

Discomfort Food • A Not So Beachy-Keen Picnic • Babies in Bulk

The Plain Dealer Sunday Magazine

June 6, 2004



PART II

ROAD to RUIN

Bob Kreischer faced
the court believing the
Constitution would protect him.

American justice didn't break his will.
But it broke his heart.

JUNE 6, 2004

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Cover Story

6 Second of Two Parts: Road to Ruin

Bob Kreischer faced the court believing the Constitution would protect him. American justice couldn't break his will. But it broke his heart.

Story by Andrea Simakis
Photographs by Thomas Ondrey



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The night before Bob Kreischer's last hearing, his wife, Mary, and daughters Nicole (left) and Alex watched him repair the family truck. (page 6)

Road to Ruin (Parts I and II) appears online at www.cleveland.com/sundaymag.

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The Plain Dealer Sunday Magazine is published weekly by The Plain Dealer Publishing Co., Plain Dealer Plaza, 1801 Superior Ave., Cleveland, OH 44114, 216-999-4800. © 2004.

ON THE COVER

Last June, while out on bond, Bob Kreischer stood on the deck of the cabin he built near New Lexington in Perry County. Photograph by Thomas Ondrey.

MAILBOX

A Tip Of The Hat

My hat is off to the lovely, stalwart "church hat" ladies of *Crowning Glory* (May 16). Being a hat lover myself, I, too, believe that outfits are not complete without these "crowning glories."

The story stated that "a church hat is more than a fashion statement. It's a treasured tradition." True! Alice Owens stated "... I won't change. I wouldn't feel right without a hat." She made me chuckle when she was asked if there was a time when she did not wear hats. She paused to think, then replied, "I don't wear a hat to bed."

Thank you for this delightful story with the stunning photographs. Pure enjoyment!

Virginia Jaracz
Cleveland Heights

I enjoyed the article. I have to

add that some of the younger black women do wear hats to church on occasion. I started wearing hats when my son was a baby. I had often missed church due to "bad hair days," but then a friend told me to wear a hat and I've been doing it ever since.

In the winter, I stick to an all-purpose tam, but in the summer, my hats really bloom. I think of a hat as the flower and my dress as the stem of my outfit. And a great hat never goes out of style.

Barbara Parnell
Euclid

In the article, my mother, Edrice Clark, was pictured wearing one of her hats at church.

I'm one of the few younger women who still wear a hat to church, and one of my favorite things to hear is, "Girl, you are



Edrice Clark in her silver straw hat at Antioch Baptist Church.

wearing that hat!"

Mommy and I enjoy wearing them together when we visit each other.

Debra Clark Handy
Spring, Texas

A Hero Amid The Haze

The Fatal Fog (May 9), recounting events of the 1929 Cleveland Clinic fire, was truly fascinating.

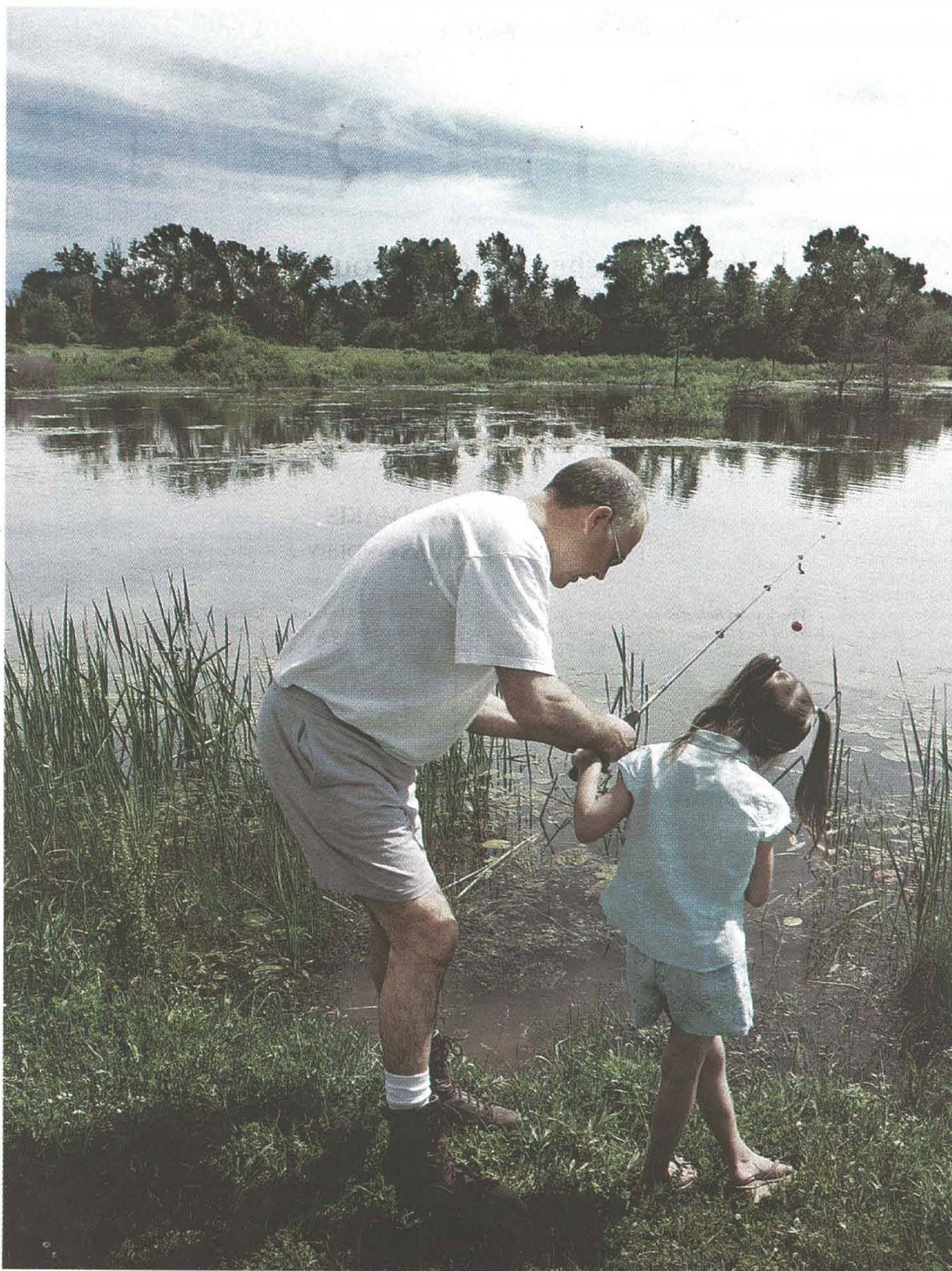
I would like to add to its brief mention of Fire Battalion Chief Michael Graham, my great-uncle.

Chief Graham and his battalion, stationed at East 105th Street and Euclid, were the first to reach the scene; and *The Cleveland News* called him a "hero" for carrying at least a dozen people to safety from the fume-laden building.

Always modest about his accomplishments, Mike Graham was a very kind man with a big heart, and his heroics are remembered with great pride.

Mary Jatlow
Beachwood

Who Deserves A Tip Of The Hat? We'd Like To Know. Our e-mail address is magmail@plaind.com. (You also can write us at The Plain Dealer Sunday Magazine, Plain Dealer Plaza, 1801 Superior Ave., Cleveland, OH 44114.) Include your name, address and daytime telephone number. To give all a chance to be heard, we reserve the right to edit for length and clarity. Letters may be published in any medium.



On Father's Day, Bob Kreischer (here, with Alex) took his daughters to the cemetery to clean around his dad's grave. Later, they went fishing.

ROAD *to* RUIN

Robert Kreischer faced the court believing
the Constitution would protect him.
American justice didn't break his will.
But it broke his heart.

Story by ANDREA SIMAKIS

Photographs by THOMAS ONDREY

Previously: Robert Kreischer never denied slugging Terry Wooten in May 2000. There was no question Bob had hurt the man, breaking a bone in his face. Bob's explanation was simple: He'd thrown one punch in self-defense. Perry County Prosecutor Joseph Flautt said Bob went further, kicking Wooten in the head with steel-toed boots.

The trial was long on colorful commentary and short on evidence. Jurors never heard expert testimony about an emergency room report detailing Wooten's injuries that bolstered Bob's story: He'd hit Wooten only once. The jury also didn't learn about the contents of police records that might have cast doubt on Wooten's claims that he'd been violently kicked in the skull and body — because the prosecutor didn't share them with the defense.

On January 22, 2001, Robert Kreischer, a hard-working family man who had never run afoul of the law, was found guilty of felonious assault.

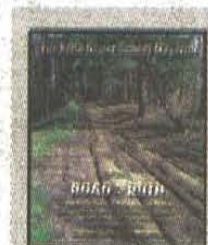
On March 8, 2001, with his wife, Mary, at his side, Bob appeared before Judge Linton Lewis and asked for mercy. If he lost his freedom, he told the judge, his three children — 15-year-old Rob (Little Bob), Nicole, 10, and Alex, 4 — would lose their provider and protector.

Lewis sentenced Bob to two years in prison.

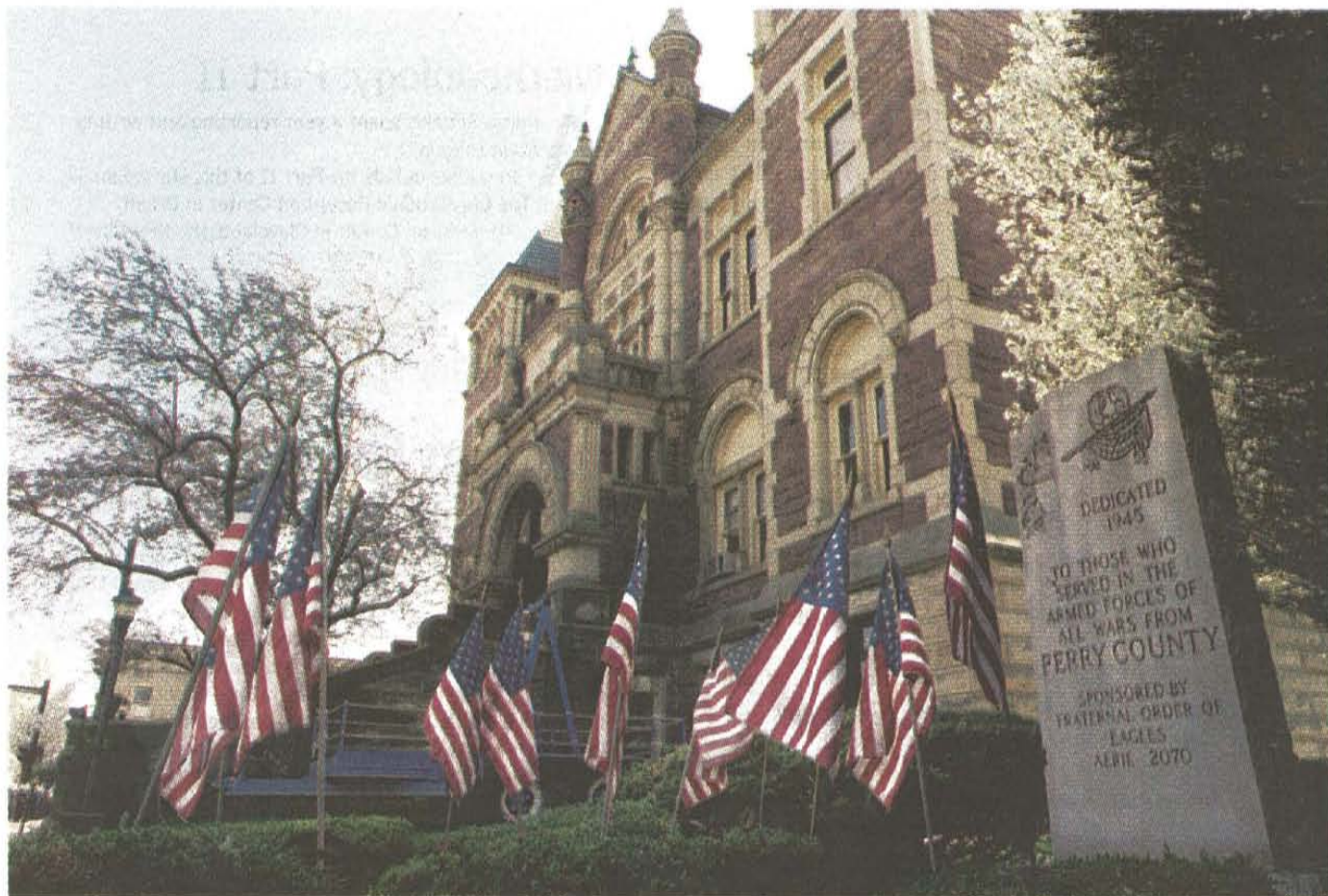
BOB LOOKED DOWN past his manacled ankles. Rust had eaten holes through the floorboards of the sheriff's white Chevy Blazer. It was a cloudy March day and wind whistled through the cab. A loose fender flapped against the chassis.

Had this rickety heap wheezed into the shop where he worked as a diesel mechanic, he would have scrapped the thing.

A chain coiled around Bob's waist. He was attached to a metal bar welded to the floor. His wrists were handcuffed, too. If the deputy at the wheel wrecked and flipped over, Bob wouldn't have to worry about his mounting legal bills anymore.



Road to Ruin,
Part I (text and
photographs)
appears online at
www.cleveland.com/sundaymag.



The stately Perry County Courthouse is a point of pride for residents living in one of the poorest counties in the state. After the courthouse received a face-lift years ago, a woman wrote county commissioners saying it reminded her of Cinderella Castle at Disney World.

“He’d received two years. His 38 years of clean living hadn’t counted for anything.”

His back throbbed. He’d spent the last week sleeping on a slab of a mattress in a Nelsonville jail. Now he was on his way to Orient, Ohio, to prison, packed alongside three other convicts, including a guy named Frank who’d fallen asleep at the wheel, drifted left of center and killed a man, and a former Perry County lawman who’d tried to murder his wife. Joseph Flautt, they told him, had prosecuted them, too.

“Frank, you got a family?” Bob asked over the clanging fender.

“Yeah, two daughters,” Frank croaked. His larynx had been crushed in the accident. He sounded mechanical. Robotic.

“What’s your wife gonna do while you’re gone?” Bob asked. “How’s she gonna make a living?”

His wife and kids would haunt garage sales and flea markets buying up junk, polishing it and selling it on eBay, he said.

Bob couldn’t bear to imagine Mary dragging their children through other people’s trash. But what would she do?

Her bookkeeping job at Quail Hollow Resort was for lunch money and pocket change for their kids. It wouldn’t support the family, even if she worked full time.

He shook away the thought. He couldn’t sit in prison while his family lost the house, a 1930s gem he’d restored in Leroy Township, just outside of Painesville.

Frank had pleaded guilty. His *mea culpa* sliced his sentence to three years, he told Bob.

“Why didn’t you fight, Frank?” Bob asked. “It was an accident.”

“I look at it this way,” Frank told him. “At least I’m alive — the other guy’s dead.”

Bob couldn’t argue with that. But Frank’s sentence only made Bob’s more surreal.

“I only smacked someone in the eye,” Bob told Frank.

Yet he’d been given nearly as much time. His 38 years of clean living hadn’t counted for anything.

Money was tight; he’d already spent

almost \$10,000 on his legal fees and bail. Bob had sold his cabin and vacation property in Perry County to his good friend Jim Ponsart to help pay for his defense.

The truck struggled over waves of asphalt. The hilly terrain reminded Bob of weekend trips to his rustic hideaway. He’d spent five years building the place, and now everything he’d worked for was gone, as if swept away by a spring flood.

“HOW MANY TIMES have you been arrested?” asked the woman behind the desk.

She looked up from her paperwork at Bob, standing before her in white socks and the dark-blue shirt and pants given to all new arrivals at the Correctional Reception Center.

He was a half-hour from downtown Columbus, moored in a way station for inmates. Convicts stayed at Orient an

average of six to eight weeks until a spot opened up at their “parent institution,” one of 30 Ohio prisons where they would serve out their sentences.

“I’ve never been arrested,” Bob answered.

“You’re *here*, so obviously you’ve been arrested,” she said.

“They sent me a summons in the mail and I went to court and now I’m here,” he insisted.

“Hold on a second.” She waved her arm and another corrections officer wandered over.

“This guy’s saying he’s never been arrested.”

“He’s here,” the man said. “Obviously he’s been arrested.”

“Well, he claims he wasn’t arrested for the crime,” she pressed.

“Just put down one,” he said. “He’s been arrested once.”

They packed away Bob’s rumpled black pants and blazer, his shoes, shirt and tie in a cardboard box and addressed the package to Mary. Men with nowhere to send their belongings watched as their baseball caps and jeans, cigars and cell phones flew into a large trash can in the center of the room. Inmates are allowed to keep only a few necessities: Glasses, dentures, hearing aids.

Bob craned his neck, trying to read upside down. He saw his name at the top of the sheet the woman was filling out.

A few words stood out like bas-relief on the page.

VIOLENT CRIME.

MAXIMUM SECURITY.

“Jeez, oh man, you gotta be kidding me,” he said, laughing nervously. “You’re not gonna put me in there with murderers and stuff, are you?”

Her pen kept moving.

He was hustled off to the barber. He looked into a stainless-steel mirror as another inmate clicked a razor to its second lowest setting. The last time Bob’s head had been shaved, he was a teenage Army recruit.

As his hair fell away, he aged years, like the flowers in those nature shows he always watched that sprouted, blossomed and withered in seconds.

Nearly bald and still in his stocking feet, he shuffled into a closet of a room and looked into a boxy camera. A printer spit out his mug shot.

Afterward, he met with a public defender working at the prison. All inmates talked with a lawyer when they arrived, to make sure their paperwork was in order.

Did Bob have any questions? the attorney asked.

“I’m supposed to get out on bond so I can appeal my conviction — it’s going to get overturned,” Bob said.

"I don't plan on staying here long."

The lawyer gave him a heard-it-all-before smile.

"Buddy, you're in prison. You'd better get used to it," Bob heard him say.

The lawyer was right. Most men convicted of violent felonies sat in their cells during their appeals and learned of the progress of their cases through hurried phone calls or notices in the mail.

"The only way you're getting out of here is if the governor pardons you," the attorney said.

"So, get comfortable."

THE CELL WAS CRAMPED. It was like being held hostage in someone's bathroom. Bob counted the cinder blocks in walls the color of jaundiced skin — 12 blocks long, eight blocks high. In the movies, cells were wallpapered with pinups and outfitted with writing desks and lamps. His was empty and sterile, lighted from above by an ever-humming fluorescent light. The window had bars as big around as the logs he'd fed into his wood-burning stove in winter.

When he and his cellmate sat on their beds and played chess on a makeshift board, their knees almost touched.

Chunk, CLUNK. The guard pulled on the steel door, as he did every two hours, to make sure it was still locked, his face filling the tiny mesh-covered window as he peered inside.

"What the hell you got there?" he asked.

"Chess set," Bob answered back, his eyes trained on the game. Bob had made it himself, fashioning the black pieces from tinfoil. He'd busted open a Bic disposable razor and used the blade to carve the white pieces from hunks of soap that stank like bleach. It felt good to use his hands again.

Before being locked up, he'd roared with energy, putting in 60 hours a week at work. Now he sputtered, a choked engine.

Forward motion stopped in prison, a ware-

house that manufactured inertia. He didn't understand how forcing men to do nothing taught them to be productive members of society.

Idleness killed Bob's appetite. So did the prison rations. Just smelling the food, prepared in simmering vats, turned his stomach. He couldn't eat anything but fruit; in the 10 minutes he had to scarf everything down, he'd swap a full meal for an apple or an orange.

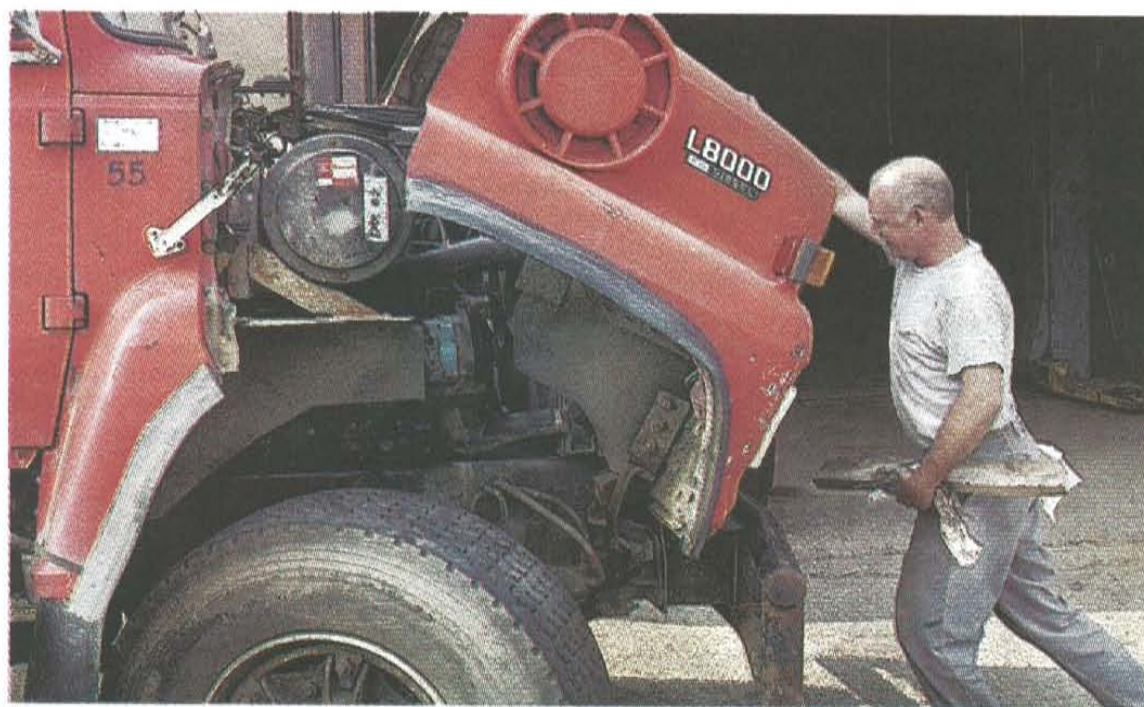
Still, he counted the hours between meals. It meant more time outside his cell: He would emerge each morning, afternoon and evening to march across the wide lawn to chow, one in a line of identical blue men, hairless as baby birds.

As a "high-security" inmate, Bob was locked up almost 22 hours a day. His cellmate, a kid not much older than his son, was considered a violent offender, too. He told Bob he'd slashed a policeman with a knife. He swore he didn't hurt the cop, just ripped the front of his uniform, but the act earned him three years for attempted felonious assault.

Of all the men he could have been trapped with, Bob was glad he'd drawn The Kid for a cellie. Bob taught him chess, tutored him in reading and helped him study for his GED, a piece of paper 70 percent of the 2,000 inmates cycling through the reception center each month didn't have. "What's this word, Bob?" The Kid would ask, pointing to the latest letter from his lawyer. "What's these words here?"

Schooling The Kid beat back the numbing boredom. Even mice scabbling through the hot-water pipes at night were a welcome diversion. Bob tried to snare one using a string from one of the thin blankets and an empty snack box. When his prey eluded him, he slathered peanut butter from the commissary on the end of a small plastic stick he'd picked up somewhere and balanced it on the edge of the trash can.

One evening, the rodent walked the tiny plank to reach the treat and tumbled into the garbage pail; Bob scooped up it up, its pea of a heart thudding against his palm. He kept the mouse as a pet



At GQ Contracting, Bob was responsible for maintaining 15 company cars, hydraulic lifts, forklifts, flatbed trucks, cranes and six pumps that spray plaster.

Methodology: Part II

Andrea Simakis spent a year reporting and writing *Road to Ruin*.

To gather details for Part II of this story, Simakis visited: The Correctional Reception Center in Orient, MetroHealth Medical Center in Cleveland, the Kreischers' home in Leroy Township and cabin in Perry County, Terry Wooten's land in Perry County, the Perry County Courthouse and Sheriff's Office in New Lexington and GQ Contracting Co. in Wickliffe.

Reconstructed scenes and dialogue are the result of careful interviews and review of written documentation. Conversations were heard by the reporter or confirmed by more than one party to the conversation when possible.

Simakis interviewed Bob and Mary Kreischer; Bob Kreischer's employer, co-workers, friends and extended family; the Kreischers' children, Rob, Nicole and Alexandra; Terry and Joan Wooten and some of Wooten's neighbors in Perry County; Bob's attorney, Barry Wilford; Richard Lewis, the lawyer representing Bob and Jim Ponsart in the current civil action against them; and Perry County Prosecutor Joseph Flautt and Perry County sheriff's deputies. Through a court administrator, Perry County Common Pleas Judge Linton Lewis declined to be interviewed for this story. Terry Wooten's attorney, Paul Panico, did not return repeated phone calls.

The jury foreman agreed to an interview on the condition that his name not be used. Simakis gave this juror a copy of the statement Wooten wrote in the Perry County Sheriff's Office on May 28, 2000, describing his fight with Kreischer.

Documents from the Perry County Court of Common Pleas, the 5th Ohio District Court of Appeals and the Ohio Supreme Court provided information about Kreischer's appeals.

Additional records came from: The Perry County Sheriff's Office; the Perry County Court of Common Pleas Civil Division; the Ohio Victims of Crime Compensation Program; property records; Wooten's medical bills; and public and private correspondence, including letters from U.S. Senators Mike DeWine and George Voinovich, U.S. Representative Steven LaTourette, Ohio Senator Robert Gardner and the ACLU of Ohio.

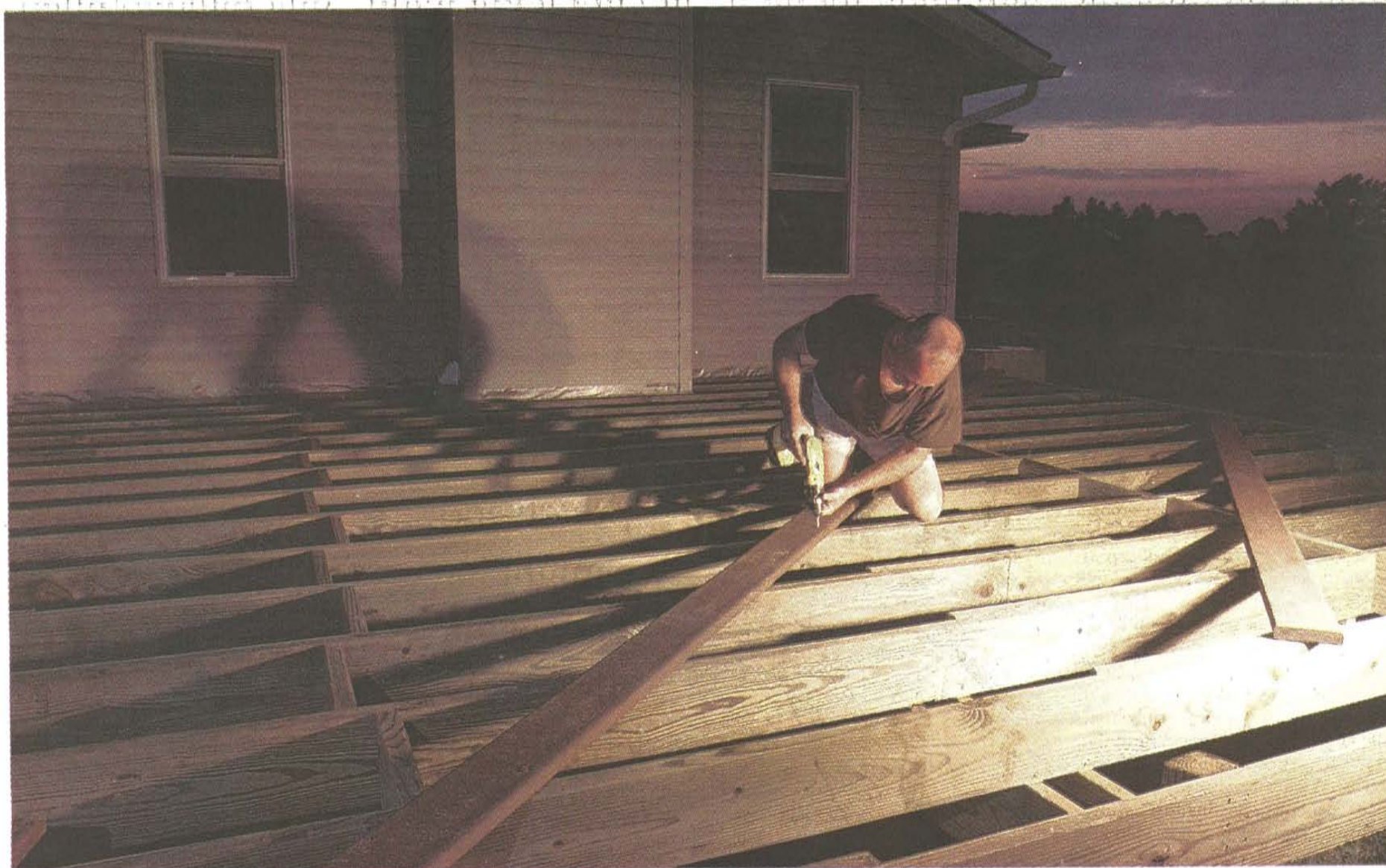
Simakis witnessed the following scenes: The Wootens visiting their land in Perry County; Alex's seventh birthday party and Little Bob's high school graduation party; the cutting of firewood; Mary in the kitchen watching Bob bring home his tools; Bob's last day at work and night at home; Bob driving to his final hearing on September 3, 2003; the Kreischers' meeting with Wilford in the Perry County Law Library, and the court proceedings that followed; Mary speaking with Wilford before leaving the sheriff's office; Nicole and Alex greeting their mother upon her return home.

The scenes depicting Bob talking to his daughters over Labor Day weekend, Bob and Mary with their son at MetroHealth Medical Center and the couple saying goodbye in the Perry County Sheriff's Office were recreations based on interviews with participants.

The drive to Orient was re-created based on Bob Kreischer's memory, interviews with Perry County deputies and supporting documents. Life in prison was re-created using information from the Correctional Reception Center's *Inmate Handbook* and material from interviews with Bob, Warden Mark Saunders and public information officer Angela Hill.

Details of Bob's experience at Noble Correctional Facility came from Bob and Mary. Prisoners' personal files are not public record. Background regarding prison operations and procedures was provided by Andrea Dean, spokeswoman for the Ohio Department of Rehabilitation and Corrections.

— THE EDITORS



"I'm running out of time," Bob said in the days before his final hearing. Although the list of unfinished projects in his house was long, he kept his promise to help his next-door neighbor finish his deck.

for a while, stroking its head, feeding it crackers, watching it tear around the cell. Then one day, Bob placed it on the windowsill, slid his forearm through the thick bars and opened the screen. The mouse scurried down the wall and disappeared into the yard.

At least one of them was free.

Word spread of his ability to create ingenious contraptions using box tops and Bics. Guys called out to him on the way to the mess hall — "Hey, Mac-Gyver!" Bob knew who they meant, that TV character who could make weapons out of chewing gum. He'd smile, but he rarely socialized. It was safer that way. Once, while waiting to use the phone, he'd almost been pummeled.

"Hey, no cutting," Bob had yelled, as a convict who towered over the other prisoners shoved to the front of the queue. Bob had only so many minutes before he had to be back in his cell and he wasn't going to miss talking to Mary. He needed to hear her voice.

The colossus turned and lumbered over to Bob. A guard showed up as they glowered at each other, Bob's nose to the

giant's chest. Everyone lost phone privileges that day and blamed Bob. Since then, he'd kept his eyes on the ground, his opinions to himself.

Mary visited once; the kids didn't come with her. It was bad enough that his wife had to see him locked up.

She kept him up to date in daily letters: Eleven-year-old Nicole got her braces. Alex was months away from starting kindergarten. He was so afraid he wouldn't be there her first day. She didn't even know he was in prison. Mary told her Bob was on a long trip but would be home soon.

The explanation didn't soothe Alex. She cried for him every night before bed.

The separation from his family was made worse by the confinement. He longed to be tramping through the woods, tracking deer with his son.

In prison, other than walks to meals, he was allowed outside only for two hours once a week. He never skipped outdoor recreation, no matter the weather. It was his only chance to burn off the furious untapped energy building up

inside him like a geyser.

While other inmates snoozed shirtless on old weight-lifting benches, exposing their white bellies to the rare spring sun, Bob ran the track circling an empty football field. He tried to imagine he was home, rounding the pond where he took the girls fishing, but that was much too hard. Here, tall fences glistened with razor wire, rows and rows of it, a glittering, pernicious crop, the only thing thriving in the prison soil.

When he wasn't running, or tutoring The Kid, Bob was on his bunk with a book he'd scrounged from the library, a drab room with two listing shelves filled with tattered paperbacks.

It wasn't easy to find something decent. He scoured the place for Westerns by Louis L'Amour, but they were wildly popular and always in the worst shape. Halfway through a novel, he'd find a chunk missing, the tribulations of cattle ranchers and barmaids scattered long ago. Bob started making sure that the last chapter was intact before he borrowed a book — he had to know how the stories ended.

He read so much his eyes ached. He read and dozed through the long, dull days, catnapping his life away.

He understood the cowboys L'Amour wrote about. If he could have chosen the time and place of his birth, it would have been the American West after the Civil War. He would have lived like a tumbleweed, blowing over the plains, staking out pristine ground no one had ever seen.

Sometimes, he felt out of place in the world, baffled by its unnecessary complications, nostalgic for a past he'd only read about. Life might have been harder then — he held no illusions about that — but it was simpler, too. If you had a grudge against somebody, you fought it out. One man won, the other lost, and that was that. You didn't get hanged for it.

At the end of each interminable day, he put another hash mark on the wall; there were 30 now.

In the month he'd been at Orient, he'd lost 15 pounds and almost all hope. After lights out, his cellblock alive with the endless creaking of springs as nearly

200 bodies shifted on their cots, he'd lie awake thinking about what the prison lawyer had told him:

He'd never get out.

LATE IN APRIL, more than a month after Bob had been sentenced, Mary arrived at Orient clutching the court order that authorized his release.

Bob's new lawyer, Barry Wilford, who was known for mounting successful appeals, had made good on his promise — he'd persuaded the judge to let Bob out of prison on a \$25,000 bond while the appeals court heard the case. Mary had cobbled together \$2,500 — 10 percent — to pay the bondsman. She wanted her husband home. Today.

"I know somethin's gonna go wrong," Bob's friend Ponsart said, tugging on the bill of his ever-present baseball cap as he and Mary made their way toward the visitors entrance.

"Jim, I'm gonna kill 'em with kindness," Mary said. "And we have the court order — they gotta let him go."

At 5 feet 2, Mary looked just old enough to buy cigarettes, possibly beer. Little about her had changed since the day she met Bob at an all-night skate-athon in Wickliffe. He was 15, with feathered bangs like Shaun Cassidy; she was 13, her hair in a ponytail. She thought he was cute. Beneath the fuchsia and lemon lights of the laser show, she asked him if he wanted to take a turn around the rink. She wanted to hear Led Zeppelin. He couldn't glide over to the DJ fast enough to request a song. They closed the place, rolling and talking till dawn.

Mary, her ponytail still as honey brown as it was 23 years ago, walked up to the front desk of the reception center. "I'm here to get my husband," she said, smiling sweetly.

"It's a quarter to four," said the woman at the front desk. "We quit at four."

Panic fluttered in Mary's throat like a bird trapped in a house. "Well," she said, with more confidence than she felt, "that gives you 15 minutes to go get my husband."

The woman folded her arms across her chest. She wouldn't budge. Neither would Mary.

"We just drove four hours," Mary said, her voice growing louder. "We're not leaving without my husband."

"Calm down," begged a mortified Ponsart.

People were starting to stare.

An administrator appeared. "Let's see what we can do," the official said gently.

Sitting in his cell, Bob heard the guard come to the door, "Get yer s—

together, Kreischer. You're gettin' out today."

Bob didn't ask any questions. The Kid watched sadly as Bob scrambled to put on his boots.

"Aw, you ain't gonna cry, are you?" Bob asked, laughing.

He gathered up the neatly folded letters from Mary and Nicole. Before he left, Bob promised The Kid he'd write.

"When you get outside the fence, you swing by here and wave to me, OK?" The Kid asked.

"All right," Bob promised.



"I wasn't intending to hide anything from 'em or not give Mr. Kreischer a fair trial," said Prosecutor Joseph Flautt, when asked about Bob's appeals.

Bob and Mary squeezed into the cab of the truck. It felt strange to be outside the razor wire. Ponsart peeled out of the parking lot toward the highway. Bob insisted on a detour.

"Jim, you gotta pull up to the fence. I gotta wave to my cellie."

"Wave to *who*?" Ponsart asked.

He and Mary played along, as if humoring a man with a high fever. Bob flapped his arm wildly. He couldn't see if The Kid was there or not. Still, he kept waving, saying goodbye to all of it — the terrible food, the deteriorating books, the acrid soap. The endless, meaningless days.

As Ponsart pressed the pedal, Bob felt the wind on his cheeks.

"Never in a million years will I go back to that place," he said.

WHO IS this criminal?

The words were written above Bob's mug shot hanging in the front office of GQ Contracting in Wick-

liffe. A few of the women he worked with had retrieved it from the Ohio Department of Rehabilitation and Corrections Web site — it was their way of telling him how ridiculous they thought the whole situation was. Pointed but good-natured ribbing was *de rigueur* at the company. Some of his co-workers were like family; he'd known them for almost two decades. His boss so believed in him, he lent Bob money to launch his appeal. They clapped him on the back and told him not to worry.

You've got the best lawyers now, they

“One
punch and
we might have
been looking at
disorderly
conduct.”

— Prosecutor Joseph Flautt

said. You're not going back to prison. Get that out of your mind.

And Bob believed it, too.

In August 2001, four months after Bob went home, Wilford argued to the 5th Ohio District Court of Appeals that Perry County Prosecutor Joe Flautt had withheld evidence that could have helped acquit his client.

Jurors didn't know about Wooten's statement to deputies the night of the fight, Wilford said. In it, Wooten had never mentioned being kicked in the head. Such a significant omission could have created doubt in the minds of the jurors. Reasonable doubt, Wilford argued to the appellate judges.

In addition, he said, Bob's trial attorney, Robert Aaron Miller, should have worked harder to obtain that statement. Because of these errors, the state had violated Bob's constitutional right to a fair trial and a good defense.

The case wasn't about a battered skull, he said, but a bruised ego.

"Terry Wooten picked a fight that he lost, and then ran to the sheriff's office to file a complaint against the man

who had stood his ground and beaten him," Wilford wrote.

Not so, said Flautt in his brief to the court in October 2001. Wooten's written statement wasn't that different from what he'd said in court; it just lacked some detail. Maybe Wooten didn't recount being kicked in the skull because he was addled and in need of medical attention, Flautt suggested.

Wooten's injuries, wrote Flautt — the broken eye bone, hearing loss and impaired vision — proved that Bob had struck his victim more than once. The jury, he said, had received a fair picture of what had happened.

Meanwhile, Wilford opened a second front. On November 14, 2001, while waiting to hear from the appeals court, he asked Perry County Common Pleas Judge Linton Lewis to throw out the guilty verdict or at least hold a hearing to determine the value of the evidence the jurors never heard.

Less than two weeks later, Lewis denied Wilford's request without saying why. The appeals court stepped in and ordered Lewis to explain his decision.

But while Lewis worked on his explanation, the appeals court judges dealt Bob and his defense team a devastating blow: Because Wooten's statement never came out at trial, the judges declined to rule on whether it was "material" — that is, whether it would have made a difference in the jury's deliberations.

That also meant they wouldn't answer the key question of the appeal — whether Bob's constitutional rights had been violated. They could consider only the evidence in the trial record.

Three months later, Lewis finally put his decision into words: The prosecutor's failure to give Wooten's statement and the deputy's report to the defense was a "harmless error." The jury most likely would have found Bob guilty anyway, he wrote.

"Harmless?" Bob asked when he heard. "I was convicted."

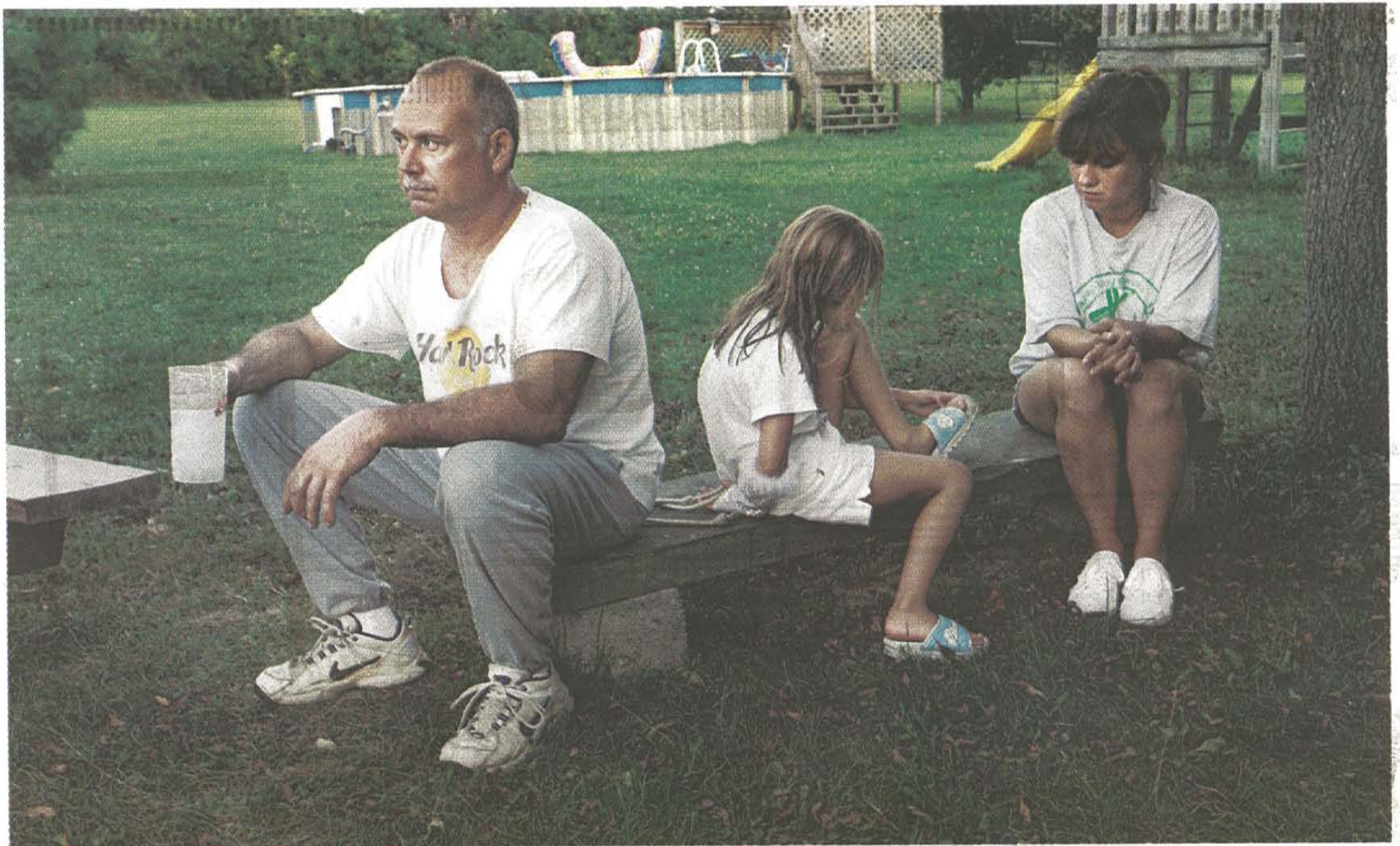
Wilford returned to the appeals court, asking the judges to reverse Lewis' decision.

The appellate judges agreed with Lewis: The conviction and sentence would stand.

The only mistake Lewis had made, they said, was in the amount he awarded Wooten for his injuries. It was "not supported by competent, credible evidence," the judges wrote. Another hearing would be required; Wooten would have to produce bills and receipts to prove how much he was owed. After that, Bob would have to go back to prison.

Bob was inconsolable.

"Let me get this straight," he said to Wilford. "The judges know the prosecutor didn't turn over evidence like he



"The last three years have brought to my attention how much government is bringing this country down," Bob said (here with Alex and Mary).
"I just woke up to the fact and it kinda hit me like a ton of bricks."

was supposed to in my case, but they're saying that's OK?"

"Basically," Wilford said.

"How do the judges know what the jurors would have thought?" Bob asked bitterly. "They aren't mind readers."

"Why bother having a jury at all?"

A SINGLE DISSENTING vote would have been enough to force a mistrial. The jury foreman in Bob's trial might have been that vote.

Long after he'd voted to convict Bob, the juror held Wooten's statement in his hands and read it. An old tattoo of a baby devil in diapers decorated his arm. The family man in wire-rimmed glasses wished he'd gotten rid of it long ago.

He couldn't imagine himself in Bob Kreischer's shoes, spending years away from his wife and two young boys.

"If somebody kicked me in the head and I was filling out a report, I'd sure mention it," he said.

The prosecutor had stressed that Bob kicked Wooten in the head with

steel-toed boots, he remembered. The juror read the statement again. It didn't say that anywhere.

It was the one detail that had stayed with him ever since he'd sat in that mahogany courtroom two-and-a-half years ago.

He wished he'd known about Wooten's statement during the trial, wished he could have taken the knowledge with him into deliberations.

It would have made a difference, he said.

It would have changed his mind.

A SADNESS HAD crept into Bob's once curious eyes.

He couldn't take any more money from his boss, who was paying for the appeals. The bills had climbed so high, Bob had abandoned his meticulous ways and stopped asking the office accountant about his mushrooming tally.

He was ready to give up when he learned that retired Ohio Supreme Court Justice Craig J. Wright, known as a champion of open-records laws, had

agreed to ask his former colleagues to hear Bob's appeal.

Bob figured he couldn't lose this time. Wright had spent 11 years on the bench of the state's highest court. He was one of their own. They'd listen to him.

In his motion, Wright argued that the prosecutor's suppression of evidence favorable to Bob's defense was far from harmless. Not only was it a violation of Bob's constitutional rights, it was one of the major reasons that hundreds of innocent people wound up behind bars.

The Ohio Supreme Court accepts only a handful of cases every year, and few involve criminal prosecutions.

Still, Bob checked the mail every day for months when he arrived home from work.

Then, in April 2003, there it was, buried beneath credit card offers and coupons.

He hurried to the kitchen, looking for his family. He wanted them with him when he opened it — he was certain that finally they'd have something to celebrate.

Mary was out running errands. The kids were gone, too.

Bob took a breath. Everything was riding on what was inside the envelope. Had the high court agreed to hear his case?

It was time for some good news.

He tore the letter open.

The statement was only 18 words long, signed by Chief Justice Thomas Moyer. The court had refused to hear the case.

He was still going to prison for two years. The only thing that had changed was his tab.

His appeals had cost \$40,000. At a hearing before Judge Lewis five months from now, he would learn how much he owed Wooten. After that, Bob would have to serve the rest of his time.

He whistled for Pongo and went outside. As the dog snuffled through the grass, Bob dropped onto a seat at the picnic table in the back yard.

It took the wind out of him, how wrong he'd been.

He'd first walked into the courtroom more than two years ago armed with his belief that the Constitution was a flak jacket. Yet the laws of his country hadn't protected him.

He'd taken a hit to the heart.



Terry Wooten sued Bob in civil court for \$75,000 plus punitive damages claiming, among other things, that because of his injuries, he could no longer "engage in numerous activities, including ... parenting and being a husband." He later withdrew the suit.

IT WAS LATE JUNE when a police officer, hat in hand, stood in the Kreischers' kitchen at sunrise. All Bob and Mary heard were fragments, as broken as Morse code: "Your son ... accident ... Life Flight ... Metro."

Little Bob had been at a sleepover at a friend's house, but, of course, nobody actually slept. They'd played Nintendo all night. At 5 a.m., Little Bob had slid into his Grand Prix and started the 10-minute drive home. He wanted to nap a few hours in his own bed before Mary roused him and put him to work helping set up for his graduation party, dusting off card tables and blowing up balloons.

A sheet cake decorated with yellow smiley faces wearing black mortarboards sat waiting in its box. "Congratulations Bob Class of 2003" was written in icing across the top. Mary's mom, Rose, and her aunts, Jo and Patty, had cooked all week. Platters of stuffed cabbage and breaded chicken sat cooling in the fridge.

It would be the only party that summer. Bob hadn't held a Fourth of July picnic since his conviction in 2001.

When friends asked why, he mumbled he wasn't feeling patriotic. Bob had stayed out of prison long enough to see his son graduate from Riverside High School; that was worth celebrating, a bright smudge of sunshine on an otherwise gray horizon.

Little Bob must have fallen asleep, because he missed the sharp left at the end of a serpentine stretch of road and slammed into the guardrail. The car sailed into the air, hit the ground and rolled. It came to rest on its side, balanced against a tree, crushed like a recycled pop can.

After he'd delivered the news, the officer left. Mary slipped on her backless tennis shoes and told a groggy Nicole, who'd sacked out with Alex in an impromptu slumber party in the living room, to stay with her sister.

The hospital wouldn't tell them anything over the phone, not Little Bob's condition or even if he'd survived.

Bob tried to keep himself from thinking the worst, but the worst was what he'd come to expect.

Soon, he'd most likely be driving back to Orient, chained to the back seat of that dilapidated truck. And now his

son was hurt. What if Little Bob had to spend the rest of his life in a wheelchair? What would Mary do without Bob's health insurance? Then came the inevitable thought; Bob tried to make it disappear, pop it like a balloon, but it was no use. What if all Little Bob needed was a priest?

An hour after they'd left the house, Bob and Mary stood outside the trauma room at MetroHealth Medical Center in Cleveland.

"You go in first," Mary said.

Bob opened the door and saw the blood; it painted the boy from his matted hair to his splattered shoes. His eyes were closed. He wasn't moving.

Mary padded inside behind Bob, took one look at her son and grabbed for a garbage can near the door. She flipped it upside down and sat heavily on it as her knees gave way. She felt guilty leaving Bob standing there, the family's pillar, while she was reduced to rubble, but she couldn't help it.

Bob was at her side. Sweat poured down her face. "You're white as a ghost," he said.

A nurse offered her water and a gurney.

"No," Mary said, her head drooping weakly, waving the nurse away. "I'm not leavin'. Just let me sit here."

Little Bob opened his eyes.

"I'm sorry, I'm so sorry," he said and started to cry. "I'm so stupid. I'm sorry I wrecked the car, I'm sorry I wrecked the party."

"You're alive," Mary said. "I don't care what you did."

He wouldn't be consoled. "I messed everything up," he said. "You got enough problems."

Bob felt a stab of guilt. The first thing on the kid's mind when he came to were his father's troubles, not his own. Although the case had consumed Bob's thoughts in the last two years — he'd read the 230-page transcript of the trial at least 60 times — he believed he'd spared his children the same obsession.

He and Mary had tried to keep things as normal as possible for the children. It wasn't easy. He was a felon out on bond, so he couldn't leave the state, which meant no more trips to Disney World, or anywhere else outside of Ohio for that matter. That was hard to explain, especially to the girls, whose

friends jetted around with their families during Christmas and spring break. But other than that, hadn't their lives been OK? He hadn't sunk into a paralyzing depression, he hadn't started drinking, and his marriage was strong enough to take the strain.

Still, he hadn't realized how much the case weighed on his son. "Don't worry about nothing," Bob said quietly.

They watched as a team of doctors and nurses swarmed over Little Bob: "Can you move your feet?" the boy was asked.

"Pick up your arm. Good. Now move your fingers."

"Thank God," Bob muttered. When people at work offered to pray for him — first for his acquittal, then for his appeals to succeed — he thanked them, but wanted to add, "Don't bother." Bob believed in the natural world, the world you could see and hear and touch. He spent his Sundays helping friends with various projects, lubing a neighbor's tractor or building a friend's deck. Still, as he watched his son's fingers slowly wiggle, it felt like divine intervention.

Little Bob had survived an accident doctors said should have killed him, crippled him or turned his brain to mush. He had walked away with a jaw broken in three places and a row of teeth knocked flat in his mouth like a fence run down by a John Deere. He'd need to eat through a straw for a while. At first, it looked as though he had lost an ear, but after they'd cleaned the blood off, doctors saw the lobe was only badly torn.

Bob had put a sunroof into the Grand Prix a year earlier, then when the latch wouldn't catch, put off fixing it. Mary always joked that they were like the shoemaker's family who walked around with holes in their soles: Only the family of a mechanic drove around in cars that needed tuneups and latches replaced.

Little Bob had failed to buckle up, and when his head rammed into the sunroof, instead of shattering, the roof had popped open. He was spit out before the car began its bone-crushing roll.

If everyone has a reservoir of luck, a finite amount of good fortune, Bob believed he'd just used his up. He was suddenly glad he hadn't squandered it all in that Perry County courtroom or frittered it away on his appeals.

THE LAST WEEKEND in June 2003, Terry Wooten walked along the uneven path past the cabin Bob Kreischer had built. Mildew had taken over half the roof and was advancing on the remaining side. Bob, Mary and the kids hadn't been there together in nearly a year.

Wooten and Bob used to be uneasy neighbors — Wooten owned the spread on one side of the road, Bob the other. A disagreement that began over trucks blocking their shared roadway ended with Wooten on the ground.

The forest was steamy, the air heavy with humidity, but Wooten wore baggy denim overalls. The thick brambles crisscrossing the



Little Bob's surgery after his car accident lasted more than three hours. Bob and Mary waited while doctors put a titanium plate in their son's chin, rebuilt his jaw and wired it shut. "You're not prepared to see your kids hurt," Bob said.

property in Perry County could really take a bite out of a naked calf.

He'd come down from Columbus to meet with the prosecutor to go over what Bob owed him. He'd had to take off work to do it — a vacation day wasted, he griped.

His wife, Joan, was with him on this visit, and that's why, he explained, he didn't strap on his pistol or don his bulletproof vest. He took those precautions only when he traveled his 80 acres alone, because what if Bob and

his buddies from Cleveland were around? Once, he heard shouting and climbed a tree to scope things out with binoculars. He caught sight of Bob, he said, quickly abandoned his perch and retreated farther into the woods. It looked as if he'd lucked out today — only the deer had left their prints in the sticky mud.

Three years ago, on a day like this one, right here on this rutted stretch, he said, he could have been killed. "If he would've got the nose and shoved it up into the brain, I'd been

dead," he said.

Wooten thought Bob was getting off pretty easy with a two-year sentence. "He should've got four to six," he said.

Why hadn't Kreischer taken the plea bargain the prosecutor offered him? Wooten still couldn't believe it. If Bob had only agreed to spend time in a treatment facility and pay Wooten's bills, he could've stayed out of prison.

As far as he was concerned, Bob had hanged himself by putting his fate in the hands of 12

people he didn't know. And even after the jury had convicted him, Bob refused to admit what he'd done and do his time.

Wooten didn't know why he hadn't said anything about being kicked in the head when he first reported the assault. "Maybe I was dazed," he said.

He didn't even remember writing that statement. He also didn't recall telling the deputy that Bob had threatened his family. He didn't remember telling the jurors either.

Wooten surveyed the area. Birds twittered madly. A few rays of sun battled through the dense leaves, illuminating small patches of road like high-intensity spotlights.

He and his wife headed toward their rough picnic grounds in a rocky clearing deep in the forest, a place he called his "little hideaway." He wanted to check on their camper — a 24-foot travel trailer — and make sure nobody had helped themselves to any of his stuff.

He sat down at a picnic bench in the

shadow of the trailer. A bottle-green dragonfly zoomed by. He leaned his head back and admired the cotton-candy blue of the afternoon sky. It was even more beautiful at night, he said. No city lights to dull the brightness of the constellations.

"Listen to how quiet it is," he said, especially with nobody else around.

Bob and his cronies used to like to shoot at a metal target they'd set up in a gully at the base of the road. Wooten complained to sheriff's deputies more than once that one of those slugs could ricochet off the target and kill somebody — sail across the road and hit him, Joan or one of their kids, and then where would they be? "Lying on the ground," he said.

Last year, Wooten had called deputies on behalf of his elderly neighbor, Leonard Black, who lived on a secluded knoll behind his property.

"Robert Kreischer ... has guns and has shot at Mr. Black several times," Wooten reported. When Black was questioned later, however, he told the deputy that someone had roared across his property on an ATV, but he couldn't identify the driver. He just wanted something done about people trespassing on his land.

Wooten had grown close to the Blacks over the years and Wooten wished people like that owned the property across the road from him instead of Kreischer. Of course, Bob's friend Jim Ponsart, "the real tall boy," supposedly owned the land now.

He didn't believe it.

Wooten figured Bob had transferred the property into Jim's name to hide it so Wooten and the insurance company couldn't come after it.

Now Ponsart was trying to sell a part of it. Who knew who'd move in there next? Wooten believed that land — not a portion of it, but all of it — should be used to settle the debt Bob owed him.

He cautioned prospective buyers whenever he ran into them. Bob owed a lot of money, he'd explain. The land wasn't really Jimmy Ponsart's to sell. The 20 or so acres would most likely go to the highest bidder at sheriff's auction, he'd tell them. Wooten's warning scared off at least one couple who were about to make an offer.

Wooten's lawyer had checked out Bob's house and property in Leroy Township, he said, and found that it was mortgaged to the hilt, so he couldn't go after that.

No, Wooten said, the only thing Bob had that was worth anything were those cabins and the land they sat on.

MARY STOOD at the window and watched her husband empty his pickup truck. His face was pink and the veins in his arms bulged as he carried load after load to the barn.

Her tears were a surprise.

Mary retreated to her purse on the counter and found her cigarettes. She'd never been a heavy smoker; she'd even quit for a while.



Once the family had depleted its supply of firewood, it would be up to Little Bob to replenish it. Bob hated to put one more burden on the boy's bony shoulders; he was still so skinny after having his jaw wired shut for nearly two months following his car accident.

Now she always seemed to need the steadying power of nicotine. She drew a long white Marlboro from the pack, clicked her lighter, inhaled and closed her eyes.

Seeing Bob bring his tools home from the shop had been harder than she'd expected.

This was really happening.

It was the last week of August 2003. Unless the judge could be persuaded to put Bob on probation instead of making him serve the rest of his sentence, in five days he would be gone.

She wiped her cheeks and let out a dry little laugh. She'd let her emotions slip through her fortress of denial. She'd never seen it coming.

Just then, 13-year-old Nicole and a friend came chattering and dripping into the kitchen, their wet hair slicked back after a dip in the next-door neighbor's pool.

Mary rubbed at her eyes, trying to erase the salty evidence.

Nicole didn't notice. She stuck her head into the freezer, rummaged around, pulled out a pizza and stuck it in the oven.

"Mom, why is Dad unpacking his tools?" she asked.

Mary paused, debating. "He doesn't have enough room at the shop," she said finally, punctuating the line with an extended drag on the cigarette.

Outside, Alex raced around the backyard, wearing a single sparkly "Diamonds Are A Girl's Best Friend" glove trimmed with fur on her arm. She'd turned seven that month. On her birthday a few weeks ago, Bob had chased her, squealing, through the grass with a snapping pair of barbecue tongs.

Bob, Ponsart and next-door neighbor Victor Weinmann were in the side yard splitting pieces of ash, their faces twisted into homicidal grimaces like lumberjacks on a killing spree. Bob grunted with exertion as he hoisted a sledgehammer over his shoulder and brought it down on the head of an ax wedged into a log. Pine and sassafras were much easier to cut, but ash burned better and longer. Bob's family had to get the most out of each log.

Gathering the wood had been murder — mosquitoes had pricked their backs, sweat had stung their eyes.

They'd had to go into the forest in the stultifying heat of late summer instead of the deep cool of fall because by the time the leaves turned the color of pomegranates, Bob might be gone.

He'd been moving since 6:30 a.m. and hadn't gotten any sleep the night before, not that that was anything new. When he closed his eyes, he saw catastrophes — Mary and the kids packing everything into a U-Haul because they couldn't afford the house payments. Mary giving Pongo away because the new place wouldn't allow dogs. Alex crying, throwing her arms around the Labrador retriever's neck. Mary standing in line at the county office, applying for food stamps.

All he wanted to do right now was watch the Cleveland Browns' preseason game on the basement TV with his friends. Bob couldn't remember the last time he'd missed seeing the team play, but he couldn't quit, not until every last log was chopped and stacked. He was preparing for a two-year winter and his own special kind of cabin fever.

Mary slipped quietly outside to watch her husband work.

Alex tethered Pongo to a clothesline, then whirled around her mother, who was sitting glumly on a concrete bench near the growing pile of wood.

The dog tried to follow, but he jerked to a stop when he reached the end of his lead and began barking in frustration.

"PONGO-PONGO-PONGO-PONGO!" Alex sang.

"Calm down, Al," Mary said tiredly. "You're gonna be so wound up, you won't be able to sleep and you have to get ready for bed soon."

But Alex was on the swing, clamoring for a playmate.

"Swingmeswingmeswingme!" she called, hanging upside down.

Mary lifted herself heavily off the bench.

Alex was just being Alex, slurping the last drops out of an August night — if she was too excited to go to bed later on, Mary knew what to do.

Whenever any of the kids wouldn't listen, Mary said one word — "Bob" — and they'd stop whatever they were doing and behave. It made absolutely no sense because Bob didn't yell at the

kids. She was the daily disciplinarian, the one who raised her voice. Still, the simple threat of his displeasure won her results every time.

"Wait till your father gets home," she'd say, and bodies would fly under covers, homework would be started, chores finished.

She pushed Alex, giggling maniacally, into the air.

What would she say to the kids if Bob didn't come home after the hearing? In less than a week, she would be responsible for everything — the discipline, the groceries, the house payments — as though she'd lost her husband to a massive heart attack.

THE SKY was a dull pewter and the rain wouldn't stop.

Mary was cleaning up after breakfast. Alex and Nicole were watching TV, dressed for a Labor Day outing to the Cleveland National Air Show, just in case the weather broke. Bob leaned against the kitchen counter, sipping coffee and reading the newspaper. Suddenly he was thinking about his case again, his mind like a record needle skipping back to the same deep scratch.

How hypocritical the government was. On one hand, it cherished hard-working Americans enough to set aside a day to honor them, yet that same government wanted to strip him of his job so he couldn't make a living to support his family. He squeezed his coffee cup and his insides started to burn.

He heard his daughters giggling in the living room and chased his anger back into its cave. He had two days to spend with his family before he stood in front of Judge Lewis again. He wasn't going to ruin it obsessing over things he couldn't change. He put down the paper. It was time to talk to the girls.

Alex lolled on the powder-blue love seat, Nicole on the couch. Bob sank into his easy chair.

He stayed there with them for a half-hour, silently rehearsing what he'd say, oblivious to what was on the screen.

How do you deliver such news to your children?

Nicole's priorities were her hair, what she'd wear the next day and making the cheerleading squad. That was exactly how Bob and Mary wanted it. Why burden her with details of appeals and legal fees? She had just started junior high and they worried if news got out that her old man was in prison, her blossoming social life would die a swift and embarrassing death.

"What will parents think of it?"

Mary had said. "You know how families talk at dinner. Will her friends be allowed to come sleep over anymore?"

And how to explain it to Alex, who followed her father around the house playing waitress, recording his orders on a little notepad? She hardly let him out of her sight when he was home.

For a while, Bob had convinced himself he'd never have to tell them at all. After the Ohio Supreme Court rejected his last appeal, he'd mounted a vigorous letter-writing campaign, contacting

decided to wait until the last possible moment to tell his daughters. Why make them suffer an hour longer than they had to?

He shifted in his chair. Swallowed. Cleared his throat. He knew he had to keep his speech as short as possible, otherwise, he'd choke up, and he didn't want the girls to see him cry. He wrestled their attention away from the show and began:

"I'll probably be going back to prison this Wednesday," he announced. "Your

can't tell the good guys from the bad, so the best thing is, don't *ever* trust any of them. Avoid them at all costs. They are not our friends."

He couldn't believe those words were coming out of his mouth. But how could he tell his daughters to put their faith in a government that treated the Bill of Rights like a moldy piece of parchment?

Alex didn't move. She sat there and stared at him, her face blank and pale.

"How long will you be gone?" Nicole pressed.

"I don't know yet," Bob said. "But there's a chance I'll be back next spring."

Nicole reloaded and fired. "Why does it keep coming back?" she asked, an uncharacteristic sharpness in her voice. "When will it be all over?"

"I may be out in the spring," Bob repeated. "And when I get out, it should all be about over."

He couldn't tell her that no matter when he was released, between the restitution he would have to pay Wooten and the money he owed his company, he'd be serving a financial life sentence, with no possibility of parole.

Nicole would be thinking about college in a few years, but the money he'd been able to save — the little that didn't go to the lawyers who were still racking up billable hours — had to pay the mortgage. He'd put away about \$6,000, just enough to cover the house payments for six months. That's why he had to win an early release.

Little Bob had already decided to delay college so he could help Mary with the household expenses. The kid was making \$8 an hour as a bellman at Quail Hollow, and Mary wasn't making much more. With winter coming, they would cut way back on his hours.

"Where will they send you?" Nicole asked.

Her third degree actually made delivering the news easier — he could concentrate on her questions and keep his emotions on mute.

Bob had no idea where he'd wind up. When he'd first been imprisoned, Mary lost track of him. He'd been calling her from the Perry County lockup and she thought he was still there until she received a plain brown box in the mail from Orient, Ohio. She'd opened it, pulled out his wrinkled sports coat, slacks, shirt and tie, and burst into tears. She said she felt like a war widow, receiving her husband's effects.

He'd be lucky if he landed in a prison in Northeast Ohio so he could be near Mary and the kids. Despite assurances that one of the goals of the Ohio Department of Rehabilitation and Corrections was to place inmates as close to their loved ones as possible, it really came down to bed space, economics,



Bob stored his work tools in the barn. Convicts could apply for shock probation after they'd served six months, but Judge Lewis wasn't known for handing out early releases to violent felons.

“You can't tell the good guys from the bad. Don't ever trust any of them.”

— Bob Kreischer

everyone he could think of, including U.S. Senators Mike DeWine and George Voinovich (*We are of the opinion that this is a private legal matter*); U.S. Representative Steven LaTourette (*I am unable to assist you in this matter*); Ohio Senator Robert Gardner (*I receive a large volume of electronic mail, which makes it difficult for me to reply*); and the American Civil Liberties Union of Ohio (*If you believe your rights have been violated, we encourage you to contact a private attorney at once*).

When it became clear that there would be no legislative reprieve, he'd

mom will drive me down, but she'll be back that night."

"What's prison?" Alex asked. When he'd been locked up two years ago, Alex had been told her father was traveling.

"It's jail, Al," Nicole said quickly, then turned to her father. "Why do you have to go back?" she asked.

He paused, unsure how to answer.

"I really don't know," he said gravely. "There's a bunch of people that made up some lies about me and the court believed their lies and not me."

"That's why you can't trust our government or our law enforcement. You

and geography. Convicts were kept in or near the county where they'd committed the crime, making it easier and cheaper to transfer them to and from court. He'd most likely be pulled back to Southern Ohio, somewhere near Perry County, his own Bermuda Triangle.

"They'll be keeping me down around where the cabin is," Bob told the girls. "I'll write and call often — I'll still be talking to you all of the time.

"Be good for your mom," he instructed. "Make sure you take care of your pets so that your mom won't have to.

"I love you," he finished. "Don't be forgetting about me."

He'd done it. And he hadn't broken down. He'd cried only twice in his life: Once when his father had died and again in 1995 when they'd buried Mary's Uncle Jack. Those deaths, as hard as they were, weren't as difficult as telling Alex and Nicole that he was going to leave them, abdicating his role as protector and provider.

After their talk, Nicole lay on the couch and silently watched TV. Alex ran upstairs. Bob waited a few minutes, then followed her. He found her alone in her room, playing with her dolls on the floor.

She looked up at him.

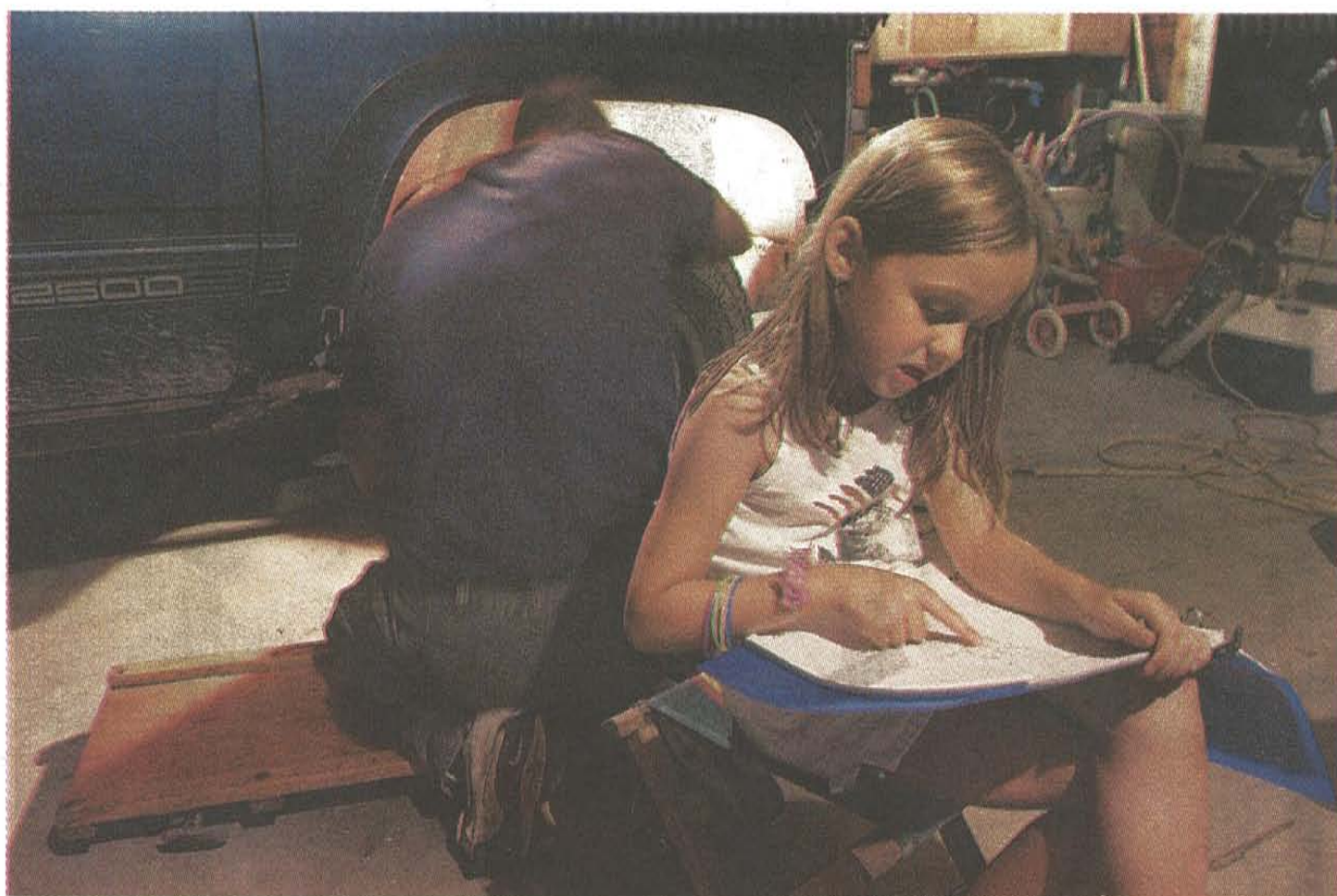
"Dad," she asked, "when is spring?"

EVEN THOUGH he'd moved his tools home and there was nothing left to do, it felt strange cutting out from the job in the middle of the day, wrong somehow. Working was in Bob's DNA: His father had labored in the coal mines of Pennsylvania before moving his seven sons and seven daughters to Ohio and taking a job with TRW in the valve division, making parts for Boeing and NASA. After his shift, he'd come home, eat dinner, then report to a machine shop to earn extra money.

It was September 2, 2003, the day before Bob's final hearing. That morning, he'd moved through a gauntlet of awkward but heartfelt goodbyes in the front office. There was no etiquette for how to send somebody off to prison; Hallmark didn't make cards for that sort of thing.

By noon, he'd turned in his cell phone and the keys to the company pickup.

He hated to part with that truck; he was about to crack 300,000 miles on the thing and it was still in good condition. His son's car was beyond repair; even Bob couldn't bring it back from the dead. He'd taken one look at it, felt a wave of nausea and called a tow truck and handed the driver the title. They were down to Mary's Blazer and the old



Late at night, Bob worked to repair the family truck while Alex read alongside him. Did he still have the key chain she made for him, Alex asked. He pulled it out of his pocket: The small blocks spelling D-A-D were intact, but the pink hearts had cracked and fallen off.

“I love you,” Bob said to the girls before the hearing. “Don’t be forgetting about me.”

blue truck they used to haul wood and plow the driveway, and now Little Bob said he thought it was leaking oil.

He was sweeping up when Mary arrived to give him a lift. “I just talked to the lawyer,” Bob told his wife.

After many requests, the Perry County prosecutor finally had faxed Barry Wilford copies of Wooten's medical bills.

“They’re asking for \$40,000 in restitution,” Bob said.

The amount was nearly double what Wooten originally asked for.

Mary let out a harsh laugh. “I oughta bring him some of Rob’s medical bills,” she said. The cost of their son’s care had barely come to \$10,000, and he’d been jettisoned, head first, from a moving car.

“Wilford gave me some good news today,” Bob said with a crooked grin. “He’s not charging us for this hearing tomorrow. He feels bad about all the money that we spent but got no results.”

There was more. Bob explained:

The prosecutor had made an offer through Wilford: If Bob would agree to

sign over his Perry County vacation property, including the two cabins, to Wooten, the state would consider Wooten paid in full.

His prison term was nonnegotiable.

“Just tell your client, Mr. Kreischer, that after the hearing on September 3, he should be prepared to go back and do the rest of his time,” Prosecutor Flautt had said.

Wilford had advised him to strongly consider taking the deal.

“I sold the land to Jim to pay you guys. How am I supposed to get the money to get the property back?”

“I’m just letting you know what the prosecutor said,” Wilford had answered. “It’s your decision.”

Bob had felt as though he were speaking in some incomprehensible tongue. No one understood him. “I really have no decision to make,” Bob had told Wilford. “I have no money left and I have no property, so I really have nothin’ to give him.”

The prosecutor was under the impression that Bob actually still owned

the spread, Wilford had explained, and that he was just hiding it under another man’s name so Wooten couldn’t get it.

“Why would I hold on to the property when I got the legal bills that I got now?” Bob had asked. “I’m gonna hold on to that property and stiff my boss for the money he lent me for my appeals?”

“No,” Bob had said. “That ain’t me.”

BOB SPENT that night fixing the blue truck. No speeches. No last suppers. Just work. Like always.

“What are you gonna wear tomorrow so I can have that ready?” Mary asked him, then added, “Don’t wear a suit because it’s gonna be 77 degrees. Wear khakis, a shirt and a tie.”

“I’m not wearin’ a tie because I have absolutely no respect for that courtroom,” he answered. “I went in there every time with a suit and look where



The family drew together on Bob's last night, as the evening grew quiet and cool. Nicole (left), Mary and Alex huddled in the garage as Bob worked on.

“As 7 slid into 8 and 8 slid into 9, they gathered around Bob, campers to his bonfire.”

it got me.”

Friends and family wafted in and out. Bob's mother-in-law, Rose, stopped by and made arrangements to stay with the girls so Mary could go to court with her husband.

The women stood in the yard waiting to learn the truck's prognosis.

“Bob's coming home,” Rose said suddenly. “He's coming home with you tomorrow after the hearing.”

Mary didn't answer.

Bob emerged from the garage.

“It has a broken brake line,” Bob announced.

The old Chevy hadn't been dripping oil but transmission fluid; when Bob replaced the transmission line, he'd somehow damaged the brakes.

“Everything's just so rotted under there, anything you touch falls apart,” he said.

The sun was setting, the sky painted with streaks of lavender and salmon; if Bob didn't fix the truck tonight, Mary would have to have the thing towed to a service station and pay for work her

husband could have done for free. And they didn't have money to spare.

They couldn't do without the disintegrating jalopy. They would need it to plow the driveway when the snow came. Without it, they wouldn't be able to get the car they still had to the road.

Bob was running out of time. He'd spent the last few weeks helping his neighbor build his deck, then burned most of yesterday delegating new responsibilities to the kids.

He'd brought Little Bob down to the basement and showed him the things that could go wrong with the furnace and how to fix them; he'd taken him out back and taught him how to change the water filters in the well and what to do if it started to leak.

He'd told Nicole she'd have to mow the lawn; luckily, she was just big enough now to reach the pedals of the tractor.

Alex would help take out the trash and clean the rugs using the little self-propelled vacuum cleaner he'd bought her.

Bob stood at the mouth of the garage, wiping his hands on a rag, staring at the spot where the horizon met the sky.

It would be dark soon.

Nicole plopped down on the cement steps leading from the garage to the kitchen, opened a laptop she'd borrowed from the neighbor next door and began fielding instant messages like an air-traffic controller on speed.

Mary positioned a folding lawn chair near the right-front wheel of the truck and sat down, a pile of photo albums in her lap.

Alex took a seat on a stool, crossed her legs and began reciting poems she'd written and collected in a big binder.

Bob grabbed a portable light and peered inside the open hood, then knelt down to study the truck's underbelly.

He turned to Alex and pointed at one of the pages. “What kind of lizard is that?” he asked.

“I don't know,” she said, shrugging dramatically and studying a crayon drawing she'd made of a smiling reptile.

“You don't know what kind of lizard that is?” Bob pressed. “You got a lizard crawling on your book and it could be poisonous?”

“It's like living with the Nature Channel, isn't it, Al?” Mary teased.

On an ordinary night, Mary and the girls would have dispersed to all corners of the house to pursue their own chores and projects, leaving Bob to tinker alone. But there was nothing ordinary about this Tuesday, as 7 slid into 8 and 8 slid into 9. No one said a word; they just gathered around him, campers to his bonfire.

Mary flipped through the snapshots: There they were at Disney World, clustered in front of Cinderella Castle.

“Al, look how *tiny* you were,” Mary marveled.

“Where's me?” Alex asked, leaping to her mother's side.

“You're the one crying in all these pictures — the only time you were happy was in ‘It's a Small World.’”

“That was a freaky ride,” Nicole said and, momentarily roused from her cyber-coma, rose and peeked over Mary's shoulder.

Little Bob, who'd been watching TV with his girlfriend in the basement, suddenly surfaced and drifted over to his sisters and mother.

“Bet you wish you had those sunglasses back, don't you, Rob?” Mary said, pointing to the oversized Elton John shades eclipsing her son's face.

He grinned for the first time in weeks. He wasn't used to smiling. The wires holding his broken jaw shut had only recently been snipped.

Bob grabbed the lamp and joined his family. “We went to NASA, too, remember?” he said. He stood above them and held the lantern aloft to better see the photographs. For a few seconds, they huddled together in the dim present, a buttery light illuminating their carefree past.

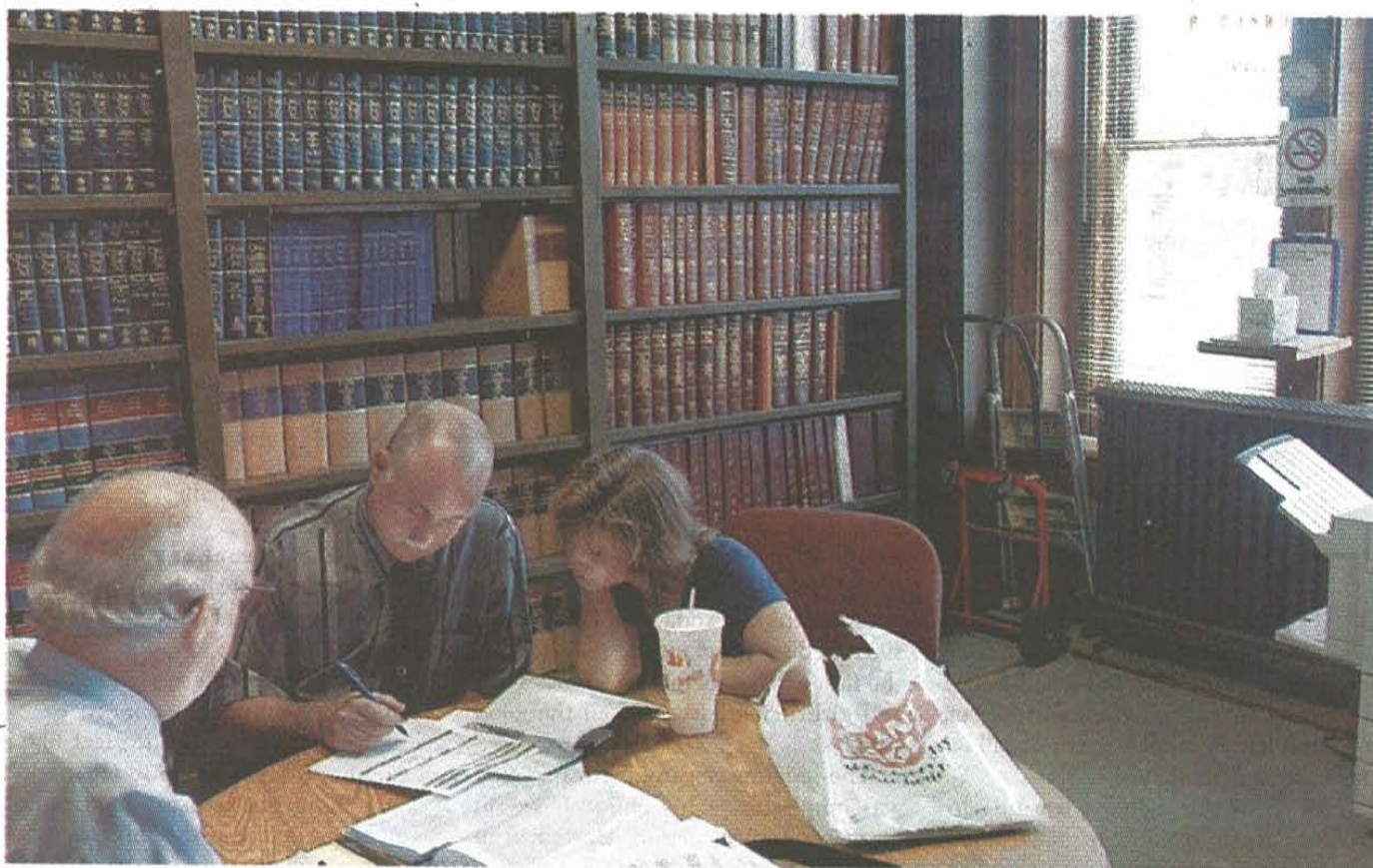
Bob broke away first, taking the radiance with him. He climbed onto the Chevy's grill and perched there, sinking his arms and torso into the guts of the truck until it looked as if it would swallow him.

THE NEXT morning, Bob got out of the shower and began dressing in his room off the kitchen. Nicole slipped through the creaking door. She came to him wordlessly through the post-dawn gloom and wrapped her arms around him.

“I love you,” she said.

“I love you, too,” he answered, barely able to speak. “I'll try to be home soon.”

“Write me.”



Before the September 3 hearing, attorney Barry Wilford met Bob and Mary in the Law Library of the Perry County Courthouse. Bob filled out a form stating that if he went back to prison, he would be indigent and no longer able to afford an attorney.

"I will," she answered and ran to catch her school bus.

Bob went into the kitchen to watch his daughter walk down the long drive, struggling under a load of books in her arms that looked as though they weighed as much as she did.

As promised, he wore a short-sleeved shirt and dark khakis. No suit jacket. No tie.

Little Bob came shuffling and squinting into the light of the kitchen, opened the refrigerator and grabbed some juice. He rubbed his eyes as he poured.

At 7:30, Bob slipped into the still-dark living room, where mute cartoons flickered on the TV screen, sending crazy colored patterns across the carpet. For a second or two, he stood above Alex, asleep on the love seat, then leaned down and kissed her head. She looked so relaxed, he didn't want to wake her. They'd let her stay up well past her bedtime last night to squeeze in a few more hours with Dad. He was relieved to find her sleeping. It would be a lot easier for both of them.

Back in the kitchen, he woodenly offered his son his hand. Little Bob took his father's large, rough paw, gripping the thick fingers, traces of engine grease still embedded under the short nails from the night before. No amount of scrubbing could ever really get the stain from beneath those nails.

"Take care of your mother," he said hoarsely, addressing the floor tiles. His son's eyes shimmered, but it was over in

seconds. Bob moved through the good-byes the way he chopped wood for the winter and bled air from brake lines — quickly, efficiently, with purpose.

He retreated into the bedroom and emerged holding a tie.

Mary looked up at him inquisitively. He folded it in two and gave it to her. She put it in a plastic grocery bag hanging off her arm.

And that's why God made Mexico
A place where we can lay low
Where the Cuervo goes down
nice and slow
And the warm winds blow
That's why God made Mexico

The CD in the car stereo played itself out, then automatically began again, once, twice, a third time. Bob didn't bother to pop in another disc or snap on the radio. Mary's friend, Karen McCarthy, along for the ride, lit another cigarette.

Mary spent most of the trip composing a statement on a yellow legal pad. She hoped the judge would let her read it aloud. She really didn't think it would change his mind, but she had to try.

If my husband goes back to jail today, he will lose his job ... Our son was in a terrible car accident and life fled. Sending my husband back to prison will leave our children and I

without healthcare, something that is very valuable to us at this time. I have a part-time 3rd shift job, but by no means am I the breadwinner. We have a home in a small community such as yours that we value dearly ...

She studied what she'd written, tore the sheet from the pad, squeezed it into a tight wad and dropped in onto the pile of balled-up pieces of paper gathering around her chunky sandals.

As Bob eased the car through Maysville, a little strip of a town, he passed the Rolling Plains Church. "Sin always has its consequences" read the sign in the front yard.

He killed the engine in the parking lot across the street from the jail. The women hopped out. Bob stayed in the front seat and rolled down the window. He asked Mary for his tie. She retrieved it from her bag and handed it to him. He flipped up his collar and draped the tie around his neck, then angled the rearview mirror so he could see to knot it properly.

He couldn't explain why he was doing it, adding this formal accessory to his wardrobe of studied indifference, not to Mary, not to himself.

Nobody inside that courthouse deserved his respect anymore.

So why couldn't he bring himself to walk into the hearing without a stupid piece of cloth around his neck? He stared hard into the mirror. How could that courtroom and the system it represented still mean something to him?

He gave up trying to figure it out and joined his wife on the sidewalk. Mary straightened his tie.

EPILOGUE

BOB SQUEEZED as much of his face as he could through the narrow bars of the holding cell to kiss his wife goodbye.

He found her lips.

"They can take me away and lock me up," he said softly, "but they can never take you and the kids out of my mind."

Mary started to cry.

"Did my statement sound too strong?" Bob asked her, his forehead pressed against the cool steel. "Was it disrespectful to the court?"

"No," Mary answered. "It sounded fine."

When Judge Linton Lewis had asked Bob if he had anything to say, Bob had unfolded the statement Mary had typed for him the night before. As he delivered it, his lawyer, Barry Wilford, inwardly cringed.

Bob still wasn't sorry for what he'd done.

There is not a man in this courtroom or that I know of who would not have reacted the same way ..., he'd said.

The judge had scribbled notes throughout the speech, then made his announcement. He hadn't yet decided what Bob owed Terry Wooten. But of one thing he was sure: Bob was going back to prison.

Outside the jailhouse, the rain hammered down as though punishing the earth for some centuries-old slight.

"Don't worry about me," Bob told his wife when the Perry County sheriff's deputy said their time was up. "Be strong."

As Mary moved quickly toward the exit, desperate to head home, Wilford pulled her aside. While she was spending her last minutes with her husband, Wooten, through his attorney, had offered a trade:

If Mary could persuade Jim Ponsart to transfer the title back to Bob or sell the land to buyers Wooten approved of, Wooten promised to write a letter to the judge. He'd tell Lewis he would support Bob's release from prison.

"Wooten says he doesn't want the land for himself," Wilford said. "He wants the land for somebody else — a neighbor he'd feel more comfortable with in his retirement."

"Wait a minute," Mary said, her small frame trembling. "I thought Wooten wanted Bob to do time. Now all he wants is the land?"

Even if she had been able to put the deed for the 20 acres into Wooten's hands, she knew the decision to bring

Bob home rested with the judge.

"What a low thing to do," she said, shoving through the jailhouse doors and out into the street.

Mary didn't know it at the time, but a week earlier, Wooten had filed a lawsuit against her husband and Ponsart claiming that Bob's sale of the land to his friend had been "fraudulent."

Four hours later, Mary walked up her driveway, alone. Her daughters flew out of the house, screen door banging, to greet her.

Alex slammed into her mother's legs, wrapped her arms around her middle, and wouldn't let go. Nicole draped her arm around Mary's shoulder.

That September night, Alex slept with Mary, on her father's side of the bed.

"I'm saving his spot," she explained to her mother.

IN OCTOBER 2003, a month and a half after Bob returned to prison, Judge Lewis decided that Bob owed Terry Wooten more than \$37,000 in restitution. Just over \$20,000 of that sum would go to reimburse Wooten's insurance company. The rest — \$17,000 — was awarded to Wooten for medical bills and the 865 hours he took off work for "eye surgeries, doctor visits and recovery time."

Lewis based his ruling on medical expenses compiled by Joan Wooten, a departure from the procedure used in other courtrooms throughout the state. Most rely on calculations by a disinterested third party appointed by the court.

At the restitution hearing, Bob's attorney had questioned Joan's book-keeping, and she had admitted on the stand that, indeed, her math was wrong in at least one place and had conceded that her final tally "was not a precisely accurate amount."

Wilford had argued that Bob should have to pay only Wooten's out-of-pocket medical expenses, which came to just under \$2,500. Bob should *not* have to reimburse Wooten for lost wages, because the U.S. Postal Service had paid Wooten in full for every sick day he'd taken.

Wooten had suffered no economic losses as a result of his injuries, Wilford went on.

In fact, he said, Wooten had applied for and already received \$3,600 from the Ohio Attorney General's Victims of Crime Compensation fund — for lost wages. The state had sent Bob the bill.

Perry County Prosecutor Joe Flautt argued that Wooten was indeed out

something — not only cash, but an earlier retirement. Postal workers can convert unused sick leave into a fatter pension check. Or they can give it back to the government and hang up their mailbags ahead of schedule.

Wilford cried foul, saying that Wooten's claim to sick-leave damages was speculative. "Is not the primary purpose of sick leave to get paid when you're sick?" he asked.

The judge disagreed and awarded Wooten almost everything he'd asked for.

DURING THE coldest week of the winter, the Kreischers' furnace broke. So did the plow on the blue truck. Before the snow melted, the wood-burning stove had consumed the pyramid of logs Bob had cut and stacked as tall as the basketball hoop.

Bob spent the holidays learning to crochet, anything to keep his restless hands occupied. He used his newfound skill to make baby blankets for needy women in Caldwell, the Southern Ohio town that houses the Noble Correctional Facility.

He swept the floors at the prison recreation center and picked up the cigarette butts that covered the prison grounds like rank dandelions.

Living in an open dormitory with 250

other inmates was better than being in a cell, but so many of the men at Noble were younger than Bob, with more to prove. He was careful not to bump into anybody, or look at anyone wrong. Fists might start to fly. He couldn't let himself be thrown in solitary confinement for fighting; he'd lose his shot at an early release for sure.

Mary was allowed to see him only twice a month — prison rules. The first time she made the four-hour trip, she sat next to Bob in the visitors room and cried.

As the weeks passed, she became a hardened vet. She knew to bring change and dollar bills for the vending machines so she could buy Bob coveted outside-world delicacies such as potato chips and soda. She'd learned to start feeding coins into the slots when she first arrived, before the other wives and girlfriends harvested all the good stuff.

The kids never came with her. Bob was emphatic — his children would never see him in prison. He talked to them in 15-minute, recorded-for-security intervals on the phone. One Saturday, he called when Alex was playing outside. He was cut off before Mary could beckon her to the phone. Alex burst into tears. There was no way to call him back.

Bob read the newspaper daily; it was always a few days old by the time it arrived at the library, but he didn't

mind. The law-and-order stories were his favorites. He sent Mary clippings about wrist-slap sentences meted out for horrible crimes, including the one about the guy who beat someone to death with a cane during a fight over golf balls. The man took a plea and was sentenced to two years of home confinement.

Sometimes, when Mary wrote, she censored herself. She didn't want to tell him how everything in the house seemed to be breaking at once.

"You always tell me there's nothing goin' on," Bob complained.

She knew the smallest piece of news could sting.

Even the offhand mention of a trip to the store meant she had the freedom to jump in the car and go anywhere she wanted.

He was a man in a two-year induced coma, alive, but unable to move.

Some days he really did feel like a patient. Sickly, decrepit. He hadn't been taking his arthritis medication. He'd requested it at the infirmary, but it never materialized. Nobody would explain why. He used the \$18 a month he earned pushing a broom to buy over-the-counter analgesics at the commissary, but sometimes when it rained, his knees hurt so bad he could barely climb down from the top bunk.

He could stand all of it — the separation from his family, his aching joints, the bristling packages of testos-



At the hearing, Wilford (holding papers, with left to right, Wooten, Flautt and Bob) asked Judge Lewis to place Bob on probation, saying it would allow him to keep his job and start paying off whatever damages the court awarded Wooten.



When the sheriff's deputy led Bob from the courtroom, Bob's arms dangled at his sides. The officer told him he didn't think he needed to be restrained. "You're right," Bob answered. "I'm not a criminal."

terone that were his roommates — as long as he believed he'd be out in the spring.

In late January 2004, on the eve of Bob's sixth month in prison, Barry Wilford filed a petition with the court asking Lewis to free his client. On February 10, Lewis denied the request without explanation.

Mary delivered the news to Bob long distance, as a line of convicts waited behind him to use the phone. He stopped writing everybody for a while after that.

That month, Mary applied for food stamps. She was told by a county worker that she made too much to qualify.

Still, the state computers spat out an automatic demand for child support. Bob received the papers by mail. He had to laugh. He told Mary he wouldn't be able to blow his skimpy wages on Advil and name-brand toothpaste anymore.

Mary didn't think it was funny. All this time, Bob could have been earning a living and paying taxes. Instead, it was costing Ohio taxpayers nearly \$20,000 a year to keep him locked up. She knew the correct figure because she'd looked it up on the Internet.

Bob resolved to try harder; he was determined to show Lewis he deserved to go home. In addition to his job and

hundreds of hours of community service, he joined an anger management group.

"Did Judge Lewis call and ask about me?" Bob asked his case manager.

The answer was always the same. "No."

Since he'd been locked up, Bob's son had turned 19. He'd missed Nicole's 14th birthday and her confirmation, too. It was a big deal. Bishop Anthony Pilla of the Cleveland Catholic Diocese was there. Mary filmed the event but got all teary and the video camera shook. That's why Bob was the family videographer. He was so steady.

In early April, Wilford filed another

petition asking for Bob's release.

Ten days later, as the green buds on the trees in the Kreischers' back yard began to open, Judge Lewis denied it.

Today, Mary keeps a few of the things Bob brought home from the shop in a neat pile on the kitchen counter, right where he left them.

His worn work gloves sit atop his pocket-sized version of the Constitution, waiting for his battered hands. ■

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