

Chapter 21

THE COURTROOM WAS SILENT WHEN THE SIDE DOOR opened and the small boy walked in. He looked like a child of nine or ten, rather than thirteen. Mollye watched Ricky's face intently as Alex approached the witness stand. His eyes were riveted to the boy. The jurors also watched Alex as he made his way to the witness stand in his green jumpsuit, handcuffs pinning his tiny wrists. Mollye was stunned to see him wearing the restraints. She had covered plenty of other trials where convicted adult criminals had been allowed to testify without shackles. She wondered if the State truly considered this eighty-five-pound boy a risk, or possibly hoped to imply that this child was a threat to society.

Alex took a seat in the witness box and dropped his eyes to the floor. Cameras clicked furiously when the boy raised his shackled hands in an attempt to swear his oath before the court, the handcuffs appearing larger than his arms. The boy was also forced to face the graphic pictures of his father's bloody, beaten body. The crime scene photos were propped up directly in front of him, and although Alex looked down most of time, periodically he would stare at the pictures for a few moments and shake his head almost imperceptibly, as if in denial or shock.

Rimmer was quick to let jurors know Alex was also

charged with first degree murder. He was abrupt with the young prisoner, handling Alex as if he were a liar, instead of his key witness against the man who was supposed to be on trial.

“Do you know Ricky Chavis?” Rimmer asked the boy. Alex locked his eyes to his hands folded on the bench before him, answering yes. The prosecutor then asked him to identify Chavis. The handcuffs forced the child to raise both hands. He looked up long enough to point to Ricky Chavis and immediately dropped his head.

Rimmer then began a brutal line of questioning that helped jurors understand Alex’s relationship with Ricky Chavis. He was curt as he asked Alex if he had once believed he was in love with the forty-year-old man, and systematically produced one love letter after another that Alex had written to him. The boy answered each question politely, looking embarrassed.

“Did you write this?” Rimmer asked, displaying one of Alex’s notes.

“Yes, sir.”

“What does it say?”

“‘I love you, Rick,’” Alex read, his voice barely above a whisper.

“Is this your handwriting?” he asked again, and insisted the boy read it aloud.

Alex looked up long enough to take the paper. “‘Alex David King loves Ricky Marvin Chavis so much, always and forever.’” His head dropped again. The process continued for well over a dozen letters.

Rollo objected. He didn’t want all the letters entered into evidence for fear the jury would see the extent of his client’s relationship with the child and realize his possessiveness could be a motive for murder. Judge Bell overruled Rollo’s objection.

The prosecutor continued with his barrage of questions on Alex's childish love letters. "In that note did you say at the end of it, 'Before I met Rick I was straight, but now I'm gay'?"

"Yes, sir."

"Why did you think you were gay?"

Alex hardly moved, refusing to look up. "Because Rick had told me that." The boy said he had a sexual relationship with Chavis that began before his father's death, but Ricky had hidden it from Terry. As he testified about the details, including how often and where they had been intimate, as well as his desire to live with Ricky, Alex's quiet voice became even softer.

"Why did you want to be with Rick?" Rimmer asked.

The boy's voice grew almost inaudible. "Because I was in love with Rick and—because of the different—like he let me play video games and stuff, like he had game machines. It was funner over at his house, I guess."

"Alex, when you were at Ricky Chavis's house, did he ever give you any marijuana?"

"Yes, sir."

"How did you feel about your dad at that time?"

"I don't know. I love my dad." But Alex admitted that he did call his dad by his first name when he was angry.

"Now, after you ran away on November sixteenth and you were reunited with your dad and your brother on Sunday, November the twenty-fifth, did you have a conversation with Rick Chavis over in Pace in Santa Rosa County that Sunday afternoon?"

"Yes, sir."

"What was that conversation about?" Rimmer asked.

"He took me over to McDonald's and told me to like make sure like we were home at twelve o'clock so that he would pick us up, told me to make sure the back door was unlocked."

Alex described what they did during the hours before his father was murdered. He said his dad went into the “green room” while he and Derek went into their room to play board games. Then, Alex said, he began to set Rick’s plan into motion.

“I went to the bathroom—I unlocked the back door, used the bathroom, came back to our room. And me and Derek waited there for a while. Derek fell asleep and—Rick came in our room and he told—woke Derek up and told us to be quiet.” Alex said Ricky then had them wait in his car. They folded down the backseats and crawled into the trunk, where they hid until he returned.

“Okay, so you and your brother get in the trunk. Where was Rick at that point?”

“In the house, I believe.”

“Okay. Then what happened?” Many of the jurors leaned forward as the boy continued.

“We waited there for a while and he got—I heard him get in the car and asked us if we were all right and we said yes, and he started the car.”

Alex said Ricky told them what happened after they returned to his trailer. “Well, he took us inside, said that there had been a fight, said there had been an accident, and said that my dad was dead. And then he said that he’d—he said that he had done it for us and like he—he said that our dad would have killed us before he would let us go live with him.”

“Did Rick want you to come and live with him?”

“Yes, sir.”

“When you got back to Rick’s house that night, did he wash your clothes?”

“No, sir.”

“Did Rick tell you how the fight happened?”

“Well, he said that he was—that he had done it to protect us, but not really.”

“Did he give you any details at all?”

“Yes, sir. He said that a bat had been involved.”

“Did he tell you where he hit your dad with the bat?”

“He said in the head.” The Court TV camera zoomed in tight on the boy, while reporters scribbled on their notebooks. This was the first time the public had heard his own account of the crime. He revealed that Ricky had kept him and Derek at his home for nearly two days, convincing them to take the fall for their father’s murder, before he turned the children over to investigators.

“What did Rick Chavis say?” Rimmer asked.

“Well, he wanted us to take the blame for it ’cause we could get off with like self-defense and he knew police officers that could back us up and he told me—us—a story and kept going over it.”

“What story did he tell you that he kept going over?”

“I don’t remember it too well but I had been—like I had been thrown, like my dad had thrown me across the room or something and like Derek had killed him to protect me.”

“So Rick Chavis told you to tell the police that Derek had thrown you across the room?”

“Yes, sir.”

“And that Derek had killed him to protect you?”

“Yes, sir.”

“Now is that what Rick Chavis had told you to tell the police?”

“Yes, sir.”

Mollye shook her head in amazement as she took notes. Ricky claimed that he “only wanted to help” the children, but he had wasted little time delivering the boys into the hands of the Sheriff’s Office. If they had been guilty, a friend

who was genuinely concerned would have taken the boys to an attorney, who could maneuver them through the legal system and work out a deal that was in their best interests. But Ricky, a convicted felon, didn't do that. He had made a career of criminal behavior as well as avoiding the consequences. Through Ricky's efforts, law enforcement had focused on the children, deflecting any suspicion from him.

Alex testified that Ricky called his friend Deputy Reggie Jernigan to pick them up and bring them to the Sheriff's Office. Once they arrived, they recited the tale Chavis had given them. Rimmer appeared to grow more annoyed with the boy as he stubbornly stuck to his story. At one point he asked the child if he had ever deliberately hurt himself while he was in jail.

"Yes, sir," Alex answered quietly.

"Why were you doing that, Alex?" Rimmer demanded.

"Because it was colorful."

"Colorful for whom?" Rimmer asked.

"Me."

"Why did you want to be colorful? Did you think it would help you when you testified?"

"No, sir."

There was a long pause. Long enough for people in the courtroom to wonder why the prosecutor had pursued that line of questioning and why the court allowed the prosecutor to proceed in his blatantly hostile examination of Alex. Ricky didn't need Mike Rollo. He had David Rimmer on his side.

"And it's your testimony that Rick Chavis killed your father?" the prosecutor finally asked.

"Yes, sir."

Finished with his questions, Rimmer returned to his seat. Alex was motionless on the stand while he waited for Mike Rollo to take over where Rimmer had left off.

Glasses and suit in place, Rollo interrogated Alex with disdain. "Before your testimony today, you met with your attorney all weekend, didn't you?"

Alex responded that he had.

At the back of the room, James Stokes realized where Rollo was going. The defense attorney intended to imply he had coached the boy on what to say on the stand.

"All day Saturday, all day Sunday until late in the evening; isn't that true?" Rollo pushed.

"Yes," Alex said.

"Your attorney is James Stokes?"

Stokes was practically hopping in his seat, itching to come to his client's defense. He glanced at Rimmer, who was taking notes as if he had no intention of interfering.

"He became your attorney shortly after you confessed to killing your father, did he not?" Rollo continued. "And when he first met with you, he told you not to make any other statements or talk to anyone about what you—"

Stokes's tall, lanky frame was suddenly towering above the seated crowd. "*Objection!*" he said loudly, his voice tempered with a hint of caution. He walked slowly toward the bench, fully expecting to be reprimanded.

Judge Bell turned to him in surprise. "Mr. Stokes, this is not your trial," he said, then looked at Rollo. "We've got a problem here. Mr. Rimmer is representing the State and you're representing Mr. Chavis. Mr. Stokes is representing the witness, but not in this trial. Obviously those types of questions are, I think, sort of lawyer/client privilege. I don't want to inject myself into a role here, but who's—" Judge Bell turned to James. "Mr. Stokes, I guess since he's your client—"

"I object," Stokes repeated. "This is attorney/client privilege."

"It seems pretty obvious to me," Bell agreed.

Rollo defended his question. "I think the question can be asked under the law, and if there is an assertion of privilege that's made at that time . . ." He looked at Rimmer, who remained silent. ". . . apparently Mr. Stokes is making it." Rollo was merely stating the obvious, but the remark spoke volumes. Stokes had to object because Rimmer certainly wasn't going to do it.

The judge sustained Stokes's objection, and the former Marine lumbered back to his seat, surprised and relieved he hadn't been tossed out of the courtroom.

Rollo turned back to Alex and rephrased his question, asking the boy if Stokes had been his attorney since shortly after his confession to the police, during the time he testified before the grand jury, and up until this trial. Alex agreed that was true.

"And that's when you changed your story and stated under oath that, in fact, all of your confessions to killing your father or standing by while Derek killed your father, the murder that you planned, that's when you said, no, that really didn't happen; isn't that true?"

Alex wasn't rattled. "Yes, sir," he replied.

Rollo fired one question after another, his doubt and disgust with Alex's answers ringing in every syllable. He continued the barrage for more than an hour, hoping to wear the thirteen-year-old boy down, tear into his weaknesses and expose any inconsistencies in his statements. Mollye kept a close eye on Ricky during the interrogation, wondering if he felt protective now, as his own defense attorney attacked the child he claimed to care so much about.

Ricky stared at Alex, a strange look on his face that Mollye recognized as yet another of his unsuccessful attempts to look pleasant, caring, and misunderstood. Alex sat on the witness stand, an offering on Ricky's altar of perverted self-

gratification and self-preservation. This was the culmination of Ricky's insidious manipulations and betrayals.

Mollye turned her attention back to Alex. Instead of completely undermining the boy's credibility, Rollo's harsh interrogation had helped induce sympathy for the boy. Alex was relieved when he was finally allowed to leave the stand after nearly two hours.

Judge Bell watched him disappear into another room, his handcuffs jangling on his wrists, then called the attorneys to the bench. "When you brought that last witness out, the youngest, Alex, they had him in handcuffs. What's the reason for that?"

"I don't know," Rimmer said. "I didn't have anything to do with it."

Rollo shrugged. "I didn't either."

Bell ordered the security officers to remove Derek's handcuffs before bringing the boy into the courtroom. "These guys are kids," he chastised. "They're not going anywhere."

Derek's arms were swinging by his side when he walked into the courtroom, his outgoing demeanor the opposite of Alex's withdrawn composure. He looked as angelic as his brother, even in a green jumpsuit, his pale skin contrasting sharply with his dark hair. Derek took his seat in the witness chair and immediately began looking around the courtroom; at the gallery, at the jury, Ricky Chavis, and the judge, seemingly interested in everything that was going on. His voice was loud and clear as he was sworn in, and he looked directly at the attorneys as they spoke to him.

He had not received his ADHD medication during his months in jail, and the lack of medication was apparent as he sat in the witness box, fidgeting. Derek quickly moved through the same routine as his brother, identifying Ricky

Chavis and explaining the series of events that led up to the first occasion they ran away to be with him.

“Why did you want to be with Rick?” Rimmer asked the boy.

“I don’t know, I guess because my brother did,” Derek said, his Southern accent ringing clearly throughout the courtroom. Derek testified that Ricky had encouraged them to run away, even making the arrangements by giving Alex money and two keys to his home. He said they would hide from their father in a small room underneath Ricky’s trailer, accessed through a trapdoor in the floor. After he was returned to Terry, Derek said he kept quiet about Alex’s whereabouts because he didn’t want to get his brother and Ricky “in trouble.”

Rimmer directed Derek’s attention to the night of the murder, and the boy described the same scene for the jury that his brother had detailed.

“What happened after you got back to Rick’s house?” Rimmer said.

Derek reflected. “Let’s see. We went to Rick’s house, we sat down, and we were watching TV, we smoked some marijuana. Then after we smoked—well, yeah, smoked it, went—then I went to sleep. Then I was woken up—well, I woke up, then watched some more TV, and then me, Rick, and Alex went into his bedroom and we—well, we didn’t go to sleep, we just sat up in there and talked.” He couldn’t remember what they had talked about but he said they stayed there until the news came on in the morning.

Listening appeared to be an effort for Derek. He answered the questions, but occasionally became confused. Each time Rimmer paused to review his notes, Derek gazed around the room, hoping to spot a familiar face. Rimmer, however, was keenly focused.

“Did he ask you and Alex to do anything for him?” Rimmer asked.

“Cover for him,” Derek replied.

“What do you mean?”

“Well, take the blame.”

“What did he say about you and Alex taking the blame?”

“He said that we had to take the blame for him because he promised his mom right before she died that he would never get locked up again.”

There was an audible gasp from the crowd at Derek’s answer, but he seemed bewildered, looking from the judge to the jury to the attorneys. Sitting in the back, Sharon Potter bit back a smile, realizing her client hadn’t been instructed not to mention Ricky’s prison time. The attorneys approached the bench and Rollo demanded a mistrial, stating the damage Derek’s comment had done to Ricky Chavis’s case was incurable. Judge Bell dismissed his claim, saying people go to jail for many crimes, both serious and minor. It was a *déjà vu* moment for Mollye. Ricky had told her about that same pledge he made to his mother before cancer took her life. The only way Derek could have known about the promise was if Ricky had also said it to him.

A short time later Mike Rollo was ready to take his shot at the eldest King brother. His first line of business was to remind Derek he could be prosecuted for perjury. The boy responded with his typical eager-to-please nod. Rollo was on a mission to destroy the boy’s credibility.

“Now back at grand jury, you told them that you got in trouble a lot when you lived with the Lays, right; do you remember telling them that?”

“Yes,” Derek answered.

“Because you brought a lighter to school and you stole

some money and you would lie to them; do you remember telling the grand jurors that?"

"Yes," he said matter-of-factly.

"And you said when asked by Mr. Rimmer would you lie to them a lot, you said not a lot, but you would lie to them if you did things wrong, right? Did you answer that sometimes you would lie to the Lays if you did something wrong?"

"I think so, yes."

"Okay. Because that's the truth. You would lie to the Lays if they caught you doing something wrong, right?"

"Yes."

"So when you're caught doing something wrong, that's what you do, you lie about it, right?"

"Not all the time," Derek said simply.

"Just sometimes?"

"I guess." If Mike Rollo expected some sign of discomfort, he was disappointed. Rollo then tried to home in on the inconsistencies in Derek's statements.

"Do you remember back when Mr. Rimmer asked you before the grand jury, 'How many times do you know of personally that Rick Chavis had sex with Alex?' And do you remember your answer was, 'None'?"

"Not *personally*," he said, as if shocked at the thought that he would see it firsthand.

Rollo looked smug, either missing or ignoring Derek's meaning. "So you don't know?"

"No, just from what Alex has told me."

"Well, let me ask you about Alex; does he ever lie?"

"I haven't known him to."

"Never once?"

"Not that I remember, no, sir."

"So as far as the brothers, you're the one who tells lies, but Alex tells the truth; right?"

“I guess,” was Derek’s uninhibited response.

Rollo became biting and sarcastic as the questioning continued. He grilled Derek about the night of the murder, hammering away at the differences between Derek’s confession to the police and his statements to the grand jury. Derek said he agreed to take the fall for killing his father because Ricky convinced them they could live with him once they were out of prison, a plan that couldn’t work if he were also convicted. Ricky told them claiming self-defense was the answer.

“We would all get off—like Rick said,” Derek explained. “We would all get off and we could live with Rick.”

“Happily ever after?” Rollo asked with his typical sarcasm.

“Yeah, but if we didn’t say that, we would all three go to prison if we didn’t take the blame for him. I don’t know why, but I trusted him because he’s been in trouble with the law before and I thought he knew what he was talking about. He’s been in that situation.”

Potter and Corder exchanged smiles. Once again Rollo turned to the judge and asked him to strike the comment. Judge Bell turned to the jury in his offhanded way. “Ladies and gentlemen, that response about the fact that Mr. Chavis had been in trouble before is really not a proper response. Sometimes during the course of the trial that type of information is proper, sometimes it’s improper. In this particular case at this point, it’s improper. So I realize he’s just testifying and he doesn’t understand what the rules are, but disregard that comment.”

Rollo continued. “Let me ask you, Derek, about when you lived with the Lays. Isn’t it a fact you were always in trouble when you lived with Nancy and Frank Lay?”

“Mostly because of my grades,” he answered.

“Didn’t have anything to do with the fact that you liked to start fires or anything?”

“No.”

“You never tried to do that?”

“When I was younger, yes.”

“Okay. Let me ask you, one time did you ever, just as kind of a joke, put gasoline in some tiki torches out by the pool there at the Lays’ house?”

“No. They kept blaming me for that, but I did not do that,” Derek insisted.

“So somebody else snuck up and did that, it wasn’t you; is that right?”

Rollo’s determined efforts to paint Derek as a liar, a thief, and a pyromaniac went uncontested by the prosecutor. Rollo seemed unconcerned with the truth. His game was perception, and with these insinuations, he was laying the groundwork for an encore performance later in the trial.

“So, Derek, it’s fair to say you were in trouble at the Lays’ all the time, right?”

“Yes.”

Rollo implied that when the Lays returned Derek to his father, he must have resented leaving the luxuries of a well-to-do family. He listed the roster of so-called advantages the boy had with the Lays that he lacked with his father: new clothes, their large, lovely home, things they bought him, trips they took, their swimming pool.

“Because to be fair, Terry King didn’t have nearly the surroundings they had and you wore kind of shabby clothes and you didn’t have friends and people made fun of you at school. It wasn’t any fun, isn’t that true?” Rollo insisted.

Derek swallowed hard, clearly struggling not to cry; so

hard in fact that he began to have difficulty speaking. "What are you saying, that I didn't like my dad's house?"

Rollo pushed on. "Yes," he said.

The tears Derek could no longer control spilled down his cheeks. The boy's voice cracked and faltered as he tried to answer. "I didn't like it with him, when I was there with him or around with him," he choked, as if the admission wrenched him apart. His voice broke. "But he said that he would make it better and that he'd—he'd—he'd—he would help us and like make it better and give us stuff, like get a TV and stuff like that, but he didn't have a chance to . . ." Derek fell apart, openly sobbing as the tears came faster than he could wipe them away.

"You ran away from all that before he had a chance to do that, didn't you?" Rollo pressed.

"Yes," Derek said.

"And you ran away over to your foster parents' neighborhood, right? You wanted to go back over there, right?"

"Well—Well, I saw Alex with people that he liked and I thought maybe I could be with some of my friends, so—and Rick didn't have any idea. He just—I meant, Rick didn't have any—he didn't have any objection."

A chorus of sniffles and quiet comments rippled through the courtroom. Some were dabbing at their eyes, while others wept into crumpled tissues. If Rollo hoped to make Derek appear heartless to the jury, he failed. Mollye had ceased to be surprised when Rimmer failed to object, but she, and many others in the courtroom, hoped someone would step in and give the boy a chance to compose himself.

"He was trying to help you do whatever you wanted to do, right?" Rollo said, clearly unaffected by the boy's tears. Derek could only nod. "Is that right?" Rollo repeated.

“Yes,” Derek replied. His emotional dam had cracked and his small chest heaved with sobs, but Rollo plowed ahead.

“Okay. So when you’re in runaway status, you went over to the Lays’ neighborhood and in fact visited—”

He could go on no longer. Derek looked pleadingly at Judge Bell, who was watching him with concern. “I’m sorry,” Derek said. “Can I please take a break, Judge?”

The courtroom broke into pandemonium. Derek’s family was ready to spring to their feet and sweep him off the stand. Other spectators were outraged the questioning had been allowed to continue as long as it did. People were sobbing, touched by the child’s anguish. Even some of the jurors were wiping their eyes.

Judge Bell called a fifteen-minute recess, and Sharon Potter quickly left her seat and hurried after Derek. In a side room, away from the prying eyes of the courtroom, she held the boy while he leaned over a table, sobbing into her arms. He told her his dad *was* going to make it better for them, only he never had a chance and Mr. Rollo shouldn’t say such “bad things” about his father. He was frustrated that the defense attorney would imply his father wasn’t providing a good life for them, as if Terry were somehow inferior to the Lays. Sharon listened patiently, offering comfort. Eventually he was calm enough to return to the witness box.

Back on the stand, Rollo took up where he left off. “Derek, before we took a break, I was asking about when you ran away, you went over to your foster parents’ neighborhood, right?”

“Yes, sir.”

“Isn’t it true that before you were handed over to the deputy who took you back over to the county line, that you

told Nancy that you and Alex, your brother, had a plan to kill your father?"

"No, sir."

"Never said that to Mrs. Nancy Lay?"

"No, sir."

Rollo wrapped up his interrogation a short time later, and Rimmer stepped in with a few more questions.

"Why did you decide to change your story and say that Rick actually killed your dad?" Rimmer asked.

"Because I didn't want to spend the rest of my life in prison taking the fall for somebody else's act." As if teammates in a relay race, Rimmer moved aside again and passed the torch to Rollo.

"And isn't the reason you changed your story from your first confession was because you really don't want to spend the rest of your life in jail?" Rollo asked.

"Covering for somebody else," Derek answered.

"You don't want to spend the rest of your life in jail, do you?"

"If I was truly guilty and that was the consequences for my actions, then, yes."

"So if you are truly guilty and a jury finds you guilty, you are prepared to spend the rest of your life in prison for something that a jury might think you did, right?"

"If they find me guilty."

"You don't have any problem with that, do you?"

Derek looked as if he couldn't believe his ears. "Yes, I have a problem with that!"

Mollye raced outside, her deadline fast approaching. She leaped into the live truck and began comparing her notes to the video, looking for the sound bites she wanted. Derek's tearful testimony would lead the evening newscast. Then she

stepped outside ready for her first report. Other reporters stood ready for their evening broadcasts. They were all essentially writing the same story: the convicted child molester versus the children who looked like angels. Who would the jury believe?