

Federal Penitentiary Pension Program
By Kevin J. Prentice

The worse day of Nathan Johnson's life started out like any other. He pulled his Subaru into his assigned parking space at Middlesex and Rubinstein CPA Firm. Walking through the lobby he gave a smile and small wave to Gerry, the building's security guard.

"You're Pistons got lucky last night," Gerry called out.

"Better lucky than good," Nathan joked, clicking the button for the elevator. "I'll collect my money at the end of the day."

Ding. The doors opened.

"Double or nothing on the next series. Ain't no way Golden State is losing to Detroit."

The proposition interested Nathan.

"Whaddya say?" Gerry asked.

Standing in the elevator, Nathan turned and looked at the guard. As the doors began to close, Nathan answered.

"Double or nothing."

Walking through the office towards his desk, Nathan caught sight of an unusual occurrence. Every member of the firm who had already arrived sat in the conference room. Looks of concern occupied their faces as they talked to each other with muted tones. One saw Nathan and motioned for him to enter.

"Did you read Rubinstein's email?" Stacy, a financial consultant, asked.

"No, I just got in. He sent one to everybody?"

“The whole firm is CC’d in it. He wants us all to meet in here first thing. I don’t think it’s going to be good.”

“Don’t say that.” Phillip, biting his nails to hide his nerves, shot back.

“The subject line read ‘Urgent’. When was the last time Rubinstein ever did anything with urgency. May as well take a seat and wait with the rest of us... lambs to the slaughter.”

“Don’t say that!” Phillip barked.

Nathan looked around the conference room. In addition to the forlorn faces, he felt a palpable sense of dread in the air. Nervous, but one to always follow orders, he took off his bag and found an empty seat where he waited the longest twenty minutes of his professional life.

He did a quick head count. Seventeen. Everyone who worked at the firm, including the secretary, now stood in the conference room. Not a single one of them smiled. Then, as though they appeared out of thin air, his bosses, Mr. Middlesex and Mr. Rubinstein entered. They made their way to the front. Both kept their heads down, and Nathan noticed that they had on the same clothes that they wore the day before. Silence filled the room.

After nearly a minute of tension Mr. Rubinstein lifted his head, eyes red from a combination of no sleep and tears. He breathed in as deep as his lungs allowed.

“I’ve always been a man of faith.” His voice quivered like a baby deer finding its legs for the first time. “Not necessarily religious, but as many will tell you, I’ve always chosen to find the good in people. To trust people.” Another long pause. “As I stand here before you today, it seems that my choices have backfired.”

Confused by their bosses riddle of an explanation, the workers looked at each other, searching for answers.

“We...Nicholas and I.” Rubinstein motioned towards Mr. Middlesex. “Have, have...I can’t...”

Mr. Rubinstein turned his head, too ashamed to cry in front of his employees. Nicholas Middlesex comforted his partner and picked up where he left off.

“Yes. Good morning to you all, or I wish I could say this is a good morning,” He began, confident in the way a doctor is as they inform a family that a loved one did not make it off of the operating table. “There is no easy way to say this, and you all deserve to know what happened. So, here it goes. Our firm invested its pension fund with a private broker, one Ernie Buildad. Yesterday, around six P.M. Federal Agents raided his offices under suspicion of fraud. Upon further investigation, it appears that all of Buildad’s transactions have been falsified. Nothing more than a Ponzi scheme.”

An audible gasp shot forth from the workers. Their minds raced as they put together the pieces of information and their new reality slowly crept in. Like a puff of smoke, their retirement plans disappeared.

“There’s more.” Middlesex continued.

“Jesus Christ, no!” Nathan heard a voice cry out, not sure who said it or if it came from within his own head.

“Based on the consistent return rates that Buildad managed, we, as a company invested quarterly earnings with him over the past six months. As it stands now, all of our earnings are gone, and at six this morning Middlesex and Rubinstein LLC officially filed for chapter eleven. I’m so sorry to have let you all down.”

Some broke down in tears. Others hurled questions and accusations at Rubinstein and Middlesex. Steadily, the fervor built up until it boiled over into full blown chaos. Nathan sank down into himself, unable to stop asking one question, over and over.

“What am I going to do?”

~

“You’ve reached David Stern, financial consultant. I’m currently unavailable. Please leave a message and I’ll get back to you. Thank you.”

“C’mon, c’mon!” Nathan pleaded. “Move! Move!” The squeal of his horn conveyed the message to the car ahead.

Holding his cellphone to his ear with one hand, he used the other to weave his car through traffic, knuckles turning white at the top of the wheel.

An automated voice gave instructions to leave a message after a beep.

“David, it’s Nathan.” He jumped right into it. “I heard what happened. Middlesex and Rubenstein told us. They’re fucked, man. The whole company went belly-up.”

He stepped on the gas, speeding through a multilane intersection well after the light changed from yellow to red.

“I need to know how much I lost. OK? I put everything I had in there. I need to know, David, I need to know. I’m coming over. I’m on my way. I’m coming over.”

Nathan threw the phone onto the empty open seat next to him while his eyes darted to the review mirror. A gap. He seized the moment and merged into the right lane. Without hitting the brakes he turned down Anderson Park and smeared rubber fibers from the tires onto the asphalt.

Minutes later, keeping the breakneck pace, the Subaru's engine bawled along Rolling Hills Lane. His eyes focused up the road and onto the destination, a suburban house stenciled into existence, where he spent formative years of his life discussing financial strategies.

He pulled up the driveway, close to the garage door, and slammed the door shut behind him as he took two long strides up the front porch steps. Ding. He rang the bell once. Twice. Double-time. He opened the storm door and knocked, listened, but only heard silence.

“David?” He asked. “You here?”

Silence.

Nathan squinted into the darkness.

“David?” Nathan called a final time before he passed through the doorway. The neighbor across the street watched Nathan's manic presence through a slit in her blinds.

The door swung shut and Nathan felt a stillness through the house. He moved slowly. Torn, Nathan felt like an uninvited guest, but he had no other option than to continue. The spike of adrenaline made his throat dry. He listened to the sounds of rain thudding against the window pane, the low hum of an air conditioner, and the soft squeaks of his wet rubber soles on the hard wood floor. He passed through the kitchen and down the hall towards the home office. Pictures of David and his Peggy and their three boys hung on the wall and told the story of a well to do family.

Nathan reached the entrance of the office and threw open the intricately carved wooden sliding doors. Crouched behind the desk like a soldier from the first World War, David cocked back the hammer on his double barrel shotgun.

“Whoa! Whao! Don't shoot!” Nathan cried.

“Nathan?!” David exclaimed. “Good god, what are you doing?”

“You don’t pick up your phone!?”

“Not anymore.” David hoisted himself out of the crouching position. His sixty-eight year old knees creaked. “My phone’s been ringing off the hook since six this morning. Everyone wants to know what’s going on... I take it that’s why you’re here.”

“First thing, why do you have that?” Nathan, hands still raised, nodded towards the antique weapon that still pointed in his general direction.

“Well, as I said, my phone’s been ringing non-stop this morning. Investors want to know about their money. After I explained to some of them what happened they went into detail about what they’d do to me if I couldn’t fix it.”

The gravity of the situation became palpable. “Didn’t you see my number pop up when I called?”

David motioned towards the fish tank in the corner that sat between two bookshelves. Sunk to the bottom of the thirty-four gallon structure, amongst the sherbet stones and swimming guppies sat David’s cellphone, rendered to nothing more than a piece of metal.

“Paranoia, I suppose. I didn’t know if they could trace my location through the cell towers... like I said, paranoia.”

“Do you mind.” Nathan, still tense from the near fatal encounter, made a lowering motion with his hands.

“Oh, right. Sorry.” David laid the shotgun down on his desk. The tip of the barrel rested on top of a copy of Webster’s American Dictionary . “Take a seat.”

Nathan pulled a worn leather chair from the desk, bunching up the red throw rug in the process, and threw himself down. The cocktail of adrenaline and anxiety that coursed his body made it impossible to get comfortable. He squirmed as though the chair's seat had been replaced with a bed of nails.

“Drink?” David offered. Nathan declined.

“So.” David eased into his office chair, sipped brown liquid from his glass, and looked across the desk at his friend. “What have you heard?”

“That it's a ponzi. Fugazi. Ernie bilked his clients and the Feds found out. I need to know, just straight up, is any of it salvageable?”

“I wish I had better news. I really do.”

“God dammit!” Nathan screamed and shot up from the chair from the chair. He paced from end to end of the office soothing himself by running his hands through his hair. “That's it then? It's just gone. All of it. Just like that.” His finger snap emphasized his point like a magician who just said the words to make a rabbit disappear.

Silence. They're eye's never met. Instead, glazed over, they focused on bourbon swirling in the glass and followed the maze of open space between the frames that hung on the wall.

“I'm fucked, David.” The newly destitute man stopped pacing and raised up his hands in defeat. “I lost everything.”

“We're all in a tough spot right now.”

“Did you know?” Nathan asked. “Did you know that he was doing this?”

“I saw no definitive proof.”

“What's that mean?”

“Maybe it’s hindsight, but some things do look suspicious after being brought into the light of day.”

“Such as?”

“For one, every single one of his returns netted a profit. Not only that, but each return calculated within a few decimal points of each other.”

“So he was using the same number every quarter to show profit? This lazy fuck couldn’t even bother to think of a different number? There’s billions of them pick any goddamn one!”

“That’s not totally uncommon. Some strategies, low risk ones, earn near exact returns for a few quarters in a row.”

“...and how long has Buildad been posting the same return figure?”

“About eight years.”

“I think I do need a drink.”

David moved from his chair to the mahogany drink cabinet like a servant grateful for a task and scooped round ice cubes into a glass and drowned them in whiskey.

“I always had a gut feeling about Ernie.” David handed off the drink and rested his elbows on the top of his executive chair.

“How so?”

“Something just never felt right about him. He’s one of those guys who fills a room with his presence. It felt like he was watching everyone’s movements, calculating, scheming. He never would look me in the eyes either. We’d be having a conversation in his office like you and I right now, and he’d look right past me. At the floor. His desk. Then one day, I must have caught

him by surprise and we locked eyes. When I tell you I felt a chill, I stopped in my tracks. Forgot what I even needed to ask him.”

“Why didn’t you report him? Do some digging at least.”

“There was no smoking gun. Plus, Ernie had this way of making you feel special.” The financial consultant explained. “I was retired for over a year when he called me. Fed me some bullshit line about ‘my legendary consulting track record’. I won’t lie, it made me feel good. Don’t get me wrong I enjoyed my retirement, but working part-time for the same salary that I retired at? At the time it seemed too good to pass up.”

“When in reality it was too good to be true.”

“Too good to be true, indeed.” David, eyes blank as he went through reels of memories from his time with Ernie Buildad, sipped his drink. “Now we start at square one.”

“We? You didn’t invest with Buildad.”

“No. But as your financial consultant, I did bring you into this mess and I sure as hell am going to get you out.”

That sentiment of reassurance sent a sense of calm to Nathan. His day had been dictated by chaos. To know that David still cared and wanted to look out for him offered a first glimpse of light at the end of inescapable tunnel.

“Let me show you.” David set his glass down as he moved toward the bookcase.

Longwinded titles for books that detailed obscure economic, accounting, and business strategies lined the shelves. “This.” He pulled out one of the texts, turned, and held it up for Nathan to see.

“Heinrich Pesch,” Nathan read the author’s name aloud. “*Lehrbuch De Nationalökonomie*.”

“That’s right.”

“Good lord. What is that a thousand pages?”

“This is volumes one through three. I’ve had a theory for years, born out of volume two, *Free Market Economy*. Studying it was actually my original plan during retirement. If we apply it correctly, and with some luck with the market forecast for the next three quarters we can at least start to get your money back.”

“I’m listening.”

“Turn to the page I have bookmarked.”

David tossed the book over on the desk, and it landed on the wood grain with a thud. The vibration from the book when it landed triggered the firing hammer on the shotgun. No more than an instant later a deafening crack tore through the study. Pellets from the blast shredded David’s torso and knocked him back into the bookcase before he collapsed to the floor. Blood rapidly poured through his death wounds and soaked the high thread count carpet. It pooled near his mouth and got sucked to the back of his throat from the final desperate breaths.

Nathan’s arms shot up to his face in self-defense. His eyes shut. It sounded like someone filled his ears with wax. His immediate thought became self-preservation and patted himself for wounds from shrapnel or ricochet like man set on fire would extinguish the flames. A waive of relief from finding his body intact turned to terror when he saw David’s lifeless body balled up in a pathetic heap. The image burned its way into Nathan’s brain.

Nathan shook. Sweat began to form in the crease of his forehead. His breath shortened. He panicked and searched for the shotgun, which had been blown off of the desk from the shot.

“David?” A woman’s voice called from down the hall, “Honey are you home? What was that noise? Loralie from across the street called and said she saw someone come-“ David’s wife Peggy, home from work to check on her husband stood motionless in the doorway of the study. She screamed from the depths of her soul.

“David!” She ran to her husband, making it only a few feet before she noticed Nathan in the corner of the study with the shotgun his hands. Her eyes darted back and forth between her husband’s body and Nathan. Confusion clouded her mind . Terror over took her as she made sense of what happened with the most plausible answer. “You killed him!”

Nathan stared like a deer in headlights and let the shotgun fall to the floor, “No! It’s not what it looks like. It’s not anything what it looks like, the gun just went off.”

Nathan’s explanation made no difference. Peggy fled afraid for her life.

“Peggy! Peggy, you have to believe me.” Nathan followed after the house wife.

An unmistakable sound began to grow louder from outside the house. Sirens. Nathan turned the corner into the living room just in time to see Peggy disappear down the front porch steps and run down the driveway towards safety. Through the blinds on the front window he saw three police cars, two on the right and one on the left side of the driveway.

“He shot my husband!” Peggy screamed as she ran past the officers, who pointed their guns at the house.

A voice over a mega-phone demanded that everyone in the house exit with their hands raised in the air. A flurry of scenarios spun through Nathan’s head. Animate of being cut down by police fire as he crossed the lawn petrified him. If he barricaded himself in the house it would point towards his guilt. The decision became clear. Nathan opened the front door and stepped

onto the porch. A flood of red and blue police lights dampened by the overcast weather spread across the front yard.

“I didn’t do it!” Nathan cried. The rain began to soak his hair and clothes.

An officer shouted orders for Nathan to put his hands on his head, move down the porch, and then turn around. As he walked down the steps of the porch, Nathan wondered what fate held and preyed for someone to believe him.

Closing

The host of the true crime podcast ‘(S)LAUGHTER’ took his seat in the studio behind his wooden desk, instructing his guest to do the same. The two men put on headphones and pulled microphones attached to mechanical arms closer to their faces. The producer of the podcast gave them a five second countdown and then a finger point to let them know that they had gone live.

“Allllllllright, you little sickos,” The host greeted his listeners with a vaudeville style showmanship, “You already know that you have it tuned into the SLAUGHTER podcast, where sometimes we die of laughter. I’m your host Jimmy Dinkle. Today’s episode is a very special one. A criminal case that dates back almost twenty-years has been making the rounds recently in the news cycle. Perhaps you’ve seen it. It certainly has caught my attention and leaves me hypnotized with the details. That is our topic for today, and I feel like I got lucky with this one.”

A cheesy pre-recorded sound effect of a man screaming ‘Ya-hoo!’, cued up by the producer, interrupted Jimmy’s monologue.

“That is because the man at the center of the case, the man who fought all these years for his innocence, who essentially went to hell and back because of some random twist of fate, is our

studio guest. Ladies, gentlemen, sickos, and synchophants, please give a hardy SLAUGHTER welcome to our very special guest, Mr. Nathan Johnson.”

A pre-recorded audience applause played through the speaker then abruptly cut out.

“Hello.” Nathan greeted the podcast audience.

“Pull that thing right up into your face,” Dinkle said, “There you go. Nathan Johnson, thank you for coming on today.”

“My pleasure, thank you for having me.” Nathan’s voice, after almost two decades of fear and a constant fight for survival had hardened into low monotone.

“Now, let’s jump right into this. What strikes me as so fascinating about this case, is first, the completely batshit crazy story you told at trial to defend your innocence. The gun went off after David Stern dropped a book on the desk, which is just bonkers. No one would believe that if it was written in a story. Then! It turns out to be the actual truth.”

“Yeah. Yeah, I never lied about anything. Innocent from day one.”

“Innocent from day one. What makes this story even crazier is how the truth came out. How about real quick, you give the listeners a run down of exactly what happened to get you free.”

Nathan took a second and inhaled, buying time to get all the details in a linear fashion.

“So, April sixteenth, as I’ve come to call it, the beginning of the second half of my life, I go to my father’s best friend’s house, David Stern, who also taught me just about everything I know in investing and financing. He had a shotgun on the desk in his office. Drops the book on his desk. Gun goes off.”

“Mhm.” Dinkle listened intently.

“David’s wife comes home and finds me in the office with the shotgun and her husband dead.”

“Doesn’t get more clear cut than that. Literally caught with the smoking gun.”

“Exactly. So, no one believes my story. I go away on a first degree murder charge. Life sentence, and possibility for parole after fifty years.”

“Jesus Christ, man.”

“Time goes by. David’s wife locked the study and refused to ever step foot inside. Time keeps going by. Eventually Peggy passed away.”

“I heard she fell down the stairs of the same home, right?”

“Yeah, terrible accident. Not sure exactly what happened but she did pass maybe fifteen feet from where her husband died.”

“That shits gotta be haunted now.” An eerie ghost groan played by the producer drew a look of distaste from Nathan.

“So then David’s only child, his daughter, doesn’t want anything to do with that house where both of her parents died, and she puts it up for sale. It goes quickly with the two deaths happening in there, and finally someone opens up the study for the first time in nearly twenty years. They start to clear it out, going to turn it into a man cave or nursery or whatever they had in mind, and they start to clear out the bookshelves filled with financial books that they care nothing about.”

Nathan paused and coughed, his throat dry from talking.

“You want a water? Redbull?” Dinkle asked. Nathan shook his head and continued.

“On top of one of the bookshelves the new owners find a camera. A small hidden security camera.”

“Placed there by David, right?”

“Yes. He must have had it installed to keep an eye on all of the sensitive information in the study? He was paranoid? I’m not exactly sure why, but he set up a mini security cam with a hard-drive attached to store the footage.”

“The fucking odds.”

“The owners find it and maybe because they knew about the ‘murder’,” Nathan made air quotes with his fingers around the word, “They figure out how to charge it and turn it on and one way or another get the footage. My lawyer told me that it continued to record for nearly three years after that day, so they rewind and rewind, looking for something, and sure as hell they find the footage of that day.”

“God damn, man. If it never happened in real life no one would ever believe this.” Dinkle could not help but let out a laugh at the incredulity of the situation.

“I know. I don’t believe it at times. Like, the chances that that occurs, the footage still able to be seen, and then they brought it forward to the D.A., and the case got re-opened.”

“One in a million. Two-million! Shit, that’s one in a billion shot!”

“I know. People keep telling me to buy a lottery ticket.”

“That’s not a bad idea, but given what I also read about the case, you won’t be needing a lottery ticket.”

The statement threw Nathan for a loop, unsure what Dinkle meant. His once vibrant and hopeful eyes now stared blankly at the podcast host.

“I read about the civil trial you are bringing against the city. For wrongful conviction.”

“Yes.”

“That’s going to be a fat payday.”

“I don’t think I’m allowed to get into specifics of it. It’s still going on.”

Dinkle thought to himself for a moment, and chose his words wisely.

“A large payout to live on after being stuck in a place you hate for twenty years... That’s like a 401K.”

THE END

