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1990 ARREST

NUMBERS. Sometimes that's all I see. There are 17 links in the leg irons Los Angeles County Sheriffs use to transport prisoners. I should know. It's 26 miles from Wayside Super Max to the Van Nuys Court. I've traveled that road a dozen times. And, I've learned that the three worst things that can come at you in life, except a crazy wife with a loaded gun, are: 1) The United States Army vs. Michael J. Hardy; 2) The United States of America vs. Michael J. Hardy; and, 3) The State of California vs. Michael J. Hardy for murder in the first degree.

I experienced #1 and #2 before I turned 30, so it was only a matter of time, lifestyle, and simple math before I faced #3 somewhere down my long dark road. Accordingly, on Friday, November 2, 1990, at 6:37 pm, my final number arrived.

* * *

I pull into the parking garage of my dead mother's condo in La Jolla, California, and glimpse a man in a dark suit standing in the shadows, then spot another man behind the wheel of an idling gray unmarked sedan. I stop, put my orange 1975 Dodge Tradesman van in reverse and back out slowly.

Three minutes later, I sit with my two daughters and my granddaughter in my van at the far east dead end of Nobel Drive. Twenty cop cars surround us, their pulsing blue and red overheads flood my windshield.

A bullhorn screeches, "Michael Hardy. Step out of the van with your hands in the air."

My first impulse is to run. I instinctively reach under my seat for my .45 Colt, but it's not there. I forgot. I'm still on parole and don't carry a gun. I look over at my six-month-old granddaughter. She's asleep. Innocent. Holding her is her mother, 23. Her jaw is set. She'll follow my lead, whatever it is. But when I look to Debra Ann, my 12-year-old daughter, all I see are frightened eyes. There are worse things that can happen to a daughter than to watch her father get arrested – again.

I open the door and step out. I thrust my arms in the air, then as instructed, place my hands behind my head, interlocking my fingers. I can feel the twenty shotguns and pistols on me.

The bullhorn blares, “Hardy, step backward, away from the van toward the lights.”

I stare into the windshield of the van – and mouth my shame to my girls.

I'm sorry.

I count. Forty-one steps backward, each time further from my family. Finally, someone grabs my wrists, cuffs me and slams me onto the hood of a patrol car. I crane my neck to watch officers surround my van. Their guns are drawn. They yell at my family to step out one at a time. I have to look away.

San Diego County Sheriffs transport me half an hour away to the Vista jail. While I'm being fingerprinted, I finally ask, “Why am I being arrested?”

They tell me they want to question me about some bad checks.

Yeah. Like they're going to send twenty cops to arrest me for that.

I know how that goes down. It's a lot of horse shit. I know they know it – and I know they know I know it. It becomes more than horse shit when two homicide detectives from Van Nuys walk into the room and take possession of their prisoner – me. They're standard issue valley detectives. Nothing special. Although one of them reminds me of Jack Webb with his gruff voice. They place me

in their unmarked car and we drive north on the I-5. They don't say a word and neither do I.

Their suits. Their badges. The unexpected call from my son a month ago.

I figure out most of it during the three-hour drive. There's something I did five years ago that's been waiting to be unearthed – literally.

As it turns out, my son Robert Hardy, who's 29 at the time and doing a seven-year stretch in Corcoran State Prison in California for burglary, caught the eye of a pretty girl in the visiting room. He only had two years left before he makes parole, but his hormones take over and he decides he doesn't want to do any more time. So he tries to cut a deal to get his sentence reduced by giving up a murderer. Me. His father.

He drew the cops a map to show them where my dead wife's body is located in the backyard of the home I used to rent off of Sherman Way in North Hollywood. He should know. He helped me bury her.

He's a lousy negotiator. He caves in when they threaten him with additional charges – aiding and abetting a murder. So, no reduced sentence for him. But they issue a warrant for my arrest. I didn't know it, but I've been a wanted fugitive – again.

When we arrive at the Van Nuys jail at one in the morning, they dump me in an interrogation room. I take it in. Everything's small and dirty. Dull gray. Stale sweat from the last occupant hangs in the air. A scratched black table with four unpadded chairs. two-bulb fluorescent light. A mirror, no doubt one-way to an adjoining room. I can't spot the microphones, but I guess they're in here somewhere. I dig where they're coming from – but I don't give a shit. I've been through this drill dozens of times before.

Leave me in here to ponder my situation and hope I begin to melt. Walk out and jump back in a few seconds later to scare me. Disappear for five minutes and then burst in to try to get me all hinky

and nervous. After 30 minutes of watching me through their mirror, and no doubt looking at my arrest records, the two detectives realize I'm not their usual suspect. They come back in and sit across from me. They know I'm not going to bend. Not unless I'm kind or they get lucky.

Neither of those is gonna happen.

I look at them. I know their type. They're Pete and Repeat to me, because I'm well acquainted with what their back-and-forth tag team approach will be.

Pete pulls out a small plastic card and reads me their obligatory Miranda statement. He ends with, "Do you understand your rights as I have explained them to you?"

It was so much easier for you before 1966 when you'd bounce me around for a couple of hours. Break a few ribs. Maybe my nose. Now you're all polite. Now you're pussies.

"Yes."

"Would you like a lawyer at this time?" Repeat asks.

"I don't need a lawyer."

They sit straighter. They're pleased with my answer. "Well, here's the situation, Mr. Hardy," Pete says. "We received an anonymous tip you buried a body in the backyard of a certain home near Sherman Way."

"I guess you gotta letter from my son then."

They glance at each other. They try to hide their surprise. "Why would you mention your son?" Repeat asks.

"Listen. You found my wife in the backyard, right? I buried her there."

They work to conceal their satisfaction.

You think I'm stupid? You think I'm confessing?

"Okay. So, how did she die?" Pete asks.

"What did my son tell you?"

Again, they look at each other.

You call yourselves detectives?

“Come on guys, it was self defense. Now why don’t you send your forensics team back over there to do something other than dig in the dirt? Maybe look in the living room?”

They attempt to hide their embarrassment.

Stupid shits.

“When you finally figure out what happens next, come wake me up. I’m done now. I’m tired.”

I lay my head on the table and fall asleep before they close the door. They leave for a few hours. Then they’re back to book me for first degree murder.

Since it’s Friday, it’ll be five days until my arraignment. I wait in a cell by myself. They usually put someone else in there with you. You know, to get you to talk. Maybe confess. They already know that’s not gonna happen with me. So, they decide to throw a few more murder charges at me, just to see if they get some kind of reaction.

They pull me out the next day for an ‘interview.’ Pete tosses Brad Costeau at me, my wife’s brother, who got shot in a reported road rage incident in San Diego. Repeat throws out Michael Brimm’s mother who died in an apparent drowning in her swimming pool. Since they can’t place me there, and I have no motive, none of it sticks.

Finally, five days later, I’m shuffled into court for my arraignment and a nervous, just-out-of-law-school public defender guides me to a table – maybe his name is Carlson. It doesn’t matter. I stand next to him and he whispers something in my ear. I don’t care, so I don’t listen. A tall black bailiff calls out my case number and name. The judge, a 50s-something bureaucrat with short dyed red hair glances at the folder, then she does a double-take and looks up.

“How does the defendant plea to the charge of murder in the first degree with the special circumstance of depraved indifference?”

There was nothing special about it.

“Not guilty, your honor,” my public defender responds. “Now in the question of bail...”

The judge interrupts, “What would the prosecution like to recommend?”

“The district attorney’s office requests bail be set at three hundred thousand dollars, your honor,” answers the suit at the next table.

“So ordered.” The judge looks at her calendar. “Discovery hearing is set for ten days. Friday, November 15 – and your public defender will be a Mr. McGee.” The judge raps her gavel.

The bailiff barks, “Next case.”

Like calling out a number at a midtown Jewish deli, the courtroom staff begins to shuffle with its flow of dispensing one prisoner and his corresponding set of documents and lawyers and moving on to the next. I don’t budge. Everything stops.

“Your honor, if I may. I’d like the opportunity to talk with my family.”

She lowers her glasses and looks at me with disgust. “Why? Is there anyone left?”

So that’s how it’s going to be.

She nods to the deputy sheriff, just another overweight black man with a badge and a gun. He moves to usher me out. I’m 6’1” and 250 pounds of anger, so I don’t have to go anywhere if I don’t want to. But I comply. Behind me, the courtroom flow returns to normal.

I’m shuttled over to Wayside Super Max where they hold all prisoners awaiting trial. First thing on my list, check out McGee. He’ll represent me at my hearing. I’m going to need a very good lawyer. Over the next few days, each time I get a chance to speak to another prisoner who has McGee as their lawyer, my question’s always the same. “How’d it go in court?”

Every answer is the same, “Twenty-five to life.”

I've gotta get me another lawyer.

Five days in and I already interviewed Johnny Cochran. By the way he phrases his questions, I know he'll only help me if I'm black – which I'm not. Next is Robert Shapiro. He'll represent me if he gets one million dollars and a 'friend' is arranged who can whisk away a witness to somewhere halfway around the world, say Tahiti. I'm running out of options.

I've already burned through nine days with McGee fumbling around as he juggles his other cases. My Superior Court hearing is tomorrow, and it's not looking good. In fact, it's starting to look real bad. Over lunch, I bump into Bulldog, a short, bald kid with tattoos who's in for robbery. He mentions a lawyer named Jimmy Blatt who has a few notable victories under his belt. He gives me Jimmy's number.

He goes on to tell me how Jimmy got Donny Holland off on a case involving his connection to the cartel. Unfortunately, 30 minutes after Donny got acquitted and released, he got gunned down by two Pablo Escobar assassins in the parking lot just outside the Van Nuys court.

Hey, at least he was a free man for a few minutes.

So, I phone Jimmy and set up a time for an interview. Really, we're going to check each other out. He tells me he's read about me in the papers, that he'll be present in the gallery at my hearing tomorrow, and he's interested in my case. That's enough to get my attention.

At my preliminary hearing, McGee gives me what I expect – nothing. He doesn't have a clue what to ask the medical examiner or my daughter. Marsh Goldstein is the prosecutor. He's got some kind of deformed hand and he wants blood – mine. But when he questions the medical examiner, he all but confirms that there's no way to tell how the body died. Absolutely no way.

Thanks. But a fucking crippled prosecutor? If we go to trial, I don't need that kind of sympathy from a jury.

I glance around the gallery for Jimmy but have no idea what he looks like. A few minutes later, the judge offers me up for trial in Superior Court for murder.

Thanks a lot, McGee.

That night, after visiting hours, a guard comes to the dormitory where I'm housed with 59 other prisoners and yells, "Hardy. Michael Hardy. You have a visitor."

I'm escorted down three long ramps and a final corridor to the visitors' area. That's where I'm able to talk by phone across a 1-inch thick wall of scratched and dirty Plexiglas. It smells like old gray paint and bleach. I sit down and pick up a black phone with a steel-ribbed cord. Jimmy Blatt mirrors me and does the same. We both lean in. We sit for a few seconds and check each other over.

First impressions? I'm not sure what he thinks of me. I wear an L.A. County-issued dark blue jumpsuit, long dirty blond hair, and a fu manchu beard. Some people say I've got a taller and heavier Robert Redford vibe going on, but I can't see it. I notice him looking at the eagle tattoo on my left forearm, the arm attached to the hand that's punched, choked, stabbed, and shot for 4 decades.

Jimmy looks like the slick-dressed members of the mob from Brooklyn. Like the men my mother Shirley used to hang with back in the 40s and 50s. That's when she dated and ran with some of the biggest names in crime including Bugsy Siegel, Joey Adonis, Meyer Lansky, and Lucky Luciano.

Jimmy wears a powder blue soft silk suit, a blue shirt with lavender pinstripes, white collar and white cuffs. A perfectly matched lavender tie. Gold cuff links and tie pin with lapis lazuli. Rolex Presidente. Gold wedding ring, and he's got a cell phone.

Well, at least I'll have the best dressed lawyer.

Jimmy starts, "Your lawyer, McGee. He should have requested for a motion to dismiss based on the medical examiner's lack of any kind of substantiating evidence for a finding of death. At least he could have asked for a continuance."

“Public defenders. What can I say?”

Jimmy points to my neck, “You don’t look Jewish.”

I finger my Star of David and try not to react, “What’s that supposed to mean?”

“Shalom, Michael.”

“You? Jewish?”

“Bar Mitzvah, the whole nine yards, back in Punxsutawney, Pennsylvania. You know, the town where they do the groundhog day.”

I give him a weak smile. “Mine come from Russia. Old school. Ashkenazi. I haven’t been to temple in years. But I did discover Jesus in 1974 when I did a stretch in Danbury. Hey, I could sit here all day and tell you what a change that’s been in my life, but I think we have more pressing issues? Whadda ya think you can do for me?”

“Why don’t I start by telling you how I operate, Michael.”

I nod. “Okay.”

“We need three things to win your case. First is ability. I know the law and I’ll do anything, within the bounds of the law to win. You can check my record. It’s good, very good. Second is influence. I’ve worked in this town and the superior court system for over a decade – and I used to be the D.A. here. I know where to go and who to see to get things done. The third is luck, and I think we’ve got some of that working for us already.”

“What you talking about?”

“The body. They already showed us they don’t have anything on proximate cause. No proof of death.” He studies my reaction when he adds, “And your son, Robert. It’ll be hard for a jury to see him as a credible witness with him in prison now, even though he helped you bury her.”

“Yeah.”

“Look, it’s late and I just wanted to get together. If you think this might work, you know, you and me, why don’t we meet

Monday morning, say ten o'clock to discuss your case and my fees?"

"Just tell me now, how much?"

"If it's alright with you, we'll go over all that on Monday when I've got a better handle on the intricacies of your case and the time involved with motions, expert witnesses, case law, and a trial, if it comes to that."

"Okay."

You better not think you're Shapiro. I don't have a million bucks.

* * *

I walk into the visitor's room Monday morning and Jimmy's already there, dressed to the nines. He motions for me to sit. A blank yellow pad sits in front of him with a Monte Blanc pen resting on top. He drums his fingers. Scattered across the table are papers he's obviously collected over the weekend. Even upside down, I recognize some. Rap sheets from New York, Florida, New Jersey, California, Interpol, and notes from my time in Mexico.

When they're laid out like that, for the first time I notice how I've aged and how angry I look in my arrest photos. Jimmy even has newspaper clippings from some of my previous escapades, a recent one written by Michael Connelly from the L.A. Times. That shows me he takes my case seriously. He clears his throat.

"You've had an extremely prolific, uh, career, Michael – and on two coasts."

"Yeah, I've been in a few scrapes." I grin.

Then the severity of my situation takes over when Jimmy opens a manila folder and pulls out a single sheet of paper. He reads slowly, "The State of California versus Michael J. Hardy for murder in the first degree, with the special circumstance of depraved indifference."

T H E L A S T J E W I S H G A N G S T E R

The words sound different when he says them, like all the hope's been sucked out of the room.

I hold my breath.

2

MY LAWYER

Jimmy studies the paper for a few seconds, puts it away, then looks up. He cocks his head and smiles, “What are you so worried about, Michael?”

“Whadda ya mean? Everyone I know who’s buried a body in a backyard is on death row.”

“You probably already know this, but this is how the American criminal justice system works in a murder case. A defendant needs two elements to have them served up to Superior Court for 1st degree murder – corpus, and proximate cause. In plain English, a body and how that body got to be dead. Murder is by far the hardest crime to prove.”

“Yeah, I know. But this is *my* murder charge.”

“Relax, Michael. They screwed up big time when they claimed head trauma as the cause of death. In their hurry to dig up the body they completely crushed the skull. They can’t prove how she died. We’re going to have some fun when I get that medical examiner on the stand. And by the way, I told the cameramen inside the court, if I see 1 second of Michael Hardy’s face on the news, I’ll sue their asses.”

So, \$75,000 ends up being the price tag for putting my life in Jimmy Blatt’s hands. A bargain if he can save me from the gas chamber. We schedule to get together on Wednesday to really get into it.

* * *

Tuesday night I have a hard time sleeping, pacing in my cell – five short strides, back and forth, over and over. Everything’s been

pointing to this kind of criminal charge all my life. The next morning Jimmy and I meet in the holding cell of Judge Judith Ashmann's court. Jimmy notices how tense I am.

He tries to calm me. "Listen, Michael. You can ease up. I've gone over all the evidence and reviewed the case law. I even spoke to the D.A. I think you're going to be pleased. I'm positive I can save you from the gas chamber."

What the fuck!

"Save me from the gas chamber, Jimmy? You got it all wrong. I don't want you to save me from the fucking gas chamber. What the fuck are you doing talking to the D.A.? I thought we're gonna to strategize on every move together."

"Michael, this is normal legal activity. I went to meet with him to find out what they've got and how strong they think their case is. Also I want to start undermining their confidence some. I planted some seeds about how your son is going to flip-flop a couple of times on them."

"Look, you can't do that shit without lettin' me know. Check this out – I'm not going to spend the rest of my life in prison either. I'm going to live free or die, Jimmy. Live free or die, just like the state motto for New Hampshire."

"I understand. So let's just get back to the details. Tell me everything that happened that Thanksgiving weekend in 1985. And don't give me the same story you told the police, okay?"

I begin to explain the events which culminated in one of the worst days of my life and tell him how my wife and I had been in the middle of another one of our volatile arguments. I can't even remember what it was about, "when she pulled a .38 on me."

"She did what?"

"Hey, two other times she's shot at me, so this was no surprise. She pulled a gun and fired at me. Almost took off my ear, went into the wall."

"Then what'd you do?"

“I shoved her hard. When she fell back and hit her head, she fired again and the bullet went out the open window to somewhere on Sherman Way. I took the gun away from her and we sat. I calmed her down and we talked. Hitting her head, I guess that’s what started to kill her, but I didn’t realize it because she didn’t act different. Thinking back, and what I’ve learned since about subdural hematomas, that had to be what killed her the next day.”

Jimmy holds up his left hand for a minute and I pause while he finishes scribbling more notes. He flips over another page and his Monte Blanc hovers over the empty sheet. “So, when did she die?”

“About ten minutes after I woke up the next morning, maybe nine o’clock.”

“How’d you know she was dead?”

“I felt her soul leave her body and pass by me – and she stopped breathing.”

He looks up at me, surprised by what I’ve said, like maybe I’m a murderer with a soul.

I begin to open up even more to Jimmy. I know to get my best defense, I need to trust him completely. “Everything, and I mean everything, I tell you is protected under client-attorney privilege, right?”

“That’s the law.” He leans in.

“Good. Then I’ve got to tell you, killing my wife has fucked up my mind for five years. Every time I looked at my daughter, I thought of her dead mother. Every time I saw a policeman, an unmarked car, or heard a siren, I thought they came to arrest me. It was almost a relief when it finally happened.

“When my wife died, a deep fear gripped me. An emotion I’ve never felt before and it hit me hard. On top of that, what would I say to Debra Anne, our seven-year-old daughter? How would I tell her about where her mother went? I knew that would be the toughest thing I’d ever have to do in my life. Since the day she was born, I vowed never to lie to her.”

“So, what did you do after that – exactly what?”

“I didn’t know what to do. I’ve done some crazy shit in my life and always had a clear sense of what came next. My survival instincts somehow always showed me the way. But I’d never been involved in anything so personal. I lost track of time and sat there blanked out until 3:10 in the afternoon. I know, because I looked at the clock. Then it hit me. I had to get out of there – now. I told my daughters to stay out of the bedroom. ‘Mommy’s sleeping and I’ll be right back.’

“I left the house and found myself walking down Sherman Way. Thanksgiving Day 1985, in Los Angeles where it never rains – in the middle of a downpour.”

“So, what happened next?”

“There were emotions running through me I’d never known before – the fear of dying in the gas chamber. It penetrated my bones. I didn’t think I’d live past twenty-five, but then – well, having kids, a wife, a family...”

“That changes everything, doesn’t it?”

“Yeah. I’m forty-six now, and look where I am. All I keep seeing is my death in the gas chamber. Strapped to a chair. Waiting for the tablets to drop. Looking out at a crowd. All the people who hate me and want to see me die. Then I think of my children and what would happen to them and their futures. I don’t want them to be abandoned. That’s no way for a kid to grow up in this world. I know.”

Jimmy looks me over with his ice blue eyes. “You aren’t telling me everything, are you Michael.”

I take a deep breath. “Way down in the very depths of me is my darkest fear, the fear of going to hell and burning for eternity. Ever since I accepted Jesus Christ as my Messiah, I know what the wages of sin can do to a soul. I got sins stacked so high I can’t see over ‘em. And on top of all that, there’s this dark cloud that

descended on me. I only felt this once before when my sister was killed on her way to school the day after her eighteenth birthday.”

Jimmy jots down more notes. “Michael, I know it might be a little rough telling me all this, but it really helps me to understand you better.”

I just nod my head.

“After your wife died, why didn’t you just go to the police?”

“Really? Can you imagine me callin’ the cops – for anything?”

“Yeah, with your background, I get it. So, what did you with your wife’s body?”

“Friday morning I woke around eight, took a red Persian rug off the wall, wrapped my wife’s body in it, dragged it into the garage and put it into a large green six-foot tool box. Then I got my family together – it was all I could do to keep from breaking down in front of them. Then Debra finally asked, ‘Daddy, where’s mommy.’“

“What did you tell her?”

“‘She left during the night, but she’ll be back.’ Two lies to my baby girl. That really broke my heart.”

“So you’re telling me you didn’t wantonly kill your wife. Is that correct?”

“Of course I didn’t. But tell me, Jimmy, what do you really want to know?”

“Was there any malice or forethought in your actions?”

“She pulled a piece and shot at me. I only had time to react. That’s it. Okay? Now, I have a question for you. Do you believe me?”

“It doesn’t matter what I believe, Michael.”

“It does to me.”

“Why?”

“All my life I’ve been an outlaw and a gangster, and done things that were against the law, and I never thought anything of it. This is different because it wasn’t something I planned or wanted to do. So, do you see why your belief is so important?”

“Okay then, first let me ask you a question. What do you think you’re guilty of?”

“Burying a body without a death certificate. So, what do you think I’m guilty of?”

“Personally, I don’t think you’re guilty of anything. She shot at you twice, so that’s self defense – and the statute of limitations for burying a body without a burial permit ran out two years ago. I totally believe you, Michael.”

“Good. Good.” I finally sigh. “Now, what can I do to help you with my case?”

Jimmy looks at the stack of papers before him and his yellow pad filled with notes. Then he looks into my eyes, almost unnerving me, “Just tell me this, Michael. How the fuck did you ever end up here?”

“What do you mean?”

“I mean, I want to know everything that brought you to this place. To here. To now. To this situation where you’re charged with murdering your wife. Start as far back as you want. Start at the dawn of time if you need to. Your beginning. Where you were born. I need to know who’s sitting across from me now, and who I’ll be sitting next to in court when I’m defending his life. Remember, anything you say is protected by our attorney-client privilege.”

Jimmy pulls out a small tape recorder, pops in a tape, and carefully sets it on the table. He looks at me. “Whenever you’re ready, Michael.”

I look back at him.

Numbers. They follow me. They haunt me. The kidnappings. The nineteen people I killed. The warden I got fired. The United States president who ordered my release from prison. The abusive foster care facility I got closed. The girl I saved from drowning in Israel. The two times I tried to commit suicide. The three times I died. The six knives that cut me. Seven fortunes gained and lost. The eleven times I’ve been shot. Over twelve parole violations. Sixteen

years in jails and prisons – with more to come. Twenty banks robbed. Over three hundred armed robberies, twenty-three with Sammy “the Bull” Gravano. The hundreds of days I spent in the world’s most dangerous prison. Thousands of stolen cars. Tens of thousands of dollars of counterfeit money laundered. And the bits of lead that still weep from a gut shot I took from a Gotti gun in 1963.

How many days, months or years will my sentence be? How many hours will it be before I get to hold my girls again as a free man? If ever.

My numbers keep adding up. Some even multiplying. It’s getting harder to count them anymore.

I nod to Jimmy.

I hope you’re ready.

Jimmy pushes a button on the tape recorder and I stare at the small black wheels of the cassette tape turning slowly.

I take a deep breath and lean in.

“My name is Michael Jeffrey Hardy. I’ve been an outlaw and gangster all my life. And now I’m awaiting trial for murdering my wife.”