Elisa Hoven

Fine Cracks

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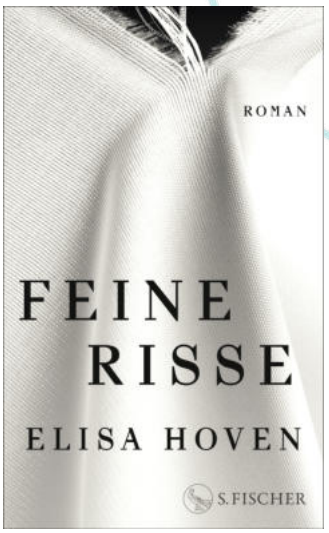

- **When justice is not enough.**
- **New criminal cases and gray areas from legal expert Elisa Hoven**

Even the most dazzling facade eventually yields to time. Eva Herbergen, a seasoned Berlin defense attorney, is ready to withdraw from the courtroom to enjoy a quiet retirement with her husband, Peter. But the shadows of past deeds have a long reach.

Through a series of gripping legal tableaus, the novel explores the haunting discrepancy between judicial justice and moral truth. While Eva navigates cases that prove security is often an illusion, a chilling mystery looms in the background: a skeleton discovered in Peter's childhood home. As the procedural meets the deeply personal, Fine Cracks reveals that the past is never truly concluded—and that every crime begins with a secret.

"*...a pull you can hardly escape.*" — DIE ZEIT

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THE ACCIDENT

Flying

It is a dark summer's day. They are attacking him from all sides. He throws himself to the ground, ducks low. Bullets strike the earth above him. He must be quick now, or he will never make it back to headquarters. He counts three, two, one, then breaks into a run; there are perhaps five metres in which he is completely exposed. He makes it. Between the branches he finds his weapon and opens fire. He picks them off with precise, clean shots. Milan breathes out. The battle against the enemy soldiers is won. He gets to his feet and brushes earth and leaves from his trousers. His mother will not be pleased about the grass stains.

Milan pulls a few leaves from his hair. That is the disadvantage of having it so long. But he has refused to have his blond hair cut, even when the children in his class teased him for it. Nobody teases him any more; pretty much all of them are his friends now. He plays football better than most and is faster than all of them. Milan checks his watch. It is nearly one o'clock. He ought to hurry; lunch will be on the table soon. School had finished at noon, but he had stayed on to take practice penalties with the boys from the parallel class, and then the “soldiers” had launched their attack in the woods. Milan quickens his pace. He does not want to upset his mother today. She will already be less than thrilled about his English test. She had gone over vocabulary with him, and he had missed a page in his exercise book. So he had only managed a two. He knows what she will say. It is not about the mark, Milan. It is about the fact that you did not try, Milan, that you were not paying attention, Milan, that

you simply do not care, Milan. And she is right, he does not care whether he gets an A or a B or a C. Learning comes easily to him; he only has to half-listen and he gets by perfectly well.

He is at the country road now, less than ten minutes to go. It is quiet at this hour; hardly any cars pass him, and Milan imagines that the road is a sea, with enormous waves, and that he must not step over the white line, or the sea will drag him down into the depths.

Will his father already be at home? That might make things easier. When his mother is angry with his father, she is always especially kind to Milan. She cannot cope with being at odds with both of them at once. His father had failed to empty the dishwasher yesterday and had left his things scattered in the hall. Always the same with you. When Milan is grown up, he will not get married. Or only to his best friend Casimir, who is perfectly tidy, whose exercise books are always immaculate, the teacher says, and who never loses his temper either. Or Milan will invent a tidying robot that does the washing-up and deals with the dirty laundry.

Behind him, Milan hears a car approaching; he steps off the road and continues along the edge of the forest floor. The robot would, of course, also need to be able to tidy children's bedrooms. And play football. It is not far now. Milan can already see the housing estate; a few more steps and he will be able to make out his own house, the swing in the garden, the one he has long since grown out of, but which his mother cannot bring herself to get rid of.

Then something strikes him in the legs. Milan feels no pain, only an impact, a sheer force. It happens so fast. It feels as though he is flying, but a person cannot fly. Yet he really is flying.
Then darkness closes in around him, and silence.

Dombrowski

René Dombrowski did not look at me when he shook my hand. The cell was small, barely enough room for the white plastic table and two chairs; Dombrowski's legs knocked against the metal bars of the bed frame. The man alleged to have killed nine-year-old Milan Reichinger was large and heavy-set, and alcohol had left its mark on his face. The skin was red and blotchy, his nose and cheeks swollen, with deep lines around the eyes; his body had an unhealthy, lumbering quality, and his hair was uncombed but thick and black, without a single grey strand. He had a tattoo on his neck, impossible to miss, and unusual: a mountain with a summit cross.

I had received the file from the prosecution. On his way home Milan Reichinger had been struck by a car travelling at between eighty and a hundred kilometres per hour. The boy had been walking beside the carriageway; there had been no rain, no wildlife on the road; the investigators suspected the driver had been heavily intoxicated. The child had been thrown into the windscreen by the impact, was hurled over the vehicle, and had struck the ground several metres behind it. It was inconceivable that the driver had not felt the collision. He had left the boy lying there. About ten minutes later, a young couple passed the scene of the accident on their way to spend the day at the lake. They discovered Milan at the roadside, gravely injured and unconscious. The ambulance arrived twelve minutes after the emergency call; the boy was taken to hospital and operated on immediately. But the injuries to his head and spine were too severe. The doctors could do nothing more for him. Milan Reichinger died before his parents had even been told that their son had been in an accident. They had been at home, waiting for him to come in for lunch.

The investigators had no doubt that the driver was René Dombrowski. His car had been found in the woods a few kilometres away, the roof and bumper badly dented, and experts had recovered fabric imprints, smear marks, and tissue from Milan's skin. Dombrowski was arrested at his flat two hours after the accident. His blood alcohol level at the time had been well over the limit.

At the police station he had claimed the car had been stolen; nobody believed him; it was the standard defence, of a kind one hears all too often, and he had said nothing since. The court had ordered that he should be remanded in custody, and the prosecution was preparing a charge of gross negligence manslaughter.

"How are you?" I tried to catch Dombrowski's eye. I knew nothing about him beyond what the file contained. Male, fifty-six years old, born in Falkensee, unemployed, prior convictions for drink-driving. Five pieces of information, and from them a portrait of a human being begins to take shape. Our strengths and weaknesses, passions and despair, all that makes us who we are, are reduced to sex and age, usefulness and liability to society. The picture the prosecution had drawn of Dombrowski was not a flattering one. A drinker, feckless and irresponsible, a man who had learnt nothing from past mistakes, guilty of a child's death, a danger to the community. Defending him would not be easy.

Dombrowski scratched at his arm, a small open sore. He shrugged. He had arrived in custody a severe alcoholic; since then, his body had been denied the drug it depended on and had been in open revolt: nausea, tremors, headaches, convulsions. He had initially been treated as an inpatient, and medication had helped him manage the withdrawal symptoms. Once the worst had passed, he had been moved to a cell and offered therapy.

"The therapist is kind to me." He spoke quietly; I could barely hear him. "She says I am making progress."

That was encouraging. In court it could count in his favour if he showed signs of improvement, if we could present a changed man, someone other than the one who had run down Milan Reichinger and left him to die. Though for any of that to matter, we would first need to counter the murder charge; without that, all our efforts would come to nothing. The charge carries a mandatory life sentence, with no room for negotiation.

"Would you be willing to tell me what happened that day? The more I know, the better I can defend you," I said.

Dombrowski buried his face in his hands and stared at the floor. He did not want to speak, and I understood him. There are things one cannot talk about, out of shame, out of remorse, or because one cannot bear the images that come flooding back in those moments. I knew that feeling; I too was pursued by images from the past, a longstanding sense of guilt that would not leave me alone. It was two weeks since I had decided to surrender my licence to practise law and give up my work as a criminal defence barrister. But I had been busy the afternoon I had meant to post it and had left it too late. The post box would not be cleared until the following day. So I had left the envelope on my desk, one day and then another. Then the call had come from chambers. A duty defence case, urgent, the client was on remand. None of my colleagues could take the Dombrowski case, or would do so; an alcoholic and child killer was too much for them. And so the letter made way for the file, and I placed it in the top drawer of my desk.

"You do not have to say anything, not to me, and not in the proceedings. I will speak for you in court, if that is what you wish."

For the first time, Dombrowski looked directly at me. He seemed, in that moment, grateful.

Truth

It was not worth going back to chambers. It was Friday afternoon; Peter would already be home from his seminar at the university; aesthetic ruptures in the work of August Wilhelm Schlegel. The city was congested, and it took me the best part of three-quarters of an hour on the motorway. I telephoned my husband and we arranged to meet at a new café on the Wannsee that had

opened only a few weeks before. For now it was still one of the city's unheralded pleasures; in a few months there would be queues for a table. The old villa had been under restoration for a long time, behind scaffolding and tarpaulins for years. High ceilings and floor-to-ceiling windows; everything light and welcoming in the late summer, and on the walls hung paintings, prints and posters, all in blue, not another colour in sight.

Peter was sitting at a corner table, a book in his hand, as always. For a brief moment I stopped and watched my husband. We had married late; I was forty-four at the time, Peter two years older. We had lived enough to know what we wanted and what we did not. His stillness and my restlessness had found a rhythm together. We do not quarrel, not about the small irritations of daily life, nor about the larger questions; we do not always see things the same way, but we respect what the other thinks. It is almost impossible to argue with Peter, and I had often envied him his equanimity and his contentment. I knew no one who took such an uncomplicated pleasure in being alive, who was earnest without ever being oppressed by earnestness. In those days. You have it easy, I had reproached him in moments when I was at war with myself, with my work, with my mistakes. You have never had any real problems. A contented childhood in a loving family; Anne and Christian Herbergen were doting parents, quite given over to his happiness; his sister was a little headstrong, but warm and good-natured. And a passion for something, for literature. Peter did not contradict me; yes, he had been fortunate, and he was grateful for it. We did not know the truth, that the ground beneath Peter's feet was made of ice, thin ice, laced with deep cracks running through it, though we did not yet know as much.

We ordered cappuccinos, and I told him about my conversation with René Dombrowski. Peter considered this.

"But Eva, do you believe the car was stolen? That it wasn't your client?"

I shook my head. No, I did not believe it. There were too many coincidences: the car stolen shortly before Milan Reichinger was run down, no report to the police, no signs of forced entry, no foreign DNA in the vehicle. The court would not swallow the story either, of that I was certain.

"Then why not advise him to tell the truth? It would surely help the family to know what happened, and why he left the boy lying there."

Peter was right. Those left behind want to know what happened to the person they loved and still love. I had not been able to prevent mothers from insisting on viewing the decomposed body of their child, nor husbands from hearing accounts of the final, terrified minutes of their murdered wives. They need the truth; it is better than uncertainty, however painful it may be. But here I took the opposite view. The court would have to prove that my client had accepted the boy's death as a possibility when he drove away. There might be an argument for the defence in that line of reasoning.

"It could be healing for your client too, to confess to what he did. To say it aloud. To ask forgiveness," said Peter.

I drank my cappuccino and looked at the picture on the wall in front of me: a meadow in deep blue, a sea from which flowers were growing. "Whether the truth helps him or not is for him alone to decide." I nudged Peter gently with my elbow. "Besides, I am his defence barrister, not his therapist." We laughed.

Peter caught the eye of the waitress; a little while later she returned with two glasses of Sekt.

"What are we celebrating?" I asked, taking the glass.

"We've finally sold the house!" Peter's mother had died two years ago, having outlived his father by almost a decade. Though nearly blind and confined to bed long before the end, she had refused to move to a care home in Berlin.

Peter had pleaded with her, wanting his mother nearby. But Anne had been immovable; she would leave the house near Lübeck only in a coffin. By the time she died, the house was in a poor state. Peter's sister Lina, an artist living in a small village in Spain, was in no position to help, so we took care of everything ourselves. During his semester breaks Peter rented a holiday flat nearby and stayed for several weeks; I came as often as I could. We cleared out the loft and filled bin bags with old magazines, faded clothes, and cracked crockery, keeping the photo albums from Peter's childhood and his father's grey pocket watch. Peter painted the walls himself: plain white; tradesmen came to do the bathroom and the floors. We had only the essentials done, and even so it took a year before we could hand the house over to the estate agents. Finding a buyer was not straightforward. Lübeck, for all its charms, does not quite draw people out to the quieter countryside around it. But now it had worked out. The buyers were a family from Hamburg, two freelancers with a daughter and a dog, who could not or would not afford the city. They planned to knock through a side wall for a glazed extension; the cellar was to become a gym with a sauna.

"Well, that's not my problem any more," Peter laughed, and we clinked glasses.

Had I known what truth the sale of that house was about to bring to light, I would have set my glass down.

The Start of the Trial

The weather had turned cool. I placed my coat and briefcase on the belt and walked through the security scanner. The lights flashed, so I had to go back again: my phone, of course.

Ten minutes later, the main hearing in the Dombrowski case began at the regional court. He had been brought from remand in handcuffs, escorted by

two officers. The prosecutor read out the charges. Petra Hartmann was roughly my age, early sixties, dark curly hair, a strong voice. Dangerous driving. Unlawfully leaving the scene of an accident. And, above all, murder. Dombrowski must have been intoxicated; there was no other explanation for the collision. Hitting the child had been an act of criminal negligence.

"Leaving him lying there was murder."

By causing the accident, Dombrowski had assumed responsibility for the boy's life, like a paramedic. Like a father.

"He left Milan where he lay in order to avoid going to prison. Murder with intent to conceal." Everything she said was dispassionate, the tragedy translated into the sober language of the law, but between the lines, in the way she spoke, in the way she looked at Dombrowski or deliberately did not look at him, I read contempt.

My gaze moved to the joint plaintiffs' table, where Milan's parents sat with their solicitor. Magdalena Reichinger was thirty-six years old, a hotel manager employed at one of the finest hotels in Potsdam. She had pulled her blonde hair back severely, her eyes and lips were rather heavily made up, her black blouse was pressed, and she sat straight-backed. Jens Reichinger presented an altogether different picture. Despite his height, he looked small in the courtroom, his broad frame slumped in the chair. He wore a shirt and suit – it looked as though his wife had insisted on it – and it did not suit him; he kept loosening his tie, as though his clothes were making it hard for him to breathe, or the proceedings were, or both.

I have witnessed much suffering in the course of my life, but nothing compares to the pain caused by the death of a child. The urge to protect a child is hardwired into us; we stand ready beneath the climbing frame, cover every socket, cross the street when a large dog approaches. Even when parents bear not the slightest responsibility for their child's death, they almost

never forgive themselves; they have failed at the most important task, the only one that, in retrospect, truly mattered. And who are they now, without their child? Is Magdalena Reichinger still a mother? Is Jens Reichinger still a father? How are they to move through a world without Milan? Do you have children? We had a son. In moments like these, a part of me is glad that Peter and I were unable to have children, despite trying. I would not be able to bear such pain. But then, who would?

The presiding judge took the floor and we moved into the taking of evidence. Dombrowski would remain silent for the time being; the hearings scheduled for today were those of two expert witnesses. Judge Ahmed Arslan called the accident analyst to the stand.

Ulrich Schreiber had brought with him a diagram showing the sequence of events. "When a collision occurs at such high speed, the pedestrian is not, as a rule, thrown forward in the direction of travel, but slides over the vehicle and comes to rest behind it."

We were shown a black car and a stick figure, first driven into the windscreen, then pressed up onto the roof.

"At the point of impact where the victim came to rest, we found traces of tissue. From there, the boy rolled a further ten metres before coming to rest."

I pressed the point. "The body was therefore thrown backwards. Is it not conceivable that the driver, perhaps because he was inattentive, assumed he had struck an animal and drove on for that reason?"

Ulrich Schreiber shook his head. "The evidence shows that the car came to a stop. Milan's body was lying in the middle of the carriageway; the driver must have seen the boy before driving on."

Much as I love my profession, there are moments when I feel I am on the wrong side.

Schreiber continued. "The initial impact leaves traces on the vehicle. We found textile fibres consistent with Milan Reichinger's trousers, and tissue on the bumper. Corresponding traces were secured from Milan's clothing, with fragments of paint embedded in the fabric, attributable beyond doubt to the defendant's vehicle."

There was nothing to be done on that front; it had been Dombrowski's vehicle. Persuading the court to accept the theft theory was all but impossible; they had heard that particular excuse hundreds of times. But in the medical expert's report I had noticed something: an unresolved point that might yet work in Dombrowski's favour.

Connections

The hearing had been briefly adjourned. Dombrowski had remained in his seat. He did not want to stand up, did not want to draw attention to himself. I had fetched myself a glass of water and caught myself taking a longer route to avoid crossing paths with the Reichingers. As defence counsel, I am the enemy in their eyes. And yet I feel for them, of course, even though I am fighting against the very thing that might bring them some relief: the punishment of the defendant, retribution for the act. It is my role in court, and it is an important one. I am not defending a single individual, I am defending our entire legal order, our conviction that a person must be presumed innocent until guilt has been proved beyond reasonable doubt.

Tadzio Pawlak took the witness stand. He was the surgeon who had operated on Milan and who had had to break the news of their son's death to his parents. Pawlak set the patient file on the table. Milan Reichinger had been admitted to hospital at 13:40, approximately half an hour after the accident.

The boy was unresponsive; the doctors had taken him straight to the operating theatre.

"The accident resulted in polytrauma, that is to say, multiple injuries to several regions of the body. The head injuries were the most severe." Pawlak opened the surgical report. "We identified extensive haemorrhaging within the cranium, along with various bleeds into the brain tissue that were causing considerable mass effect. We attempted to remove brain tissue in order to relieve the pressure."

They did not succeed. The doctors fought for Milan's life for an hour, in vain. Time of death: 14:47. Pawlak turned to the Reichingers. "The injuries were so severe that he would have felt nothing. He was not in any pain." Milan's father wept. His mother did not; not a flicker of expression, and that was harder to see.

Even so, I asked to speak. The judge gave me the floor.

"If we could please go over the sequence of events once more." I consulted my notes. "The accident occurred at 13:01." Milan's watch had been shattered, the hands stopped, mute witnesses. "At 13:15, the victim was found; the emergency call was placed two minutes later. The ambulance arrived a further twelve minutes after that, and took eleven minutes to reach the hospital."

Judge Arslan nodded. "Frau Herbergen, the times are correct. What is your point?"

"Thirty-nine minutes elapsed between the accident and admission to hospital. Had the driver himself called an ambulance, it would have been twenty-five."

Petra Hartmann looked at me, uncomprehending. I turned to Tadzio Pawlak. "My question is this: could you have saved Milan Reichinger if he had been admitted fourteen minutes earlier?"

Pawlak considered. "It is possible that we might then have been able to stop the bleeding."
I cut him short. "That is not sufficient. Could you have saved Milan with a certainty bordering on the absolute?"

The doctor shook his head. "No, I cannot say that. Does it matter?"

It mattered enormously; it was the key to my entire case, the means of saving René Dombrowski. I could see from Petra Hartmann's expression that she had grasped the significance of the doctor's words.

I tried to make it clear to the joint plaintiffs as well. "The court can only hold my client responsible for murder by omission if his failure to act, that is to say, the fact that he did not help Milan, was the cause of the boy's death. Beyond reasonable doubt."

It was not sufficient that his inaction had increased the risk to Milan. The doctors could not rule out the possibility that Milan Reichinger would have died even if René Dombrowski had acted correctly after the accident. In cases of doubt, the benefit goes to the defendant. That is the law. Magdalena and Jens Reichinger had leaned towards their solicitor and were murmuring to one another.

I drew my argument to a close. "Not least, intent would need to be established on the part of the driver. Milan's injuries were extremely grave. If the driver assumed that the boy could not be saved, he lacked the intent to kill him by driving away."

The expert witness had testified as to the severity of the injuries. As long as Dombrowski said nothing to the contrary, as long as he said nothing at all, it would be very nearly impossible to prove otherwise. The courtroom had grown loud; in the public gallery, people were trying to make sense of the sudden turn of events.

Judge Arslan had conferred with his colleagues. He rose to speak. "I would note that a conviction on charges of dangerous driving and causing death by negligence remains possible should the charge of murder not be upheld."

Causing death by negligence carries a maximum sentence of five years. It would be a second chance for Dombrowski.

Magdalena Reichinger looked at me, then at Dombrowski. In her gaze I saw incomprehension. And something else. Hatred. During my studies I had been taught that for victims and their families, the severity of the sentence was not the determining factor. It was enough, so the theory went, that the court acknowledged the wrong done to them; whether the outcome was a custodial sentence or a fine, a suspended sentence or an immediate one, was said to be of secondary importance. In practice, I quickly learnt that very few people correspond to this image of the quietly accepting victim. Many are furious; most want justice, or revenge, a matter of perspective and degree, and they wish the harshest possible sentence upon the perpetrator: a life behind bars, or worse. They are neither especially good nor especially bad people. They are human beings, human beings who have been wounded, from whom something has been taken: their freedom, their autonomy, or their only child.

Second Chance

After the hearing, I visited Dombrowski on remand. The court had not agreed to lift the detention order – too few ties, a flight risk – and the murder charge

remained, at least formally, on the table. I must admit that I felt a certain relief at the judges' decision. As long as he was in custody, he could not get to alcohol.

I had barely paid any attention to Dombrowski in the courtroom. The sight of the parents, the details of Milan's death, and my own role in these difficult proceedings had made me tense throughout. When I sat down opposite my client in the cell, I noticed that he looked better. His hair and clothes were neat; his skin had recovered something of its colour; his eyes appeared alert. He might have been a handsome man. I set out for him once more what had happened in court, and what the new information, the doctor's testimony, might mean for him. A maximum of five years, perhaps a sentence of four and a half, release after three. Dombrowski seemed close to tears. Even now, I am not accustomed to seeing a man weep; men of my generation did not do that. Some things about the world, at least, are changing for the better.

"I want to stay sober." Dombrowski wanted to continue his therapy in custody, to never be an alcoholic again. "I used to be a metalworker. I haven't forgotten everything. In prison I can work with metal, and perhaps one day qualify as a master craftsman."

I was glad for Dombrowski. Prison does not make most people better – the wrong company, the stigma of a custodial sentence – but for some, it can help them to break with old habits and to free themselves from an environment that has done them no good. My instinct told me that Dombrowski could manage it. I got to my feet and said my goodbyes.

"Thank you, Frau Herbergen. I promise you I will turn my life around." Dombrowski shook my hand and held my gaze for a long moment. I found myself thinking of the letter in my desk drawer. Perhaps I too could leave the past behind me and forgive myself for my mistake.

That evening, Peter and I went to the theatre, a modern adaptation of Ibsen's Nora. Too modern for us. Naked actors on the stage, sounds instead of dialogue, the set a red sheet of fabric and nothing more. The audience was rapturous; the applause went on for several minutes. Perhaps it is a question of age – one comes to value the familiar and resists the new, even when one makes an effort to remain open to it.

"We just can't keep up any more. We're old." Peter sounded resigned.

I put my arm around him. "Yes. But at least we're old together."

You do not notice growing old all at once. But more and more frequently things become strange to you; at some point you no longer know which songs are in the charts, you call them songs the old-fashioned way, you still call a taxi rather than ordering an Uber, you are the only one in chambers never to have heard of some new app, you are the last person still paying in cash. Technical devices become too complicated, and you blame them rather than yourself; you cannot understand why the world needs influencers, or why people share their holiday photographs with strangers.

Peter would soon be retiring, whether he wanted to or not; within a year he would begin clearing his office, making way for a successor, an ambitious man in his thirties who would no longer teach Schlegel but modern poetry, and to whom Peter would bequeath most of his books, books the young man would accept with thanks and dispose of promptly. Within just a few weeks, nothing in the large corner room would give any indication that Peter Herbergen had spent thirty years there writing manuscripts and marking essays.

We took a taxi home; neither of us had felt like hunting for a parking space in the city. The older I get, the more contented I am in our house in quiet Zehlendorf, where our garden is not large, but large enough; and the neighbours are unobtrusive and obliging, though now and then music from

student parties at the veterinary college drifts across to us. I told Peter about the hearing, about my visit to the remand wing, and about Dombrowski's plans.

"It can't be easy for the boy's parents. I feel for them. But I'm glad your client is being given another chance and he seems to want to take it," said Peter.

The taxi stopped at a red light. "That's what they all say." Until now I had not paid attention to our driver, a stocky man in his mid-fifties, who had a football club pennant hanging from the rear-view mirror. "One bloke had a difficult childhood, so he gets a suspended sentence. I mean, if that had been my son..."

Peter sighed. He avoids conversation with strangers; in taxis he limits his exchanges, as a rule, to hello and goodbye. The university is a world unto itself and, like so many of its inhabitants, he does not care to leave it. I leant forward towards our driver. "But surely you'd agree it makes a difference whether someone has had an easy or a difficult life? A loving home, or none at all?"

The driver considered. "Fair enough, I suppose. You don't just become an alcoholic for no reason." He was right, and it struck me that I had never asked Dombrowski why he had become dependent; we had not got that far. I would make a point of asking. "Even so, if someone mows a person down, they should be locked up. For good. But with our soft-touch justice system..."

Peter was staring fixedly out of the window; I had to smile at the sight of his expression, rigid as stone. I leant back against him, squeezed his hand, and let the driver hold forth for the next ten minutes, expounding his view of the world.

Testimony

The next day of the hearing fell on a Wednesday. I greeted Dombrowski; he was wearing a neat shirt and had a grave air about him.

"I would like to make a statement today."

I had not expected that. It was not a good idea. We had a quarter of an hour before the hearing was due to begin; I drew him into a corner of the courtroom while the custody officer kept his distance.

"That is very risky. If you wish to make a confession, we should prepare a statement for me to read aloud."

Dombrowski shook his head. "No, I don't want to confess. But I want to explain to the court," he paused briefly, "and to the parents, what happened to me. How things could have come to this."

I had visited Dombrowski in the remand wing on Monday and gone through the likely course of the remaining hearing days with him. At the end I had asked whether he would like to tell me something of his life, and why he had become an alcoholic. Dombrowski had been silent and looked out of the window.

"I need to think about that. It isn't easy."

I had understood him and pressed no further. But the idea that he now wanted to share his story in open court, without consulting me, without my having had a chance to assess it, that was dangerous. Under no circumstances could he say anything about the act itself. One wrong word, one sentence that attempted to explain, for instance that he had driven away because he was so frightened; a single sentence of that kind and the court would convict him of attempted murder. But Dombrowski was resolute; he wanted to speak, and I could not stop him.

A quarter of an hour later, René Dombrowski ‘s testimony began. He was visibly nervous, but spoke in a steady voice.

"Why did you start drinking?" I could think of no better opening. None was needed, for Dombrowski began to speak of his own accord – I did not need to prompt him. The courtroom was completely still.

Dombrowski had never known his father, who had left the family before his son was born. His mother was an alcoholic; at three, he was placed in a home. At four, his mother brought him back; he remembered the beatings, he remembered his mother collapsed on the kitchen floor in a drunken stupor. At seven, he went to a foster family, and never saw his mother again. He was diagnosed with developmental delay; the foster family could not cope, and he was moved on to another, then another, as he passed through the system. And yet he managed to complete his secondary schooling. "I wanted to get out. I wanted to build a life of my own."

Dombrowski found work in a factory, earned his first wages, and rented a flat. But the company went under, and Dombrowski was left with nothing. "That was when I ordered my first beer. And then a second." He became dependent quickly, drinking his first schnapps on waking and stopping only when sleep overtook him. "I told myself it was just the way things were. That I was no better than my mother."

One evening in his early thirties, Dombrowski and two friends stole a car – none of them had a licence – and drove drunk through the city. A police patrol stopped them; Dombrowski was arrested. He received a suspended sentence: if he wanted to avoid prison, he had to attend therapy. "I went to a self-help group. I knew straightaway that it was the right thing for me. And that was where I met Jenny."

He fell in love. Their lives had run in parallel: alcoholic parents, violence, loneliness. But on that day the lines had finally met; Jenny and René had

found each other. "It was the first time I had ever loved someone. And the first time someone had loved me."

Dombrowski began an apprenticeship as a metalworker; they moved into a small flat together and married. They did not want children – they were too afraid of repeating their parents' mistakes. He would have liked a dog, but Jenny was allergic. They had matching tattoos done; he touched his neck. A mountain. Because together they had made it to the summit. Things were going well.

"Then, three years ago, it started."

Jenny began to have stomach pains, more and more often; she lost weight and could barely eat. When her skin turned yellow, Dombrowski took her to hospital. Cancer had destroyed her liver and spread throughout her body. She began chemotherapy, but after two treatments the doctor had simply shaken his head.

"I held on until her funeral. But that evening I bought myself a bottle of vodka. I couldn't go on."

The summit lay behind him. The descent had begun.

I watched the judges. Dombrowski's words had made their mark. The image of the callous, reckless alcoholic had begun to crack. He was no longer just the man who had driven over a small boy; he was also the child abandoned by his parents, the young man who had lost his job, the fifty-year-old who had stood at his wife's graveside. He would not get five years. Four at most.

Jens Reichinger stood up and left the courtroom.

Alibi

The final day of the hearing. It was to belong to Milan's parents. The court wished to give Jens and Magdalena Reichinger the opportunity to speak about their loss; after that, the closing arguments, and then the verdict.

The hearing began with a surprise, and it would not be the only one that day. The seat beside Magdalena Reichinger remained empty. The joint plaintiffs' solicitor announced that Jens Reichinger would not be taking the stand; he would no longer be participating in the proceedings. What had happened? Had the Reichingers separated? Relationships seldom survive the death of a child. Grief does not draw people together: each person suffers differently and alone and, because the suffering takes such different forms, it divides those who bear it more than it unites them.

Judge Arslan called Magdalena Reichinger. She wore a long black dress; her hair was smoothed flat, her lips painted a deep red.

"Milan was our only child. He still is." She spoke of her son, warm, generous in her portrait of him; he had never once teased another child, he had been loved by all who knew him. A good footballer, an even better pupil, and full of imagination, he could lose himself for hours in a world that remained hidden from her. She drew a photograph of Milan from the pocket of her dress. A beautiful boy, with long blond hair. She looked at him.
"He looked like an angel. Now he is one." She tried to hold back the tears; the presiding judge offered an adjournment, but she declined.

No, there was something she needed to say. Something that had been weighing on her throughout, and with which she could no longer live.

I shifted forward in my chair. Magdalena Reichinger set the photograph of her son to one side and raised her eyes.

"It was not the defendant. He did not run Milan over."

A murmur ran through the public gallery; the prosecutor began leafing urgently through her file. I looked over at Dombrowski. On his face I saw pure astonishment.

"On that day I had taken the bus home from work. On the stroke of one o'clock, as I do every Friday. On the way from the stop to our house I walk through the park. That was where I saw the defendant asleep on a bench. He was clearly drunk. I remember it so precisely because I was worried about Milan, in case he ever came that way on his own."

Had Dombrowski's car genuinely been stolen, then, my client innocent all along? I watched Dombrowski, studying his every reaction. And then I saw it: a faint shake of the head. Magdalena Reichinger was lying.

"I needed someone to be guilty of Milan's death. A scapegoat. I had convinced myself that it would make things easier. But it doesn't. Things will not get better by sending him to prison."
Why was she doing this? Why was she giving a false alibi to the man who had run down Milan Reichinger?

Magdalena Reichinger stood firm through all of the judge's questioning and the near-desperate insistence of the prosecutor. She held to her version. She had recognised Dombrowski without any possibility of doubt; the tattoo on his neck had caught her eye and lodged in her memory.

I saw bewilderment settle over the bench. There was no reason to disbelieve the victim's mother. I could have intervened, requested an adjournment, spoken to Dombrowski, urged him towards the truth, subjected Magdalena Reichinger to rigorous cross-examination. But I said nothing. I could not bring myself to challenge the mother, nor did I wish to, and so I let the lie stand.

The mother's testimony changed everything, and very quickly. I can barely remember the next twenty minutes. The presiding judge summoned us to the bench; there was confusion, a stunned silence, and at some point Petra Hartmann shrugged. Then that is how it is. The closing arguments were brief. The deliberations of the chamber briefer still.

Acquittal.

Epilogue

Dombrowski and I remained seated after the court had delivered its verdict. We did not speak; we tried to comprehend what had just taken place.

"I'm going to buy a dog." Dombrowski looked at me. "I'm going to become a different person. Or perhaps just a person, for once."

I smiled at him. "You are a free man. You have been given a second chance. You will make use of it, I know that."

In that moment I thought I understood why Milan's mother had given Dombrowski his alibi.
I shook his hand one last time. He did not have to go back to prison; he could go home. I watched him descend the steps, slowly still, but steadily. It was early in the day; I would make use of the time and collect some files from the registry. I walked along the corridor and tried to order my thoughts. Milan's mother had heard Dombrowski's story, his words in the courtroom; she had been able to feel his loss. And she had forgiven him. She had granted him a pardon. There had been enough pain. To forgive another is a hard step to take, but it has the power to heal. It breaks the hold of the perpetrator, who has reshaped the victim's life against their will, and restores to the injured party the power of decision. Thumbs up or thumbs down: now the perpetrator's fate hangs on the victim's choice.

At that moment I heard the shot.

Then another.

There were loud screams. Panic broke out in the corridors, people ran into open rooms, doors slammed shut. The shots had come from outside. I ran to one of the windows; the latch stuck, then gave. I saw him at once. The body motionless on the pavement, a wound in the chest and one on the forehead, the white shirt darkened by his blood. Beside him stood Jens Reichinger, the gun in his hand, gazing down at the man on the ground. Milan's father looked different from the man in the courtroom, taller, more upright; he was not wearing his suit.

Then things moved quickly: two police officers overpowered him; he did not resist. An ambulance was called, but it was too late. René Dombrowski was dead.

In the crowd I recognised a face, a woman in a long black dress. I followed her gaze. She was looking at her husband; he looked back. They gave each other a small nod.

At home I climbed the stairs to my study. The letter to the Bar Council was in the top drawer; it had slipped to the back, and I had to retrieve it from beneath a pile of notebooks. I held it in my hand for a moment. Then I tore it slowly into small pieces. Dombrowski had not been given his second chance. But I would allow myself mine. I would forgive myself, and I would carry on.