

“Joe, are you awake?” a voice asked.

“I am now,” he replied, pulling the hat away from his face and sitting up with his legs crossed in front of him. “I was dreaming about a plate full of okra.”

“That’s not a dream,” said Deshaun, a muscular Black man in his late twenties who’d recently come to faith through the influence of the men on the garden crew. “We’ll be eating it tonight.”

“And in a couple of weeks we’ll have stewed okra and tomatoes,” Joe said. “There are blossoms on the tomato plants.”

Deshaun sat on the ground beside him. The younger man was serving a sentence of 120 months for robbing two convenience stores and a liquor store in a single night. No weapon was involved. Deshaun was arrested less than a quarter mile from the liquor store. He pleaded guilty.

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“My wife served me with divorce papers,” Deshaun said, hanging his head.

Joe frowned. They’d been praying for Deshaun’s marriage in the Bible study and prayer group held in the building where both men stayed. The young couple had two sons in elementary school. Joe had met Kiesha once when she came to visit. She was a shy, quiet woman.

“I knew it was coming,” the younger man continued. “One of my uncles found out she’s been stepping out on me. I know ten years is a long time to wait, but she’s stuck by me for over two years, and I thought we were going to make it.”

“Just because she filed papers doesn’t mean she’ll go through with it.”

Deshaun glanced over his right shoulder at the area where the rest of the men were relaxing. Ray let out a snort that signaled he was sound asleep.

“Maybe, but I can’t take that chance,” Deshaun said in a soft voice. “I believe I can stop it. My older brother and one of my cousins are willing to pay a visit to the dude she’s seeing. They’re big boys and should be able to scare him off.”

“You don’t want them ending up in a place like this,” Joe said, shaking his head. “That’s not going to solve anything.”

“Oh, they’d just talk to him.” Deshaun looked away. “Or knock him around a bit without really hurting him.”

“Let’s go at it another way.”

“We tried praying.”

“Pray and act,” Joe said.

“What kind of act?” Deshaun asked with a puzzled look on his face. “We’re locked up in here.”

“Promise me that you won’t turn your brother and cousin loose. Not yet.”

“What do you have in mind?”

“Let me talk it over with Ray and get back to you later this evening.”

Deshaun stared across the field toward the metal fence. He closed his right hand into a fist, then released it.

“Okay,” he sighed.

The phone on Ryan Clark’s desk hadn’t buzzed all morning. That wasn’t surprising. He’d been working at the law firm for only two months, and all significant communication about cases was funneled through his boss. Ryan had met with a handful of clients, but only when Tom Clark, Ryan’s second cousin once removed, was also present.

Tom was a gregarious, friendly man who liked to help people and accepted a broad array of legal matters, even those that had to do with areas of the law in which he had little or no experience. One of his mantras was “Don’t turn a case away too quickly. You never know where a million dollars might be hiding!”

Ryan didn’t know Tom very well before joining the firm. They’d rarely talked at the biennial reunions of the extended Clark family in Fayetteville. Tom and Ryan’s father were close in age, but the families never socialized or spent time together while growing up. Tom and his wife, Karen, had no children. Ryan was thirteen years old when Sam Clark, his father, died suddenly in a drowning accident. Tom attended the funeral and made a point to pull Ryan aside and

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offer to help in any way possible. Tom followed up his words with a condolence card repeating the same message. Ryan called in the favor fifteen years later and drove to Cranfield for a job interview, even though he doubted the offer remained valid.

Ryan was the third associate hired by Tom in the past eight years. All the others had either been fired or moved on. Ryan knew the employment history of previous attorneys when he accepted the job offer, but his own career had reached the point of no viable options. At the moment, he was deep in the labyrinth of the secured transaction provisions from the North Carolina version of the Uniform Commercial Code. It was a topic he'd not thought about since passing the bar exam three years earlier. He rubbed his eyes and ran his muscular fingers through his short, sandy hair. A knock sounded on his door.

"Come in!" he called out.

"Ready for a lunch break?" Tom asked, patting his ample stomach.

"No, I brought an apple from home and plan on working straight through on the UCC question. I know you need a memo before the end of the day."

"I wasn't serious about that deadline," Tom replied with a dismissive wave of his hand. "Tomorrow will be soon enough. There's someone I want you to meet."

Ryan had learned to pin down the senior partner when a deadline was involved.

"What time tomorrow?" he asked.

"Ten thirty," Tom replied. "I have an eleven o'clock meeting with the client. Thirty minutes will be plenty of time to review your research."

"That will work," Ryan said, getting up from his chair.

At five feet ten, Ryan was the same height as his cousin but without the extra weight around the middle. A varsity tennis player in

college, Ryan was a defensive specialist who won a lot of matches by frustrating and wearing down more aggressive opponents. Tenacity in the face of adversity had been one of his strengths, but his sketchy employment history since law school had worn him down. For the past few months he'd occasionally struggled with anxiety attacks.

"An apple isn't a meal," Tom said, putting his arm around Ryan's shoulder. "You're doing a fantastic job and deserve a nice luncheon."

Ryan hoped the compliment was genuine. The majority of his interactions with his new boss had been positive, but there had been a handful of negative outbursts.

The town of Cranfield was the county seat of Blanton County. The community of twelve thousand people was only a ninety-minute drive east of the city limits of Charlotte, but the difference in culture and pace of life was as stark as if the two locations were a thousand miles apart. The main economic engine for Blanton County remained agriculture. For decades tobacco was king, but soybeans were now more common, and chicken houses had increased in popularity.

Ryan and Tom walked down a short hall decorated with photos Tom had taken of pastoral scenes in Blanton County. The lawyer especially liked old tobacco barns with faded wooden sides. The law firm occupied a two-story 1940s-era house that had been converted to office space twenty years earlier. Tom owned the building. The extensive renovations had included hardwood floors, crown molding, and expensive furnishings. An oriental rug covered the reception-area floor. The seats and couch were soft leather. Outside, the yard had been meticulously landscaped and featured a parking area with brick pavers.

"Nancy, we'll be having lunch at the club and won't be back for a couple of hours," Tom said.

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Nancy Coltran, a smartly dressed gray-haired woman in her late fifties, was a personal friend of Tom and his wife and served as receptionist and bookkeeper.

“Don’t forget you have an appointment at one o’clock with Sean Patterson,” Nancy said.

“Reschedule it for later in the week,” Tom said. “He’s wanting an update when there’s really nothing to tell him.”

As they proceeded out the door, Tom turned to Ryan. “Remind me to give you the Patterson file when we get back to the office. It needs a fresh set of eyes before I take any more depositions. Our client wasn’t candid about the facts when he hired me, and I need to figure out the best exit strategy for him and the law firm.”

Tom could be as quick to terminate a case as he was to initiate one. They got into his cream-colored Cadillac.

“Who is it you want me to meet?” Ryan asked as he buckled his seat belt.

“You’ll find out when we get there. Enjoy the suspense as much as you will the buffet served at the country club on Monday. The prime rib is outstanding.”

Ryan loved beef. He wasn’t picky. It could be prime rib, steak, or a well-seasoned hamburger.

“The other time you took me to the country club they served a seafood medley,” he said. “I liked it.”

“You needed a nice meal after they let you go at Summers, Donovan, and Rangel.”

Upon graduating in the middle of his law school class at Chapel Hill, Ryan landed a job with a big firm in Raleigh. That job lasted nine months. A research memo he prepared failed to identify a judicial precedent in California adverse to their client’s position. The issue was crucial to the case even though the lawsuit was filed in

North Carolina. As a result, the lawsuit was dismissed with prejudice by the judge. The client suffered a loss of five million dollars in potential revenue, and the law firm faced a legal malpractice claim. If he'd been at the firm longer, Ryan might have survived. But he was little more than a glorified summer clerk and the damage was too great. Firing him made the law firm's management appear proactive. The managing partner, a gruff man in his late fifties, stood over Ryan while he cleaned out his desk. Ryan then endured a walk of shame to the parking deck. Fortunately, his wife, Paige, had a steady job working remotely for a government contractor based in Reston, Virginia, but her income was barely enough to pay basic bills.

After being out of work for six months, Ryan was hired by Summers, Donovan, and Rangel, a smaller law firm in Durham that specialized in commercial real estate law. One of the senior partners was a woman who wasn't actively involved in the interview process. For reasons unclear to Ryan, she immediately started criticizing his work to his face and behind his back. He applied himself diligently in an effort to overcome her negative opinion. Things seemed to get better, but a week after he celebrated a year at the firm, the woman fired him. He later learned that she wanted to hire the daughter of a friend to replace him. A six-month period of unemployment marked by multiple rejections followed. Two job terminations so close in time produced a barrier that seemed impossible to overcome. Ryan considered trying to find a corporate job other than with a law firm. As a last resort he contacted Tom. When his cousin offered him a job at half the salary of the associate position with the law firm in Durham, Ryan accepted immediately.

They reached the entrance to the Western Hills Country Club. The club boasted an eighteen-hole golf course and six composite-surface tennis courts. Ryan hadn't played tennis since arriving in

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town and wasn't sure he wanted word to get out that he was a good player. After competing at a high level, he wasn't interested in hitting the ball back and forth with a novice.

"Didn't you play tennis in college?" Tom asked as they passed the courts. "There was something about it on your résumé."

Ryan suddenly wished he'd scrubbed that information. "Yes, but not much during law school."

"Maybe Daniel Milton from the district attorney's office will be in the dining room. He's always looking for a tennis partner. If he's there, I'll introduce you. It never hurts to have a friendly face at the courthouse."

Tom drove down a tree-lined avenue and turned into the parking lot. The clubhouse was a stone-and-wood structure with large Palladian windows on the front. They walked up three steps to the double front doors. The entrance to the dining room was directly in front of them. Tom signed in at the host station.

"I'm almost maxed out on my food allowance for the month," Tom muttered as they made their way into the room filled with tables covered with white cloths. "When you calculate the monthly membership fee, it's not a very good deal. We're at table twelve."

The carving station for the prime rib was to their right. There were four chairs at table twelve. No one was sitting there.

"He should be here by now," Tom said, glancing around. "He's never late and gives me a hard time when I am."

A waiter wearing a white shirt, black pants, and a straight black tie took their drink orders.

"I'm not going to wait," Tom said after the waiter left. "I'm starving and want to get a cut of meat from the center."

They made their way to the prime rib table. Tom looked toward the entrance to the dining room.

“There he is,” he said.

A short, slightly built man with dark hair and a friendly smile on his face approached. He was wearing an open-collared shirt and cream-colored pants. He shook Tom’s hand.

“Ryan,” Tom announced, “this is Charlie Drummond. He’s the law firm’s biggest and best client!”

“No need to broadcast it all the way to Union County,” Charlie replied, the smile remaining on his face.

Charlie extended his hand. Ryan noticed a large gold ring on the client’s right hand and an expensive watch on his left wrist.

“Nice to meet you,” Charlie said. “I understand you and Tom are kinfolk.”

“Second cousins once removed,” Tom answered.

“How does that work?” Charlie asked. “I can never keep that straight.”

“We share common great-great-grandparents and great-grandparents who were siblings, but I’m one generation older than Ryan,” Tom said. “His father and I were born in the same year. Isn’t that right?”

“Close, but actually he was two years older than you,” Ryan replied.

“In a family as large as ours, it takes a book to keep up with the details,” Tom said with a laugh.

Tom led the way back to their table.

“Charlie owns and runs a bunch of businesses,” he said. “Farms, rental property, an industrial park.”

“Thanks to my family,” Charlie said. “My grandfather got the ball rolling. I just nudge it along.”

“That’s too modest,” Tom objected. “You’ve grown everything a bunch.”

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The waiter took Charlie's drink order. They again made their way to the carving station. Charlie stood next to Ryan.

"Where do your folks live?" he asked.

"My mother is in Burlington," Ryan replied. "My father died when I was thirteen."

"Cancer or heart attack?"

Ryan cleared his throat. "No, drowning accident."

"I'm sorry to hear that," Charlie said, then paused. "I had an older sister who died young, murdered when she was twenty-five."