

THE 9TH WITNESS

A JOSIE BATES THRILLER

By

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CHAPTER ONE
EMERYVILLE, CALIFORNIA
BACKLASH TECHNOLOGIES

SEVEN YEARS EARLIER

A week before Christmas, things were happening in Emeryville.

First, the temp agency called Lily Daye. She had almost despaired of having a minimally happy holiday, but a position had become available and she was urgently needed at Backlash Technologies. Technically, it wasn't Lily who was needed. The company simply wanted anyone who could take dictation, and this close to Christmas few were eager to work.

After assuring the agency that she could do the job, Lily put on her good blue suit — her only suit—shined her shoes, and splurged on an Uber. The driver, a young man who appeared to be half asleep, deposited Lily in front of a building that looked like a carpet warehouse. The interior was a different story. The office of Backlash Technologies was a sleek sweep of stone floors and concrete walls. Both were studded with bright outcroppings of metal that took the place of walls and partitioned the area into work spaces.

A very young, very thin woman, sporting very short green hair took Lily in hand. She seemed offended by Lily's attire which was only fair since Lily took a bit of offense at hers too. The torn jeans were bad enough, but her T-shirt was emblazoned with a message that invited everyone in the world to go do something obscene to themselves. She also had a nose ring. All of this was, in Lily's estimation, terribly unprofessional. Of course, Lily didn't let her expression betray her thoughts. You never knew who was who these days, and this person might just be the boss of everything.

"You'll be there—" The green-haired girl pointed to a desk just before she turned and indicated a closed door made of brushed metal. "And that is Jimmy's office. Jimmy is the CEO of Backlash and he is a certifiable genius. You need to transcribe everything he says verbatim. For history. We're making history here."

"How's that?" Lily asked.

"I don't know exactly. Only Jimmy knows," she said. "We all just do our part, and Jimmy personally puts it all together. It's finished now. It's shipping out today."

The green-haired girl paused. She gave Lily the once over again and shook her head.

"I can't even believe they're letting you in on it. Don't take that personally. It's just you're a newbie. Not even vetted. The rest of us have been here since the beginning. I was the first."

"Isn't there someone here who could take dictation then?" Lily asked this without considering the possibility that she was talking her way out of a job.

"Maybe Jimmy doesn't want us connecting the information we have with something he says. Who knows? I don't ask."

As she talked, the girl took an electronic pad off her desk and pushed it into Lily's hands. Lily had never seen anything quite like it, but she was familiar with the very long document she saw on the screen.

"That's an NDA. Non-disclosure agreement," the girl said. "You can't talk about anything you hear or see. Not a word. Ever."

For fear of offending, Lily did not say that she knew what an NDA was. Her silence miffed the girl.

"Just sign it. I've been here five years, and I wouldn't even know what was worth disclosing."

The girl leaned close, noted the signature line wasn't showing, and used her finger to scroll up, sighing with annoyance as she did so. She said:

"Use your finger to write your name."

"Will I get a copy?" Lily asked. "I like paper."

"I'll send it to your email."

"I don't have an email," Lily said.

The girl rolled her eyes.

"I'll print you a copy."

Lily signed.

The girl tapped the screen.

Somewhere in the cavernous space a printer was spitting out Lily's copy. Lily was sorry she annoyed the girl, but it was important to have standards. Paper was a reliable communication trail. Recordings could be manipulated. It was much harder to pull any shenanigans when there was an original paper document.

"Let's go. He's waiting."

"I am faster with paper and pen." Lily raised the tablet ever so slightly in a vain effort to give it back.

"You use that now. Not a word missed. If you can't handle it, say so."

Knowing the battle was lost, Lily was determined to win the war. She liked this place. The space was clean and manageable. Even the green-haired girl was acceptable. Lily could be happy here if left to do her work, so she said:

"I'm fine."

"When you're done come back and plug this into that unit." She pointed at Lily's temporary desk and the giant screen that sat atop it. "There's a cable in the top drawer. The data will dump, then go back over it and clean it up. You know, punctuation and stuff. Then you save it to the desktop file labeled *Distant2*. Don't take this home." She poked at the tablet. "Leave it on my desk when you're done."

She pointed to her desk.

The green-haired girl liked to point.

"Okay," Lily said.

But it wasn't okay.

Electronics made her nervous. Being self-aware, Lily knew she needed a way to hedge her bet so that she could capture every word the man said. While she tried to figure out how to do that, she bought some time.

“What do you do here? I mean in general. It would be helpful to have some sort of context, so I will have a better understanding of what I’m hearing,” Lily said. “I want to do a good job.”

“We make stuff that’s going to end war,” the girl said. “Jimmy’s a visionary. That’s why you need to be so precise. Do you understand? We’re all going to be part of friggin’ history.”

“Yes,” Lily said.

The girl leaned in again. This time Lily smelled dope. She put a finger to her nose, but nicely as if she were scratching an itch.

“I mean, do you really understand?” the girl said. “Can you do it? The last one couldn’t keep up with Jimmy. He sent her right out of the office.”

Lily nodded. She was still trying to figure out a way to ensure that she would be able to do a good job, but the girl was so intense that Lily was struggling to think and listen at the same time.

“Yes, I can, but why do you even need me? Why doesn’t he just talk into this?”

Lily held up the pad. The girl smirked as if Lily had asked the dumbest question ever.

“He could do that easy, but Jimmy thinks better when there is a human being in the room. He’s big on human beings,” she said. “Any problems with the keyboard?”

Lily looked at the screen. It was smaller than an iPad and glowed purple when it went to sleep. There were a number of function keys that were unfamiliar to her, but the actual pad upon which she would type appeared standard. It was curious, though, that the keys seemed raised like a real keyboard. She assumed this was an optical illusion, but it was a comforting one.

“They retract when you’re done,” the girl said, as if reading Lily’s mind. “Okay, that’s it. You better get in there. He has to be at the train station in forty-five minutes because he wants to personally see to loading the crate. The hardware is very delicate. I heard it took two days just to make sure the crate and packing were strong enough in case something happened. In case it fell off the loader or something.”

“You know what it does, don’t you?”

Lily lowered her voice appropriately. This girl liked to talk. She liked to feel important. Lily knew how to ingratiate herself to someone like that. For the first time, the girl softened. The corners of her lips tipped up. Lily was pleased to find that she had read her correctly. The girl lowered her voice.

“I’ve never seen it, but I heard from one of the coders that it can stop incoming nuclear warheads by pushing one button. They call the thing *Distant2*. I love that name.”

“Was there a *Distant1*?” Lily asked.

“Yes, but nobody talks about that. Something went wrong and it almost put Jimmy out of business,” she said. “But this time Jimmy did the final check and programming himself. Jimmy will turn over a special code when it’s delivered. Only him and some general will know it. Once that code’s activated, then *Distant2* will be—”

It was at that moment, just before the girl could tell Lily what it would be, a light flickered on the desk. The girl with the green hair—whose name Lily still didn’t know—stood up real straight. She had very small breasts. They poked at her t-shirt instead of filling it out.

“Show time,” she said.

Lily, still unsure of how she would be able to pull this off, opened her mouth to beg for a minute more. Then the green-haired girl gave her the opening she was looking for.

“Take off your jacket,” she said. “This isn’t a mortuary.”

Lily hurried to the desk in the corner, put her purse on the chair, and peeled off her jacket. She pretended to be particular about draping it over the back of the chair. The green-haired girl rolled her eyes, turned away, and went for the brushed metal door. That was all the time Lily needed. She opened her purse, took out her phone, switched it to record, and slipped it into her skirt pocket. Lily reached the girl a second before she looked over her shoulder. The girl seemed disappointed that she wouldn’t be able to snap at Lily again. Lily smiled. She gave her a solemn nod, and put her hand on the wall. She touched something Lily could not see. The door opened slowly.

“Good luck.”

The green-haired girl walked away, and Lily stepped across the threshold into Jimmy-the-genius’s office.

It was a cocoon of a place, spun by a silk worm. Neither warm nor cold, dark nor light, it was bathed in a soft yellow glow, the origins of which Lily could not detect. The silence was profoundly peaceful. In the far corner there was an upholstered grey flannel sofa. It was curved in the shape of a giant bean. The rectangular coffee table in front of it was carved from a polished white stone. A matching grey chair with deep cushions was positioned in front of a long, wide desk that was made of concrete. On the desk were three large computer screens that pulsed and scrolled with images and text Lily could not see. She only saw the changing colors: green and red and white.

“Come.”

A tenor’s voice called to her. Lily wanted to laugh. The girl was wrong. Jimmy was no god. Everyone knew that god was a baritone. She moved forward, aiming for the deep-cushioned chair. It wasn’t until she was standing in front of it that she saw him. Jimmy sat like a wise man on a mountain. He was framed by computer screens not cave walls, and he was the most beautiful man Lily Daye had ever seen.

Dark haired, dark eyed, his narrow face was defined by high cheekbones sloping into a soft jaw. His nose was high and royal. His mouth wide, but narrow lipped. Lily had never met an Egyptian or a king, but she had seen a plaster cast of Tutankhamen at the museum. That’s what this man looked like.

A boy.

A man.

Yes, a god.

Still, for a god, Lily thought him a bit unkempt. His long wavy hair was in need of brushing. His T-shirt was plain and stretched at the neck. His jacket had seen better days. It hung loose, and looked more like a sweater than a blazer. Brushing his hair, putting him in a suit and tie, would negate the artistry of his appearance, so Lily decided he was perfect as he was.

He smiled warmly and gestured toward the chair.

Lily smiled back and sat down.

Her weight triggered something. A small platform popped up and unfolded like a tray table on an airplane. Lily tried not to show her surprise. She put the tablet on it. With this and the raised keys on the screen, she would be able to type quite comfortably. Knowing the phone in her pocket was recording meant the margin for error was nil.

"Let's begin," Jimmy said.

He leaned back in his chair, tented his fingers, and raised his eyes as if he were considering some profound text written in the dark above him. Lily focused on the tablet, waiting for him to speak. Just when she thought to peek at him to see if something was wrong, he began. Jimmy, the man who would save the world, talked and talked. He did not take a breath as the words flowed.

"...Fulfilling our contractual obligation to deliver the device to Houston on December 19 barring any unforeseen circumstances including, but not limited to, acts of god. Full ownership of the device will be transferred to your representative at the station at that time. The technology will remain proprietary to Backlash Technologies. I will arrive in Houston on December twenty to oversee the hardware installation and testing of *Distant2* including programming of the Data Analysis Expressions. Per our agreement, these expressions will be recalibrated and put into force at the five-year mark to update as necessary giving consideration to hard and software developments worldwide. It has been a pleasure taking this journey with you. Together we have made history; together we will protect this great country. Peace."

Jimmy fell silent as he ended the long litany of language that Lily did not understand.

Lily's fingers remained poised over the keyboard in anticipation of something more. When he still didn't speak, she raised her eyes and looked through the tunnel created by the computer screens. Jimmy was looking at her as if he had forgotten she was there. But Lily was wrong. He had not forgotten. Indeed, he was studying her. Lily was uncomfortable under such scrutiny.

"Is that all?" she said.

Jimmy smiled, and he didn't look Egyptian anymore. The slow widening of his lips and the subsequent softness around the eyes made him look a little more like Peter Pan if Peter Pan had messy dark hair and wore an old T-shirt. Like a cat stretching in the sun, lazy, in no hurry to do anything, Jimmy said:

"For now, but maybe later. Will you be available later?"

"Yes," Lily answered. "Of course. As long as you need me."

"That's fine then."

Lily moved and the little tray table snapped down, startling her. She lost her grip on the tablet. As it tumbled to the floor, she swooped down, twisting at quite an unnatural angle, managing to catch it before any damage was done. Flustered, righting herself, she glanced at Jimmy to see if she had upset him. He seemed amused in a very kind way. Her blush deepened and she chuckled a little, pushing her hair back and patting her bun she stood up.

"I'll get to this right away," she said.

Lily was almost at the door when he said:

"I'm Jimmy."

Lily's head swiveled. Her brow beetled. Then she turned fully and took a few steps toward the desk. She stopped when he became visible. She could only see half of him now and from that angle he wasn't as attractive as she originally thought. Perhaps, though, her perception of his physical being was now marred by this odd introduction. It was wrong-noted. She was put off because it felt as if he were toying with her. Lily did not like games. Wouldn't he know that she had been told his name? If he didn't assume that, wouldn't he have introduced himself the moment she appeared? In the normal course of business, one of those scenarios was a given. Then again, this wasn't normal business, and it took her a minute to figure out that this was personal. Now when the color rose to her cheeks it burned. If Lily was right, her future at Backlash Technologies would be quite different than she imagined, and that might not be such a bad thing.

"I'm Lily," she said.

“Lovely.”

“No, Lily,” she said again.

“Lovely,” he said. “Yes, Lovely.”

Lily was smitten. Before she could smile, or turn her head in a fetching manner, the metal door slid back and a woman walked past Lily without so much as a by-your-leave. She was not so much a woman as a girl. Plain of face behind her large glasses, she had mousey brown hair and was dressed in a manner that suggested she was color blind.

“Mary Margaret,” Jimmy said.

Lily smiled because he didn’t say her name in the same way he had said ‘Lovely’. In fact, his greeting indicated that he was somewhat displeased to see this person. She didn’t seem to notice.

“We have to talk about the code, Jimmy, it...”

And that’s all Lily heard. Clearly Jimmy had important work to do, so Lily went back to her desk to start her transcription.

CHAPTER TWO HERMOSA BEACH, CALIFORNIA

PRESENT DAY

It was four-thirty in the morning, cold and dark, when Josie Bates, annoyed by her restless night, got out of bed.

She had dreamt, which was unusual. She couldn’t remember the dreams, but they had kept her half asleep or half awake. She had no idea which it was, but both options were unacceptable. Her muscles jolted as if to give chase to the ghosts sailing through her brain; her lips opened as if to call to them. She did neither. The night seemed to go on forever.

When she finally woke, Josie lay in bed trying to figure out the cause of her restlessness. The possibilities were endless. The patio lighting was on the fritz. The young woman she was representing for trespassing had upped the ante when she dumped a dead cat into her neighbor’s pool. And there was Faye. She was retiring, moving out of state to be closer to her daughter, and selling the firm. Faye wanted Josie to buy it, but Josie wasn’t ready for a sea change.

Not yet.

Not after everything that had happened.

Not when her life was in flux.

Hannah was gone to Oregon to attend an artist’s retreat, Billy had shipped off on a trawler, and Archer – part-time PI, part-time photographer, full-time husband– had accepted a gig to photograph a rich guy while he shot big game in Africa. Both Josie and Archer knew the trip wasn’t about photography as much as it was about healing. Josie’s miscarriage had put them both off their game.

No wonder she dreamed and her sleep was fitful. No wonder she wasn't ready to take over Baxter & Baxter. No wonder she wanted to lie in bed staring at the ceiling. Disappointed that she was even considering such a thing, Josie got up.

Leaving the bed unmade, she pulled on her joggers and tied her trainers; she added a vest and watch-cap because the December mornings were freezing at the beach. She glanced at Archer's side of the bed. It was untouched. Josie hoped he was sleeping better in his fancy tent in Africa than she was at home.

Josie walked through the silent house, ignoring the sadness that made her heart feel as if it were floating in molasses. She missed her humans, but this morning she missed Max the Dog even more. He had been there to greet her, run the beach with her, and protect her from the moment she found him abandoned near the pier. He had grown old with her, watched over Hannah when she came into Josie's life, protected and loved everyone Josie loved. Now he was gone. Perhaps she missed Max so much because he was the only one who would never come back.

At four forty-five Josie left the house without bothering to lock the door.

By five thirty she had run two and a half miles past the Hermosa pier before turning around and heading home. She ran through the December drizzle, on the deserted beach, vaguely aware of a lone cyclist on The Strand and a man walking with his head down, his hands buried deep in his jacket pockets. They both looked lonely. Josie hoped that she didn't look like those men because she wasn't like them. Alone was different than lonely.

She was fine.

She was healthy.

And then she wasn't.

As she closed in on the pier intending to slalom through the pilings, Josie faltered. She lost her rhythm, her stride, and her purpose in one explosive moment.

An electric pulse sparked and pricked at her legs, making her muscles dance and nerves feel like live wires. The tingling jumped to her hands, shocking her as it ran up her arms. She snapped her hands at the wrist, trying to warm them. Suddenly cold to the bone despite the sweat that had gathered between her breasts and at her temple under her watch cap, Josie shivered.

Her mouth was dry and her heart was pounding, but not in a good way. It pressed hard against her chest as if its singular purpose was to push through flesh and bone and leap from her body. If her heart had a voice, it would be screaming.

Listen to me! Listen!

She would scream back:

Archer. Help me.

Josie stumbled, and her breath came short. She fell against one of the pilings. Palms out, she leaned into it and pressed her cheek tight against the cold concrete. Her legs gave away and she sunk into the wet ground. On her hands and knees, Josie hung her head and tried to focus on breathing. It was hard because her mind was suddenly a chaotic kaleidoscope of images: people who hated her, loved her, those she had saved, and those she hadn't.

The baby.

Hannah.

Archer.

She closed her eyes, trying to stop the spinning in her head and the panic gripping her body. Josie's fingers dug into the wet sand. The waves broke like cannon fire, aggressive and graceless, forcing the water ashore. It swirled around her hands and knees; water so cold it could freeze her to death if the panic didn't kill her first.

Archer.

Needing to get away from the water, Josie began to crawl, pacing herself to the rhythm of her shallow, labored breathing. She moved an inch; she took a breath. Two inches more; a breath. A foot; a breath and then two. Off the hard, wet sand, away from the freezing sea water, Josie lay herself down and rolled onto her back. As quickly as it had come upon her, the panic receded. Her hand trembled. Her foot flexed. She took one more breath and this time it went as deep as her gut. Just like that, it was over.

"Well, damn."

She muttered. She blinked. She turned her head so that she was looking at the sun rising over the horizon, painting Hermosa grey and pink. It was winter and that great orb was too far away to provide any warmth. Like the aftermath of an earthquake, Josie waited for the psychic aftershock. When that didn't happen, she got herself up, dusted herself off, took her watch cap off and pushed her hand through her short hair to shake out the sand.

Then she started for home.

Josie walked past the bronze statue of the surfer perpetually riding the crest of his wave. Pier Avenue was empty. She went past Burt's by the Beach. Through the big window, she saw Burt taking chairs off the tables and arranging them just so. Soon he would fire up the grill. In another hour his staff would arrive to serve the early morning customers. The place would be busy and happy. At that moment, though, it looked like a Hopper painting: an isolated man, illuminated by a harsh, flat light, the last man standing in a dark, lonely world. He hadn't turned off the string of pale blue Christmas lights framing the big front window and, for some reason, that made the scene lonelier still.

Burt would have let her in if she stopped, but Josie didn't. Instead, she went to the low wall separating the bicycle path and the beach, crawled over it, and went home.

Hers was a walking street, closed to traffic, and home to ten houses, five on each side of the narrow road. At one end was the beach, at the other Hermosa Boulevard. Traffic was moving, but it wasn't as heavy as it would be in an hour. Mrs. Johnson's shades were open, the widow's signal that she was still alive and kicking. Josie was grateful for small favors. She wouldn't be of much use to anyone in need of help at the moment.

Josie opened the door to her house. When it was closed and locked, she put her back against it and tried to regroup. The air inside felt heavy, the drapes were shut, the doors to Hannah's room and Archer's study were closed. It had been a very long time since her house was empty. She used to love her aloneness. Now it made her want to cry, a thing she never did.

Pushing off, Josie went to the bathroom, stripped off her running clothes, and shivered in the chill. Her body didn't feel like her own. She stepped under the water. It was scalding hot and yet it wasn't hot enough to thaw her. Putting her hands against the tiled wall, Josie bent her head and let the water course down her back.

Five minutes later, her phone rang and she scrambled for it, grabbing a towel and wrapping it around herself, leaving a trail of water as she rushed to the living room. By the time she got there, the ringing had stopped. She pressed playback and listened to Archer's voice saying he loved her, camp was moving, and he would call again when he could.

I miss you, Jo.

"I miss you, too," she said, even though he couldn't hear her.

Josie went back to the bathroom, renewed. Whatever had happened on the beach wasn't forgotten, but Archer's voice had put it in its place. Like Archer being so far away, the panic was a thing of the moment. He would return; Josie would make sure the panic didn't.

Josie shut off the shower, dressed, and walked to Burt's. By the time she got there, three tables were filled and Burt was still on his own. He chucked his chin to greet Josie, but kept his eyes on the woman whose order he was taking. Josie settled in at the counter. He hustled past her to the coffee machine, filled a cup, twirled around, and put it in front of her.

"What'll it be, Josie?"

"Eggs. Toast."

"You got it. Susan's late, but I'll put you on the fast track."

They both laughed and he headed for the kitchen. For a man with a game leg, he could move with surprising grace. Josie checked her E-mail, setting it aside when Burt brought her eggs. Just as he promised her toast was on the way, Josie's phone vibrated.

She held it up and mouthed 'Archer'.

"Give him my best."

Burt went back to the kitchen, and Josie put the phone to her ear.

"Hey," Josie said.

"Josie Bates?"

The man on the other end of the phone was unfamiliar. Josie sat up straighter, and swiveled toward the picture window.

"Yes?"

"This is Chief Miller at the PVPD..."

Josie listened. She nodded. Burt was back with the toast, but when he looked at her something in her expression gave him pause. He waited until she finished the call, and asked:

"Everything okay, Josie?"

"Lily Daye is dead."

"That sucks." Burt refilled her coffee and put the toast in front of her. "Who is she?"

Josie picked up a piece of toast and shook her head.

"Beats me, Burt."

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