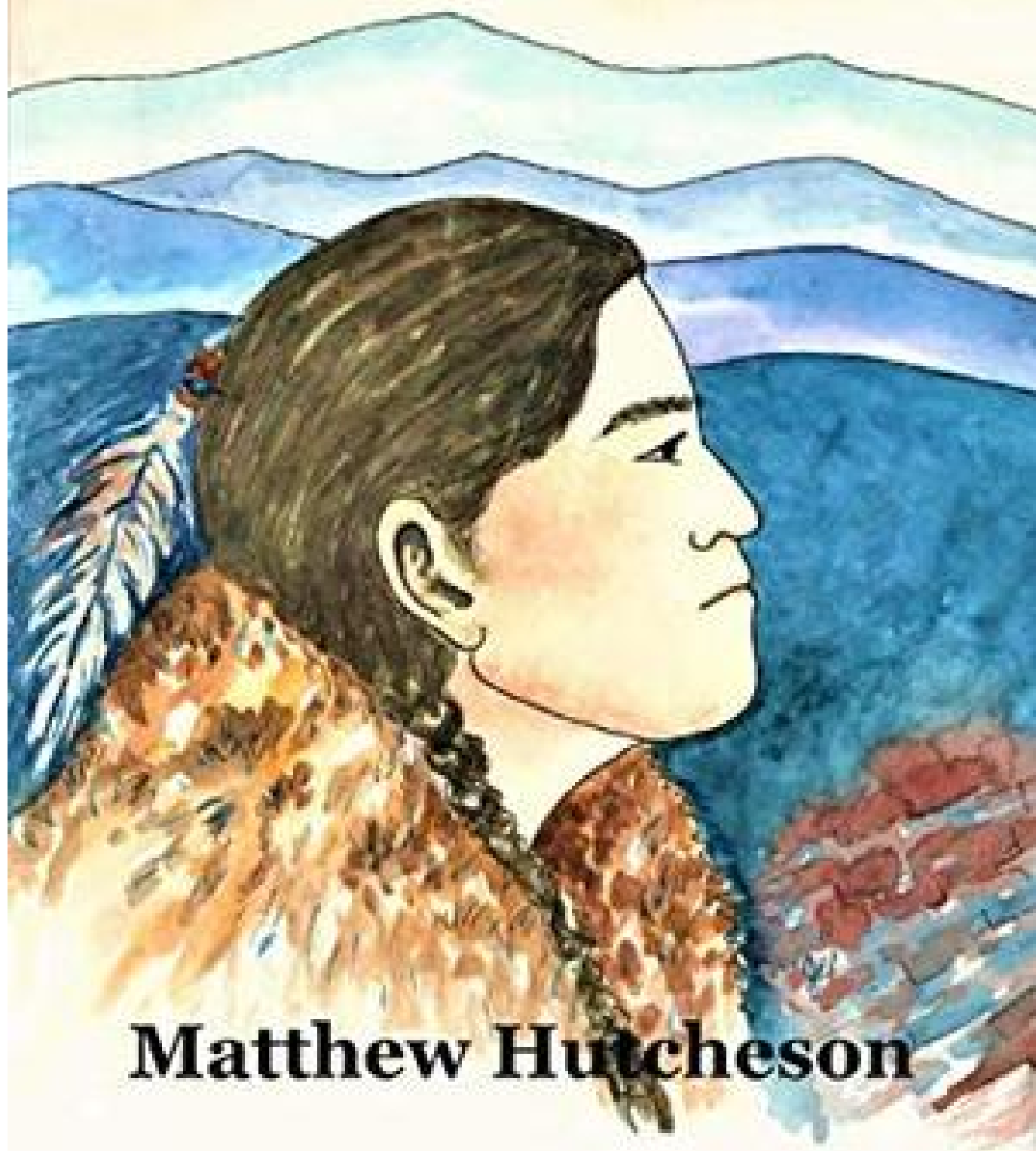


QUINNY

**A Father and Son's Brave Journey
of Sacrifice and Forgiveness**



Matthew Hutcheson

QUINNY

A Father and Son's Brave Journey
of Sacrifice and Forgiveness

Matthew D. Hutcheson

This book resides in the following BISAAC Categories:
Nonfiction > Biography & Autobiography > Native Americans
Nonfiction > Social Science > Penology (Prison Reform)

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Praise for Quinny

“There is no greater love than to lay down one’s life for one’s friends (John 15:13, NLT).” Jesus laid down His life on the cross for His friends. In this storied, true tale, Wakado laid down his life for his son, Quinny. One does not have to die to lay down his life. Quinny is a beautiful, true-life story of redemption, rescue, sacrifice, restoration, and forgiveness. Matthew Hutcheson keeps you riveted to this tender, sad story, but provides hope, as well. A possibility is a hint from God. The story has been told.

Dr. Lee Ofner

I know what it feels like to win an Olympic medal in the summer games. It is triumphant. That feeling came back to me when I read about Wakado and Quinny's imminent triumph. This is a heroic story about two real heroes!

Marcus Kelly, 1994 Silver Medalist Summer Olympic Games

A moving tale about a father and son filled with joy, tragedy, sacrifice, and hope. This story gives insight into the prison system and the Native American’s struggles on and off the reservation. Quinny is a book that you experience as you read.

Dr Nelly Barreto

This book inspired me and touched my heart. There is nothing more noble and beautiful than a father's love for his son. I hope everyone will read this special book.

Anthony Whitecloud, Former United States Marine, Montana

Matthew is a beacon of light. To say this guy is good is a huge understatement. He’s fabulous and blessed. He 100% delivers the intensity and feeling of what it means to sacrifice but unconditionally shower forgiveness to all who showed no mercy. The passion and joy of each line as it unravels before your eyes brings warmth, sincerity and completeness of living a fulfilled life even though opposition knocks on your door. The words in this book have changed the trajectory of my ability to do better, be better and most of all to understand Sacrifice and Forgiveness.

John Lamar Jenkins, John Lamar Jenkins International, Keynote Speaker / Author /Life & Business Coach

“Quinny” is a heart-wrenching story about love and sacrifice. A page turner that broadens perspectives and deepens understanding.

Hilary Ferguson, Educator

The best stories have friction. This one possesses a lot. Even more important in this story are the elements of redemption, grace, and people giving up their lives for the sake of others.

Jay Inman, US Army, Lieutenant Colonel, Retired, CEO of AreULost Publishing, Author of nine fiction books including *Walking at the Top of the World*

Matthew Hutcheson

A harrowing story of human endurance and resilience in the face of impossible odds ending in triumph over tragedy. An insider's informational accounting that makes this book a must read for every parent and child.

John A. Farrell, Jr. Mesa, WA

"For Tenny, Wakado, and his son, the truth is now known. True love is that sacrifice made for others despite the consequences which come from moral courage. May the families involved find peace."

Michael Manning, Retired Law Enforcement

QUINNY

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Matt's Acknowledgements

The story you are about to read astonished me the first time I heard it. It must have been heart wrenching for Wakado to allow all of the painful memories of his past, long since suppressed, come flooding back to the present. Wakado trusted me to tell his story; in and of itself, a great honor. I've grown to love him. I've grown to love his son, Quinny. I've grown to love his entire family, and all Native American people everywhere.

Annette, my wife, worked tirelessly day-after-day entering and formatting the story into the word processor. I thank her from the bottom of my heart. Dr. Lee Ofner worked closely with Annette to bring the book to pre-publication status, and I thank him most graciously. I thank my daughters Jessica and Natali, and my sons, Ryan and Ethan, for their feedback and suggestions. I acknowledge my parents, Don and Carol Hutcheson, for their careful eye and helpful recommendations.

Jay and Jan Inman have been nothing short of heroic, working night-and-day, as it were, to make this remarkable story available for all to read. Their polishing and smoothing made the story pleasing to the reader, so the message is easily taken into the heart. Because of them, it is now available for all to read. I believe everyone will be better off for having read this book.

Many thanks to James and Michael; two seasoned retired law enforcement Officers who carefully read every word and identified nuances to be pointed out to the book's readers. Those nuances clarify and bring to light the truths of the fateful day, December 8, 1999.

Alfred Anaya deserves my sincere gratitude for noticing Wakado's need, and selflessly introducing him to me. May Alfred be forever blessed for his kindness and thoughtfulness.

Finally, and most importantly, I thank Heaven and the Hand of Providence in our lives. Wakado and Quinny are not forgotten nor are they forsaken. They are remembered.

Matt

Matthew Hutcheson

Wakado's Dedication

**To Quinny, Tenny, & God.
Us four only know.
Forgive us all.**

www.QuinnytheBook.com

www.Facebook.com/QuinnytheBook

Please help us help the family of Officer Tenny
Gatewood

Go Fund Me Link:

<https://www.gofundme.com/ar8h8v-quinny>

QUINNY

FOREWORD

To God be all the honor and glory!

Today, I sit here with joy, relief, and sorrow for all that was my life. I owe a great debt of gratitude to my dear friend and brother, Hutch, and his family. He took my heart and soul and combined it with his to tell this story. For the past several months, I watched him use every minute available on the Tru-Link email system, faithfully dedicated, tapping away at the keyboards. No greater friend has done such a thing. His own story is no less than mine. He truly is a servant to his God and country. I have blessed him with the name, Ashkii Bik' ehgo' ihi' dan iid di tshaa... which means, "He Listens to God."

The finishing of this story comes at a time of sadness to me. At this time, one year ago, my little brother, Fred, was murdered. Though he was beaten to death by those not yet caught, I forgive you. I know the real reason for his death was loneliness. Just a lonely old man out for a walk in the night. I understand because this whole journey of incarceration is one long walk of loneliness for me.

I love and miss you, Quinny.

The story has been told!

Wakado

June 2018



Prologue

Quinny's father lay on the frozen snow-covered ground bleeding to death from a gunshot wound to his neck. Hours earlier, the storm passed over the White Mountains of East Central Arizona and headed towards New Mexico. With no clouds in the sky, the cold was biting, cutting. Every labored breath froze his lungs. Even the pathetic fire struggled for life.

She slowly approached him. "Come with me," she said.

"No, no! I can't. I can't leave Quinny."

"It is your time."

"No, please. Not yet. Quinny needs me. Please!"

The beating sound of a helicopter's blades drew his attention away from the woman for just a moment. A spot light from the helicopter locked on as troops encircled him. When he looked back, she was gone.

"He's bleeding! He's dying! He needs medical treatment immediately!" said one of the surrounding Officers.

A handcuff dangled from his wrist like a bracelet, one end attached to nothing but a mystery.



Woman in Red

White Mountains

There are many magnificent places of beauty and splendor on planet earth. Of them, the White Mountains located in East Central Arizona may top the list. Thick Fir and Spruce trees cover the land. Groves of Aspen add diversity, color and sound. Trout filled streams and rivers seem to appear at every turn. Pastures and meadows bloom with wild flowers of a staggering variety. Orange, purple, lavender, blue, yellow; a veritable assault on an onlooker's beauty receptors. The White Mountains are Apache lands. For millennia, Native Americans called the White Mountains home... a sacred home.

If one did not know better, the White Mountains could be mistaken for the lush forests of Oregon or the Olympic Peninsula in Washington. On lush green peaks above the East Fork of the Black River, morning mists dance upon the treetops. Water flowing through Pacheta Falls tumbles down colorful rock like the silky black hair of a Native handmaiden. Dozens of "mini-falls" spread out over the rocks, cascading down dozens of feet into small pools, nourishing a variety of vegetation of impressive color and variety. On the other hand, other parts of the White Mountains could be mistaken for the orange sandstone marvels of Southern Utah. Cibecue Falls' arctic-blue water surrounded by red sandstone cliffs, may be the crown jewel of the White Mountains. It is beauty supreme and nature's most spectacular art. The ancient Native ruins of Casa Malpais, and other similar sites, only add to the mystery and intrigue of the White Mountains.

The small town of Whiteriver is in East-Central Arizona on State Highway 73. Northeast of Whiteriver is McNary, another small town on Highway 260 that runs East and West. Pinetop, a nineteenth century Latter-Day Saint settlement, is found north of Whiteriver and McNary and is also located on the North-running section of Highway 260 which eventually turns into Highway 77 on the way to Snowflake.

The Whiteriver Apache Reservation covers approximately 1.6 million acres extending from the West-Central border of New Mexico

approximately one hundred miles towards Phoenix to the West, and perhaps sixty or seventy miles towards Navajo land to the North.

12:20 PM, December 8, 1999

Native American Apache legends pass down from father-to-son across centuries.

Of all those teachings, traditions, and legends, the "Legend of the Woman" is the one they fear the most.

Her presence means someone is about to die.

Federal Bureau of Investigation agents swarmed the reservation, interviewing everyone they could, especially those possibly near the tragic incident which occurred earlier in the day.

Whiteriver Apache Reservation Officers fall under jurisdiction of the United States government and are therefore, Federal Officers. Reservation Officers, and FBI agents, worked together to try to piece together what happened.

Officers drove up on a Bureau of Indian Affairs professionally licensed logger walking down the dirt road near Hawley Lake on the east side of the reservation; a 45-minute drive from the town of Whiteriver. He carried his chainsaw and obviously just harvested some trees. He was covered head-to-toe in sawdust and chain oil.

As the FBI issued truck slowly approached, the logger moved to the right side of the road.

Slightly leaning towards the open truck window, the passenger FBI agent asked, "Have you seen anyone driving around up here in the past few hours?"

"Yes," said the logger, "Three people drove up and stopped to talk to me around two hours ago. The driver said he was in the logging business too. Which is why he stopped to say hello. He was friendly."

"Can you describe them?"

"Yes, the driver was an Apache man, mid-to-late 30's. The passenger was a younger man, perhaps his son. He looked like a teenager no older than 17 or 18. There was a beautiful Apache woman in the back seat wearing a maroon or dark red blouse. She didn't seem to fit the picture. Her face seemed very sad or concerned. She was not talking. She just quietly sat there listening to our conversation. The two in the front seemed oblivious she was even in the truck."

"Were they driving recklessly or perhaps at least a little too fast?"

"No, they drove by slowly, respectfully. They waved to me as they drove away following our conversation. Everything seemed normal to me."

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"Ok, thanks. What is your name? May we contact you if we have some additional questions? We are investigating an incident about eight miles from here. Please be safe and keep your eyes open for anything unusual, ok? Here's my card. Please call me if you see or hear anything we should know about and we'll likely be in touch."



Banashley Family

Whiteriver, Arizona

Fred Banashley, Sr. was the Chairman of the White Mountain's Apache Tribe for over ten years; from the mid-1960's through the mid-1970's. He was a dignified man of significant stature and respect. Being the Chairman meant he was the "High Chief" on the reservation, which is the equivalent of serving as the governor of one of the Fifty States. He married Virginia French and lived in Whiteriver most of his life. Although Apache through-and-through, the Banashley's were people of faith who believed in Jesus. They found the perfect equilibrium between the two systems and their lives were blessed because of it. God "put eternity in their hearts."¹

As the Chief, Chairman Banashley presided over other governing chiefs spread throughout the reservation. Those chiefs, and their people, loved Chairman Banashley for many reasons. He was kind and gentle. He was an impressive athlete and played semi-professional baseball for the Winslow Bulldogs. Chief Banashley made the executive decision as Chairman to create the Apache owned Sunrise Ski Park and Resort, which today remains a popular winter sports destination. He was firm and commanded respect, but he never abused his authority. Truly, Chairman Banashley was the Norman Rockwellian, old-school public figure Americans wish existed in the nation today.

On March 27, 1941, the Chief and Virginia had a son and named him Fred Banashley, Jr.

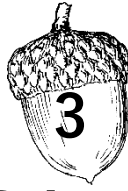
When Fred reached adulthood, he married Phyllis Johnson. Like their parents, Fred Jr. and Phyllis stayed in Whiteriver and eventually had a son and named him Frank Monte Banashley, born January 27, 1961. They gave him the nickname of "Wakado," pronounced "walk-uh-doo," and spelled without an "L," because he started walking at eight months. It was an adorable name, especially for that little joyful toddler who seemed to explore everything, walking here, there, and everywhere. Walking was something he could do well. But when it came to talking, he was more on the circumspect side. For that reason, he

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was not nicknamed, "Talkado." Most of the time he kept his words to himself. When one keeps his words to himself, he keeps his feelings to himself, being predominantly reserved and contemplative. There is a consequence to being quiet; quiet suffering and being frequently misunderstood. On the other hand, the tendency to talk little made Wakado the best possible person to confide one's deepest secrets. Wakado could be trusted to take any confidence to the grave... literally.

Wakado was a loving, kind child. He loved to roam for hours, exploring, investigating, learning. Eventually, walking turned to running and his legs and feet would take him for miles and miles up in the mountains. His father and cousins taught him to hunt and fish. From a very young age, Wakado would leave home after completing whatever morning chores his parents gave him, and he would not return until it was dark. It was the free-range life of which today's children can only dream. Such an existence is healthy for children. No television. No smart phones. No social media. No materialism. Just nature and the child; learning, exploring, experiencing, being one with creation.

As Wakado grew, two prominent characteristics began to emerge. First, he was a defender of the underdog. He did not like bullies, and he would frequently step into a scuffle to protect the vulnerable. Second, he was fiercely loyal to his family, and he would rather die than permit anyone in his family to suffer. Time and time again Wakado protected family members' tender feelings, their reputations, their confidences, and their safety. That characteristic would one day be put to the ultimate test.



Prison

2018 - Federal Correctional Institution, Englewood, Colorado

Mankind's greatest fascination is not with outer space or unexplored ocean depths. It is not with emerging technologies or feats of human athleticism that astonish. It is not with mysterious indigenous jungle peoples or any person or people for that matter.

Although we may not want to admit it, mankind's greatest fascination is with a society's prison system.

People secretly flirt with imaginations about being in prison without having to experience it firsthand. Although the fleeting thought of it is too much and they recoil, they like the brief sick thrill it causes. Prison is universally intriguing, and mankind cannot seem to stop thinking about it. It terrifies and fascinates all. It is like Americans who cannot get enough watching of repulsive, yet fascinating, Internet videos of surgical removal of bot fly larvae or abscess extractions. The public's fascination with prison explains all the television programs such as "Orange is the New Black," "60 Days In," "Lockup," "Prison Break," and countless big screen movies set inside prisons. People frequently hypothesize about what they *think* goes on "inside." Only prisoners truly know.

It is contradictory that most individuals who secretly obsess with prison believe that if someone is in prison, he or she deserves to be there. No one faults them for that belief, even though that belief is faulty. American prisons are bursting at the seams with real human lives and real heart-breaking stories, that if ever told, will forever challenge society's anchored belief systems about prisons and prisoners.

Knowledge of what really happens in America's prisons could recalibrate society's feelings toward human suffering. Tragic accidents are made worse by governmental intervention. Mercy seems distant, when, in the course of seeking justice, society creates an even greater

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injustice. Is prison really the solution an enlightened society should employ against those who are accused and labeled as criminals, even though far too often they are simply misunderstood and unable to successfully use the same English language which was weaponized against them to defend themselves? If the reader is a former prisoner, or family member of a prisoner, he or she may now be nodding in agreement. Prisoners, former prisoners, and their families equal no fewer than one hundred and forty million Americans.² In modern America, if a tragic accident happens, someone is going to pay whether there is "mens rea" or not. Mens rea is Latin for "guilty mind."

Oh, how they pay, and pay, and pay!

Dearly.

For decades.

In the end, it is society who is convicted.

The Federal Correctional Institution located in Englewood, Colorado, is referred to as "FCI - Englewood," by both the United States Bureau of Prisons and its inmates. Once a medium security prison, it is now designated a low security facility where high profile prisoners can be safely placed. Recent notorious FCI - Englewood inmates include former Enron CEO, Jeffrey Skilling; former Illinois Governor, Rob Blagojevich, and former Subway sandwich spokesman, Jared Fogel. Many have come before them, and many will come after.

As far as prisons go, FCI - Englewood is probably the best place in the United States to quietly pass the time. Violence is rare at Englewood. For the most part, the inmates keep the rules and mind their own business.

At the other end of the spectrum are the United States Penitentiaries, or "USPs" as they are called by prisoners and government. (Medium's and lows are called "FCIs".)

USP - Coleman, Florida.

USP - Florence, Colorado.

USP - Victorville, California.

Those institutions are three of the most dangerous and violent USPs in the world. An inmate must be simultaneously a gladiator, a diplomat, and a politician to survive at a USP.

On May 20, 2014, USA Today said USP - Florence "houses the most dangerous inmates in the U.S. prison system."³ At USP - Florence, even the prison guards had their own gang called the "cowboys."

Federal prisoners call USP - Victorville, "Victimville," for good reason. There are also two medium security FCIs at Victorville, which are not any safer than the USP.

Matthew Hutcheson

USP - Coleman is just like Florence and Victorville, coupled with extreme humidity and strange noxious insects.

On January 12, 2017, after serving a combined sixteen years at those three USPs, (five at Florence, two at Coleman, and nine at Victorville), Native American Apache Frank Banashley, (Wakado) shuffled into the front gate of FCI - Englewood, shackled waist, wrists, and ankles. There is a reason the walk from the bus into the prison is called the "shackle shuffle."

Wakado entered FCI - Englewood expecting to spend the next nineteen years of his life, including good time, on a forty-two-year plea bargain sentence for second degree murder. He barely escaped the death penalty. He now qualifies to reside in a low security facility, and there quietly endures the pain and burden of a bomb-shell secret to protect someone he loves. Holy Writ quantifies this as, "no greater love."

Approximately seven months after his arrival at FCI - Englewood, Wakado was joined by a trusted friend from Victorville named Alfred Anaya, an East Los Angeles born Chicano. The Hand of Providence choreographed the re-crossing of their paths to set in motion the wheels of mercy necessary to correct a travesty of justice that persisted for far too long.



Unexpected Meeting

2018 - Federal Correctional Institution, FCI - Englewood, Colorado

While at USP Coleman and USP Victorville, Wakado worked at Unicor as the project manager. Unicor is the federal government's "Prison Industries," a non-appropriated, wholly owned subsidiary of the United States Department of Justice. Unicor primarily makes goods other governmental agencies need. For example, Unicor makes flight suits for the United States Air Force and other branches of the military. It also makes TSA screening tables for use in airports. It makes metal lockers for soldiers to keep their personal items safe in their living quarters. Those same lockers are used by inmates at every federal prison. At Victorville, Unicor employees made MRAP training vehicles for the military, built on old retired 5-ton military transport truck frames. MRAP stands for "Mine Resistant Armored Patroller." There are other products made at the various Unicor facilities throughout the nation's prison system.

Wakado's expertise pertained to work flow, inventory control; which includes materials purchasing, and making sure finished products are accurately shipped to the buyer. These skills made Wakado a "high demand" inmate who could integrate immediately into any Unicor, at any prison, anywhere in the United States.

It is not a surprise that immediately upon his arrival at FCI - Englewood, Wakado was snatched up by Unicor staff and put to work. But Wakado was tired. He'd been working at Unicor for over a decade. And while he did not need any training, he felt that Unicor was just another layer of imprisonment; locked in a building, that is locked in another limited access area, within the general limited access area of the prison itself. Layer upon layer of fences, razor wire, and more restriction. And for what? To perform slave labor for the federal government at just over one dollar per hour?

Matthew Hutcheson

"I have to get out of Unicorn," Wakado said to himself. "I can't work here anymore."

Suddenly, Wakado experienced a flood of strange emotion welling up inside; feelings he had long since compartmentalized and suppressed. Buried memories came to the surface like a volcanic eruption. "Living the next nineteen years with these memories and emotions will consume me. I can't and won't live that way. Either I have to tell my story to someone, and let the truth out of its cage, or I will..."

Wakado paused, slightly ashamed at the thought of the idea that briefly came to mind. He shook his head and internally said, "No! No! I will not think of any such thing! Get that thought out of my head!" His internal dialogue continued, "I need to get out of Unicorn and into a job down in the yard's recreation department."

The following day, Wakado put in a job application with the recreation department and was hired to oversee the pottery/ceramic room, and to be the kiln operator. A kiln is the oven in which pottery and ceramics are fired for up to twenty-four hours, usually in phases, each phase with increasing temperature, eventually reaching up to sixteen hundred degrees Fahrenheit, until the pottery or ceramic is essentially glass.

That job suited Wakado well. It was relaxing, and it allowed him to think about important things, especially family concerns.

Shortly after Alfred Anaya arrived at FCI - Englewood, he too was hired by the recreation department as one of the compound's barbers. When Alfred was not cutting hair, he worked on his clay and ceramic projects, which meant working closely with Wakado. The friendship they began in FCI - Victorville continued without missing a beat.

Wakado and Alfred have much in common. Both have survived the nation's most violent prisons. Both grew up as minorities in America; Wakado, Native American, and Alfred, Chicano. Both received shockingly high sentences. Interestingly, both are very calm, dignified, well spoken, and universally respected by their peers. Both love, and are loved, by their families. Quite admirably, both are deeply patriotic. They love the United States of America despite their incarceration and all that led to it.

On January 2, 2018, Alfred was working in the pottery room and saw Wakado sitting at his desk.

"Hey, Wakado. How's it going?" Alfred said.

"Ok, I guess," replied Wakado.

"That sounded a little heavy hearted."

"I am heavy hearted. There is a lot on my mind."

QUINNY

"Want to tell me about it?" Alfred asked.

Somewhat reluctantly, not wanting to burden Alfred with his emotions, Wakado began to share some things he never told another human being. Wakado stopped himself before he shared too much. He trusted Alfred completely, but these raw wounds in Wakado's life never healed. Deep in Wakado's soul, those wounds remained suppressed for two decades, and the time had come for them to be free. The small emotional moment with Alfred caused a seismic event in Wakado that allowed his secret to ooze to the surface like hot magma. Secrets always make their way to the surface. It is a force of nature that cannot be contained.

Alfred sat stunned. He could not believe what he just heard. He tried to process the magnitude of the bombshell revelation.

Wakado had just unburdened his heart and soul of his life's secret.

Alfred said, "Wakado, bro! I don't know what to say. I am so sorry."

Wakado sat silently, shocked that the secret came to the surface. Only one who shares his or her deepest secret knows how Wakado felt at that moment. It is a strange mix of relief and fear; a mix of light at the end of the tunnel and the final beginning of the end; a mix of hope and uncertainty. Each of those emotions is heavy alone. When combined, they form a confusing sensation.

Alfred continued, "So what are you going to do?"

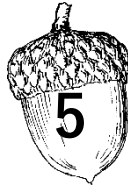
"I don't know. There is no one I can trust to share the rest of my story. What I shared with you is only a sliver of the whole story. It would take weeks or even months to tell it all. I don't know anyone who would understand me and not judge me."

"If there was someone you could trust, would you want to speak with him?"

"Maybe. I'll think about it."

"I may know just the guy. Every Wednesday at 9 AM I cut a guy's hair. If you want, come into the barbershop at 9 and I'll introduce you to him."

Wakado nodded and smiled, but just slightly, his face betraying his still heavy heart.



Visits, Dreams, and Faith

12:30 AM. January 4, 2018 Cell 10, North Range, Lower West Unit

Wakado looked out the narrow 4-inch horizontal, 16-inch vertical window of his cell door. The guard had just begun his shift and had just completed his first walk through. It was Thursday, January 4, 2018, just after midnight. He would not be back until 2 AM. The guard's shift would last until 8 AM. A 3-inch red emergency water pipe ran down the hallway, attached to the 12-foot high cement ceiling by heavy duty brackets and bolts. It hung down from the ceiling by 10-inches or so. The pipe could withstand hundreds of pounds of weight at any given spot without bending or pulling away from the ceiling. A smoke-activated sprinkler head protruded from the pipe every 10-feet.

He easily had ninety minutes before the guard would find him. In the North Range the cell doors remain open at night, so inmates can use the common restroom at the end of the hall. Leading up to this night, Wakado had monitored inmate traffic between midnight and 1:55 AM for several weeks. Rarely did anyone leave his cell during those two hours.

Unbeknownst to Wakado, several family members decided at the spur of the moment to surprise Wakado with a visit. His daughter, Eggo (like "Leggo go my Eggo"), and Eggo's daughter, Wakado's granddaughter, Audriana; also, four other family members expected to meet him the following day. Audriana is Wakado's pride and joy. He calls her Gosnee, which is Apache for Little Honeybee.

But Wakado knew nothing of the visit. All he knew was darkness and sadness. "They'd be better off without me," Wakado told himself. He continued, "It's not fair for them to have to wait year after year, decade after decade, until I am released. They deserve to move on. I'm a burden on them."

Wakado held the standard issue pant belts in his hands; light in actual weight, but extremely heavy in significance.

QUINNY

Opposing emotions boiled in his mind, heart, and soul.

"Do it!"

"No, no! Don't do it! I'll never see Quinny, Eggo and the rest of my grandkids ever again!"

Wakado's internal battle raged on until morning. Emotional magma, oozing upward, found and filled every little crack. Fate, as it were, had frowned upon Wakado.

Or so he thought.

Visiting Room

Friday afternoon, January 5, 2018, Wakado was called to the visiting room over the compound's loud speaker.

"That's strange," he thought. "I'm not expecting a visit."

At FCI - Englewood, only three visitors may be with an inmate at any one time. Six family members came to visit him, so it would be necessary for them to take turns visiting with Wakado, three at a time.

Wakado was so happy to see three beautiful family members waiting for him when he entered the visiting room. After several hours, they excused themselves so Eggo, Stephanie (his daughter-in-law), infant granddaughter Annais, and Honeybee could come in, leaving Wakado sitting in the visiting room by himself for several minutes.

Wakado sat patiently, watching the door for Eggo and Honeybee. Shortly the door opened and through it walked Honeybee. Her eyes found Wakado and she started towards him, shyly at first, walking slowly, then with more excitement transitioning into a zeroed-in run towards him, literally leaping into Wakado's arms. He swept her up in his embrace and gently rocked her in his arms. "Papa! Papa!" she squealed, laughing uncontrollably, making it known to everyone in the room this was a joyful reunion. Wakado's eyes brimmed. His throat lumped with conviction in his heart at the thought of what harming himself would do to little Gosnee.

Wakado silently mouthed the words that could not be spoken aloud. "Thank you for coming to visit me, Gosnee, my little Honeybee! You saved me, just like your Momma Eggo did when she was a child."

While he held Honeybee, Wakado's mind momentarily located three distant, yet distinct and important memories. In mere seconds he scanned them, re-lived them, and felt again everything that accompanied those experiences.

Wakado had an uncanny proclivity for being shot. He experienced it two times.

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The first time, he was 15 years old at a "49'er event." This is a popular Native American celebration remembering a great battle. 50 warriors went to war and 49 returned, hence the name. Out of nowhere, a stray bullet struck his knee and cut the patellar tendon below his knee cap. He still walks with a limp because of that incident.

The second time was 8 years later while in his bedroom rearranging some things in his top dresser drawer. Wakado kept a .22-caliber revolver in the drawer. When he went to move it, the end of the trigger hooked a piece of clothing, causing it to discharge. The bullet struck him in the chest, entered his lung, and as one might expect, caused immediate profuse bleeding. Within seconds he became unable to get a full breath and began to drown in his own blood.

Wakado's daughter, Eggo, was 8 or 9 years old at the time. She entered the room and began to hysterically scream, "Daddy!, Daddy!"

Wakado tried his best to calm her, but he was in bad, bad shape. Eggo touched Wakado's wound, thinking she might try to place her hands on it to press down, but became frightened and pulled her hands away. Another family member called for an ambulance.

Eggo looked Wakado in the eyes and said, "Daddy, call Jesus. Call Jesus! Say His name, Daddy! Say it!"

Wakado weakly mustered enough breath and uttered, "Jesus!"

The next thing Wakado remembered was waking up in the hospital surrounded by his family. Eggo was holding his hand. "You should have called for Jesus sooner, Dad. You almost died!"

Wakado always believed that Eggo's simple faith saved him then, and the love of his Honeybee was about to save him again.

Wakado came back to the present moment, holding his little Honeybee in his arms. He remembered what to do now. He needed help.

He quietly muttered, "Jesus!"⁴

Dream

Early in the morning on March 6, 2018, Wakado had a dream. His Grandmother, Virginia Banashley, came to him in the dream, as is so common with Native Americans.⁵

"She was sitting on a large chair, like a throne, and she looked like a Queen. She was beautiful, and full of very real light. She shone like an angel," Wakado explained.

"She told me that she had been sent by the Savior to help me and to instruct me."

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"Wakado," his grandmother said. "You called for Jesus during your visit with Gosnee. He sent me to tell you that he provided a way for you to receive the help you need. In His foreknowledge of all things, He knew precisely when you would ask for help. Accordingly, He sent someone to Englewood several months ago who was carefully prepared to help you. He set this course in motion even before you asked for help, and because of your simple prayer of faith with Gosnee two months ago, He placed someone in your path. Had you not prayed, your path may have never crossed with this man and you would not have ever known he could help you even if you randomly met him later. Alfred would not have introduced him to you. You will meet this man tomorrow at 9 AM in the prison barbershop. Don't be late."

Startled, Wakado awoke from his dream, with a feeling he had not felt in a very long time... Hope.



A Message from Heaven

9:00 AM March 7, 2018. FCI - Englewood Barbershop

"Hutch, you are right on time, just like always!" said Alfred. "Did you bring my stamps?" he continued with a smile on his face.

Postage stamps are currency in prison. They can be used to buy food, art, clothes, favors, etc. Stamps are also used to give the barber a nice tip for a job well done.

"Of course, I brought your stamps!" I said. Continuing, "You know, I pay you two stamps more than the going rate because I enjoy the conversation that goes along with the haircut. So, today's conversation had better be worth it!"

Laughing with Alfred is something I always enjoy. He has a well-developed sense of humor.

"You better hope I have a good sense of humor," Alfred said. "It would be quite unfortunate for you to come in with two ears and leave with one. By the way, where are those stamps?"

Laughter.

Moments later the barber shop door opened. A man I recognized, but never met, walked in and sat down in the empty chair next to me.

"Hutch, this is Wakado, birth name of Frank Banashley. He and I first met in the Victorville medium. He also spent quite a bit of time at the USP there," said Alfred.

"Hi Wakado. I've seen you around. Please forgive me for not having introduced myself sooner." I extended my hand and we shook.

Wakado smiled and said, "No problem. I've seen you in the unit, too. It is very nice to meet you."

The three of us talked and laughed while Alfred cut my hair. The Wednesday morning haircut was always the highlight of my week.

Alfred changed the subject, "Wakado, I first met Hutch in the holding tank in Oklahoma. I was transferred here, to Englewood, and Hutch was headed to El Paso Texas, FCI - La Tuna. During the three hours in the holding tank, we became good friends. Turns out we know a lot of

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the same people at FCI - Terminal Island, in Los Angeles, where both of us spent some time."

Wakado's face got a simultaneous look of seriousness and curiosity. He said, "You were supposed to go to La Tuna?"

"Yes," I said.

"How did you end up here?"

"Well, it's a long story. But it was quite the ordeal."

Wakado said, "I ask because I, too, was supposed to go to La Tuna, but was unexpectedly re-designated here. It was the strangest thing," he explained. "Now we are both here," he said curiously. Wakado took a moment to reflect on the dream of his grandmother from the night before.

"Something important is happening in my life. God has not forgotten me," he thought.

After Alfred finished cutting my hair, I excused myself and went about my daily activities. Later that day, I saw Wakado in the hallway of the unit. We shook hands again and smiled.

I said, "Alfred tells me you have quite the story to tell."

Wakado replied, "He told me you have quite the story, too. Perhaps we could spend a few minutes sometime this week sharing our stories with each other?"

For a moment I hesitated. I did not want to hear another emotional story. My own story had exhausted me, and I felt as though I had nothing left to give. Opening my heart to someone, I believed, would be too much. After years of listening to the stories of hundreds of men, I just did not think I could do it again. I was emotionally spent, and I only wanted to quietly wait out my time until my release, which I hoped would be soon. Then I felt a little nudge; the type of nudge I feel time and time again. The kind of message from Heaven that says, "You are to do this."

The story of the Old Testament Prophet, Jonah, resonated in my mind regarding his attempt to avoid doing something God told him to do. I was already in prison but had no doubt God would gladly send another whale to correct my attitude.

"Of course," I said. "How about tomorrow at 1 PM?"

"That will work for me. See you then."

The following day, Wakado invited me into his cell, and there he told me the most heart wrenching, yet potentially redeeming story I may have ever heard. His life's secret, carried and hidden deep in his soul, was released for the first time since the tragic incident of December 8, 1999. No one; not his mother, not clergy, not his wife, not his children; no one ever heard his story.

Until now.



Wakado

1961 - 1962 Dallas, Texas

Wakado was six months old when the federal government relocated his parents to Dallas as part of the government's "Indian Relocation Program." It was in Dallas where Frank was given the nickname, Wakado.

Native Americans believe the government's relocation objective to integrate Natives into society at large was to "civilize" them. The relocation program disrupted Native American families in such a way that it hurt far more than the program helped. Wakado's aunts, uncles, and cousins went to far away cities like Chicago, Minneapolis, and Los Angeles. Children went to boarding schools, separated from their parents and siblings for cruel amounts of time. Parents got divorced while off the reservation and out of their element. Children learned destructive behaviors and eventually returned to the reservations with devastating consequences.

Fred and Phyllis, Wakado's parents, went to Dallas, Texas. Wakado's older sister, Kay, went to live with his maternal grandmother, Elsie Johnson. Elsie lived in Salt River, Arizona, which is located between Scottsdale and Mesa, and consists of large fields of farm land, citrus groves, and desert terrain.

The government placed the Banashley family in a small apartment in the downtown vicinity of the book depository building where President John F. Kennedy would eventually be assassinated. After a year or so, Phyllis became pregnant, and eight months later, Phyllis took Wakado with her, back to grandma Virginia's in Whiteriver to have the baby. Fred stayed behind to finish his vocational training. He eventually became a very skilled carpenter, diesel bus driver, and mechanic.

1963 - 1964 Whiteriver, Arizona

Shortly after returning to Whiteriver, Phyllis gave birth to a baby boy who passed away hours later. The family calls him "Baby" to this day. Phyllis would later have two more boys named Fred III and Phillip. Their nick names were Stinker and Beezer, respectively. The back story is that Fred had a "gas incident" during kindergarten class and was from that point forward known as "Stinker."

Sadly, Fred was randomly murdered in June 2017, at age 52, in a senseless tragedy. While Fred was on a leisurely walk down the street, for some unknown reason, several teenagers decided to pull over and beat him to death. To this day no one knows why.

At the time of Baby's death, Wakado was just over two years old, and had grown into a full blown "Runado." His mother, Phyllis, could barely keep up with him. Fortunately, back in the 1960's, things were different in the world. "Free-range" children lived healthy and happy, and it is regrettable that today's children, or at least very few, get to experience such a pure and enriching life experience as Native American children did then (and many still do).

Wakado could hold his own with the older children in the neighborhood. From them, and also from his sister Kay, Wakado learned to build forts, play hunting games with a BB gun, use a bow and arrow, and which wild plants he could eat without getting sick. Knowing what wild plants he could eat was the key to being able to play outside, far away from home, for most of the day. Even two-year-olds learn which plants are edible, and which plants could kill them. Remarkable.

Many Native American families lived in "sandwich houses." A sandwich house is a type of mud house with a hard clay floor, usually in sizes anywhere between 800 and 1000 square feet. The walls are home-made wood pallets (partitions); made from whatever wood could be obtained. A sandwich house is constructed by placing sturdy wood posts in the ground at the corners and two posts for the entry way. A post might be a six or seven-foot-tall 4x4 beam, or a similarly sized round log. Natives are resourceful and use whatever they find that is sturdy enough to be a post. The pallets are then placed vertically (on end) next to the corner posts where the pallet is nailed or lashed to the post. To get a visual, the pallet is nearly as tall as the post. The flat wood slats; the long supporting wood pieces where freight normally rests, face outward. Additional pallets are attached to the first, continuing to the other posts, until the structure has a pallet wall all the way around. A mixture of straw and mud are then packed inside

the pallets from the floor to the top, creating sturdy, heavy walls. Once the mud is in the pallet, a casual onlooker might comment that the alternating wood slats and mud look like stacked pieces of bread with peanut butter in between. Hence the name, "sandwich house." The roof is made by laying long pieces of dehydrated Saguaro trunks and Ocotillo candlewood branches, placed horizontally from each wall to a center beam where four wall partitions extend outward providing a resting place for the Saguaro and Ocotillo. Mud fills in the gaps. Wood shingles, tarps, canvas tent material, or virtually any other light, but durable and waterproof material, lays on top of the mud.

Each sandwich house has a wood stove that keeps the house warm during the winter. The homes stay remarkably cool during the summer. At that time, nearly every Native American home had a portrait of John F. Kennedy hanging on the wall, as though it were some unwritten tradition or rule. Native Americans are very patriotic, contrary to what one might assume.

1964 - 1965 Salt River, Arizona

A common plant grows in abundance in Salt River where grandma Elsie lived. Natives call it "Pampas grass." The best way Pampas grass can be described is a heavy blade grass growing in large clumps about the size of a basketball. The blades of grass grow taller and taller until their weight causes them to fall away from the center of the clump (think of a huge Outback Steakhouse "Bloomin' Onion" for a visual); resulting in what resembles a bird nest. The birds agree, because the family's free-range chickens lay their eggs in the center of the Pampas grass clump. Young children did not have to look any farther than the nearest Pampas clumps to find eggs. Free-range children, gathering eggs from free-range chickens... it is nature's perfect harmony.

Grandma Elsie's Salt River home was a sandwich home that, too, had a portrait of John F. Kennedy hanging on the mud walls inside.

Wakado and his siblings loved to spend the night with grandma Elsie. In the summer of 1965, Wakado was four and a half years old and feeling like one of the older kids in the neighborhood. His capacities grew by the day.

Early one morning, the sun was up, and it was getting warm outside. Wakado stumbled into the kitchen area where Elsie was already preparing for the day. He was groggy and rubbing his eyes, his thick head of jet-black hair was tousled.

"Wakado, are you hungry sweetheart?" Elsie said.

He smiled the classic four-year-old smile and nodded.

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"Go outside and get some eggs and pick a grapefruit. I'll make you breakfast."

Wakado knew right where to go... the nearest Pampas clump, and as expected, he found three eggs. He put them in his shirt and walked to the grapefruit tree and picked one he could reach. He carried the eggs and grapefruit inside and handed them to Elsie, who immediately made a special breakfast, just for him. He always knew the breakfast was special because she would gut the grapefruit with the fancy zig-zagging peaks and valleys, making the two halves fit together like gears, just for him. Scrambled eggs, sugar on top of the grapefruit. Time alone with grandma. Heaven.

1965 - 1966 Whiteriver, Arizona

After the summer of 1965, Wakado's mother, Phyllis, returned to Whiteriver with Wakado and Kay. He missed his grandma Elsie so much he decided he would walk back to her home over 200 miles away. Wakado made it twelve miles before a family friend driving by stopped to take him home.

The following summer, Wakado was now a "big kid" even though he was only five and a half years old. He freely explored nature with the other children in the neighborhood for three years. Depending on which neighborhood under discussion, it could mean an area of ten city blocks or eight miles away. To the Apache children of Whiteriver, walking eight miles away was practically a daily occurrence.

World Domination - Donkey Raids

Apaches are raiders of other tribes. Sometimes raids were part of war. Sometimes Apache raids balanced regional power, or simply intimidated or teased. It is in the Apache DNA.

Surrounding Whiteriver are four little villages where other boys lived... rival Apaches. Each neighboring village usually had fifteen to twenty boys in the five to ten year old range. East Fork, Seven Mile, North Fork, and Canyon Day were the names of the four villages nearest to Whiteriver, and each village considered it to be the neighbor of the other four. The villages sat five to eight miles apart from each other.

The rivalry between the boys from each village, and the acts taken by the boys as a result of that rivalry, is something city kids of any other race could scarcely contemplate, let alone participate.

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For decades, Fort Apache was a self-contained U.S. Army outpost in which animals supported the troops stationed there, should outside supplies be cutoff during a war. Staff at the Fort raised chickens, cows, horses, and donkeys.

At some point in time, the donkeys became a nuisance to Fort Apache staff and no longer essential, so they were put out to pasture. The fun began when Wakado's team learned the news.

"Those donkeys are orphans now. We are going to go get them," said the oldest boy in the Whiteriver group: Wakado's group.

"I'm coming, too!" said Wakado.

"You are too young. You are only five, and we have a long walk ahead of us to the 'Seven Mile' village. We'll need to ride those donkeys out of there fast. You will get in the way."

"I will not! You will see. I can ride as good as any of you!"

"Have you ridden a donkey before?"

"No, but I've ridden horses for hours and hours all by myself. I don't need any help and I don't need you to tell me what I can or can't do!" Wakado firmly said. He held his ground. The other boys looked at each other in amazement. "This little kid has some fire in his belly!" they thought.

Mike was Wakado's first real friend outside of his family. He was a little older than Wakado but treated him as though the same age. "Let him come," Mike said, "He won't slow us down. I know, I've seen him ride."

"Ok, but if you fall behind, you'll be all alone in the dark. I hope you don't get eaten by a bear," the oldest boy said snidely.

They set out at sundown and walked to just outside the military facility. There they corralled the donkeys. Each boy chose a donkey and introduced himself to it. Then, one by one, each Apache boy mounted donkeys' backs and started to ride.

Suddenly there was donkey chaos! Donkeys running every direction, hee-hawing in panic!

"Hold on, boys! Don't fall off! Keep control over them! Don't be scared!" the oldest boy said. After a minute or two, the donkeys got tired, or bored, or both. Soon, all of them rode donkeys back to Whiteriver. Even donkeys seem to instinctively know what a rider's leg commands mean even without prior training.

So here goes 15 to 20 very young Apache boys, riding the same number of donkeys, with a few animals following rider-less, away from the vicinity of the Fort Apache in the middle of the night back to their village.

Sometime later, and after traveling eight miles or so, Wakado rode into Whiteriver first, (partially because he was the lightest rider, and

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because of his bravery) leading the other riders and donkeys into an empty corral, all before the sun came up. That night Wakado made quite the name for himself. Not only did he hold his own, he earned respect. All demonstrated their bravery.

When the other neighboring boys heard of the astonishing feat of their rival, they began to scheme about how they could steal the donkeys from Wakado's group. It was not long before the "Seven Mile" boys executed their plan, and quietly stole the donkeys away and rode them home.

Not to be outdone, the "Canyon Day" village boys devised a plan to steal the donkeys from the "Seven Mile" boys, and they did.

And thus, became the greatest socio-political rivalry known to man, playing out year after year, on the White Mountains Apache Reservation between four small rival villages, all vying for donkey dominance.

Whoever had the donkeys - had the power!



Apache Words

Noon, March 13, 2018. FCI - Englewood Cell 10, North Range, Lower West Unit

Wakado looked out his cell window with a slight smile on his face. The donkey story stirred satisfying emotions within him.

He did not speak for a few moments, then inhaled and exhaled deeply, his shoulders rising and then falling. He turned to me and said, "I just had the strangest memory."

"Oh? Tell me," I said.

"A few days after our donkey victory, the boys poked at a wasp's nest with some sticks. We wanted the wasps to get really mad and come out, so we could swat them out of the air with our sticks. Like wasp baseball."

"How did that turn out?"

"As you can imagine, badly. At that moment, I learned I was allergic to bees, wasps, and the like, and ended up in the hospital."

"That is an interesting memory. Why did you have it just now?"

"I think it is because I feel like one of those wasps. For most of my life I feel like someone unfairly poked me with a stick to provoke me. Then they swat me out of the air with the stick."

"Tell me more."

"Maybe there are various ways people try to provoke me, but the one that stands out the most is the use of language."

"Do you feel that some people have used language as a weapon?"

"Yes, and I feel like it was used against me my whole life."

I sat listening intently, and I nodded for Wakado to continue.

"I empathize with minority children of any race or background for the same reason. We are all terrified by the English language because speaking it seems to get us into more trouble than silence. But silence has its own consequences. Either way, minority children who have not mastered the English language are in serious jeopardy of going to prison even if they are innocent."

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I sat for a moment and took a large inhale of air, then exhaled, just as Wakado had done moments earlier. "There is nothing more powerful than persuasive language," I thought to myself. "If someone cannot be equally persuasive as his adversary, tragedy awaits."

Wakado continued, "Even powerful men in Washington D.C. fall victim to sophisticated-speak and get torn apart on television and radio. In the legal and political worlds, words do not always mean what they seem to ordinary people."

"You feel that minorities are especially vulnerable?"

"Yes, especially minority children, but also adults, because they lack mastery of the English language. So younger minorities don't stand a chance, especially if they have unsophisticated or timid lawyers."

"Is that why you sat silent when the FBI and National Guard apprehended you?"

"Primarily, yes. I didn't feel like I could tell them anything without them twisting everything around. It is a terrible feeling to love the United States, but at the same time thoroughly distrust its Officers to do the right things."

"You felt that because there is no trust, if you said anything, even if what you said was the truth, that the federal Officers had already made up their minds about you?"

"Yes, that's exactly what I am trying to say. I wish it wasn't that way, but it feels like federal Officers have contempt for American citizens, especially minorities. The first expectation should be that a citizen can trust the government's Officers and officials."

"Have you replayed the scenario in your mind and wished that you said something?"

"A thousand times and a thousand times again."

I sat silent for a moment then expressed my sympathy for what Wakado had just shared. "I'm sorry," I said.

"Thank you for saying that. The crisis we are in as a nation is due to the lost trust citizens have for our elected officials and federal Officers. Very few believe they will do the right thing."

"Perhaps when they hear your story their hearts will be softened. Maybe they will see things differently."

"Maybe. Maybe."

Inhaling deeply, Wakado turned his head. looking out the window with a look of, "Will my life ever get better?"

My own thoughts turned to Gibbons' 1776 set of tomes, "*The Decline and Fall of the Roman Empire.*" Gibbons said that when a people dislike their own government more than the enemies at the gate, the nation is doomed.



Grandma Elsie

1967 - Whiteriver, Arizona, Home of Fred and Phyllis Banashley

Grandma Elsie came to Whiteriver from Salt River to say her goodbyes to Wakado. It would be the last time she saw him. In the summer of 1967, Wakado was six and a half years old. That fall he traveled to Gilroy, California, and spent the upcoming school year living with the Wilson family as an exchange student in the Church of Jesus Christ of Latter-Day Saint Lamanite Exchange Program. In the 1960's and 70's, it was common for Native American children to be sent to live with white families throughout the United States to "expand their experiences, language, and understanding of modern American culture."

Elsie was ill. She suffered from debilitating diabetes and had had multiple amputations. She was now confined to a wheel chair. When family visited from out of town, they would stay in the Whiteriver matchbox house of Fred and Phyllis, or Chief Banashley and Virginia, or other aunts and uncles. A matchbox house is what the Natives call a conventional modern house built with 2x4's. This time, Elsie stayed with Fred and Phyllis, which meant with Wakado.

She motioned for Wakado to follow her as she wheeled her chair into the small kitchen area. As family conversed and laughed in the living area, she found a little cubby hole where the refrigerator once was, it having long since broken. With difficulty, and exerting all her strength, she pushed herself up from her chair and stood upon her post-amputation stumps. She hugged Wakado and pulled him close. She prayed for him and counseled him in his ear. Wakado could feel the smoothness of her clothes and the intricate embroidered flowers and designs across her collar. Most of all he could feel her love for him. She smelled like Grandma, and he was always comforted by that.

She pulled back, her eyes brimming. She held his little face in her hands.

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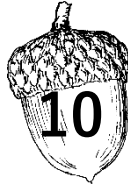
"I love you, Wakado," she said.

"I love you, too, Grandma," he replied.

"Make lots of friends. Protect and defend the weak and vulnerable. Make me proud. I will be with you always."

"I will, Grandma. I promise."

Wakado's parents put him on a bus by himself to California where he met the Wilson family for the first time. Shortly thereafter, word came that Grandma Elsie had passed away. Wakado was crushed. He was homesick and sad, and lacked the words he needed to express how he was feeling. Nobody in the entire world understood how he felt being away from home, living with a family of a different race and culture, and just having lost one of his greatest advocates, Elsie.



The Peacemaker

2018 - Englewood, Colorado

Over forty years ago, Wakado promised his grandma, Elsie, that he would always protect the weak and vulnerable. He lived up to that promise.

Prison is a dangerous place. Even "low security" prisons see occasional violence. Most of the time, violence is the result of some provocation by a psychopath. Add a healthy dose of narcissism to the psychopath, and a recipe for disaster exists.

Eight years ago, a young psychopath was given federal probation for having falsified a transactional document governed by federal law. The judge sentenced him to six months of probation. All he had to do was report to his probation Officer, as ordered, and cooperate with him or her, and he would have exited the criminal justice system in six months relatively unscathed, without prison.

This young man's psychopathic condition quickly revealed itself when he reacted irrationally to simple instructions given by his probation Officer. He engaged in petty arguments over the smallest perceived intrusion or slight. He intentionally did things to cause suspicion and concern with the court and the probation office. He was never where he was supposed to be, when he was to be there, and frequently violated his travel and curfew restrictions. He taunted and mocked his probation Officer when he was held accountable. This young man was a bully. It takes a disturbed person to bully his federal probation Officer.

Eventually, enough was enough, and the young psychopath was found to have violated his probation and sent to prison. Perhaps, the court thought, the reality of actual prison would change his attitude. It did not. In fact, it made things worse. The psychopath continued to bully prison staff and other inmates. When he pushed an inmate too far, and violence was imminent, he would "check in" to solitary confinement as protection. The institution would eventually transfer him to another institution.

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For eight years the young psychopath went in-and-out of federal prison because he refused to follow very simple orders from his probation Officer. What began as six months of probation, turned into perhaps one of the grandest stories of a fool cutting off his nose to spite his face ever seen by logical, rational people. Only a very disturbed person would engage in such behavior, leaving wreckage at home and along his path.

Exasperated, the judge sent the psychopath back to prison one final time to serve a sentence that would exhaust the remainder of probation. Knowing he would not be subject to probation, his in-prison antics only escalated. As a child of a well-to-do large family of physicians, he grew up spoiled and rebellious, no doubt tormenting his parents along the way.

After nine months at the medium security prison, he was transferred to FCI - Englewood, and immediately began tormenting staff and other inmates.

A little more than a month after his arrival, the psychopath began making threats to multiple inmates. He would taunt and tease them openly, and behind their backs. He would frequently tear his shirt off in an aggressive way and dare someone to throw the first punch.

The disruption this psychopath caused to an otherwise stable and peaceful setting at FCI - Englewood became too much. Especially given the rumors that the psychopath intended to hurt someone for having called him out on his behavior. When word of the psychopath's threats reached Wakado, something amazing happened.

With near imperceptible eye and hand gestures, an army of Native American warriors, as if on cue, engaged in what can only be described as "Nature's Most Amazing Choreography" to prevent the psychopath from trying to violently engage the particular person.

As the psychopath and his targeted "victim" discussed their complaints with the other, the Natives, with the cooperation of their cousins, the Polynesians, encircled the psychopath in such a way not to draw attention from guards or security cameras. Like the wind, or like benevolent spirits, the warriors moved in and out of the vicinity to avoid the optics of congregating. Using the drinking fountain or using the restroom, or the washing of hands performed in perfect synchronization with one objective: To have more than twenty Native American warriors within a few steps of the psychopath to engage and disable him if it came to that.

Somehow Wakado's non-verbal instructions to the entire group meant, "Do not engage violently. Only show strength and bravery. But, if our friend is in danger, do what you need to do to protect him."

Matthew Hutcheson

The psychopath disengaged from his self-absorbed narcissism for a moment and noticed the moving dance around him. It was a war dance of Natives, mysteriously, silently, stealthily, circling, assessing, measuring, preparing. One warrior floated, as it were, from the drinking fountain to the instant hot water maker. Another washed his hands and floated past the tier's gate into the common day room area. Another used the rest room and used the hand dryer for an extraordinary long time, serving as notice he was there watching.

The psychopath noticed and said, "What's with all of the Indians?"

The Natives ignored his disrespectful tone and continued in their perfect war choreography. Watching. Ready to protect their friend.

Suddenly it occurred to the psychopath that he was trapped. He was entirely surrounded by a moving wall of Nature's greatest hunting machine: A tribe of warriors. Two Polynesians stood at the entry way, weighing six hundred pounds between them, with arms barely folded across their massive muscle-bound chests. He was the prey.

"I think I'll go lie down on my bunk until count," said the psychopath.

"Good idea," one of the Natives whispered, as though the wind had spoken it.

Wakado had peacefully mobilized the entire population of Natives in Lower West Unit through some unspoken, yet perfectly understood, communication. The bully was neutralized without violence or bloodshed through the magnificent show of power only Native Americans can show.

Wakado, the wise and skilled peacemaker.



The Bully

1967 - 1968 Gilroy, California Living with a Kind Latter-Day Saint Family

Wakado's young heart pitter-pattered as the bus pulled up to the station. He was all alone and would be meeting his exchange family for the first time.

Minutes later Wakado exited the bus to the welcome of Allen and Jerri Wilson, along with their three children, Alicia, Melvin (Skip), and David.

Alicia was their oldest daughter and was around eleven or twelve years old. Melvin was eight. David was four. Later, the Wilson's would have a baby and name her Julie.

The welcome was very warm and kind and they treated Wakado as their own child. "I have very fond memories of the Wilson family," he says.

Allen worked in large greenhouses cultivating vegetables and flowers. He also was an active member of the Rotary Club. Gilroy, California, was at that time an agricultural area.

It did not take long for the Wilsons to learn that Wakado was a responsible and respectful child. It also became readily apparent that he did not live within a rigid world. The concept of hours, minutes, and seconds was entirely foreign to Wakado. "I lived in the moment, and only paid attention to morning, afternoon, and evening. I paid attention to the weather. But it did not occur to me that there was more to a day than those simple indicators," explained Wakado.

So, the Wilsons bought him a watch, which was quite the culture shock. It would be the first of many.

The Wilsons introduced Wakado to the kids in the neighborhood and at church. Word spread around the community that a new "Indian" kid was living among them. Some of the children warned Wakado to beware of the neighborhood bully. His name was Fred, just like Chief, Fred Banashley.

Matthew Hutcheson

One day, Wakado was sitting on his bike near the sidewalk in front of the Wilson's home. He looked down the street and saw Fred riding his bike towards him.

"Uh, oh," Wakado thought. "Here comes the bully."

Wakado noticed his heart beginning to race. He was scared. Really scared.

Fred rode up beside Wakado and said, "Hey, you're that Indian kid." Wakado slightly nodded in acknowledgment.

"My name is Fred," as he extended his hand to shake with Wakado.

"Hi Fred. My name is Frank. My friends call me Wakado."

"What a cool name! I really like it!"

That afternoon they talked and laughed and rode their bikes around the neighborhood. They became friends that afternoon.

I Timothy 1: 7 spoke to his heart, "For God gave us a spirit not of fear but of power and love and self-control."

"Who else do you ride bikes with?" asked Wakado.

Fred paused, and his smile left his face. He looked down at the ground, as if ashamed. "Um... I...well... I really don't have any friends."

Wakado expressed his surprise. "What? You don't have any friends? Why not?"

"I don't really know. For some reason all the kids are afraid of me. I know I am bigger than other kids my age, but that is no reason to be afraid of me. I don't want to hurt anyone."

"Well, I'm your friend," Wakado said and shook Fred's hand again.

Fred's face lit up like that comment from Wakado marked the greatest, most important day in his life. In fact, it probably was. "Hey, Wakado! Do you want to come to my house?"

"Ok."

When they arrived, Wakado met Fred's dad. "He was huge," Wakado recalls. That was part of the reason the kids were so afraid of Fred; because of his Dad. He was just scary. To add to the intimidation, Fred's Dad had a little monkey that sat on his shoulder. "In hindsight, the whole scene was not scary. Just unusual. People fear things that are unusual or uncommon to them," Wakado elaborates.

"Wakado, shake the monkey's hand," said Fred.

He extended his hand and the little monkey grasped his finger to say hello. "It feels like rubber," Wakado said. They all laughed, and the monkey seemed to understand. He let out classic monkey noises at the same time.

Fred's Dad said, "Hey kid, how do you say 'fish' in Indian?"

"In Apache, we call that 'th'uoo'k'." (Phonetically pronounced "thu'cook".)

"What about bird?"

QUINNY

"G'ah'gee."

"What about your last name?"

"Ba'Na'Sh'lii."

Fred spoke up and said, "What about friend?"

Wakado knew the significance of Fred's question, and was honored to answer it.

"A'sh C'ho."

Fred beamed.

Wakado, Fred, and Fred's dad found that conversation about Apache words really fun. Most of all, to Fred, it was more than entertainment. It was validation as a human being from a most unlikely person.

Wakado learned that some bullies are simply misunderstood. Hunger, poverty, stress at home, basic awkwardness, lack of cultural refinement, shyness, difficulty making friends, and a host of other reasons can cause someone to be defensive. That defensiveness can be interpreted as aggressiveness, causing one to be labeled as a bully. Many times, a simple handshake and a smile can solve seemingly unsolvable problems. It was living out Mark 12: 31, "The second is this: 'You shall love your neighbor as yourself.' There is no other commandment greater than these."

The Wilson's took the family to sporting events. One event that Wakado especially loved was the baseball game at Candlestick Park in which Willie Mays played. "That is one of my great memories of being with the Wilson's," Wakado recalls. He had a few rough patches, though, with those who did not understand him. One of his elementary school teachers gave him a swift kick to the bottom, believing he "knew how to deal with his kind." A female teacher had to intervene, for which Wakado was deeply grateful.

After Wakado's chores, the Wilson's would let him roam free, as he had become accustomed in the White Mountains. He found a bamboo forest in the woods several miles from home, and there felt safe and protected. He spent as much time as he could there making bows, arrows, and fishing poles. There was lots of fishing and swimming in the creek near the bamboo forest.

After two years, it was time for Wakado to return home. He left the Wilson's and told them he would return soon. He had grown to love them like family. He got back on the bus and felt a sense of great accomplishment. No longer was Wakado in unfamiliar territory. He was confident and calm.

Upon arrival in Whiteriver, his growth and added refinements in dress, speech, and how he held himself was immediately noticed.

Matthew Hutcheson

Fred "Freddy" Banashley, Jr., Wakado's father, took him aside and said, "I don't want you going back to California. You are starting to act and sound like a white man." With that warning Wakado never went back and eventually lost touch with the Wilsons.



Hawley Lake

December 8, 1999 – Hawley Lake, Arizona

Like any other ordinary morning, Officer Tenny Gatewood could be found sitting in his chair in the White Mountains Apache Reservation Police Department.

Apache Reservation Police Department was about a half mile down the road from the Federal Bureau of Indian Affairs building, which also housed a local Federal Bureau of Investigation office. The close vicinity encouraged camaraderie between the reservation Officers and other federal Officers. Each consider the other to be his own.

At approximately 10 AM, an automated Apache Reservation alarm notification was activated on Officer Gatewood's computer. The notification indicated that the door at the Hawley Lake convenience store had been opened or come ajar. There are no recreational visitors to Hawley Lake in December. No one should be attempting to enter the store.

Officer Gatewood climbed in his Ford Explorer patrol vehicle and headed up Arizona State Highway 260 for the 45-minute trip to Hawley Lake, which is approximately 8200 feet above sea level, to investigate the cause of the alarm.

The drive is pleasant with miles of beautiful evergreen trees and groves of quaking aspens to admire. A recent snow storm had left a blanket of snow on the ground which required 4x4 traction.

Anyone up in the mountains that far would have to be in a truck of some sort, not a regular car. He knew he was looking for a truck.

As Officer Gatewood approached the lake's convenience store, he could see new tire tracks in the snow, and two fresh sets of footprints. It appeared from the tire tracks that the vehicle had left the same way it came.

Officer Gatewood peaked inside the convenience store and saw no signs of vandalism. The door frame did not show signs of forced entry, but that could be due to the flimsiness of the door. A slight nudge was all it took to open it.

Matthew Hutcheson

Satisfied that no damage had been done to the convenience store building, or its inventory, Officer Gatewood scanned the store one more time, and then closed the door.

Walking back to his patrol vehicle, he climbed inside and followed the tracks out of the parking lot and back down the mountain towards Whiteriver to see if he could find the vehicle and passengers in question.

Perhaps they could clarify why they were there, and how and why the door was opened.



Meeting Tenny

1973 – 1974 Whiteriver, Arizona

Wakado was intellectually curious. Regrettably, traditional school did not satisfy his curiosities. He was terribly bored. He would get off the bus at a stop down the road, run through the graveyard, and return home before 8am. Because of the amount of school he missed, the school district eventually dropped him from its rolls and he was placed in a boarding school.

Wakado did better academically while at the boarding school. After a short while, he was recommended to participate in the summer Police Cadet program, which was designed for students improving or excelling in school.

Being accepted into the summer Police Cadet program was something nearly every student wanted. It came with a measure of prestige and recognition. The brown cadet uniform and jacket with patches lent a perception and air of importance and legitimacy to the cadets.

Around seven students were selected in 1973 to join the cadets. That included Talbert, Romeo, and Goofy, several of Wakado's friends. During summer Police Cadet training, Wakado met another cadet by the name of Tenny Gatewood. They became good friends.

"Hi, my name is Wakado."

"Hi, Wakado. Nice to meet you. My name is Tenny."

"I really like the police cadet program. People in town treat us like we are important."

"We are important," Tenny said. "In fact, I want to become a real police Officer. That's all I've ever wanted to do."

"That's really neat," said Wakado.

Police Cadets would accompany reservation police on patrol for several hours each week. There they learned how to properly respond to an emergency or to other calls. They learned how to de-escalate a tense situation and learned how to be helpful public servants.

Matthew Hutcheson

Of all of the cadets, Tenny was the most serious. After all, he was on his chosen career path. Some months into Tenny's tenure as a cadet, while on evening patrol with the reservation Officer, he saw first-hand how a confrontation should be handled.

Two people argued loudly. They were intoxicated. The risk of escalation was growing, and the police were called. When the Officer and Tenny pulled up, the arguing individuals made threats to injure each other.

"Please calm down," the Officer said. "I'm here to help you resolve this without violence. Can we take a big breath and talk this through? Surely, we can work it out," he continued.

Tenny was amazed by the calm, non-reactive approach the Officer took to the conflict. Slowly but surely, the Officer's calm and soothing influence won the hearts of the two arguing individuals.

The following morning, Tenny explained to his fellow cadets, speaking of his mentor Officer, "he was so calming and professional. He didn't draw his gun, or his baton, or raise his voice, or make any threats. It was awesome. That is exactly how I want to be when I become an Officer," said Tenny.

Some of the other cadets gave Tenny positive affirmations. "You'll be a great Officer," said one. "It was so great for you to experience that last night!" said another.

There was no doubt in the minds of each cadet that Tenny would go on to become a reservation Officer, and one of the very best ones at that. His demeanor was calm, and he never reacted poorly - at least not that any of the cadets had seen up to that point.

At age 12, Tenny had all the makings of an excellent public servant. Goofy and Talbert did as well. A little over a decade later, Tenny and Goofy became full-fledged reservation police Officers. Romeo went into the military and later also became a reservation police Officer. Regrettably, Talbert died from an illness.

Wakado maintained his friendships with all of them.



Quinny is Born

1974 - 1981 Fort Apache Junction, Arizona

Around 1974, the Banashley family relocated from Whiteriver to Fort Apache Junction into a regular stick and brick home. It was still close enough for Wakado to spend plenty of time with friends and his Banashley grandparents.

Life for Wakado was more-or-less ordinary for a 13-year-old Apache teenager. While he had crushes on girls at school, he still spent more time daydreaming about hunting and fishing than about his schoolwork. Totally normal. He also found miscellaneous work to earn money. His father taught Wakado about carpentry and fixing combustion engines. Wakado also discovered that adults enjoyed engaging him in conversation because of his intellect. It was not unusual to find Wakado speaking to the parents of his friends and acquaintances about any number of subjects.

By the time he was 14, most Apaches already considered him to be a man. One spring day in 1975, he would prove it.

Wakado came home from school to find his father and mother fighting inside the house, next to the fireplace. They had been fighting frequently, and Wakado was sick and tired of the screaming.

"Dad, stop yelling at Mom! I'm tired of you fighting with her!" Said Wakado.

"Mind your own business. Know your place. This is my house, not yours!" responded his father.

"Stay out of it, Wakado," said his Mother. "It will be fine," she continued.

But the look on her face communicated fear and deep concern. This argument was not an ordinary fight. Things were not all right in the Banashley home. Wakado could not tell if her pleading face was asking him to help her or leave. He became conflicted and confused.

Wakado approached his father and demanded that he stop yelling at his mother. His father responded aggressively towards Wakado.

Matthew Hutcheson

"Step back, Wakado!" his father demanded.

In an instant, his father pulled back his fist to punch Wakado. Wakado, rapidly, like a striking snake, threw a hard-right hook to his father's jaw and knocked him out cold. His father's body lay on the hard wood floor, completely unconscious.

"Oh, Wakado! What have you done!?" exclaimed his mother.

"He was going to hurt you! He was going to hurt me!" Wakado responded.

The conflicted emotions running through his mother confused Wakado. On one hand she was relieved. On the other hand, her face expressed additional fear for what might happen when his father regained consciousness. Wakado read his mother's emotions clearly, and he left home and did not return for several months.

In Native American culture, an event such as that marks the advent of manhood.

A few months later, Wakado was at a neighbor's wedding being held outside in their back yard. Wakado's father approached him, extended his hand, and said, "Wakado, you are a man now. You have my respect." That settled any issues between them and both went their respective ways.

In 1977, Wakado attended the Phoenix Indian School, in Phoenix. There he met a woman who also attended the school. They developed a relationship and had a child together on February 19, 1978. They named her Shauna Faye. The relationship with Shauna's mother did not work out, but Wakado loved Shauna Faye with all his heart, just as he loved all his children. He then left Phoenix and returned to the White Mountains Apache Reservation.

In 1978, Wakado had been back in the Whiteriver area for some time when he was introduced to 31-year-old, Audrey Kessay, through a mutual friend. She was likewise intelligent and came from a wealthy family with worldly experience. Audrey found young Wakado to be intriguing and they would discuss math, english, science, outer space, physics, biology, law, and philosophy - for hours. Although he was 17, he acted more like a 40-year-old. He was mature beyond his years. According to Apache tradition, by this time, as recognized by his father, Wakado had been a grown man for three years.

That same year (1978), Wakado joined the United States Marines. He was still 17 years old. At the swearing in ceremony he was told he could not officially become a Marine because he did not have a GED. So, he went to the local post office, obtained the GED papers, paid the \$25 fee, took the test, and passed.

QUINNY

By that time, Wakado had sufficient training in construction that he decided to work instead of going back to the Marines. He made a very good living and gained the trust of his employers and clients. He accumulated tools, some from his father, that enabled him to engage in any project of any size and scope. He could build homes, apartments, commercial buildings, anything. He became known as one of Arizona's best "cleaners," which means general contractors would hire him to fix all the errors that had to be fixed before final inspection. It was a solo job with high responsibility. He was highly skilled, and highly trusted by his employers and clients.

Wakado maintained his casual friendship with Audrey. When he turned 19, things started to transition from a friendship to a romantic relationship. On March 24, 1980, Wakado and Audrey were married. He was 19. She was 34.

Audrey had two other children from a prior marriage. Daniel, who went by "Clayboy," was six years old. Theodora, who went by "Eggo," was four years old. Shauna Faye was two years old.

Wakado and Audrey would have one child together. Quinten ("Quinny") was born on October 22, 1981.

Wakado and Audrey decided to expand their education. Shortly after Quinny's birth, they moved to Phoenix, so he could earn a welder's certification. She went back to nursing school and became a registered nurse.

Audrey noticed Quinny was not doing well. Something was definitely wrong with him. Her medical training helped her to note things about her children she might not have noticed otherwise. She took him to the pediatrician.

Quinny had a heart murmur, and he was very sick.



Way of the Apache Warrior

1985 - 1990 Whiteriver, Arizona

"Your son has a heart murmur," said the physician to Wakado and Audrey.

Audrey, having had medical training in nursing, knew exactly what that could mean for little Quinny. Her heart sank inside.

"Is it the serious kind of murmur?" Audrey asked.

"We don't know for sure," responded the physician. "But because of the cyanosis, it has us concerned."

"What is cyanosis?" Wakado asked.

"Your son's heart is partially malformed," explained the physician. Continuing, he said, "There is a shunt-like hole between the auricles that didn't properly close."

Before Wakado could ask what that all meant, the physician continued, "In other words, there is a natural septum, or hole, between the right and left halves of the human heart. When an infant takes his first breath, that septum is supposed to close to prevent non-oxygenated blood from one heart chamber from mixing with oxygenated blood of another."

Wakado and Audrey sat silent for a moment, processing what they just learned.

"The blueness of your son's skin, or 'cyanosis,' is what pointed us in the right direction towards diagnosing the murmur," explained the physician. "We could hear the tell-tale sound of the murmur through the stethoscope."

"Is our son going to be okay? What are we supposed to do?" asked Wakado.

"Most infants grow out of any issues. Obviously, cyanosis is a concern. An infant with blue lips is alarming. If the cyanosis becomes more serious than it is now, then surgery may be necessary to repair the septum. That will increase oxygen delivery to tissue, and also relieve pressure on his heart. But we are hopeful he will grow out of it."

QUINNY

Quinny spent the first two years of his life in and out of the hospital at Tempe, Arizona. He struggled to survive. The color of his skin transitioned between pale white and a subtle shade of blue, indicating he was still not receiving enough oxygen. Accordingly, his little body was not growing as it should. Yet, Quinny's physicians did not feel his condition was serious enough to operate. Quinny's condition hovered around that 50/50 place where surgery could very well make things worse, not better.

Audrey's mother felt that prayer to God was the answer. "There are limits to what man can do, and what man's modern medicine can do. Let's ask for help from a Higher Power," she said.

Wakado, Audrey, and Audrey's mother and others in church prayed for Quinny, exerting all their faith, they asked God to find favor with Quinny and heal him.

Not long after their petitions to Heaven, Quinny began to show a better color in his skin. The blue faded, and was replaced with a warm pink, and later, light brown. They saw first-hand how the love and faith of those who believe in the healing power of the Creator should never be discounted. Wakado and Audrey observed the effect of faith upon Quinny, and it transformed them.

Eighteen months later, Quinny ran around the house and the yard like any ordinary almost-four-year-old, without a trace of the effects of a heart murmur.

Audrey's mother stopped Quinny in his tracks and looked down at him. His long, obsidian-black braided hair hanging in front, down to his hips. "Wakado, you had better cut this boy's hair before he turns four or he will end up thinking he is a girl," she said.

That night, Quinny's long, jet black braids, fell to the floor. A boy's first hair cutting is a bittersweet event in a Native American family. It is emotional, symbolizing much about the past and what lies ahead in a young man's life. But there is always a feeling of loss anytime an Apache male cuts his hair. It means much, much more.

To make it up to Quinny, Wakado took him on a little father-and-son outing. It was time that Quinny begin learning the ways of the Apache. The outing would last several days out in the wilderness.

The first day of their journey they came across a La Tuna cactus. "La Tuna" means "prickly pear."

"Quinny," he said. "This is the La Tuna. The fruit is good, but we must be careful picking and eating it. It is covered with fuzzy fur, sort of like a peach, but the fur is sharp like needles. It will embed in your skin."

Quinny looked up at his father with a look that said, "Then how are we supposed to pick and eat it?"

Matthew Hutcheson

He continued, "Nature creates a solution to every problem. Near every La Tuna there is a little grassy bush with three sticks growing out of it. Do you see any?"

"Yes! There's one! And there's another!" Quinny said excitedly.

"Pull those three sticks out of the bush and bring them to me."

Quinny did as his father instructed and handed him the sticks.

He tightly lashed one end of the three sticks together. Then, he demonstrated how the loose end of the sticks could be used as tongs to grab and hold the La Tuna fruit, sort of like three chop sticks. With the sticks, he picked a nice ripe purple fruit. Dark red juice ran down the sticks.

"Now, see all of that fuzz? Don't touch it. You will spend the rest of the night picking it out of your skin. That fuzz hurts and can be really annoying," he explained. Continuing, "The grass from the same little bush you took the sticks from is used to brush off the fuzz. Go pick a big handful of it."

Quinny again did as his father instructed and brought him the handful of grass. Holding the three-stick-tong with the fruit in one hand, Wakado showed Quinny how to brush the fuzz off the fruit with the grass until the skin was polished and smooth.

He then used his knife to peel the fruit still held in the tongs and cut a piece off for Quinny.

Red juice ran down Quinny's arm before he could put the fruit in his mouth. Then the juice ran out of his mouth when he tried to tell his father how good it was.

"Don't talk, Quinny. Just enjoy. Spit the seeds out on the ground so more La Tuna can grow."

Quinny giggled like any almost four-year-old would.

The following day, and several miles farther away from home, Wakado took Quinny to a yucca plant and pulled the long stave out from the middle of the plant.

"What are you going to do with that, Dad?" said Quinny.

"I'll show you. See that little green shoot coming out of the ground right there?" Quinny looked where his father was pointing, and said, "Yes! I see it!"

Wakado bent over the green shoot and stabbed the yucca stave into the ground at the base. When he withdrew the stave, out came a speared little round root.

"Quinny, this is a wild potato. They are good for food and we eat them raw. We will find a bunch of these and eat them for dinner."

Quinny was delighted to find dozens of little green shoots all over, indicating plenty of wild potatoes and began spearing over a dozen.

QUINNY

After a while, Wakado took a sling out of his backpack, picked up a rock, and with Quinny, waited for a bird to appear near a dense clump of bushes near the little creek where they had stopped to drink.

After being quiet and still for a very long and difficult hour for a almost four-year-old, Quinny whispered, "Dad, I see a bird!"

"Yes, I see it, too," he said with a smile and started to whirl the sling made of long deer hide boot strings, and a 4x3 inch patch of deer hide holding the rock.

He let go and the rock hit the quail, stunning it. "You hit it, Dad!" Quinny said in sheer excitement.

Wakado quickly grabbed the flapping and flopping bird and broke its neck. Then he started a fire and showed Quinny how to prepare the potatoes and bird.

"First, we will put the whole bird, feathers and all, in clay. It will look like a mud football. Then, we'll put the clay mud football in the fire pit and completely cover it with hot coals to cook. Next, we'll clean off the potatoes, so they are ready to eat," he explained to his son.

Quinny spent the next several hours practicing with the sling until the sun passed behind the hills. It was enjoyable for Wakado to watch his son try and try again, finally getting the hang of it. Within several years, Quinny, like most Apache children, would become very accurate with the sling, and of course, the bow and arrow.

"Dad, have you ever used your sling to throw a rock at a person?" asked Quinny.

"No, never. Apaches never use our weapons of war against another human being except for self-defense. Only if your life is in danger," he further clarified, adding, "Even the raids of our ancestors were non-violent and mostly symbolic; like your donkey raids."

Wakado picked the clay football containing the quail out of the coals with two strong sticks and put it on some clean river rocks. With the sticks, He opened the football to reveal the cooked and steaming quail inside. The visual of opening the football is like cutting a large Russet potato down the middle and opening it like a clam. The clay did not stick to the feathers.

Wakado pulled the bird's skin apart at the breast, and it, along with the feathers, easily parted, revealing the juicy and still steaming breast meat. He put the meat on a large flat rock, along with some wild potatoes, for Quinny to eat. Then, he did the same for himself. They were very hungry, and the food was consumed in an instant.

Dinner, the old school way.

That night they slept under the stars near the creek.

The first steps of an Apache Warrior.



Memories

March 22, 2018 FCI - Englewood, Colorado - Cell 10, Lower West Unit

Wakado finished sharing the story about his first father-and-son outing with Quinny. That experience was conveyed to me while we sat in his quiet cell sometime between noon and 1 PM on March 22, 2018.

Sometimes he recalls and tells the experiences that come to him. Other times, we are just silent, and sit in deep contemplation about life, freedom, memories, family, and faith.

After a few minutes of silence, a question came to mind.

"Wakado, do Apache kids actually become accurate with a sling?" I asked.

"As a matter of fact, they do," he said. "Think of it like throwing a football to a running wide receiver for several hours a day, every day, for years. After a while a quarterback gets pretty accurate. The same is true with the sling and the bow and arrow. Young Apache kids can be quite lethal with either."

"Fascinating. I've always wanted to learn how to use a sling and rock."

I looked at Wakado. Like always, he was sitting at his desk. He looks at me, and then out the window to think and remember, and then back at me. It's like a quiet dance between us; a predictable interaction that communicates as much, or more, than spoken words. "The Natives communicate just as effectively through non-verbal methods as they do verbally. This experience I am having is so rare," I thought quietly to myself.

On this day, Wakado's posture and face convey lightness and happiness. It differs from the first time I spoke with him. The process of openly sharing these experiences is empowering him and unburdening him. It is cathartic. It makes me happy to know this experience is affecting him that way. It is likewise affecting me in profound ways.

QUINNY

Wakado takes a cold soda out of his thermos, buried in ice, and hands it to me. I never ask for anything from him, nor do I expect anything, but he is always gracious and hospitable. Having a cold drink available while we talk is a treat and I am very thankful for his thoughtfulness.

"Hutch, I wanted to tell you two other funny experiences Quinny and I had while we were out in the woods together."

"Excellent! I'm all ears!" I said.

"When Quinny was 9, I took Eggo and him out in the woods. While we walked, a deer jumped up right in front of us. Startled, Quinny and Eggo let out the loudest frightened 'little-girl like' screams I've ever heard. It was so funny. Eggo is a girl, so I'm ok with her scream. But Quinny?" Wakado bellows out a loud teasing laugh. "That deer was so close to Quinny that he grabbed it and held on to it for a moment," his face beaming with pride.

My smiling mouth went agape. That is a visual that took a moment for me to absorb.

"If a deer jumped up out of the grass or brush inches from me, I'd probably scream, too!" I replied in laugh.

Wakado continued, "Another time Quinny and I walked in the woods when he was a teenager. We were way up in the mountains on the far west end of the reservation doing some logging work. I was eating lunch in my truck when I heard Quinny yelling loudly for me. 'Dad! Dad! Come here fast! I need you!', he said. Quickly I jumped out of the truck and ran towards his voice. Several hundred feet in front of me I saw him with his back up against a tree in a standoff with a yearling bear cub staring him down. Was the cub being aggressive or just playing? We couldn't be sure. All I knew is that it was a standoff. Quinny looked at me with the inquiring, 'What should I do?' look. I told him to stay still and that I'd be right back. I went to the truck, grabbed the chainsaw, and started it. I walked towards the yearling bear revving the chainsaw making as much noise as I could. That did the trick. The bear ran off frightened."

"You and Quinny have had a lot of wonderful experiences together," I said.

"Yes, so many. I love Quinny. He is my very best friend."

I sat pondering this revelation and other stories told to me by Wakado. I will never be able to share them all.

My visual scan of Wakado informs me that he is preparing emotionally to share the real story; the story that demonstrates just how much love Wakado has for his son.



Officer Tenny Gatewood

Summer 1992 - Whiteriver, Arizona

Reservation Officer Tenny Gatewood, a long-time childhood friend of Wakado and a fellow police cadet from years prior, sat parked on the side of the road in his official law enforcement SUV.

Apache children are encouraged to approach and speak to reservation Officers to allay fears that so often accompany official authority. The Officers kindly oblige with a smile and offer simple demonstrations about how their police vehicles work and how other equipment is used.

"Hi Officer Gatewood," Quinny said.

"Hi Quinny! How's your Dad? I haven't seen him around for a while," replied Tenny.

"He's been up on the West slope managing the slash logging operation."

"Now that you remind me, I remember hearing he and his crew would be up there from the summer through fall. If you see or hear from him, tell him I said hello."

"I will," said Quinny.

Another youngster piped up, "Officer Gatewood! Will you turn on your lights and siren?" he said excitedly.

"Sure," he said with a smile.

"Whoop! whoop!" goes the siren, followed by several loud, "chirp, chirps." The kids laugh in delight as the red and blue lights flash and spin. Time spent by Officers with local kids takes the fear out of the awe and mysterious power of police. The simple accommodation also builds rapport and a healthy respect for police authority with young citizens. Such interactions are healthy in any community.

In the background the children can hear Officer Gatewood's radio crackle with ordinary activity and communication.

A third friend looks at Officer Gatewood's service pistol, and then turns away, as if ashamed. Then he hesitatingly looks at it again. Office Gatewood notices, and says, "Cougar, are you curious about my gun?"

QUINNY

"Yes," Cougar said with some continuing hesitation and embarrassment for having been noticed.

"What would you like to know about it?"

"Is it powerful?" asked Cougar.

"It is the normal issue police firearm, a 9MM semi-automatic."

"Will it kill someone if you shoot him with it?"

"Yes, it will. But we never want to kill. In fact, I almost never draw my weapon. There aren't that many instances I come across while on duty that are serious enough to justify it. Someone would have to be pointing a gun at me or at someone else, and I believed that there was the potential for imminent harm," explained Officer Gatewood.

"Have you... um... sorry...," Cougar said again, as if ashamed the thought even crossed his mind.

"Go on, Cougar. It's okay. What's on your mind?"

"Uh... okay... well... have you ever shot someone or shot at someone?"

"No, and I doubt I'll ever have to. Not around here."

All the children's shoulders dropped as the escalating tension immediately dispersed. Smiles appeared on all faces, and the kids said goodbye and waved to Tenny as they continued walking down the street to get a cold drink from the H-Market convenience store.

"Officer Tenny is my favorite policeman," said Cougar as they walked along.

"Yeah, he's cool," said Quinny.

But Tenny had a secret.



Trouble at Home

1992 - 1999 Whiteriver, Arizona

Between ages 11 and 18, Quinny developed well, into a normal American and Apache teenager. He was happy, and well-liked by others. He was supportive of his parents and siblings. He was an ideal son and brother, without an angry or violent bone in his body.

But there was turbulence developing at home.

Like many American families, one or more parents may, out of necessity, be away from home for extended periods of time to earn a living. Such was the case with Wakado. As a team leader in the logging/slashing business, he could be gone for six months at a time. The season began with the spring thaw and ended on or shortly after the first significant snow in the late fall.

Back in the 1990's, communication tools such as smart phones, texting, email, Skype, Apple's Facetime, and other social media resources simply did not exist. Big, heavy cell phones were expensive, and coverage was limited. Email became more common in the mid-1990's, but usability was dependent upon a computer with access to an internet cable or phone line. Such did not exist on the White Mountain range. Even in 2018, use of such modern communication tools is dependent upon Wi-Fi access or cell phone towers, both of which are scarce on a rugged mountain 8000 or more feet above sea level.

When on the mountain, writing letters to send via mail is impractical given living conditions. Keeping stationery supplies to a minimum for space and fire considerations was a basic requirement. There is no U.S. mail service at camp. Any mail would go out whenever someone from the logging / slashing team went back into town, which could be fifty, one hundred, or even more miles away.

Early in the season, communication with family was difficult and almost impossible. The crews started high on the mountain and worked their way down in elevation. It took months to get to a point

QUINNY

where any communication became possible. It is just the nature of the business.

Families know and understand what comes with the bargain. But that does not mean that the absence does not take its toll. Even when both parents are home, Native Americans do not always express themselves readily, clearly, or effectively. Many communicate with hand or face signs, bodily gestures, or allow cultural expectations to do the talking while the person remains silent.

When misunderstandings occur, and they frequently do when communication is passive, Native American families find coping mechanisms to deal with the long periods of silence and absence, the most common being alcohol. Alcohol is often the first step towards disaster.

Native Americans do not adequately discuss the evils of alcohol consumption. It is a dirty little secret which no one wants to confront head-on. If one wants to understand how Native Americans truly feel about alcohol, just ask one who is in prison for drugs.

The conversation invariably goes like this:

An inquiring person asks a Native American, "Which is worse, alcohol or methamphetamine?"

The inmate responds, "Alcohol, for sure."

"What's worse, alcohol or heroin?"

The Native American Inmate responds, "Alcohol, for sure."

So the conversation goes, comparing substance after substance to alcohol. Alcohol is tagged time and time again as the supreme-uber-evil, followed by opiates/opioids, then meth, then tobacco, then whatever on down the line to marijuana, which seems to be viewed as the least evil of the bunch.

Alcohol abuse is spawned and thrives where communication is absent. Ironically, and sadly, it is also the most accessible of all the drugs.

Quinny grew concerned as he watched his mother, Audrey, consume more and more alcohol. She was lonely for Wakado and had not heard from him in months. The lack of communication was not good. Regrettably, there was not much Wakado could do about it. He worried about his family, and the lack of communication with them, constantly.

At the end of the season, Wakado arrived home around 3 pm hoping to find his loving wife excited to receive him and to celebrate his return. Instead, he found the house quiet and empty. There was what appeared to be a gathering at his nephew's house down the slope in

the back pasture adjacent to Wakado's home. He could hear music, laughter, and loud talk. "Perhaps Audrey is there," he thought. So, he walked down to the house below and noticed Audrey's truck parked in the back. Wakado searched inside the house and found her inebriated and unconscious. The details of his discovery of Audrey are not important but suffice it to say that he was crushed and utterly heart-broken because of the other people around her.

Wakado roused Audrey and tried to locate the keys to her truck.

"Audrey, get up!" Wakado said, as quietly as he could, but without hiding his disappointment.

She started to coming to, and immediately began screaming, "Don't let him take me! Please! Don't let him take me!"

Even in her drunken state, she was obviously able to feel some shame and embarrassment about her current state. She also wanted to avoid the inevitable moment of accountability that would take place as soon as she got back to the house with Wakado.

After some extreme effort, he got her up and in the truck. The moment the truck door closed, she passed out again. Wakado drove her back to their place but could not wake her up once they arrived.

At that moment, Wakado was tempted to make a life changing decision. He had seen how alcohol affects a man and his family. It is not what he wanted for his family. In fact, Wakado had not taken as much as a sip of alcohol since Quinny was very young. "At least 16 years without alcohol," he thought to himself. "Are you sure you want to do this?" the internal dialogue continued.

Wakado was so hurt, and so confused, and so concerned about his family, he did the very thing he should not have done. He succumbed to the temptation, and drove to Pine Top, a little town outside of the reservation. There he purchased several bottles of alcohol. Then, with Audrey still passed out in the passenger seat, he drove up in the mountains. He found a place to park and started a fire. It was late fall; it was dark and cold.

As he sat by the fire, he began to drink. But it did not have the effect he had hoped. He was not getting drunk, at least not how he had hoped. His emotions raged on, un-tempered. He was worried sick about what to do. The culture, coupled with the alcohol, made the possibility of a constructive conversation nearly impossible. Unspoken raw emotion bubbled beneath the surface.

After several hours, Audrey awakened and exited the truck. She walked over to the fire and stood by Wakado for a moment.

"What are you doing?" she asked.

"I want a divorce," he replied.



Upper Log Road

Approximately 11:00 AM, December 8, 1999, 8 Miles from Hawley Lake

Fish and Game Officer, John Fishman, drove his official truck up Upper Log Road, scanning for hunters and fisherman, or anything out of the ordinary. The beautiful North Fork River ran to his left and the hills leading upward to the steep ridges of the White Mountains ascended to his right.

Up ahead he could see a dust trail coming towards him on the road, just around the bend. "That vehicle must be flying," he thought to himself. Concerned about the bend in the road, he slowed way down to allow the speeding vehicle room to navigate the corner.

Just then a truck, somewhat out of control, arrived at the bend in the road, traveling way too fast. The driver, seeing John in the road, maneuvered out of the way to avoid a collision. The speeding truck careened off the dirt road into the ravine running parallel with the road.

Officer Fishman stopped the truck and looked out the window at the spectacle. The walls of the ravine were very steep. When the dust cleared, John could see that each bumper of the truck had embedded in the walls of the ravine, completing an inverted triangle. The truck's wheels, suspended in mid-air, still spun.

Moments later, two men exited the truck by dropping to the bottom of the ravine and then climbing to the top of the steep dirt walls to assess the situation. One of them glanced over at Officer Fishman with a recognizing look. John recognized him, too. Their eyes met.

After determining neither man appeared injured by the crash, or they would have waved him down, John concluded he could carry on and he drove off.

Two miles up the road, Officer Fishman came across the nightmarish scene all law enforcement Officers worry about from the first day they earn their badge.

Matthew Hutcheson

John pressed the red button on his radio and held it down. The red button suspends all radio activity for all law enforcement within a specified jurisdiction notifying them that there is about to be an "all hands on deck" emergency requiring their immediate attention.

Then the message that makes all hearts stop...

"Central dispatch, this is Fish and Game Officer Fishman. Officer down, I repeat, Officer down. Send ambulance and FBI immediately to Mile 8 of Lower Log Road. We've lost one of our own."

Thirty minutes later, the area swarmed with three dozen Law Enforcement Officers, FBI agents, and several National Guard Troops, and of course, an ambulance.

One of the FBI agents asked Officer Fishman if he had seen anything out of the ordinary within the prior hour or two.

"Yes, I believe I have," answered John.



The Dominos Fall

Late November - December 7, 1999

Whiteriver, Arizona

Audrey stood to the left of Wakado as he poked the fire with a long stick. She was stunned in one sense, but in another was not surprised after what had transpired over the previous 24 hours.

Then it started to sink in.

Audrey began to cry. "I'll stop drinking, I promise."

Wakado looks at her in silence.

"Frank!" calling him by his formal name, "What have I done?!" she cried, sobbing uncontrollably.

She continued, "You're drinking again! Please, no! What have I done?!"

Nausea came over Audrey as she saw the dominos start to fall. She walked over to a tree and dry heaved due to sheer panic. She was dehydrated from the alcohol. Her life was falling apart.

Wakado felt his life falling apart, too.

After several hours of sobbing, Audrey had no tears left. She was totally dehydrated and needed to go home.

Wakado put out the fire, climbed into the truck, and waited for Audrey to get up from the log she had been sitting on for nearly an hour.

Audrey climbed in the truck and looked at Wakado. Her face was stained with dust and smoke soot that accumulated on her wet, tear-covered face. Now, there were just dried streaks of dirt.

Wakado started the truck and headed down the mountain, back to town.

They rode in silence until Audrey turned to Wakado and said, "Are you ever going to speak to me again?"

Wakado quietly nodded, "Yes."

Matthew Hutcheson

Wakado pulled the truck into the driveway and stepped out. He headed straight to his bedroom and started packing. He put clothes in one large duffel bag, and equipment in another. He put some cash in a smaller bag and placed it in the bag with his clothes.

He walked outside, loaded his truck with tools, saws, a small generator, additional work clothes, and some fuel, then climbed in his truck, and headed towards Stanfield, Arizona. For several weeks he stayed in a bargain-quality hotel room. He then moved on to Sierra Vista, Arizona, and checked into another similar hotel room there.

The end of November approached, and there was fresh snow covering the White Mountain range.

Wakado was handling off-season jobs for his boss.

One afternoon his boss came to see Wakado and they exchanged work trucks.

"Wakado, how are you doing? You holding up?"

"I'm fine," Wakado responded.

"Audrey calls me every day wondering where you are. She can't find you and she sounds desperate. What do you want me to tell her if she calls again?"

"Tell her I'll be in Showlow on Friday."

"Ok, I'll tell her. Take care, Wakado. You are my best worker. I'm thinking about you every day."

The following Wednesday, Audrey located Wakado at the local Showlow grocery store. He was buying some food and preparing to move on to the next off-season project given to him by his boss.

"Hi, Wakado," she says, coming up behind him in the frozen foods section. Startled, Wakado quickly turns and sees Audrey. He turns back to the large selection of frozen TV dinners.

"Aren't you going to say hello?" she continued.

"Hello," he said.

A moment of awkwardness filled the air. Then Wakado said, "Have you eaten lunch?"

"No," she replied.

"I'll take you to Denny's. We can talk there."

Wakado and Audrey settled into the booth at Denny's.

After glancing at the menu, Audrey said, "Quinny's been looking for you. He misses you and is worried about you."

Wakado nodded and winced a little. He hurts that Quinny is being affected by their marital problems.

"I want you to come home," Audrey said.

QUINNY

"Maybe, but not right now. I've been working to help pay the bills," replied Wakado.

Another awkward silence filled the air.

Wakado spoke up. "You know, I quit drinking for Quinny. I really let him down when I drank again."

Audrey looked down at her hands folded in her lap, as if to reveal the shame in her heart for having been that first domino in the chain of many.

During the first week of December 1999, Wakado stayed in a 22-foot trailer his boss owned. It was comfortable and adequate in every respect and helped him save on hotel expenses. But home called to Wakado, and he wanted to try to make things right with Audrey.

On December 6, 1999, Wakado returned home from work and found Audrey alone in the house. They sat down and started to talk.

"Audrey, I've been thinking. What if we start again? What if we start over?" Wakado said.

Audrey's face lit up.

"Okay. That is what I want, too," she said.

"How about if I pick you up tomorrow after work? I'll take you out to dinner and to a movie. Does that sound fun?"

"That sounds wonderful!" she said. "I'll be ready!"

"No drinking tomorrow. We'll quit tomorrow, okay?" Wakado said.

"Okay, it's a deal," Audrey agreed.

At 2 PM the following day, December 7th, Wakado showed up at the house ready to take Audrey out on a "start over" date. His heart pitter-pattered for the first time in years, and he was full of hope that things would be okay again.

But no one was home.

He waited and waited.

It started to snow.

Then, it started to get dark.

At 9 PM, Audrey showed up completely drunk.

"I thought we agreed we wouldn't drink today," Wakado said with crushing disappointment in his voice.

Audrey did not say a word. She went to the couch and lay down.

Wakado went to her truck, found her booze, took it to the back porch and started to drink.

The emotions Wakado felt at that moment went beyond disappointment. He was devastated. His marriage was gone, and he knew there was nothing else he could do about it.

Matthew Hutcheson

In an instant, Wakado jumped up and ran downstairs. He opened the doors to the cupboard underneath the sink in the bathroom and took out a box containing power hair clippers.

He plugged them into the wall socket, and began shaving off his long, jet-black hair. Long clumps fell to the ground. Native American symbolism.

Quinny came home moments later. He saw his mother passed out on the couch, and he could hear the sound of clippers whirring downstairs. He bounded down the steps to find his father cutting off all his hair.

"Dad! What are you doing?!" asked Quinny with deep concern in his voice.

"It's not good. Our lives will never be the same. I gave her my whole life," said Wakado.

"But your hair was your strength and wisdom! Why did you cut your hair?!"

"It is time for me to go, Quinny. I need you to finish cutting off the rest of my hair."

Quinny took the clippers and finished the job with a trembling hand.

"What are you going to do now?" asked Quinny.

Wakado picked up the pile of black shining hair and threw it in the fire. It crackled and filled the house with the smell of singed hair.

"Let's leave. Let's go have a drink together."

Wakado and Quinny did not notice the beautiful Apache woman dressed in a dark red blouse watching them through the window.



Tragedy

December 8, 1999 Whiteriver, Arizona

When a Native American male cuts his hair in sadness, tradition says he should live alone for a year. Wakado was preparing himself emotionally to do just that. He asked Quinny to let him be alone. But out of respect, he would not leave his father, so they decided to just stay home together by the fire place on the main floor of the house. They were there all night long talking and feeling sad.

Every morning, Wakado's work crews met at his house or another designated place to receive their assignments for the day. When morning came, at approximately 5 AM, Wakado met his crew already assembled in his driveway ready to go to work. He organized his crews and directed them to their respective job sites and sent them on their way. Wakado wanted Quinny to work with one of the crews, but once again, Quinny refused to let him be alone. Both of them were still in mourning.

Audrey woke up around 6 AM. The blackness of night started to fade. When Wakado went back inside to grab a duffel bag, he saw Audrey standing in the living room.

"Wakado, please stay with me," she said.

Wakado stood quietly looking at her, wondering what he should do.

Audrey continued, "What happened to your hair?!" she exclaimed.

"It's gone. I'm gone," replied Wakado.

Thinking quietly to himself, "My strength and will-power are gone. I'm spiritually and emotionally gone."

Wakado still loved her which is why he was so heart-broken and sad.

Audrey started to cry again, "Stay with me today! Please!"

Wakado shook his head at Audrey and motioned his eyes at Quinny towards the truck. Quinny understood and went outside and climbed in the truck.

"Where are you going, Wakado?" asked Audrey, still hoping she could persuade him to stay.

"You don't need to worry about it anymore," replied Wakado. "It's over."

Matthew Hutcheson

The beautiful Apache woman was already in the back seat of the crew-cab truck when Wakado climbed into the truck with Quinny. They did not seem to notice her.

Wakado and Quinny drove to Pinetop, a little community just outside of the reservation, and stopped at the Circle K. Wakado gave Quinny a hundred dollar bill to buy some snacks, sandwiches, chips, and soda.

When Quinny came out with the food, he said, "Put something in your stomach, Dad. You need food."

Wakado smiled and expressed his gratitude for Quinny's thoughtfulness.

Quinny gave his father the change from the broken \$100-dollar bill. Wakado looked at the change for a moment, and said, "I'll be right back." He hopped out of the truck and went inside the Circle K, where he purchased a bottle of whiskey and two packs of beer. "You know you shouldn't be doing this," he thought to himself. "It's not too late to make a different choice," he continued in his mind. He was hurting so bad inside that in moments his emotions consumed his thoughts.

Wakado climbed in the truck and looked at Quinny. "Let's go," he said. He put the truck in drive and pulled out of the parking lot where he drove back to the reservation and then headed toward the winter resort area of Sunrise.

On the way to Sunrise, and just before the turnoff to Hawley Lake, is a fresh cold-water spring where anyone can fill up water bottles and coolers.

Wakado and Quinny pulled over to fill theirs.

A few moments later, Old Man Harris, a family friend, pulled up to also fill his containers with water.

Wakado and Old Man Harris began a friendly conversation. Shortly, the conversation got serious and the troubles between Wakado and Audrey came out. Mr. Harris noticed his shaved head and could smell the alcohol on Wakado's breath.

He was a kind old man; someone Wakado trusted.

"Wakado," Mr. Harris said, having called him that since he was very young, "Running away from your problems won't help. Sober up and then deal with it with a clear head."

Old Man Harris patted Wakado on the back and winked at him in a loving, grandfatherly way. Then he smiled at Quinny and did the same. Then he looked into the back seat of the truck, tipped his hat, nodded and said, "ma'am."

Wakado and Quinny looked at each other with a confused look and then burst into laughter.

QUINNY

"Old Man Harris is losing it," Quinny whispered, smiling at his Dad.

With their bottles and coolers filled with crisp spring water, they drove up to the Hawley Lake turnoff. For a moment Wakado hesitated. "There is nothing going on at Hawley Lake in the middle of the winter," he thought to himself. "No point going there," he continued in thought. But in an ill-fated moment, and in a meandering decision, Wakado turned the wheel and drove down the snow-covered road towards Hawley Lake.

Wakado pulled into the parking lot and got out of the truck. He stretched and took a deep breath of cold mountain air. Hawley Lake was beautiful and quiet. They were the only ones around.

Quinny hopped out and walked towards the lake's convenience store, long since closed after the summer recreation season ended.

"Dad! Come over here!" Quinny called.

"What's up?" asked Wakado.

"I barely tapped the door with my shoe and it opened."

They both looked in the store. It was well kept and well stocked.

"I'm going to grab some more soda and beer," Quinny said as he walked inside the small building.

Wakado's stomach turned. "This is not who we are," he thought to himself. "I wish Quinny hadn't done that," he continued in thought.

Wakado was so emotionally distraught by the collapse of his marriage that he let it go. "Quinny is hurting, too, and he is lashing out to help release his sadness," Wakado said to himself. "I'll let it go, and I'll talk to him later when we are feeling better. For now, I'll let him cope."

"See you in a little while," Officer Gatewood's co-worker said as Tenny put on his coat and walked outside to his official police SUV. "I'll be back around noon," he said in reply. "The alarm up at the lake is probably nothing. That door is so flimsy, anything could have tripped the alarm."

Tenny started the SUV, turned on the heater, and then the radio, and pulled out of the police station parking lot for the 45-minute ride up to Hawley Lake.

He needed the time to think. Tenny had not been himself lately and was under some stress. Everyone in town noticed it, but only some of them knew why.

Matthew Hutcheson

Wakado and Quinny drove back up the road away from the lake, passing the place where they met Old Man Harris, and after a few minutes came upon a man carrying a chainsaw.

"I'm going to pull over, Quinny and talk to this fellow. I think I may recognize him."

Wakado rolled down his window and said "hello". He extended his hand and shook the logger's hand.

"Do you have some water?" the man asked.

"Sure!" Quinny said, handing him a newly filled bottle filled with ice cold spring water.

"Where are you headed?" asked Wakado.

"Well, I'm new on the job and I've got a late season tree quota to fill. I'm heading up to the third shirt on the second ridge - a thirty-minute walk from here. This water is a lifesaver, thank you."

Each cutting area is called a "shirt" because the clear-cut area looks like the outline of a t-shirt once the trees are removed.

"Well, enjoy the walk. You've only got another week before the snow gets too deep to cut," explained Wakado.

"Thanks again. I really appreciate the water. The three of you be safe now." After a brief wave, the logger continued on up the road.

The stubble on the back of Wakado's neck stood up. "The three of us?"



Fateful Day

11:45 AM December 8, 1999 Hawley Lake

Officer Gatewood pulled out of the Hawley Lake parking lot after inspecting the convenience store and finding things to be in order, other than the door being ajar.

"Dispatch, this is P22."

"Copy, P22. Go ahead," said dispatch.

"The door is ajar. I tried to pull it shut and re-latch it. There doesn't appear to be any vandalism.

I'm going to follow some truck tracks back down the road. I'll keep you posted."

"Copy that."

Officer Gatewood drove back to the main road and noticed a logging truck had stopped at the cold-water spring where Old Man Harris and Wakado had visited earlier. There he saw a man filling containers with water and presumed he was the driver of the truck.

He slowly pulled alongside the truck and rolled down the window. "Oh, hi Roger. I didn't recognize you at first. How are you doing today?" Officer Gatewood said through his window.

Roger looked up and smiled. "Hi Tenny. I'm well, and you?"

"Fine, just fine. Say, did you happen to see a truck driving around Hawley Lake around 10 AM?"

"Maybe. I did see a truck that looked like Wakado's down on Upper Log Road as I drove up here, but the driver didn't look like him, although Quinny was in the passenger seat. His hair was cut very short, like a close buzz cut. But maybe it was him. Who knows?"

"It was a truck? You are sure?"

"Yes, it was definitely a truck and it looked just like Wakado's."

Officer Gatewood's face flushed red with anger and he clenched his teeth, causing a vein to protrude from his forehead.

"Okay, thanks. That is helpful. Have a great day."

"You too."

Matthew Hutcheson

Officer Gatewood put his SUV in drive and backtracked down towards Hawley Lake and exited onto Upper Log Road. He then floored it. "Quinny, that little loudmouthed brat!" he thought. "Let's see how tough he is now."

As they traveled down Upper Log Road, Wakado tested his brakes. The normal firm feel was absent. The brakes felt mushy, all morning and were getting worse. One of the reasons Wakado did not fully object to Quinny's nudging open the door to the convenience store shack at the lake was that he had hoped to find brake fluid on the shelf. He would fix his brakes and then drive up the road to the lake caretaker's house and pay for the fluid and the drinks. (A failure he deeply regrets.)

"Quinny, I need to pull over. Something is wrong with our brakes."

On the side of the road, Wakado pulled the wheels all the way off and inspected the brakes. Then, he slid under the car and discovered there was a small leak in the brake fluid line. From his supplies, Wakado cut a piece of hose and super-reinforced it around the leak as a makeshift fix. He secured it with an epoxy glue he kept in his tool box. Wakado had nearly everything imaginable to fix almost anything short of the space shuttle.

"Dad, you are Indian MacGyver!" laughed Quinny. "They should make a TV show about you!" Both started to laugh.

After enough time had passed for the glue to set, Wakado filled the brake line with a quart of transmission fluid he kept in his equipment boxes. He then started the truck and pumped the brakes. The firmness returned, and they were on their way.

The time spent fixing the brakes narrowed the distance between them and Officer Gatewood.

They were far below the snowline now and cruising along on the dry dirt of Upper Log Road, leaving a swirl of dust behind them. In the rearview mirror, Wakado could see a truck or SUV approaching on their tail at a fast pace. Whoever was driving that vehicle was in a hurry and picked up speed down the hill into the flats by the river. The dust obscured the vehicle from time to time, but as the vehicle got closer, Wakado could see it was the police.

"We've got a cop coming up on our tail," said Wakado. Quinny craned his neck around to see.

In moments, Officer Gatewood was right behind them. He turned on his red and blue lights and chirped his siren twice, instructing Wakado to pull over.

Wakado did as he was instructed and watched in the rearview mirror as the swirling dust began to clear.

QUINNY

Officer Gatewood got out of his patrol vehicle and walked towards the truck.

"That's strange," thought Wakado, as he watched Tenny's posture from the side door mirror. "He looks aggressive. Why is his hand on his weapon?"

"Quinny," Wakado whispered, "Tenny has his hand on his pistol. That is not normal. Just be calm and look straight ahead."

"Okay, Dad. I will," Quinny whispered back. "With your hair gone, maybe he thinks you are someone else? Maybe he thinks you stole the truck?" Quinny continued softly.

Wakado shrugged his shoulders slightly.

Slowly Tenny walked towards the truck. As he approached, he removed his handcuffs from his belt.

"What the...?" Wakado thought as he watched Tenny approach. "What on earth is he doing?"

"Wakado!" Tenny said firmly.

For a split second, a flash of memories ran through Wakado's mind. Tenny's parents grew up with his Dad near Hon-Dah, Arizona. The little housing community they lived in was called "Indian Pines."

There were two gas stations in Indian Pines, and Tenny's father worked at one of them. All the houses were small.

"Old Man Gatewood would frequently have a beer with Dad," Wakado recalled to himself. "And now Tenny, my friend, has his hand on his gun, his handcuffs are out, and he is aggressively approaching my truck!" he said to himself incredulously.

His thoughts and his heart rate started to accelerate.

Another flurry of memories flashed through his mind, "Tenny really cared about his brothers and sisters. He is a good fellow. I remember Tenny stopping by the house in his police vehicle to chat while I was outside working on one of my cars. I also remember when Tenny told me he was afraid of me when we were young. But we played sports together and became friends. He played offensive line. Tenny worried a lot and had sad eyes. He was the oldest boy in the family and shouldered some heavy responsibilities. His younger brothers frequently got into trouble and that weighed on him. I remember when Tenny asked me to help intervene with his nephew, who was dealing drugs. Tenny also had an older sister..."

Wakado's stream-of-memories lasted mere seconds and was again interrupted by another stern call of his name by Tenny.

"Wakado!" Tenny said sternly as he approached the driver's side window.

Matthew Hutcheson

Quinny kept his face looking straight ahead, but occasionally stole a glance to see what was happening.

Nearly two hours had elapsed since the silent alarm was tripped at the Hawley Lake convenience store.

Wakado opened the truck door to meet Tenny. Immediately, Tenny slapped a handcuff on his left wrist and, as he did so, let go of the other end.

Wakado did not say a word, but looked at Tenny with a facial expression, as Natives so often do, conveying confusion and disapproval with his aggressiveness.

Wakado raised his eyebrows at Tenny, still not verbalizing a single word, but facially conveying, "You are being a little aggressive, don't you think?"

The stern look on Tenny's face did not seem like his usual self. "A simple six pack of beer and soda could not be the cause of this aggression," thought Wakado. "Something else must be going on. But what?" As a former police cadet himself, this lack of procedure was even more confusing.

Quinny knew. His stomach sank.

"Come with me. I know what you did!" said Tenny.

Quinny thought to himself, "Tenny must think we reported him to the authorities! This stop has nothing to do with the store at Hawley lake at all!"

Tenny pulled his gun out and pointed it at Wakado as he yelled, "I told your son to keep his mouth shut and to watch out!"

"Really?!" Wakado thought to himself. "What did we do to deserve that? We're not threatening you. You are not in danger. What is going on?" As his internal self-talk continued, he asked himself, "And what about Quinny?"

Tenny checked himself, and lowered the gun slightly, as if to betray a feeling of embarrassment for acting so shamefully but said nothing.

While casually moving the gun around as if preparing something to say in the awkward moment, it discharged; the bullet striking Wakado in the front of his neck exiting out of his trap muscle in back.

Wakado looked at Tenny's face which conveyed a look of utter shock and fear expressing that he did not mean for the gun to discharge.

For a moment, Wakado thought the bullet missed him and whizzed by his ear. Then a crushing, stinging feeling engulfed his neck, and then warmth: flowing blood down his back and chest.

Blood poured out of the larger exit wound on the back of his neck. Still, not a verbal word was spoken.

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Fight-or-flight kicked in. Instinctively, Wakado grabbed at the gun, fearing that perhaps Tenny would try to shoot him again. Wakado tried to wrestle it out of Tenny's hands to neutralize the threat to his life. "I just need to get the gun away from Tenny, so we can talk this through," Wakado said to himself.

The two men, both strong and the same age, stood locked in a physical standoff, arms shaking, veins protruding from foreheads and necks. "Stop, Tenny! Why are you doing this?!" Wakado thought to himself. "Stop, stop!" went the internal dialogue.

It took a moment for the gravity of the situation to register with Quinny. "Tenny just shot my Dad! He is going to kill him!" Quinny said to himself. This was a crisis. For some reason, Tenny had come on to Wakado aggressively. He did not say why and did not go through normal procedure, such as asking for identification, giving verbal commands, or using his radio to call in the stop to dispatch.

In a panic, believing his father could be mortally wounded in the neck, and believing Tenny intended to kill him, Quinny sprung from the truck, found a large rock in the brush on the side of the road, and hit Tenny over the head with it.

Tenny let out an "uuhhmmph" as the shock of the collision shuddered through his body. He slightly staggered and Wakado gained some leverage on the gun, pointing it away. Their hands still locked around the others, struggling to pry the gun away from the other. No words spoken. Just pure, primal physical conflict.

Quinny picked up the rock and once again hit Tenny over the head with it. With the rock's second collision, Tenny and Wakado lost their footing and fell to the ground, their struggle continuing in the dirt. Tenny was able to get into a sitting down position with his legs extended in front of him. Wakado was also able to regain his footing, standing in a semi-squatting position, his legs straddling Tenny's, each trying to gain additional leverage.

Wakado was not about to stop struggling. Given Tenny's unexpected aggression, he was certain now he would shoot him again. He had to exert every effort to save his life, and possibly even the life of his son. Searing pain shot through his neck, and now his arm. The pain was spreading. Wakado's blood now covered the ground and Tenny.

Suddenly, Tenny dropped the gun and the struggling bodies shifted so that it lay on the ground between Wakado's legs. He could see it laying there in the dirt as he and Tenny remained in a stalemate, each trying to gain physical advantage, each holding the other's hands and wrists from making a tactical move. Using all of their strength, they continued the life-and-death arm wrestle.

Matthew Hutcheson

As Tenny and Wakado looked at the gun lying in the dirt, Quinny's hand suddenly reached between Wakado's legs and grabbed it.

Quinny pulled the trigger.

The noise of the discharge echoed off the hills and everything went silent.

Tenny's body lay crumpled, awkwardly, on the ground. The bullet exited through his eye socket then pierced his right hand. Two wounds, but only one bullet.

Quinny in a pure state of fight-or-flight, thinking irrationally and panicking, ran to the truck and started it, yelling for Wakado to get in.

Wakado stared at Tenny's lifeless body, in total shock. He thought to himself, "Why, Tenny? Why?"

Out of respect, he laid Tenny's body out of its crumpled and gruesome position onto his back and took his hands and placed them on his chest.

The beautiful Apache woman in the back of Wakado's truck looked on in silence with the sadness in her eyes.

Suddenly, Wakado was also overcome with fear and panic and the inability to think clearly about what he should do. He ran and slid into the passenger seat of the truck, and Quinny floored it. The handcuff was still dangling from Wakado's wrist.

As they sped down the road they saw a bend approaching quickly with what looked like a vehicle around the corner.

Moments later Quinny steered wildly to the right in an effort to avoid the Fish and Game Officer driving slowly towards the bend. The Officer had obviously seen them driving too fast and slowed way down to prevent a collision.

They flew off the road into the ravine and were stuck. Their bumpers dug into the sides with their wheels spinning in mid-air.



No Greater Love

Approximately 12:30 PM, December 8, 1999 Mile 6 Upper Log Road

It is said among psychologists that an abnormal reaction, to an abnormal circumstance, is normal.

Nothing could be more abnormal than what had just transpired two miles up the road. Wakado and Quinny's abnormal reaction was actually normal as far as psychologists are concerned.

Both jumped out of the suspended truck and climbed to the top of the ravine. Then, Quinny panicked and took off in a dead sprint towards the North Fork River, crossed it, and continued running.

After assessing the situation, Wakado started across the river following Quinny. Halfway across the river, Wakado stopped and turned back to look. Fish and Game Officer John Fishman's eyes met his for just a moment. John was a schoolmate of Wakado's son, Clayboy. They knew each other well.

Wakado turned and continued after Quinny, eventually reaching him. Quinny burst into tears and wept. He sobbed, in full blown panic and despair.

"What have I done, Dad?! What have I done?"

"Breathe, Quinny. Take big breaths. It's going to be alright. You defended my life and yours. It was self-defense."

"What have I done?!" Quinny said again. Quinny was inconsolable. He was utterly distraught.

They continued to walk as Quinny sobbed. Eventually they came across a natural spring about two miles from where the truck remained suspended in the ravine. There, Quinny started to breathe deeply and calm down. He started to focus on the needs of his father.

Wakado had lost a lot of blood and it covered him down to his feet. Quinny took his headband, soaked it in the cold spring water, and did the best he could to clean his father's wounds. His hands shook uncontrollably. Quinny was in shock. So was Wakado.

Matthew Hutcheson

"Dad! What am I going to do?"

"Quinny, listen to me. Look at me! Breathe! This is what you are going to do. Follow the river back into town. Go straight home. I'll meet you there after I spend some time alone, thinking."

"But you're still bleeding badly!"

"My wounds will stop bleeding soon. Don't worry."

Quinny nervously looked around, in all directions, scanning for other vehicles.

Wakado reassuringly put his hands on the sides of Quinny's shoulders and said, "Quinny, look at me in the eyes. You are a young man with your whole life ahead of you. The police will not believe us if we tell them the truth. One of their own is dead, so why would they? Do not say a word. My life was over before this happened. That is why I shaved my head, remember? I will take care of everything. Be good. Live a good life. Have children. Do not say anything to the police. Nothing! Do you understand? It is your right to remain silent. Exercise that right! Do you understand? Tell me you understand!"

"I understand, Dad! I understand!"

"Now, get going! Don't look back. I'll take care of everything."

Quinny did not follow the river back to town as he was instructed. Instead he meandered in circles for hours. His heart was heavy. His emotions still hovering between fight or flight, and sheer panic. He was still in shock. As a coping mechanism, his mind took him back to an experience of his youth.

When he was young, probably six years old, his parents took him, his brother Daniel, and sister Eggo, hunting near Salt River Canyon in the family's 1979 Ford Bronco. Audrey drove that day. The morning was nice, and they had the time of their lives crossing the river in four-wheel-drive and climbing up steep hills. While on a back road, a snow storm suddenly came in out of nowhere. The road became so slick that the Bronco started to slide sideways towards the edge of the cliff. Quinny watched as his mother calmly worked the Bronco's throttle and steering wheel, knowing just what to do, to stop the slide and get it righted back on the road. But once righted, it got stuck in the snow and mud. The temperature was plummeting, and the snow was piling up. Wakado gave instructions to Quinny and his siblings to gather sticks and other wood. Wakado used the wood to start a fire to keep them warm. Then, they hunted for larger, longer sticks, and laid them on the road for traction. It took all day to find enough long sticks, and by then it was dark, very cold, and very windy. The sticks worked as intended and they slowly climbed up the road and down the back side of the

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mountain, barely making it back to town before running out of gas. To Quinny, it seemed his parents, working together, had performed a miracle.

"Mom and Dad have performed miracles before," thought Quinny. "They will find a way to do it again. They always save me."

Quinny stayed up all night trying to stay warm, his clothes still wet from crossing the river. Long ago Quinny learned how to start a fire under such urgent circumstances. That knowledge was put to use, and he held his pant leg opening over the fire to collect the heat and hopefully dry out. He was so close to the flames that all of his leg hairs burned off. He could not get warm, so he continued walking large circle after large circle until he came upon a road. By then the sun was coming up.

Wakado's life energy slowly bled out of him. He was dehydrated and hungry. But something told him he needed to go back to Tenny.

Fish and Game Officer John Fishman saw red and blue flashing lights in the distance. As far as he could tell, there was no other activity. No people walking around. No other vehicle. Just a police SUV on the road with lights flashing.

As he drove closer, he saw a body lying in the middle of the road flat on its back. Then the horror of what he was seeing sank in. "That is a police Officer!" he exclaimed out loud.

Officer Fishman parked far enough back from the scene to avoid contaminating evidence. He ran up on the side of the road, and there, saw Officer Tenny Gatewood laying on his back in a pool of blood, with the gruesome wound in his eye facing him. John gagged and nearly vomited. Tenny was his friend.

He brought his radio to his mouth and pushed the red emergency button.

After what seemed like an eternity, dozens of law enforcement vehicles descended upon mile 8 of Upper Log Road, including other Reservation Police Officers, FBI Agents, and National Guard Troops. Two helicopters circled above.

"What happened?" asked one of the FBI Agents, "Did you see anything out of the ordinary over the past few hours?"

"Yes, I believe I have. Wakado and Quinny nearly collided with me two miles down-river. Quinny was driving so fast that when he saw me at the bend, he had to over-steer to the right to avoid the collision and he lost control and ended up in the ravine. They took off running across the river."

"Did you call it in?"

Matthew Hutcheson

"No, I didn't see any reason to. I'm Fish and Game. Besides, it was Wakado and Quinny, and I just thought they were out having a little fun and got carried away."

"Okay, thank you for the intel," said the agent.

"Copy that, Officer Johnson. Thank you," responded Agent Smith. He turned and nodded to two of his field agents who needed no further instruction. They climbed in their vehicle and headed back towards Hawley Lake.

The agent gave all this information to the dispatch center. Moments later all radio traffic halted as dispatch relayed the information to every law enforcement agency within 100 miles. "All units stand by for emergency APB transmission," declared dispatch. Three or four seconds went by before the "All Posts Bulletin" continued. "Officer down at Mile 8 of Upper Log Road! Whiteriver Police Department had the unit in the area investigating a reported break-in at Hawley Lake but has no information regarding a traffic stop. A Fish and Game Officer states that he observed two males fleeing the scene. He identified them as Frank Banashley, Sr., Native American Male, 1-27-61, alias 'Wakado,' and Frank Banashley, Jr., Native American Male, 10-22-81, alias 'Quinten' and/or 'Quinny.' Suspects were last seen on foot, headed into the woods around Mile 6 of Upper Log Road. All units turn to Regional Communication 1 for perimeter instructions. Suspects are presumed armed and dangerous and are to be approached with caution."

Wakado watched and listened to the commotion down below from a large boulder up the hill from where Tenny's lifeless body lay, his eyes brimming with tears and his heart broken.



FCI - Englewood

March 29, 2018, Colorado Cell 10, North Range, Lower West Unit

Wakado and I sit in a cold 6x9 cell. We talk for hours.

His eyes well with tears and he shakes his head in sorrow and disgust.

Sorrow that the horrific event of December 8, 1999 actually happened.

Disgust because it did not have to happen.

"Are you all right?" I asked.

Wakado took his signature deep breath and exhaled, his shoulders rising and then falling.

"I just need a minute," he said as he looked out the window.

We sat silently in his little cell.

He then continued, "That was the worst 48 hours of my life. So many little things happened along the way that directed the events to culminate in tragedy. If Audrey would have come home for dinner and the movie, none of this would have happened. If I hadn't stopped to fix my brakes, none of this would have happened. If Quinny hadn't nudged the door open, none of this would have happened." Then a pause and another deep inhale and exhale. "If I hadn't started drinking again, none of this would have happened."

"Yes, that is all true," I said. "But Tenny didn't have to be so aggressive. He could have just had a conversation with you. You were childhood friends, after all. He didn't know whether you were involved with the convenience store alarm or not, and he didn't even ask," I continued.

Wakado somberly nodded his head.

More silence.

Then Wakado said, "I hope someday I'll be able to share this story with Tenny's family. Perhaps someday I can do something for them. Something that will help all of us heal."

"Healing is a good thing. Good things are endorsed by Heaven. I believe you will one day be given the opportunity and the help necessary to effectuate healing with all of those emotionally wounded by this tragedy, including you and Quinny. You deserve to heal, too."

December 8, 1999 Whiteriver Arizona, Wakado and Audrey's House

By 3 PM, Wakado's home was swarming with law enforcement Officers. Inside they tore it apart looking for any evidence or clues that might explain what happened.

The house was cold. No fire burned in the fireplace. It smelled like burned hair from the night before.

Audrey was shell-shocked. She knew nothing. Still, the FBI interrogated her for hours and hours.

Her voice quivered as she repeatedly said, "I don't know where they went! I don't know where they are! Wakado had nothing against Tenny, and Tenny didn't have anything against him! They were friends!"

December 8, 1999 Mile 8, Upper Log Road

Wakado had lost so much blood, and was so dehydrated, that he dozed in-and-out of sleep. Not sleeping the night before certainly did not help. The sound of the circling helicopter jarred him from his trauma-induced nap, and he peered around the boulder to the tragic scene down below. Most of the law enforcement vehicles were gone. Only a forensic team and several Officers for security remained.

"Go down there and turn yourself in!" he thought to himself. The dialogue raged within him. "No! Don't do that. They will never believe you. You are doomed. Law enforcement is not concerned with the truth. They will not believe Tenny was the aggressor." The tug-of-war battle raged on within him. "Those are good men. You remember. You once spent time with them as a police cadet. You can trust them!" The forceful flow of thoughts changed course again in the blink of an eye. "What law enforcement says is not what they mean. Words are weapons and they will use them against me." He became too frightened by the overwhelming decision and reacted "normally" to the abnormal circumstance. "I'm not going to turn myself in. By morning I will be dead anyway from the loss of blood," he concluded.

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Turning his neck, he looked up the hill and said to himself, "I need to walk home. I need to get back home, and the only safe way back is to go over the mountain range and connect up with the North Fork River there. It will lead me back to Whiteriver," he said to himself.

His body was functioning on adrenaline only and small amounts of water from an occasional spring or creek. Up the hill he went, drenched in blood. His wounds still bleeding. Being December, it was already cold and getting colder by the minute. He started to shiver.

As Wakado walked deeper into the mountain range, his joints stiffened. He started to hallucinate, dream, see visions, or a combination of all three.

"The gun. The gun," he slurred.

Wakado left Tenny's gun on a log across the river. Quinny, in a panic, had taken it with him and given it to Wakado just before Quinny headed towards home. Wakado placed the trigger guard over a small branch spur protruding from the body of the log and left it there.

He started to converse with Quinny.

"Quinny, take this money. It's not much, but it will buy you some food on the way home. Here, take this \$75. It's all I have."

No response. Quinny was miles away.

Delirium was setting in. The wind started to blow. Helicopters with spot lights circled the area. Wakado occasionally hid behind a boulder or a tree to avoid detection.

The ridge led Wakado to a canyon with steep walls. The walls got steeper and steeper as he got further and further into the mountains.

His body was failing. He was losing strength and found navigating the canyon would require climbing up the steep slope up to the top. When he reached the top of the canyon ridge, it was dusk. Darkness, literally and figuratively, was coming. It started to surround and permeate everything.

Wakado started speaking with the ancient ones, now spirits. "I have finished making the sacred war-poison within the deer spleen," he said. Then he said, as if answering a question from the world of spirits, "Yes, yes, it was properly prepared. No, I never let the dog smell it." Apache legend says that if a dog smells the poison mixture contained within the dried deer spleen, it loses its potency. Wakado continued, "Yes, honorable Chief," as if perhaps speaking to Chief Banashley, his Grandfather, "I made the bows and arrows from Mulberry wood, not willow." Willow bows and arrows are made for curious white men wanting to buy something authentic as a gift for a grandchild. "No, I've never made a bow out of willow, honorable Chief. I would not dishonor my heritage by doing so." Wakado continued speaking to someone

from the unseen world about the bow's sinew string and the feather fletching on the arrows.

Wakado stumbled along until it was very dark, as if in a trance, taking a step right off the cliff in front of him.

Catching himself at the last moment by spinning his arms backward in large circular swoops, he threw himself backwards onto the sharp, rock covered ground, mere inches from certain death upon the larger, more menacing and jagged rocks below.

As he fell to the rocky ground, searing pain shot through his whole body, and then sharp, focused, throbbing pain in his neck caught his attention. "I'm dying," he said to himself. "It is time. I'm going to let go." He started to weep.

Then he caught himself. "Quinny! I must not die! I need to help Quinny!" Wakado knew that if the FBI got Quinny first, and Quinny talked to them under duress - and after such an ordeal he would certainly be under duress - they would put words in his mouth on the record and then seek the death penalty. "They'll fry him!" Wakado cried out.

Gritting his teeth, and exerting all his strength and will, he picked himself off the ground, and began gathering sticks, leaves, and grass. His eyes, now acclimated to the dark, could see just enough. In the distance he saw a log. He took the sticks to the log, and using it as shelter, applied the Native skill of starting a fire under impossible circumstances.

After some time and superhuman effort, no doubt with help from Divine Providence, Wakado started a fire. He stoked it until it was raging. He placed large rocks in the flames to heat them up, so he could use them later for warmth.

The fire burned strongly and withstood the increasing winds. Wakado, pressed up against the log, began to warm up. He dozed off.

It started to snow. After a few hours, the fire started to weaken. The cold and snow was simply too much for it, and Wakado lacked the strength to find more wood to keep it going. He opened his eyes and saw the new blanket of snow covering the ground, and himself. He dozed off again, unable to muster enough strength to care that he was freezing to death.

The snow storm passed and a cold, crystal clear sky remained. Wakado looked into the heavens and briefly marveled at all the stars that were so bright and clear. Then he noticed he was having trouble breathing. The biting cold froze his lungs. The fire, too, was gasping for life. It was too cold for either.

A figure appeared from the darkness and walked slowly towards him. He blinked his eyes several times and put his elbow down to prop

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himself up slightly. An Apache woman stood before him. She was young and beautiful. Her hair was straight and jet black and did not move at all even though the winds howled around her. She wore a dark red blouse that was made of exquisite material of a kind Wakado had never before seen.

"Hello," she said.

Wakado was silent. He did not know what to say.

"Come with me," she said.

"You are the beautiful Apache Woman of legend," Wakado said.

"Yes, you are correct. Come with me."

"No, no! I can't. I can't leave Quinny," he said. "They'll kill him! They'll seek the death penalty! Please, no!"

"It is your time."

Wakado burst into tears and sobbed. "No, please! Not yet! Quinny needs me! Please!"

Tears froze to his eyeballs, as it were, and he wailed for his son. "I love my son! I need to help him! Please help me help Quinny! You know he didn't do what he will be accused of doing!"

"From the time you cut your hair, I have been with you. Tenny looked at me the moment he died. He took my hand and I then introduced him into the world of spirits. He is remorseful for the pain and suffering his actions caused you and your family. He asks that you forgive him."

"Me, forgive him?!" Wakado said as he choked down more tears as the lump in his throat grew. "I need to be forgiven by him!"

A moment of mercy. A moment of grace.

"Tenny, if you can hear me, please forgive me! Please forgive Quinny!"

"He already has. He is your friend. He always will be," the beautiful Apache woman said. "Now, take my hand. Let's go to Tenny so you can tell him yourself."

Just as he prepared to take his last breath, as if going with the beautiful Apache woman was inevitable, Wakado heard the frighteningly close beating of helicopter blades. He looked away from her for just a moment and was blinded by the helicopter's spotlight. It locked on to him. When he looked back to find her, she was gone.

Dozens of National Guard troops, FBI agents, and White Mountain Reservation police surrounded him, guns drawn. One of the Officers took the lead. "He's bleeding! He's dying! He needs medical treatment immediately!"

A National Guard Medic stepped forward and bandaged his wounds. He looked at Wakado's wrist from which half the handcuff dangled. Etched in the metal was, "Officer Gatewood."

Matthew Hutcheson

Wakado was short on blood and nourishment. He was severely dehydrated. But he had survived the impossible night for his son. No greater love... *Greater love has no one than this, than to lay down one's life for his friends.*⁶

The beautiful Apache woman watched from afar, invisible to the others, as they attached the loose end of Tenny's handcuffs to Wakado's other wrist and began the long early morning walk back down the mountain at gunpoint.

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Quinny as a young man



Quinny



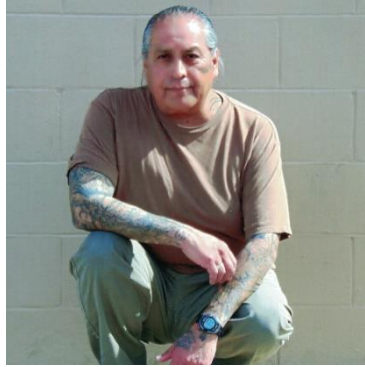
Wakado, Audrey, Quinny (on lap), Clayboy in back with Wakado, Eggo on Audrey's left



Matthew Hutcheson



Author Matt Hutcheson



Wakado at FCI - Engelwood



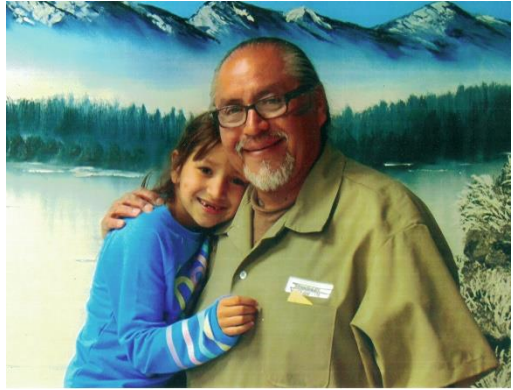
Alfred and Wakado

Snowman making
in White
Mountains early
70s



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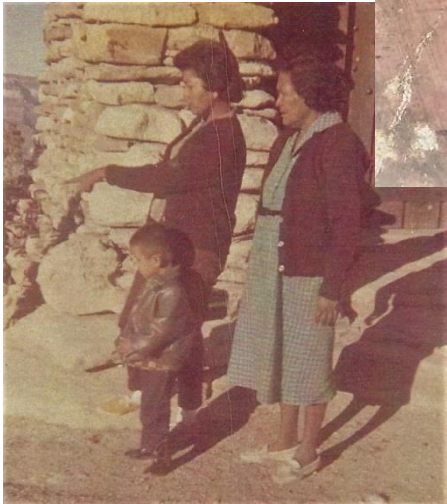
Gos'nee' (Honeybee)
Audrayana & Papa –
Lifesaver January 2018



Quinny – Age 5 in front of Cottonwood at
house in Whiteriver



Wakado and his sister
Soupbone on the Pony,
Nickel



Grandma Elsie in blue dress,
Aunt Ima and Wakado's brother,
Jay Dee at Grand Canyon

Matthew Hutcheson

Grandma Elsie's original sandwich house. The section right of the door is an add-on and is where grandkids stayed when they visited



Quinny – 15
yrs old,
Wakado, and
Audrey in
Phoenix, AZ



Compulsion by Threat

May 9, 2018 FCI - Englewood, Colorado, Cell 10, North Range, Lower West Unit

Every Wednesday the United States Bureau of Prisons distributes a criminal law publication to all inmates. It is accessible via the inmate computer system through the same login portal used for email.

The publication is called the "Bloomberg Criminal Law Reporter," and it is a publication of the Bureau of National Affairs.

Most of the time the publication is about rulings in drug, sex, or violent crime cases. Occasionally there will be something about a white collar or political corruption case.

Now and then something is published that is a real gem; something that is genuinely valuable to hundreds of thousands of inmates.

March 9, 2018 was one of those rare editions.

"Prosecutors, Ex-DOJ Officials, Back Convicts at High Court," was the title of the story.

Such a stunning title caught Wakado's attention immediately, and it is probably safe to say, caught the attention of every other inmate who read that week's edition.

Curiously, he asked himself, "What kind of Supreme Court case would be important enough to cause prosecutors and former Department of Justice Officials to back convicts?"

He began reading about two sixteen-year-old boys from Louisiana coerced under duress into confessing to a gruesome murder. The evidence did not support the confession, but the prosecutors did not care. They proceeded to trial and obtained a life sentence against both boys.

"People who are innocent don't confess," the prosecution told the jury. Because the prosecutors said it, the jury took it as gospel truth, and gave it no further thought when they handed down a verdict that destroyed the boys' lives and that of their families.

Matthew Hutcheson

Wakado pulled out his dictionary and found the word "Duress." He read aloud, "Forcible restraint or restriction. Compulsion by threat. Unlawful constraint."

"Compulsion by threat," he said out loud.

"Compulsion by threat," he said again, letting it sink in.

Wakado subconsciously rubbed the scar covering the bullet wound in his neck. He turned to me and asked, "What if you hadn't eaten, or meaningfully slept in 48 hours, and had an open bullet wound in your neck causing the loss of so much blood you couldn't think or talk straight? Do you think 9-hours of interrogation without legal representation or medical attention, though I repeatedly asked for a lawyer and medical care, and under the threat of the death sentence for Quinny if I didn't take the blame, qualifies as 'duress'?"

I pondered Wakado's question for a moment while a new question distilled in my mind. "Was law enforcement's death penalty threat against Quinny the definition of 'compulsion by threat'? Perhaps not in and of itself, but coupled with the other factors articulated by Wakado, I was confident it was. He did what any son would do to protect and defend a family member. Especially one who was wounded and at risk of being shot again."

We sat in silence as we looked at each other in astonishment.

How can such a scenario be permitted in the United States of America? This was not a scene from a movie. It really happened.

Wakado asked me to summarize excerpts from the Bloomberg Criminal Law reporter.

I began, paraphrasing:

"In April 2018, current and former prosecutors filed two amicus briefs (friend of the court briefs) highlighting what they believe to be injustices perpetuated by [Louisiana] law enforcement and condoned by lower courts against individuals who confessed, under duress, to murders in the face of contradictory evidence."⁷

"It is our duty to fight for justice," one of the current prosecutors said. "The ethical responsibility of a prosecutor is to seek justice for all—the victim, community, and the defendant, too," Carol A. Siemon told Bloomberg Law.⁸

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Looking at Wakado, I shared my initial interpretation of the article. "Too many illegal plea bargains obtained by prosecutors are under unwarranted threats and fear. Tens of thousands of incarcerated Americans do not belong in prison, and instead of the criminal justice system becoming more humane, and more just, it is sliding backwards, and becoming the very thing the Founding Fathers feared," I opined.

Continuing, I said, "It appears the article is trying to say that the shady, sleazy, and unethical techniques of too many prosecutors forever damaged public trust in the justice system, which prompted, 'a public outcry over the obvious failure of the system'."⁹

"I feel," Wakado said, "That the article is trying to say that too many Americans are being prosecuted, and later incarcerated, for reasons that go beyond what Congress intended, such as settling a score, making an example of, advancing a career, or simply closing a case. The article says the United States Supreme Court called on current and former prosecutors; those who truly believe in the virtues of American justice, '[T]o restore the public's confidence in the justice system'."¹⁰

"That is quite remarkable," I said.

"Will you continue reading the rest of the article?" Wakado asked.

"Of course," I said, and proceeded to the next section.

"One of Lisa Blatt's attorneys, Laura Nirider, stated, 'A prosecutor's duty is not that the government shall win a case, but that justice shall be done'."¹¹

"Wakado, this next section is interesting. The amicus brief strongly states," I recited, "Contrary to what most prosecutors want juries and the public to believe, people who are innocent frequently confess to crimes they did not commit."

I paused, "In other words, 'Innocent People Do Confess,' states the article." Wakado nodded and I continued, "The authors of the amicus brief stated that deceptive law enforcement techniques, 'led a [sixteen year old] to believe he would be free to return to his sixth period class after he confessed to rape, murder... a confession starkly at odds with the physical evidence.'¹² And Wakado, here's the kicker... during trial, the prosecutor told the jury, 'People who are innocent don't confess'."¹³

Wakado's head fell as he looked down at the desk. He slightly shook his head. Then he placed his head down on his arm that rested on the desk and took deep breaths.

Silence.

After several minutes, I asked him if he wanted me to finish summarizing the article.

"Yes, please," he replied.

"The next heading of the article says, 'Great Power = Great Responsibility.' Under that heading, it says that on April 5, 2018, forty-

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four former prosecutors and ex-DOJ officials filed a brief in support of Corey Williams (one of the two boys). Included in the group are George W. Bush's Attorney General, Michael B. Mukasey, and Barack Obama's acting Solicitor General, Neal Katyal.

Former Solicitor General, Seth Waxman, also signed on to the Williams amicus brief."¹⁴

"Wakado, I feel that this article wants the American people to realize that individuals, for many different reasons, are willing to take the blame for things [they] do not do."¹⁵ Parents, especially, do things to protect their children. Accepting intercessory confessions is no excuse for prosecutors allowing false pleas to imprison American citizens, some for the remainder of their lives, or if lucky, for mere decades," I said, feeling that I was merely stating the obvious.

The article concluded with a quote from Supreme Court lawyer, Amir H. Ali, made to Bloomberg law. Mr. Ali said, "This broad coalition of former prosecutors, who understand better than anyone that egregious constitutional violations like those against Corey Williams do a disservice to their profession and undermine the legitimacy of the criminal justice system."¹⁶

At this point in the story, I realized that Wakado and Quinny, while under duress, were on a head-on collision with investigators and prosecutors who had a compelling reason to force-feed the "facts" and "evidence" surrounding the Tenny incident, as foregone conclusions, into a very small box, already nicely wrapped, with "Deliver To: Death Sentence," and if undeliverable at current address, please forward to "Life Sentence."

By so doing, law enforcement, prosecutors, and the United States District Court did the same disservice to Wakado, Quinny, Tenny's family, and the community as a whole, that those in Louisiana did to Corey Williams and Brendan Dassey.



Man Hunt

December 8 & 9, 1999 Whiteriver and Flagstaff, Arizona

Navajo Sheriff Deputy, Tim Webster, was on the radio when the emergency tone interrupted his communication.

Tim's stomach sank. He knew Frank well and he knew of Quinny. Frank was Wakado. They were the respective grandson and great-grandson of the Honorable Chief, Fred Banashley, Sr.

Everyone knew and loved them.

In an instant, Tim's memory took him back to sixth grade when his father took a job at the Apache stock yards in Canyon Day, one of the small towns near Whiteriver and Fort Apache. Wakado and Tim took the same bus to school, and they became close friends.

Tim turned his radio to Regional Communication 1 and stated that he would drive south to the Apache reservation to help. He arrived late that night and drove up and down hundreds of miles of dirt roads shining his SUV spotlight into the trees, meadows, and hills looking for any sign of a human being.

Morning came. The light made it easier to see. Up ahead Tim saw what looked like a young man run from the road into the trees. He slowed down to a crawl and rolled down his window. He saw what he thought was the flicker of a pant leg behind a large evergreen tree.

"Quinny," he said. "I know that's you. Come on out. It's ok. I'm a friend of your dad."

Tim waited patiently.

Then he called out again, "Quinny, it's okay. Everything is going to be okay. I'm here to help you. Don't be scared. Come on out. I see you."

The pant leg moved. Sure enough, it was Quinny. He peered around the tree and saw Tim's kind face. "Running is futile," Quinny thought to himself. "They are going to catch me sooner or later. I'm freezing cold, hungry, thirsty, and exhausted. And I need help. If this guy is my dad's

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friend, then maybe he can help him, too," continued his hopeful thoughts.

Quinny walked up to the passenger side door and peered in the open window.

"Quinny, my name is Tim Webster. I've known your Dad since sixth grade. We've been friends; good friends since then. Don't be afraid. Please don't run. I need to take you in. Do you understand?"

Quinny nodded somberly.

"Okay, thank you for understanding. I'm going to get out of the car slowly. I don't want you to be afraid of me. I won't hurt you, but I do need to cuff you before I put you in the back of the vehicle. Do you understand?"

Quinny nodded again.

"Please come over the front of the vehicle and place your hands on the hood."

Quinny did precisely as he was instructed.

Slowly, Officer Webster gently took his right hand and cuffed it. Then, respectfully, his left.

"Watch your head, Quinny. I'm going to ease you into the vehicle and put on your seatbelt, okay?"

Quinny nodded again in agreement.

"Can you drink some water if I hold the bottle?"

"Yes."

Deputy Webster opened a plastic bottle of water and brought it to Quinny's mouth. Quinny drank all of it.

Then, Deputy Webster asked him if he could give him a granola bar. With Quinny's hands behind his back, Deputy Webster asked, "Is it okay if I put it in your mouth? You won't bite me, will you?" he said with chuckle and a smile. Quinny smiled, which was good for both of them. Deputy Webster unwrapped the granola bar and let Quinny take it in his teeth and he slowly brought it into his mouth like a horse might bring in a long carrot; little controlled bites, until the entire bar was in his mouth.

"Do you feel better?" asked Officer Webster.

He nodded with a "Yes, thank you," gesture.

"You look awful."

"I feel worse than I look," Quinny replied after he swallowed the granola bar.

"Then let's get you into town, okay?"

"Okay."

Quinny took in a deep breath of air and let it out in a long sigh.

"Dispatch, this is Deputy Webster from the Navajo Sheriff's office. I have one of the suspects in custody and am en-route to the BIA office."

QUINNY

The BIA is the Federal Bureau of Indian Affairs.

"Copy that, Deputy. Show you with one in custody and en-route to BIA."

"Copy."

Approximately 45 minutes later they pulled into the Bureau of Indian Affairs parking lot where the FBI maintained an office.

Deputy Webster walked him to the front door where three FBI agents waited.

"Thank you, Deputy. We'll take it from here."

Deputy Webster looked Quinny in the eyes, with obvious concern and compassion. He then signed the custody transfer paperwork before returning to his vehicle and heading north.

The FBI agents placed Quinny in an interrogation room at a table. Two stood back while the third took a seat across the table from Quinny.

"Ok, tell me what happened," said the FBI interrogator.

Quinny sat silently. He thought to himself, "Dad instructed me to remain silent. It is my right, and that is what I am going to do."

The FBI interrogator continued, "Oh, so you think you're smart. You are going to remain silent, like you have any clue what your rights are?!"

Quinny clenched his jaw. He was only 17 years old. He had no attorney, no father, no friend with him. It was just Quinny, alone with three angry FBI agents.

"Let me tell you something, you brown-skinned, sub-human, smelly, ignorant savage. You are going to die. I'm going to make sure you get the death penalty. Do you understand me?"

Quinny looked straight ahead and clenched his jaw even harder.

"You don't have any rights here. You have to know and exercise your rights before you get them. Did you know that? Of course, you didn't. You don't even know what I am talking about, do you?!"

The other two FBI agents shifted in discomfort. They looked at each other with disapproval of the statements their colleague was making.

The interrogator stood up suddenly. The chair flew backwards and tipped over. He took both of his clenched fists and pounded them down on the table at the same time, making a reverberating noise in the interview room. He stood over Quinny ominously to intimidate him.

"You are nothing but a noisome mound of porcine excrement. Do you know that? You are too stupid to even understand that I just insulted you, aren't you?! You murdered one of our own colleagues and you are going to pay. You are nothing but a prairie nig..."

"Stop! That is enough!" said one of the other agents to the interrogator with disgust. As a final exclamation, he said "That is enough!" one more time, and then continued, "Mr. Banashley is

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innocent until proven guilty in a court of law." He then compassionately turned to Quinny and looked at his obviously duressed face and posture. "Sometimes I have to remind my colleagues of that," he said in a soft tone.

Seventeen-year-old Quinny remained silent for several more hours of probing interrogation about the prior day's events.

When it became clear he was not going to say anything, the FBI agents put him in a Bureau vehicle and drove him to Flagstaff, Arizona, where he was booked into county jail.



Extraordinary Events

December 9, 1999 Bureau of Indian Affairs, FBI Field Office

Under certain circumstances, a man held in restraint by the influence of friends, by custom and environment, and not by his own inherent purity and strength, will appear to have, and may believe himself to possess, a virtue of which he knows nothing in reality; and his lack of such virtue only appears when all outward restraints are withdrawn.

On the other hand, the man of superior virtue will seem, in a familiar environment, to be much as the same as his weaker fellows, and his virtue will not be apparent to those about him; but when he is suddenly brought in contact with great temptations or extraordinary events, his latent virtue appears in all of its beauty and strength.

19th Century Philosopher, James Allen (1864-1912) (James Allen, *Mind is the Master; Insight and Nobility*, Penguin 2010, pg. 324)

The National Guard Medic, who happened to be Navajo and an Army veteran, gently brought a cup of water to Wakado's mouth. Then, they began walking down the steep terrain that Wakado had navigated up the prior evening.

The large caravan of law enforcement Officers snaked down the mountain in single file with half in front of Wakado and half behind. Two National Guard members walked Immediately in front of Wakado,

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two on the flanks, and two behind. A six-man box. They kept their military rifles at the ready.

Wakado had already lost so much blood he could barely keep his feet. He needed real medical attention. His open wound had been bleeding for 24 hours. Who knows how much blood he had lost. All he knew was that he could not think straight, or even formulate a coherent response to questions asked of him.

"Dispatch, this is FBI search-team Search Lead 1. Show the second suspect in custody and put me en-route to BIA."

"Copy that, Search Lead 1. Show second suspect in custody and show you en-route to BIA. All units: both suspects are now in custody. Thank you all for your assistance. Switch back to normal dispatch channels."

"Copy."

Two hours later the caravan reached the military and law enforcement vehicles parked on a crude dirt trail that connected with Upper Log Road below. Wakado was loaded in an FBI SUV. An escort of unmarked slick black FBI vehicles began to move. Wakado could not help but think how much like a somber funeral procession this must have looked like.

Approximately 45 minutes later the caravan entered town. Onlookers stopped to stare. Cars pulled over, giving the caravan a wide berth. Everyone knew what the arrival meant. Wakado must be in one of the vehicles.

The three FBI SUVs pulled into the BIA parking lot. The remaining vehicles parked on the street.

The same three FBI agents that interrogated Quinny waited for Wakado at the door.

Wakado was escorted into the same room where Quinny was interrogated hours earlier.

"Please sit here, Mr. Banashley."

Wakado sat down. His wound throbbed. He was dirty and bloody from his head down to his socks.

The FBI agent who interrogated took the chair across from Wakado, just as he did with Quinny.

"Mr. Banashley, we just interrogated your son, Quinten."

Wakado sat in silence.

"Do you want to know what he said?"

Silence.

QUINNY

"He rolled on you. Can you believe that? Your own flesh and blood threw you to the wolves! He said you killed your childhood friend in cold blood."

Wakado knew the FBI agent was lying. He sat silent.

"You are going to get the death penalty and your son is going to be our lead witness against you. What do you have to say about that?"

"I want a lawyer," Wakado said, "and I need some water and medical attention, please."

"You'll get medical attention when hell freezes over. Do you understand me, you pathetic savage?" the agent said, hoping to get a reaction out of him.

"I want a lawyer."

"You don't get a lawyer. This isn't TV. You are going to answer our questions."

"Not without a lawyer. I've lost too much blood to talk to you. I'm light headed and nauseated."

"Sure, you are," he said sarcastically. "That's what they all say."

"No, please. I'm going to be sick."

"Boys, this is going to be fun to watch! Go ahead, maggot. Get sick. We're waiting."

Wakado bowed his head in silence and tried to breathe deeply.

"Your son said you shot Officer Gatewood. Why did you do it?"

Believing Quinny exercised his Constitutional right to remain silent, Wakado responded the best he could in what sounded like an exclamation of whisper and dry heave through clenched teeth, "My son did no such thing! He didn't say anything to you! Not one word." He then took a quivering deep breath and let it out slowly, trying not to vomit.

The FBI agents looked at each other in astonishment. Of course, Wakado was right. Quinny had not said a word. But they had to continue their game to see what information might come to light.

"You were shot, presumably by Officer Gatewood. One of you then shot him. If you don't tell me what happened, both of you are going to get the death penalty. Mark my word, I will make sure of it."

Wakado looked up and said, "He shot me, so I shot him."

The two agents standing in the back of the room looked at each other with raised eyebrows. They had incredulous looks on their faces. One whispered to the other, "That doesn't make any sense. How did he get the gun from Officer Gatewood after he had been shot? That can't be what actually happened. There's far more to the story."

The other agent nodded in agreement.

Wakado continued, "I shot Tenny."

"Are you prepared to admit to it in writing, right here, right now?"

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"Yes, but I do so under medical, emotional, and psychological stress and without the assistance of counsel," Wakado said with strain and weariness in his voice.

"We don't care about your little sissy scratch. You're not under duress. You didn't need to say anything, but you did, so having an attorney won't help you now. Are you ready to admit to murdering Officer Gatewood? Yes or no?!"

"Yes."

"Where is the gun?"

"I hung it from the trigger guard on the branch spur of a log across the river at Mile 6. The downed tree is old and large. You can't miss it. It's right there on the other side of the river."

The interrogator looked back at the two agents standing in the back of the room. They paused for a moment. Silence. Then, one of the agents slightly nodded at the interrogator.

He turned back towards Wakado.

"Congratulations. You just saved your son's life. But you're still a dead man. Here's a bottle of water."

Prior to the interrogation, agents changed the cuffs from behind Wakado's back to in-front of him, so he could sit in the chair for hours without his arms and hands falling asleep. He took the bottle, opened it, and drank it all in several large gulps.

After the elapse of some time alone in the interrogation room, the agents re-entered and placed a piece of paper on the table in front of Wakado. "Sign your name right here," the agent said pointing to a signature line. "This is your written confession."

Wakado signed. "This is for you, Quinny," he said to himself as his eyes brimmed and memories of his sweet boy began to consume him. "Goodbye. I love you. I'll miss you."

He had just experienced the most extraordinary 48 hours of his life, and he had just saved Quinny from a certain death penalty.

In the moment it was needed most, all Wakado's latent virtue blossomed in all its beauty and strength.

No greater love.



End of Freedom

7 PM, Dec 9, 1999 Whiteriver, Arizona

There is a local jail in Whiteriver that keeps extra clothing available for when the FBI takes someone into federal custody. A runner from the jail brought a complete change of clothes to the BIA office for Wakado to change into.

"Having clean clothes is nice," he said to himself.

Wakado was shackled and placed into the same FBI SUV that brought him down from the mountain and he was taken to the local emergency room. His cousin, Marvin, worked at the hospital. Marvin considered Wakado more of a brother than a cousin, and he patiently waited for him to arrive. Whiteriver was abuzz about what had happened, or about what they thought had happened. But Marvin knew there had to be some simple explanation. He knew Wakado too well to believe the chatter. There is no way Quinny and Wakado had killed Tenny, at least not maliciously. The entire matter was so confusing.

FBI agents helped Wakado from the SUV and escorted him to the emergency room door where Marvin stood, waiting. Marvin asked, "What do you want me to tell your Dad?"

"Tell him I'll be okay and not to worry too much." The FBI agents listened to the conversation to see if, perhaps, they might learn something new. "Everyone is worried sick," Marvin continued. "We're all so sad for everyone involved." Marvin gave him the, "Please tell me what really happened," look, and then promptly left the area. Sadly, he was certain it would be the last time he would see Wakado in this life. Wakado was then escorted to an examination room that had been reserved for him.

Moments later the physician pulled back the curtains to assess Wakado's wounds.

The physician peeled off the field dressings placed on both wounds. The dressings were, essentially, thick sanitary pads with adhesive on the absorbent side. Both pads, soaked with new blood, showed an

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abundance of old, dark, clotted blood. It approached nine hours since Wakado was apprehended.

After he cleaned the wounds, the physician looked at each bullet wound; the one in front first. Then, the one in back.

"What do you see, Doc?" asked one of the FBI agents.

"Mmm... I'm just comparing the differences between the two."

"Where did the bullet enter?" the agent asked again.

"From the back. Definitely the back," answered the emergency room physician.

Wakado looked at the physician with a "Are you serious? What kind of doctor are you?" look.

"Why do you say that?" continued the agent as he looked at the physician.

"Well, the wound in the back is larger than the wound in the front," replied the physician.

Wakado thought he was hallucinating. "Did he just say the wound in back is larger, therefore that is where the bullet entered?" he said to himself.

"So," the agent continued, "was he shot in the back or the front?"

"He was definitely shot in the back."

"Does that mean he was running away?"

"Probably," said the physician, who did not have a lick of forensic crime scene investigative experience or training, making assertions and conclusions where he ought not.

"Write that down," the agent said to the other agent. "He was fleeing when Officer Gatewood shot him."

That flawed logic went undetected, or more likely, the agents intentionally ignored it. And it only brought up dozens of other questions that could and should be easy for the FBI agents to answer. "That was really strange," Wakado continued to muse.

Wakado spoke up, "Umm, you know that the larger wound is always the point of exit, right?"

"Shut up," yelled the agent. "You are in federal custody and you have no say and you are to keep your mouth shut unless we ask you a question! Do you understand you piece of trash?!" Wakado looked down and remained silent.

He was given no pain medication and no antibiotics.

Within five minutes, he was bandaged and back in the FBI SUV. Once on Arizona State Highway 40, the agent driving accelerated to nearly 100 miles per hour. In a rush to get him to Flagstaff, they gave Wakado a bag lunch and another bottle of water. He ate with his hands cuffed in front.

QUINNY

The agents pulled into the garage of the Coconino County Jail and escorted Wakado inside to be processed, which involved the taking of a mug-shot, a DNA swab, finger printing, dressing in a gown-smock, and putting foam booties on his feet. He received no other clothing.

Then, he was given a bed roll and taken straight to solitary confinement with a large Plexiglas window behind the steel bars with an assigned Officer watching him 24/7.

The following day, the guards took him from his cell to the infirmary, so the jail's physician could more thoroughly clean his wounds.

"Sit down on the examination table," the jail physician said.

Wakado stepped up on a little stool and eased himself onto the paper-covered table. His entire body throbbed. It had been days since he had had a restful night's sleep, or a nutritious hot meal.

What he really needed was pain medication and antibiotics. He would receive neither.

The physician removed the latest wound dressings and examined the holes. Then, he took iodine and swabbed both wounds. He turned to Wakado and said, "What I am about to do may be the most painful thing you have ever felt in your life. I'm sorry, but I have to do it. There are bullet fragments inside the wound that need to be cleaned out." The physician continued, "And yes, if you are wondering, I perform this procedure on bullet wounds nearly every day."

The physician took some instruments out of a cabinet over the examination room sink. He placed them, still sterile-wrapped, on a tray beside the table. On the tray sat some gauze, antiseptic solution of some sort, and some antibiotic ointment.

Sitting down and moving a snake-light close to Wakado's wound, the physician unwrapped the first of the instruments. It looked like a 12-inch long, stainless-steel chopstick with a handle. It was a probe.

"I'm going to place some medicated gauze at the entry wound," the physician explained. "Then, using the probe, I'm going to ease the gauze into the wound and push it all the way through to the other side."

Wakado nodded in acknowledgment.

"The bullet's wound tunnel is a good three-to-four inches long. This is really going to hurt. Are you ready?"

Wakado nodded again.

The physician added some sort of antiseptic to the gauze and placed it on the entry wound, which was on the front right of his neck. He then began to gently push the gauze and instrument deeper, until it began to come out the other side, in the back. Wakado asked the physician a question, he already knew the answer. "Are you sure the entry wound is in the front?"

"Yes, of course," said the physician.

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Wakado shook his head in disgust as he recalled the discussion the FBI had with the emergency room physician.

Native Americans have a shockingly high tolerance for pain. Except for the occasional wince, Wakado stared straight ahead, stoically, as though he had not a concern in the world. Compared to having just lost his wife, his hair, his freedom, his childhood friend, and probably the permanent loss of companionship with his son, he had few concerns.

The physician pulled on the gauze to help it exit the wound tunnel. He then showed it to Wakado.

"See those dark streaks there?"

Wakado nodded.

"That isn't clotted blood. That is lead. Your wound is full of fragments. I need to get it all out or it will poison you or cause other problems."

Once again, the physician pushed another gauze through the wound and followed the same routine. A third time he covered the gauze with the antibiotic ointment from the tray and packed the wound with the gauze and left it there until the following day.

The same wound cleaning routine went on for a total of four days, without any local anesthetic. On the fourth day, the packed gauze was removed, and his wounds bandaged.

The following morning, five days after his arrival at Flagstaff's Coconino County Jail, he was once again shackled up and taken to a federal government vehicle. In moments the vehicle was on the freeway, once again driving nearly 100 miles per hour.

Destination; Maricopa County Jail, in Phoenix.



FCI - Englewood Colorado

May 19, 2018, Cell 10, North Range, Lower West Unit

Wakado and I learned to communicate well without saying much. We would sit for five or ten minutes and not say anything verbally, but there was plenty of communication going on.

He placed his hand up near his neck, where his bullet wound was and rubbed it. Then he moved his hand to the back of his neck and rubbed it some more. He did that when he was having a memory about something related to the shooting.

He broke the silence. "When I was at Victorville, I started experiencing numbness in my right arm. It got so bad that it was interfering with work, sleep, recreation, and basic function. So, the prison physician scheduled an MRI. I didn't know what an MRI was, so the thought that I needed to tell someone I had been shot never crossed my mind. Anyway, once the images were ready, the physician asked me if I had been shot. I told him I had. He said, 'You should have told me! Metal in the MRI can be dangerous to you and it can damage the machine!' I replied, 'How am I supposed to know such things?' and shrugged my shoulders. The physician then pointed to dozens of little dots scattered around the image. He said, 'Those are metal fragments, most likely lead and copper. One of them migrated near your spinal cord and that is why you are having some problems. The pieces are so small there really isn't much we can do about it, even with surgery.' So, that was that."

Wakado continued to rub the back of his neck.

"There is one other thing that happened a few months after the MRI. I noticed a really intense itch on my upper back, between my shoulder and spine. It was an isolated itch and it was getting worse by the day. Another week went by and I felt a bump developing under the skin. I started to squeeze and scratch it until something pointy broke through the skin. I asked my bunkie to look at it. He took a razor blade from the

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cheapo shavers we buy through commissary and cut the bump open. He pulled out a metal fragment that had been drifting around in my body since the Tenny incident. I wonder if the magnetic force of the MRI dislodged it and my body eventually expelled it out of my skin. Is that even possible? I don't know. I kept the bullet fragment and I still have it."

"That's quite the memento of that fateful day, Wakado."

"Yes. Yes, it is."



Candy Ritual

Flagstaff to CCA, Florence Arizona

Unlike his father, Quinny did not receive a change of clothes from the local Whiteriver Jail.

He sat in the back of the black FBI SUV as it sped nearly 100 miles per hour towards Flagstaff, Arizona.

Quinny stared out the SUV's window in disbelief. What had transpired over the past 48 hours was not a nightmare. It was worse than a nightmare. It was real.

The FBI agent pulled into the garage at the Coconino County Jail facility, parked, and escorted Quinny inside for processing.

Mug shot. DNA swab. Finger prints. New clothes.

The Officer watched Quinny change from his old clothes of the past two days into prison clothing. He received blaze orange pants, a white t-shirt, and slip on shoes.

Within hours, Quinny's father would arrive at Coconino County Jail, but they would not see each other. Days later, Quinny would be sent to a private prison in Florence, Arizona, called the Correctional Corporation of America, or "CCA." It is not to be confused with the Federal Prison Complex in Florence, Colorado. There Quinny would wait until sentencing.

Private prisons are like state or federal operated prisons in most respects, except that the company that owns and operates the private prison does so under a contract with a governmental entity; a state or the federal government.

In recent years, private prisons have come under intense scrutiny and criticism for alleged prisoner abuse, Constitutional rights violations, and shady back room deals between its Officers and government officials.

There are news reports of judges who own stock in these corporations, which provides a financial incentive to the judge to send men and women away to those private facilities for as long as possible.

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Quinny was given a court appointed attorney who claimed to be meeting regularly with Quinny, but through the very efficient inter-prison grapevine, Wakado learned that was not true. In fact, Quinny had been in solitary confinement and no one had visited him at all.

The problem with court appointed attorneys is that they are over worked, under paid, and lack any incentives to truly excel or risk being seen as "rocking the boat" which jeopardizes one's meal ticket at the government feeding trough. So many court appointed attorneys say they are adequately representing their clients when they are not even communicating with them at all. It is one of America's dirty little secrets.

Operating in that pathetic culture prevents a court appointed attorney from developing the skills and acumen necessary to truly put the government through its paces and make it prove its case. Many court appointed attorneys never actually see live trial action. But when they do, they stumble, fumble, stutter and ramble. It is embarrassing for all involved except for the prosecutors because their success depends on it.

That is why a court appointed attorney, in essence, is simply paid to coax a plea bargain out of their clients. Plea bargains, especially those entered into under duress or due to lack of knowledge, coupled with a lack of understanding about what a client can rightfully demand of his attorney, partially explains why our justice system has become so unfair.

If every accused American exercised his or her right to a trial, the "plea-bargain-mill" wheels would come to a screeching halt. The courts would become so backlogged that the majority of all cases would have to be winnowed down to only those truly evil criminal acts (not tragic accidents or mistakes made in good faith) that justify the public's time and money to pursue.

So, Quinny waited in silence, with little or no communication from his attorney. He would spend nearly two years at the private prison, much of the time in silent solitary confinement, waiting to be sentenced.

Every month a bus brought inmates from the private prison in Florence, Arizona, to Phoenix for court proceedings.

On the entire upper floor of the Maricopa County Jail is a holding area with three main "dog cages," which are holding tanks for large numbers of inmates. The dog cages were approximately 20 feet deep by 10 feet wide and spaced approximately 10 feet apart from each other so one inmate cannot touch another in an adjacent cage no

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matter how far they reached. Inmates wait in the cages for their name to be called to appear before their judge.

Wakado would be placed at the far end. The inmates from the private prison would be placed at the other end. When the far end from Wakado was full, he would put his face near the bars and yell, "ho!" in a way a Native American might say it.

Quinny would excitedly come to the bars and yell, "Dad!" as one might expect a son to react who had not seen his father in months and months.

Wakado smuggled a pack of Jolly Ranchers into the dog cage with him. He had purchased it earlier in the week from commissary in anticipation of seeing Quinny in the cages the day of an expected hearing. Wakado then slid the candy along the shiny, polished cement floor down to the last cage, perhaps 50 feet away in total.

"I'm amazed at how well the candy slides across the floor," Wakado said to himself with a smile. It would float along until it reached the far end where Quinny was always placed. Then, all Quinny had to do was reach through the bars and grab the bag. Quinny would share the candy with the other inmates in the cage.

This "candy ritual" occurred during court appearances from that point forward. Wakado and Quinny could not have meaningful conversation. With potentially dozens of inmates in each dog cage, the normal chatter made it impossible to hear each other. To hear each other they would have had to yell loudly from cage to cage. The other inmates would not appreciate that. So, they took satisfaction in the simple gesture of some candy. It said so much.

The last time they spoke to each other was at the log on the other side of the river in 1999.

It was now 2001 and the frightful day had finally arrived.
Sentencing.



Sentencing Day

Late 2001 Phoenix, Arizona, United States District Court

Nearly two years had elapsed since the incident on December 8, 1999.

The United States Marshals picked up Wakado from the Maricopa County Jail and brought him to the United States District Courthouse in Phoenix, Arizona, around 9 AM. Quinny came in on a bus with other inmates from the private prison in Florence. They landed in a holding tank in a room just outside the courtroom for approximately 50 minutes. Then, Officers escorted them into the court and seated them at the table for the defense.

Sentencing was scheduled for 10 AM.

Wakado was dressed in the stereotypical two-piece black and white zebra stripes. Quinny was dressed in khaki pants and a yellow t-shirt, their legs and wrists shackled. A second chain, wrapped around their midsection, was attached to their handcuffs, making it nearly impossible to move their arms. One other restraint was added to the handcuffs to prevent any remaining twisting movement of the wrists. It is called a "black box" and it immobilizes movement between the two wrist cuffs. Although wholly unnecessary, and mostly for show and intimidation, it is the final punch in the gut to an inmate and brings about the full physical, emotional, and psychological effect of being a prisoner.

Prior to the hearing, defense counsel requested permission to allow Wakado and Quinny to sit next to each other. It was the first time they had been that close since leaving each other at the old log on the other side of the river at Mile 6 of Upper Log Road. The judge granted the defense's request. The judge also granted the defense's request that Wakado and Quinny be placed in the same holding tank after sentencing so they could talk face to face for a little while prior to being taken back to Maricopa County Jail and to the private prison.

"All rise," the bailiff said to the packed court room.

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"Please be seated," said the judge as he entered from his chambers.

He continued, "Today before us is the matter of the United States of America v. Frank Monte Banashley and Frank Banashley, Jr. Several weeks ago, the two defendants entered into plea agreements in which they accepted responsibility for the murder of Officer Tenny Gatewood."

From the pews in the court room, a slight emotional noise, akin to a suppressed sob trying to escape, briefly pierced the air. Then silence.

The judge continued, "There are people here today from both the victim's family and from the defendants' family. I know this is a very painful moment in your lives, and I hope it will bring some closure. However, it is my experience that the pain of your wounds, as deep as it is, takes years; even an entire lifetime, to heal."

The judge paused for a moment to look out at the packed court room. Sadness prevailed on every face. He took a deep breath. His face seemed to say, "No matter how many times I've done this before, it never gets easier. Especially in cases such as this."

Continuing, "So, waiting isn't going to make things any easier. Let's get on with it. Does the government have any business?"

"Your honor," the prosecution said, "We would like to call Officer Gatewood's oldest sister to give a verbal impact statement."

"Very well," said the judge. "Please bring her forward."

She stood and walked through the small, hip-level, swinging door separating the public gallery area from the judicial Officer section, which contained the judge, attorneys, and defendants. She approached the podium and placed a piece of paper in front of her.

She began to address the court, those in attendance, and most importantly, Wakado and Quinny.

She was calm as she described the heartbreak caused by the loss of her brother. She explained how it felt to not have her brother there anymore. She explained that her brother would not be there to support her nieces and nephews in school and extracurricular events. No uncle at their birthday celebrations and graduation. No great-uncle for her nieces' and nephews' future children.

Wakado's diaphragm quivered and his throat tightened. His eyes filled with tears. It took everything he had not to burst into uncontrolled sobbing. "Oh, how I understand!" he said to himself. He would miss all the same events and experiences with his children, too. He may never see Quinny again. He may never see any of his children again. Her words tore his "emotional viscera."

Wakado turned and looked at Quinny. His eyes brimmed with tears and he breathed heavily, being similarly affected by her words.

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Pure pain. Pure, raw, emotion. Indescribable regret. A buried secret remained. No one knew what really happened, and it would remain that way, at least for the time being.

She turned towards Wakado and Quinny and said, "What I don't understand; what none of our family understands is why you never reached out to us! You and my brother were friends! Couldn't you have just called or written to tell us what happened?"

Tears streamed down her face.

She regained composure, and then concluded her remarks.

Months earlier, defense counsel informed the prosecution and the court that their clients would not likely give an allocution - a verbal statement to the victims and the court immediately before a sentence is rendered.

Wakado whispered into his attorney's ear.

"Will you pour me a cup of water?" he asked.

"Of course." She poured the water. With his hands shackled and black boxed, he drank looking like a squirrel eating a nut; hands close together, slightly bent forward, awkwardly trying not to spill.

Wakado again whispered something else in his attorney's ear.

"Your Honor," his attorney said, "I ask the court's indulgence while I speak with my clients."

"You may proceed," the judge replied.

After a few moments, she readdressed the court. "Your Honor, our clients have changed their minds. They would like to offer an allocution."

"Very well," said the judge. "They may proceed."

Quinny stood. He expressed his sincere remorse and regret for the event and for all the pain and suffering it caused. He turned to Tenny's family and, from his heart, said, "I am so sorry this happened." He then sat down.

Wakado stood.

His diaphragm quivered again. His throat tightened, and his eyes welled.

He began.

"The reason I decided to speak was to explain to each of you," looking at Tenny's family he continued, "why I never reached out to you."

He took a deep breath, and then continued.

"In our culture, it is expected. You expected to hear from me, and you had the right to expect it."

Then Wakado turned to his attorneys and looked at them in the eyes, and then turned back to Tenny's family.

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"I informed my lawyers that I wanted to reach out to you...to at least write a letter. They told me I couldn't do that. They told me that the government would penalize me for obstructing justice or meddling. They told me the court would have held any effort to contact you against me. These are the ones," pointing to his attorneys, "who said I couldn't contact you, so I didn't. But I want each of you to know that I wanted to. I also needed to. I'm so sorry."

His voice quivered. His eyes filled again.

He took another deep breath trying to keep his composure.

"It is going to be really hard for all of us. Nothing will ever be like it once was. I know what a caged animal feels like. It was an accident and it was over in a second. To my family, look at Tenny's family. Take care of them. Help them. To Tenny's family, look at my family. Don't hate them.

Please help each other. Love each other. I'm very sorry. I wish it was me who died that day." Wakado noticed the prosecutors smirking, rolling their eyes, as if to say he was being insincere.

He continued, looking at the prosecutors, and said, "What makes two lives worth one? You want to destroy both of us? Take me and let my son go. I've lived my life and he is just starting his." He turned to Tenny's family and continued, while motioning towards the prosecutors, "They think they've won because they think this tragedy is a game to be won. But nobody won. We all lost. They don't even know the truth about what happened. Not then. Not now." Then he bowed his head and said, "That's all. I'm truly sorry." he said as he looked at Tenny's family one last time.

Whimpers, half suppressed sobs, and sniffles filled the room. Everyone in the public gallery was crying, or at least choked up. Any heart that was not broken before was breaking wide open.

The judge then spoke and said, "Thank you for the words spoken. Defense counsel wanted a sentence of five years for Quinten, but I feel that is not enough, especially given that the life taken was that of a law enforcement Officer. Quinten, please stand."

Quinten rose to his feet.

"Mr. Banashley, you are a young man, and you deserve to start over at some point, but five years is not sufficient. Your plea bargain has dropped all charges except for Count 9 - aiding and abetting. The prosecution has moved jointly with your defense counsel for a sentence of 60 months. However, in signing an open plea, you left intact my discretion. I do not feel that 60 months is a sufficient sentence relative to the facts outlined in this case. Therefore, I sentence you to 108 months in federal prison.. Do you have any questions?"

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Quinny said, "No, Your Honor."

"You may be seated."

Wakado thought Quinten was going to receive a five-year sentence because that is what his attorneys told him. The ten-year sentence kicked him in the gut.

"Mr. Frank Monte Banashley, please stand."

Wakado stood.

The judge continued, "Pursuant to the terms of your plea bargain, I hereby sentence you to 504 months in federal prison. Do you have any questions?"

Wakado said, "No, Your Honor."

"Ladies and gentlemen, this concludes this proceeding. I hope all of you can now begin healing and regain some peace. This court is adjourned."

The United States Marshals took Wakado and Quinny by the arm and rose them out of their chairs and escorted them through a side door to a holding cell area. Having previously received permission to be in the same cell, they finally spent some one-on-one time together before going back to their respective places of detention.

Wakado smiled at Quinny, the way an adoring father does, and with a twinkle in his eye, said, "Thanks for wrecking my life, Quinny." Then his smile widened and covered his face, so his son knew, without a doubt, how much he was loved.

Quinny laughed. "Yeah, Dad! Thanks for wrecking mine!"

The levity was good for both of them.

Then, both looked at each other, with sadness and soberness, realizing that they may never see each other again. Forty-two years is an awfully long time, and it is difficult to last that long in prison for multiple reasons. If an inmate survives the violence, he may not survive an illness. America's prisons are notorious for being deliberately indifferent towards rendering necessary medical care to inmates. Growing old in prison is very risky.

Wakado then said, "Quinny, everything you need to be okay is inside you. I've taught you. I've prepared you. You are going to be all right. Don't be scared."

Quinny nodded, and then said, "Promise me you will take care of the youngsters you come across as though they were me, okay?"

"I promise." Wakado's throat got tight and he could feel a sob coming on. But where he was going, sobbing was strictly forbidden, at least in front of others. He tightened up and said, "Don't trip, banana chip. I've got this."

Then Quinny whispered in Wakado's ear just as the Marshals entered the hallway to take Wakado.

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Wakado smiled and nodded. His eyes welled with tears and they conveyed love to his son.

The holding tank door opened, and the Marshals escorted Wakado out of the room toward the elevator. They pushed the down button and the doors opened. The elevator took them down to the basement parking garage. He boarded a government van, and it took him back to Maricopa County Jail where he would wait for approximately a month for transfer to the United States Penitentiary in Florence, Colorado.

Quinny waited in the holding cell until all others finished their hearings, and together, they boarded a bus to the private prison in Florence, Arizona. He would also wait around a month before being transferred to FCI - Safford, Arizona, a low security prison.

Wakado smiled as he replayed what Quinny had whispered in his ear moments earlier.

"Dad, I just want to wake up from this nightmare to hear the popping of your fire and know I am safe and warm."

Greater love has no one than this, than to lay down one's life for his friends.¹⁷



Welcome to Prison

January 2002 FCI – Safford, Arizona

The government van pulled up to the outer gate of the United States Penitentiary in Florence, Colorado. Guards swept the van and used mirrors on boom-sticks to look underneath the van for anything unusual. Then, the electronically powered gate began to slide open to the right, moving on wheels.

The van moved into the second tier of entry, where additional security measures occurred. Once satisfied, the guards allowed the van to pass into the inner level of security where the "Receiving and Discharge" ("R&D") door is located.

One guard radioed into central control, "Central control, we have arrived with prisoner Banashley, number 49877-008."

"Standby," was the reply.

"Copy."

Wakado waited patiently inside the van for several minutes that felt like several hours.

"This is central control; this door is opening. Please escort the prisoner to R&D."

"Copy that."

The heavy security door buzzed and clicked. The guard pulled on the handle and the door swung open. Two guards ordered Wakado to move inside. He could barely walk, his feet shackled along with his arms and hands.

Once inside, the guards walked Wakado down a long hallway. He was the only inmate checking in that day, and all cameras focused in on him and would remain so until he was placed in his cell several hours later.

Upon arrival at R&D, guards removed shackles and began the process of making him a full-fledged federal prisoner. New clothes. New photo and ID Card. Finger prints. Bed roll. Basic toiletry bag with a flimsy tooth brush, toothpaste, soap, etc.

Then he was interviewed as all inmates are.

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"Are you suicidal?"

"No."

"Are you a member of a gang?"

"No."

"Do you want to be?"

"No."

"Is there any reason you cannot be placed in general population?"
(That question means one of two things. Are you a sex offender? Or, have you testified against another person? Such inmates are called "rats.")

"No."

"Well, okay then. Welcome to USP - Florence. This is one of the most violent places on earth. You may not survive. You certainly will never leave this place until the end of your sentence if you do survive. You will most likely never experience freedom again. You will never enjoy a medium or low security facility. For the next 40 years, this is it for you. Do you understand?"

Wakado nodded with resignation.

Wakado settled into a routine and was able to leave his cell to spend time outside in the yard for exercise and general recreation. Even though the "pen" had an oppressive appearance and feeling with nothing but concrete and gravel to look at, it felt good to be somewhat free after two years enclosed in Maricopa County Jail.

The thought of Quinny, his other children, Audrey, his mother, and other family and friends occupied his heart and mind continually.

Quinny arrived at FCI - Safford, Arizona, and assimilated quickly and easily. He made friends and started a workout routine on the "weight pile." He got a job on the landscaping crew. But he worried about his father. What his father did to save him from the death penalty weighed heavily upon him. It was such a great sacrifice. Perhaps, even the ultimate sacrifice once everything was said and done. It was a heavy burden for a young man to bear.

"Is there anything I can do to make this right?" Quinny thought to himself.

The years rolled by, during which time Wakado and Quinny observed all the horrors of prison. They witnessed every evil you can imagine and more. At one point, Quinny was stabbed 18 times after an argument over Kool-Aid rations.

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In time, and contrary to what Wakado was told, he was transferred away from USP - Florence to other USPs. Transfers are traumatic. The long bus and plane rides, fully shackled, is something that cannot be adequately described in writing. It must be experienced to understand it.

Eventually, miraculously, Wakado did work his way down to the medium FCI - Victorville, California, and then to FCI - Englewood, Colorado, a low security facility.

After Quinny finished his first ten-year sentence, he found himself in trouble again, and back in prison. Perhaps it is just the nature of the "Hotel California." You can check out of the prison system anytime you like, but you can never leave.

Or, perhaps, Quinny subconsciously could not bear to be free knowing that his father was still a prisoner. So, maybe he sabotaged his own freedom to continue his symbolic side-by-side walk with his father? Who knows.

But this much is true. Quinny and Wakado love each other, and each has always been willing to give his life for the other.

It is like the words of Vinh Chung in his book, ***Where the Wind Leads***:

"There is no greater love than to give one's life for a friend. But giving one's life doesn't always mean dying – sometimes it means living. Living can be a sacrifice, too, and a noble one, especially when it's done to benefit someone else. Dying may require more love. But living takes a lot more endurance."¹⁸

So father and son continue walking their path together.

Endurance? Yes, they know all about endurance.

Love? Yes, they especially know about love.



The Thing About Prison

Early 2016, Arizona State Prison

Quinny was always a curiously intellectual soul; a philosopher of sorts. He could have easily fit in as faculty at any Ivy-League University. He would be quite comfortable as a professor and may yet become one.

As a thinker, it was only a matter of time before Quinny began critically analyzing the purpose of prison.

"Do prisons make society safer?"¹⁹ he asked himself. "Is our reservation, and society at large, better off because Dad and I are in prison for defending ourselves?"

With lots of time to think Quinny began to draw insightful inferences and conclusions about the meaning of prison. "Why do we have prisons anyway?" Superficially, the answer may seem to go without saying; to most it seems thoroughly obvious, but Quinny's question is one shared by other modern-day deep thinkers. It is anything but superficial.

Over the years, Quinny amassed an understanding of society and prison matched only by the most astute academics focused on the criminal justice system.

Quinny sat at his desk and reviewed the totality of his research spanning 15-16 years. He had discovered, and come to clearly understand, that most of the time prison is not the answer. In fact, it is the problem.

Setting aside the fact that Americans spend \$80 billion annually on incarcerating our fellow Americans;²⁰ and that each year America's justice system as a whole moves 11 million men and women in and out of U.S. jails and prisons;²¹ or that an estimated 70 million Americans, nearly 1 in 3 adults, have some type of criminal record causing harmful lingering stigmas and restrictions harming employment prospects, voting rights, education, housing, and public benefits;²² and that the justice system touched almost every American family.²³ The bigger issue is this: the evils that society labors under find their origin in prison. Like an infection that spreads from a cut to an entire limb,

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prison is the source of the infection, inmates are the carriers, and society contracts the illness.

Prison does not necessarily cause every crime, but its effects are certainly like a low-grade infection that permeates society and causes many of its ills.

One day Quinny had an interesting conversation with another inmate about this subject.

"What are you reading?" asked one of Quinny's friends.

"I'm reading about a British surgeon from the mid-1800's named Robert Liston. He was one of the first to use ether as an anesthetic prior to surgery."

"Why are you interested in that?" the inmate asked with a strange look on his face.

"Because I have a theory. After Liston's successful surgery using ether, the number of invasive surgeries skyrocketed around the globe."

"So? That's a good thing. More people are getting the surgery they need without the pain."

"Well, it's not that simple. Death by infection also skyrocketed. Dr. Liston performed his first ether-assisted surgery with unwashed hands and nearly killed the patient."²⁴

"What does that have to do with anything?"

"Prison populations have skyrocketed. So have society's ills. Our prison system today is what surgery was in the mid-1800's. Primitive and harmful. The government packs inmates in jails and prisons, and later sends them out into the world infected with every evil imaginable, and society contracts the disease. What is the result? More prisoners."

"So, you are saying a larger prison population assures the incubation of more crime?"

"Yes. Maybe not directly, but I believe it at least does indirectly. It's just a theory," explained Quinny. "And," he said, continuing, "I feel it is unbecoming for the United States of America to continue, on such a large scale, the barbarism of the ancient institution of prison. It is barbarism because prison promotes the very thing it claims to prevent or correct. Ironically, America's prison system and culture offends the very standard of societal correctness and purity it pretends to uphold."

"You may be on to something. Prison doesn't prevent or correct crime. It causes it! The more prisoners, the more crime!"

"I couldn't have said it better myself," smiled Quinny.

"That rings true, and that is certainly what we observe every day."

Quinny reached for a notepad and said, "There is another quote from Supreme Court Justice Anthony Kennedy that I found interesting. He said, 'Our sentences are too long, our sentences too severe, our

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sentences too harsh...there is no compassion in the system. There is no mercy in the system.'²⁵ What do you think about that?"

His friend sat speechless. What could he say that Justice Kennedy had not? Finally, a thought came to his mind. "Quinny, America's prisons are to inmates what 1840's surgery was to patients. Often doing more harm than good. Can the way America deals with crime be brought to the point in which it is consistent with society's beliefs and values?"

"I don't know, but I hope so. I want to believe there is a better way. Medicine found a better way. There must be a better way because prison is not the answer. And besides, the American prison system is at risk of economic collapse."

"How do you know that?"

"I read an academic paper written in 2011 about it. Here, let me look in my notes," as he shuffled through a bulging paper accordion folder, "Yes, here it is. I still have the quote. 'There is a growing consensus across the U.S. political spectrum that the extent of incarceration in the United States is not just unnecessary but unsustainable.'"²⁶

Quinny looked out through the small window in his cell, thinking deeply. The change of expression on his face did not go unnoticed by his friend.

"What are you thinking about?" asked Quinny's friend.

"Oh, I was just thinking about what all of this means for my dad."

"What about your dad?"

"He went to prison because of..." Quinny hesitated. "I've said enough," he thought to himself.

"Because of what?"

"Oh, never mind. Forget it."

"Okay."

Quinny had one final thought to share. "One hundred years ago, an American could spend 10 years in prison and when he was released, the world was just the same as it was before. But today, with all the advancements in technology, business, transportation, and more, a person can be in prison for a few years, and upon release, discover the world completely changed. It is no wonder that so many return to prison. It is all they know. The prison system of centuries past is no longer the answer. Let's just try to find a way to bring America's criminal justice system into the modern world. We need to stop the infection."



Dreams

Early 2016, Arizona State Prison

Many Native Americans have dreams in their sleep about ancestors, about life and death, and about things that should and could be. Dreams, to them, are a Heavenly gift in which expedient instruction is imparted from those noble wise men and women who have passed into the world of spirits to those still in mortality. Dreams preserve contact with deceased family and friends. Dreams help them remember the great heritage from which they sprung. Dreams provide answers to some of life's most vexing problems.

Quinny thrashed in his bunk, his bed sheets drenched in sweat. A cold darkness came over him in his dream. Evil surrounded him and attempted to overcome him; to take his soul. As if watching an old black and white movie, he suddenly saw Upper Log Road. It was December 8, 1999 again. Then he saw a police vehicle behind them, and then a police Officer standing beside their car, and then a gunshot...

Quinny's breathing accelerated. Mumbled words came out of his mouth, with an urgent and frightened sound. Suddenly Quinny screamed, "No! Tenny, No!" His own words jolted him awake.

"Are you alright?" his bunkie said, leaning over the edge of the top bunk to peer below at Quinny who was now sitting up, breathing rapidly; his hair completely wet with a terror sweat.

Quinny brushed some hair out of his eyes and said, "Yes, sorry about that. I'm okay," but clearly he was not. Dreams tormented him at night. Worries about his father being in prison because of him consumed his thoughts during the day.

His bunkie lay back down and rolled over, facing the concrete wall.

Quinny stared at the underside of the top bunk for another hour and then slowly drifted off to sleep. He began to dream again. He dreamed he was in a dark abyss; a cavern, deep in the earth. It was so dark he

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could barely see. It was so stuffy he could barely breathe. An ordinary office building elevator was embedded in the rock with no buttons to push. Just the closed doors could be seen.

An inner voice came to Quinny, "If you tell someone about what happened, the elevator doors will open automatically, and the elevator will take you to the top."

Quinny responded, "I'm scared."

"Don't be scared. Be heard." This time it was the voice of Wakado, reassuring him.

"Don't be scared," his father's voice said again, reassuringly. "Don't be scared."

"Do I need to be 'up there' to help you?" he thought.

"Yes, you need to get out of this abyss. And you have the power to do it."

Quinny woke up again. His head was spinning. Even though his father's voice said not to be scared, he was. He spent the next few hours staring at the underside of the upper bunk.

"I need to trade places with my Dad," he said to himself. "That is the answer. He traded places with me then. I need to trade places with him now."

Quinny opened his eyes from his dream. A few minutes later the lights came on in his cell. He had made it through another night.

But he was not sure how many more nights like that he could endure.

Wakado pulled the flimsy cotton blanket up over his shoulders and tried to get comfortable on the miserably inadequate "mattress." Prisoners sleep on a metal slab with some foam on top. That is it. Some of the foam mattresses are 10 years old even though the Unicorn label says they are only good to support the weight of a 185 lb. human for 90 days.

He began to doze and fell into a deep sleep.

Then, he began to dream.

He appeared in a room. It was a bright and beautiful room. A large glass window separated him from an even brighter and more gloriously beautiful room. Suddenly, his Grandfather, Chief Banashley, stood before him on the other side of the glass.

Wakado placed his hand on the window. He could see the splendor of the other side and the free movement of people there, but he could not pass by, or through, the glass. For some reason, he could not be in his Grandfather's actual presence.

Grandpa Banashley spoke.

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"Wakado, that was a very brave thing Quinny did to protect you. I'm very proud of my great-grandson."

Wakado beamed with pride. He agreed with what his Grandfather said about Quinny.

Continuing, Chief Banashley said, "And it was also very brave and noble of you to do what you did to protect him from the death penalty. If placed in the same circumstance, I would have done the same thing for your father, and for you."

"How do I get on the other side of the glass, so I can be with you?" asked Wakado.

"Remember your heritage. Remember what Grandmother and I taught you."

"What can be done to help Quinny? What can be done to help me?"

"In the very near future the solution will manifest itself. Be alert and watchful. It is rare when both justice and mercy are on the same side. In this instance, both are on your side, and on Quinny's side. Those two eternal laws are immutable, and therefore you can be certain that relief will come in time. Be patient. Let your heart be at peace, let it be soft. Never let it harden. Write to Quinny regularly. Encourage him. He is a good man with a good heart and keen mind. Continue to teach him correct principles and to be morally upright. He's going to be just fine. He still has a bright future, and so do you."

Tears streamed down Wakado's face. He felt hope beginning to expand within him. Oh, if he could just touch his Grandfather! He needed him so desperately!

The Chief continued, "Tenny made a careless mistake when he shot you. It was an accident. But he paid for it with his life. He was forgiven for the pain and suffering his mistake caused his family and yours, and others. It was a terrible tragedy. But he was forgiven. Quinny is angry with Tenny for shooting you and being so aggressive. He is angry at him for breaking so many hearts, especially yours. Tell Quinny to let it go. Like Tenny, he was forgiven, too, so Quinny must also forgive him. Your son is tormented but he doesn't need to be. He must let it go."

Wakado placed his hand on the glass. Chief Banashley did the same. It was as though their palms actually touched. Wakado could feel his Grandfather's love.

Chief Banashley smiled and Wakado's body filled with warmth and light.

Suddenly, Wakado's dream changed, like the changing of a channel on television. He was now at a vacant non-descript industrial loading dock where big-rig trucks receive and deliver their cargo. Wakado was

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down on the pavement. Tenny was there, too, up on a dock, smiling at him.

Wakado ascended some stairs to meet Tenny and extended his hand. Tenny took his hand and they shook, nodding and smiling at each other.

Healing and reconciliation had begun.



Letter from Quinny

Late March 2016

Quinny sat down at his desk and started to write a letter to his father.

Dear Dad:

There is something I've been meaning to talk to you about for a long time. I've been having frightening nightmares. Demons are trying to destroy me. I know it is because things aren't right. You are in prison and you don't deserve to be. It should have been me with a life sentence, not you.

Every time I fall asleep, I see Tenny's face over and over again. It haunts me. The horror of the sound of him shooting you, and the sight of the blood on your neck, has not faded with time. The emotional trauma within me is increasing.

Until now I haven't known what to do. The other night I had another nightmare. I was deep in the earth, in a cave or abyss of some type, trying to find my way through the "maze of life." There was barely any air and it was hot. I was gasping to fill my lungs. Suddenly, I heard my inner voice say, "Don't be scared. Everyone gets lost in the 'maze of life' at least once in life. If you tell someone what happened to Tenny, the doors of the elevator will open and take you to the surface and you will be out of the maze."

You always told me not to be scared, but Dad, I am more frightened now than I have ever been in my life. We are not supposed to be in prison. You are especially

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not supposed to be in prison, and it's all my fault. I'm so scared. And I am so sorry. I want to tell someone what happened so those elevator doors will open to me, but how? Who will listen? Nobody.

Dad, can we trade places? Isn't there some way that could happen? I want to serve the remainder of your sentence, so you can go free. You saved me from the death penalty then. Now, I want to save you from your life being wasted in prison. You have been praying to God. Will you pray and ask Him for help?

Love, Quinny



Letter from Wakado

Early April 2016

Dear Quinny,

Your letter really hit me in my heart. I know you are suffering, son. If there were more I could do to take your suffering away, I would.

Your most recent dream was interesting. I, too, had a recent dream. Your Great Grandfather, Chief Banashley, came to me in the dream. He told me that he was proud of you for defending me. He also said that if he were presented with the same situation, he would have done for me what I did for you.

We have treated each other honorably, and your Great Grandfather is proud of us. He also said both of us have a bright future. It is hard to know how that could possibly happen given where we are right now, but I know he wouldn't have said it if it weren't true.

Chief Banashley also said Tenny was forgiven for his aggressive actions on that day and he also has forgiven us. We need to let any anger or resentment towards him go. It is over. All is forgiven.

Following the dream with your Great Grandfather, I found myself in a vacant, nondescript loading dock. Tenny was there. We shook hands and he smiled at me. He was happy and at peace. I know now that everything between us is resolved and the matter, at least in the

QUINNY

world of spirits, is closed. There is still more to do in this world.

You asked me whether there was a way we could trade places. Normally, I would not entertain such a thing. I took responsibility for what happened because I love you and wanted to protect you. But my heart is so full of compassion for you, and if that is what you need to finally feel at peace, I suppose we can at least find out if it is possible. So, let's ask a lawyer.

There is a lawyer I know about from a weekly email newsletter he authors. His name is Jeremy Gordon and he is from Texas. I will ask him if we can retain him to give us a legal answer to your question. The thought of your spending another day in prison, for me, or for yourself, makes me sick. I don't want you in prison any longer. Like I said, I am only inquiring of the lawyer to hopefully start down a path that ends with peace for you.

I'll let you know what he says.

Love, Dad



The Legal Letter

September 7, 2016

Shortly after Wakado's letter to Quinny, he reached out to Jeremy Gordon, an attorney from Texas. A legal call was held, and after Wakado explained what actually happened on that fateful day in 1999, Mr. Gordon agreed to provide an analysis of the options that might be available.

After a few months, a letter from Mr. Gordon addressed to Wakado arrived in the mail at FCI - Victorville.

Here's what it said:

September 7, 2016

Frank Banashley
Reg. No. 49877-008 P.O. Box 3725
Adelanto, CA 92301
LEGAL MAIL-
OPEN ONLY IN FRONT OF INMATE

Re: Case Review

Via Certified Mail, Receipt No. 7013 1710 0000
7930 5808

Dear Mr. Banashley, Sr.:

You asked me to review whether your son could essentially swap places with you because your son - and not you - was the real shooter of Officer Tenny Gatewood. You related during our legal call that the ordeal was weighing on your son's conscience. You further indicated that if it was possible that your son could receive life imprisonment for attempting to take

QUINNY

responsibility for the crime you would not be willing to pursue withdrawal of your guilty plea.

As I indicated during our legal call, I have never encountered a situation quite like yours before. For that reason, I have spent considerable time reviewing the risks and benefits of attempting to withdraw your plea. Separately, I have reviewed whether other errors may also exist in your case.

You plead guilty pursuant to Fed. R. Crim. P. 11(e)(1)(C) (2000) to Counts One and Five of the indictment that charged you with Murder of a Federal Officer (Count One), a violation of 18 U.S.C. Section 1114, and Use of a Firearm in Furtherance of a Crime of Violence (Count Five), a violation of 18 U.S.C. Section 924(c) & (j). As part of the plea agreement, the parties stipulated to a sentence of 42 years imprisonment.

Your son also agreed to plead guilty and was sentenced to 108 months imprisonment for his involvement in the shooting.

You did not appeal your sentence. You have never filed a 28 U.S.C. § 2255 motion before.

When a defendant pleads guilty, it is exceedingly difficult to withdraw his or her plea later. In your case, you pled guilty under oath to murder. You swore to the truth of the facts surrounding your involvement and responsibility. I do not believe that any court - at this juncture - would permit you to withdraw your plea based on a claim of "innocence" as a result of an affidavit or other sworn statement from your son.

Moreover, even if successful in withdrawing your plea, your son very well could receive life imprisonment for the murder. Indeed, by even attempting to pursue this court of action your son might put himself in potential jeopardy of additional charges.

Conclusion

I recognize that your son is dealing with the grief of his actions. However, I do not believe it is possible for you and your son to "switch places," so to speak, at this juncture.

As you stated at sentencing, everyone lost in your case. Your son will likely deal with the pain of what

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happened for the rest of his life. All I can hope is that your health will allow you to return to society at some point to spend your final days with those you love and care for.

Thank you for giving me the opportunity to review your case.

Sincerely,

Jeremy Gordon

This letter was both a heartbreak and a relief to Wakado.

It was a heart break because, it seemed, there was no way either of them could resolve the issue now. Plus, he was sick in his heart that he even asked a lawyer about the possibility of switching places with his son in the first place. Having asked was something he just did not feel right about.

The decision was made many years earlier, and he was willing then, and now, to serve the whole sentence.

It was a relief because the thought of being released from prison while Quinny received more time made him queasy from head-to-toe. The feeling was only slightly abated because Quinny felt he needed to switch places. As difficult as it may be to understand, Wakado was somewhat relieved by the lawyer's conclusion because his instinct and commitment to protect his son could not be extinguished.

Yes, a plea bargain within the American justice system is considered final. Of course, it should be. There must be order.

Yes, there must be justice for Tenny and his family. But there must be proportionality. It was Tenny who shot Wakado, yes, albeit by accident, but that tipped the fight-or-flight domino and tragedy was the result. There is a justification for what Quinny did. He thought his father's life was in danger he and had good reason to believe it.

What about mercy?

What about truth?

Does either of those issues matter?

If so, do mercy and truth matter at any time, or only during the early stages of a criminal proceeding?

Can anything be done to bring healing to this sad saga without causing more pain and suffering?

Can it come to an end?

QUINNY



Arizona State Prison

Late September 2016

Quinny sat on his bunk at the Arizona State Prison holding a letter from his father. It takes nearly two weeks for mail to arrive from FCI - Victorville Medium even though Arizona is just next door to California.

"Perhaps this is the letter I'm waiting for," Quinny said to himself.

Prison staff already opened the envelope. He took the letter out of the envelope and began to read.

Dear Quinny,

The lawyer told me there isn't anything we can do. I'm very sorry, son. I know this was something you hoped for to ease the heavy burden you feel.

Quinny, now that we know there isn't anything we can do, I don't want you to trouble yourself with this anymore. Please do not let it burden you. It's okay. I mean that. You will get out in late 2018 and you have your whole life ahead of you. I want you to be happy, to find your purpose, and to offer something excellent to the world. You have a purpose. Now go and find it!

I love you,
Dad

Quinny's stomach sank.

"How am I ever going to make things right?" he asked himself.

Late 2016 FCI - Victorville, California – Memories of France

Wakado always smiles at the reaction of others when he tells them he traveled the world. He is very cultured and visited Europe, Asia, the Middle East, including Israel and Egypt, and Mexico.

While watching TV, the screen shows the Eiffel Tower in Paris. An inmate comments about how neat it would be to see it up close in person.

"I've been there," said Wakado.

"You have not! I don't believe you!" said the inmate.

"I've been all over the world. France is beautiful, and I hope to go there again someday."

The inmate stared at Wakado with an astonished look on his face, not sure whether Wakado was serious or teasing.

To Wakado, it felt like it had been a long winter day and yet it was still only mid-afternoon. The frigid wind howled outside. One would be surprised about how different the weather is in Victorville, California, from the weather in Los Angeles, which is only two hours away. It's like night and day during the winter.

Wakado decided to go to his cell and lie down. He closed his eyes and began to remember the trip to Europe with Audrey in the summer of 1986. He was only 25 years old at the time. They flew from John F. Kennedy Airport in New York City to Frankfurt, Germany. Their nephew worked in Berlin and lived in Garming, a suburb of Munich. He graciously offered to meet them at the airport. Then, he drove Wakado and Audrey to Munich where he rented a sporty European sedan for them to use for the week.

The following day, Wakado and Audrey entered the Autobahn and drove west and slightly south, passing through Luxembourg and Belgium on their way to Paris. The following day they explored the "City of Love," and enjoyed the remarkable attractions, including the Eiffel Tower, the Louvre, and Notre Dame.

On day three of their trip, they headed south passing through Chartres, Tours, and eventually, Bordeaux. Along the way, curiosity took over, and they decided to "wing it." They exited the Autoroute (France's version of the Autobahn) onto some side roads that took them through little villages, markets, and a country side that was green and lush.

QUINNY

Bordeaux was delightful, as were all the cities, towns, and villages they explored. Their trip took them east through Montauban, and then north to Clermont-Ferrand, and finally to Lyon, where they rested for a few days.

Their trip was not all meandering. They headed to Italy, and then Austria, Switzerland, and back to Germany.

From Lyon, they passed through Grenoble, Gap, Sisteron, and finally Digne just before crossing France's south eastern border into Italy.

"Ah, Digne," Wakado thought to himself.

That small town has rich significance to anyone who read the Victor Hugo book, *Les Misérables*.

It is in Digne where the book's main character, Jean Valjean, ends up after 35 years in prison, 19 for stealing bread for his nephews and nieces, and 14 more years for failed escape attempts. There the newly released Valjean meets Catholic Bishop, Monseigneur Bienvenu, after having been rejected by every other inn or potential renter notwithstanding his ability to pay.

Wakado had experienced *Les Misérables* several years earlier and it deeply affected him. One does not simply "read" the book; he "experiences" it. As they entered Digne he said to himself, "*Les Mis*," and smiled, happy that he had experienced it for himself.

His memories of Europe rudely ended at 4 PM, when the guards yelled "Count Time" on the tier and all inmates stood to be counted. As soon as the guards passed by Wakado's cell, he sat on his bunk thinking about Quinny, about Europe, about all the things that once were, and that could have been. He had hoped the attorney would find a way to change his, and Quinny's, reality into "what will be," but once again, life dealt another blow to his hopes that perhaps; just maybe, mercy could prevail over justice. Not rob it, just gently, quietly, subtly, prevail.

After the evening meal, Wakado sat down to watch the nightly news. One of the stories was about an elderly citizen's run-in with a police Officer.

A Correctional Officer ("CO") walked by and happened to notice the news story. "Civilians act in unexpected ways when law enforcement engages in unexpected ways," he said out loud for all in the TV room to hear.

Normally CO's and inmates do not talk to each other - at least not one-on-one. However, occasionally conversations develop naturally when the subject matter is of particular interest to inmates. "That Police Officer is going to get in a lot of trouble for violating the 'force

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continuum'." He then began to briefly explain the "force continuum" to those in the room.

"It can best be described as a national policy intended to guide an Officer's interactions with citizens," the Officer continued. "The continuum has six levels."

"Level 1 is merely the Officer's presence in his or her official capacity. The uniform, patrol car, badge, gun, radio, etc. all serve to remind the citizen of authority. Usually, this presence is all that is required for a citizen to cooperate with an Officer."

"Level 2 consists of verbal commands, such 'please give me your driver's license,' or 'please step out of the vehicle'."

"Level 3 consists of the 'escort position,' meaning, firmly taking a citizen by the arm and escorting him or her to another location, to have a conversation, or to put him or her in the back seat of a patrol car to cool down and think. It may also involve use of 'pressure point' application to help an obnoxious citizen to quiet down or cooperate."

"Level 4 consists of more assertive techniques, which could involve use of intermediate weapons, such as a baton, to subdue an unruly and uncooperative citizen."

"Level 5 comes into play when a citizen is actively resisting arrest, and involves use of advanced weapons, such as pepper spray, taser, and use of handcuffs."

"Level 6 consists of deadly force."

When the CO concluded laying out the six steps in the "force continuum," he turned back to the television to watch the remainder of the story.

The reporter conveyed that the Police Officer allegedly jumped from level 1 to level 6 without justification and could not explain why.

Wakado sat in rapt attention as he carefully listened to every word of the news report. "I've always respected law enforcement," he said to himself. "I respected Tenny. He and I were Police Cadets together. I wanted to be a Police Officer, too! I would have obeyed his every command!" he said to himself.

Wakado felt confusion and sadness come over him. If only he understood more about why Tenny approached the situation the way he did. Continuing to speak to himself, he said, "Tenny didn't give me any instructions. He simply put one handcuff on my wrist and already had his gun out before asking me any questions or commanding me to lie down on the ground, or put my hands behind my back, or anything! What did we do that warranted being handcuffed without first being asked questions? What did we do that warranted Tenny's gun being pointed at me? I would have voluntarily gone back to the police station with him."

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Like an echo, Wakado suddenly heard the words of the federal Officer again. "Citizens act in unexpected ways when law enforcement engages in unexpected ways."

The truth and profundity of that statement seared into Wakado's mind, never to be forgotten.

Under his breath he softly said, "I'm sorry, Tenny. After all these years, I'm still so very sorry."

The following day around 9 AM, Wakado heard his named called over the loudspeaker.

"Banashley, report to your counselor's office immediately."

He did as he was instructed. There he was informed that he had just fallen below 20 years left in his sentence and that he had minimum custody points. Victorville could no longer keep him there.

When he first arrived at USP - Florence, Colorado, he was told that he would die there and that he would never even set foot in a medium security prison, let alone a low.

Now, against all odds, a miracle really, Wakado was heading to a low custody prison.

The United States Marshals shackled Wakado and put him on the bus to the Orange County, California, air strip, where he boarded "Con Air," the Bureau of Prison's 737. After waiting on the plane for an hour, it finally departed and several hours later it landed at the large federal prisoner transfer facility in Oklahoma City, Oklahoma.

Wakado disembarked the plane and walked into the long jetway, along with over one hundred other inmates, into a temporary holding cell, where he once again waited for processing. "After all of these years, I'm finally going to be released into general population instead of being placed in solitary," he thought to himself. It filled him with energy and excitement.

Several hours elapsed. The noise echoes in the all-concrete cells, and voices increase in volume to speak louder than the person next to them until each holding tank is a constant roar of talk and laughter. It is head splitting.

A federal Officer unlocked the door and all the noise subsided.

"Banashley, are you in here?" the Officer asked.

Wakado stepped forward.

"Come with me."

Wakado followed the Officer to R&D where he would be processed the same as he had been many times before. New photo, new ID, new clothes, etc.

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Then he was told to speak to a man sitting on a stool at a little podium-like desk.

Wakado approached and the man said, "Banashley?"

"Yes."

"Congratulations, you are going to solitary confinement until you are on to your final destination, which by the way will be La Tuna, El Paso, Texas."

"After all these years, and after having worked my way down to a low custody facility, I thought I wouldn't be put in solitary during transfers anymore," Wakado softly said.

"You are trash. You always were trash, and you always will be trash. Therefore, we will treat you like the trash you are. We put trash in solitary."



Last Visit

FTC - Oklahoma City, Oklahoma

Wakado lay on his metal-slab "bed" in solitary confinement staring at the ceiling. Fortunately, he would most likely need to stay there for only a week as he was in transit to FCI - La Tuna, Texas.

His mind reflected on a remarkable moment with his father while at FCI - Victorville, California. It occurred in 2009. His father, Fred, was dying of bone cancer and wanted to spend time with Wakado before he passed away.²⁷ There was something in particular he needed to tell his son.

After the long trip from Arizona to California, Fred was already in more pain than he had been in months. The only thing worse than travel for a bone cancer patient is sitting or lying for extended periods of time. At some point a patient needs to stand up, stretch a little, and take the pressure off from sitting.

The chairs in a prison visiting room are hard plastic. For the elderly, or for the ill, the chairs are cruel and unusual punishment. The chairs remind family members that one of their own is society's refuse. The chairs also serve as a way to persuade visitors to leave sooner than later. After a while, most simply cannot bear the discomfort and end the visit. It is just one of those misguided mid-19th century barbaric left-over techniques that those, so long ago, thought would be a good idea to punish the families of inmates for visiting society's trash.

After thirty minutes, Fred became very uncomfortable and began to shift and move in his seat, attracting the attention of the CO on duty. She watched him closely, with a raised, suspicious eyebrow.

"Are you okay, Dad?" Wakado asked.

Fred shifted again. "My bones hurt terribly. I'm sorry I can't sit still. 'Nurse Ratched' over there is giving me the evil eye."

Fred stood up, walked behind the chair, and placed his hands on the back rest and leaned on it, taking some of the pressure from his ailing body. After a few minutes, he sat back down. Wakado and Fred

continued their much-needed conversations. Both knew it would be the last time they saw each other.

After the third time standing up to shift and stretch, Fred noticed "Nurse Ratched" was becoming increasingly agitated, so he sat down to try to deescalate what he perceived to be an impending confrontation. He was right.

"Banashley, come to the desk," she yelled across the visiting room.

Wakado stood up, walked across the crowded room, and approached her.

"Banashley, if your visitor stands up one more time, I am going to terminate your visit and have the Officers escort him from the prison. You two are up to something fishy and I'm not going to stand-by and let you get away with it," she scolded.

"My father is ill. He has bone cancer. It is very painful for him to sit for very long. To alleviate the pain, he needs to stand up and rest on the back of the chair," Wakado explained.

"Yeah, and I'm Mother Teresa. Nice try. If I see him stand up one more time, he will be escorted off the compound. Do you understand?"

"Yes."

"Okay, you are dismissed to return to your seat. I'm watching."

"Of course, you are," Wakado said under his breath and he sighed deeply.

When he returned to his seat, Fred said, "What did the lovely nurse have to say?"

"She said if you stand up one more time you'll be escorted off the compound."

"Well, in that case, I'd better get to what I came here to tell you. A few weeks ago, I pulled up to the Hon-Dah gas station there by Indian Pines to fill up on my way towards Hawley Lake, so I could fill some large containers with water from the spring."

Wakado nodded. It was there at the spring he had the conversation with Old Man Harris on the day of the incident.

Fred continued, "Well, I saw Tenny's mother there. She walked into the convenience store and I waved to her. She waived back. Moments after she entered the convenience store, Tenny's daughter jumped out of their vehicle and came over to me. She gave me a hug and held me. I didn't know what to do or think. I was shocked. Here was this young woman showing me compassion and love. She said, 'It's okay. Our family forgives yours, including Wakado and Quinny. All is forgiven.' Son, I broke down. There was such a feeling of peace and love and reconciliation between her and me and it astonished me. Before I die, I wanted you to know about that interaction with Tenny's family. Tenny

QUINNY

raised those children well and I am sure he is proud of them. Forgiveness and reconciliation is what Tenny would have wanted."

Both Fred and Wakado's eyes filled and their throats tightened.

"What Tenny would have wanted," Wakado quietly thought to himself. Continuing, "If that is what Tenny would have wanted, and it is what his family wants now, perhaps it is possible for society to change its mind about us? What if a federal court knew the truth about what happened? Would it reconsider everything? Is that possible? What if the President of the United States learned about what happened? Would he commute my sentence? Is that possible?"

Wakado came back to the present and looked his father in the eyes. The time came for Fred to leave and Wakado gave him a big hug. Then, Fred walked through the heavily secured metal doors, escorted by a CO. Wakado would never again see him in this life.

After being thoroughly searched by the guards, Wakado was escorted back to his cell with a phrase swirling in his mind over and over again.

"Is society's forgiveness possible?"

"Is full resolution possible?"

"Is termination of my sentence possible? Could I go home after close to 20 years hard time and start over? Is that possible?"

Philosopher Soren Kierkegaard said, "A possibility is a hint from God. One must follow it."



But the King Could

Spring 2018, Arizona State Prison

Quinny paced back and forth in his small 6x9 cell. His philosophical mind raced with questions.

"Can a person involved in a tragic accident, resulting in the loss of life, also be honorable and worthy of society's trust?"

He looked down at his feet, taking five or six paces one direction, and then five or six paces the other direction. Hour after hour Quinny walked, his hands running through his long, jet black hair, trying to find the answers to his most vexing questions.

Although alone, he spoke out loud as though in the presence of his father, "Dad, you are in prison because of me. I'm sorry. There must be a way to make this right. I owe it to you and to Tenny's family to make this right. I've got to do something! But what?"

The fingers of both hands once again run through his hair until he holds his head as though he has a splitting migraine. While holding his head, he shakes it side-to-side in a "no!" gesture, as though he still can't believe what happened years ago. December 2019 will mark the 20th anniversary of the tragic event.

"Dad has 20 more years to go! I just can't stand-by and let that happen! I have to do something to help him. But what?"

The words of his father came into his mind. "Don't be scared."

Those words, "Don't be scared," became part of the Apache Way long ago. Wakado first remembered hearing it from friends as a young child participating in the Fort Apache donkey raids. That is what the Apache boys always said to each other when faced with a difficult challenge. "Don't be scared."

Quinny stopped dead in his tracks. "That's it! Don't be scared!"

The epiphany lasted mere seconds. Not being afraid is easier said than done. Immediately the fears returned. "I'll be released later this year," he said to himself. "Dad believes in me. So does Great Grandfather Banashley. They both said I have a purpose and that I need to discover it."

QUINNY

He began pacing again, holding his head.

"What if I fall and end up in prison again? Then Dad will for sure spend the next 20 years in prison, and for what? Nothing! He doesn't deserve any of this," Quinny yelled at the wall. His voice reverberated against the concrete.

"I can't let Dad serve a sentence for something he didn't do. I need to tell someone what really happened. The story must be told. That is my purpose. Don't be scared." He felt deep emotion and concern.

Quinny lay down on his bunk and covered his eyes with his arm and drifted off to sleep.

Suddenly Quinny realized he was conscious in a lucid dream. He was in a field with oak trees everywhere. People dressed in white excitedly picked up acorns and put them in bushels that seemed to be underneath every tree.

Two men waved to Quinny in large arm motions, "Over here, Quinny! Come over here!" He walked to what appeared to be the oldest and largest oak tree, as far as he could tell. There, under the tree, sat his Great Grandfather, Chief Banashley, and Tenny. They smiled and shelled acorns in preparation to make acorn stew, an Apache delicacy.

Chief Banashley had tortilla-wrapped steak sticking out of his pockets, signifying it was time to spend time with the boys. Wakado always knew when his Grandfather wanted to go for a horseback ride because his pockets were stuffed with tortilla-wrapped steak. Quinny smiled, as he remembered those stories about his Great Grandfather as told to him by Wakado.

Now, these nuts were not ordinary acorns from just any oak tree. These special acorns come from a particular type of oak that grows primarily in places such as the White Mountain range in Arizona, and the trees are very difficult to recognize. Apaches used the special acorn stew for millennia to honor the family of one who recently passed away.

Chief Banashley and Tenny laughed and smiled while preparing acorns for the stew.

Great Grandfather Banashley said to Quinny, "You are a little late, don't you think, son?"

Quinny looked around, over his right shoulder, and then his left, and then pointed at his chest. "Me?" he said.

They all laughed deeply, and Quinny felt nothing but acceptance and love.

Suddenly, as if out of nowhere, Quinny's Grandfather, Fred Banashley, Jr., appeared beside him.

Chief Banashley said, "Freddy! Good of you to join us. This acorn stew is a celebration of your life. We're glad you are here." Tenny

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beamed with joy that Freddy was with them. Tenny seemed completely at peace.

Freddy turned to Quinny, as if perceiving his thoughts, and said, "Quinny, I've known Tenny for a long time. So has your Great Grandfather. We've known his family for decades."

Tenny looked down with a content smile on his face and continued to shell the acorns.

Looking at Freddy, Quinny said, "Grandpa, you died four years ago. They are just now having your funeral dinner?"

Freddy looked at his father, Chief Banashley, and said, "Kids these days. Always in such a hurry!" The three burst into laughter. Quinny chuckled uncomfortably, blushing and feeling a little embarrassed.

"Why am I here?" asked Quinny.

Chief Banashley looked at Quinny with a loving look, and then at each of the other men, and then back at him. "We have prepared the way for you. The path will open to you whereby you will be able to resolve the terrible reality you and my grandson, Wakado, now face."

"I don't understand, Great Grandfather. How can I resolve anything? I'm in prison!" exclaimed Quinny.

"Love and respect enable families in the world of spirits to help their loved ones still in the mortal world solve very difficult, even seemingly impossible problems. We discerned your heart, along with The Creator, The King of Nature, who permitted us to assist you with your purpose," explained his Great Grandfather.

"What is my purpose?!"

"You will discover it very soon. The way is prepared for you. Someone saw to your father. He will help him, and you, tell the truth about what happened that day to those people with the power to help. They will not condemn you. They will assist you in bringing healing and closure to the pain."

Quinny looked at Tenny, who nodded and smiled in approval.

"But there is nothing but wreckage. There are only fragmented pieces of our lives strewn about. How can they ever be put back together?" Quinny asked. "What about Tenny's family? Their lives were ruined, too!"

Chief Banashley paused and looked at Quinny, and then at Freddy and Tenny. Then with all the wisdom of the ancients, he said, "Quinny, listen carefully to my words about the power of our Creator, our King:"

*Humpty Dumpty sat on a wall
Humpty Dumpty had a great fall
And all the King's horses
And all the King's men*

QUINNY

*Couldn't put Humpty
Back together again*

... pausing... with tears in his eyes, "But the King could!

"The King Could! Do you understand, Quinny? The King's men couldn't put your lives back together, but the King could! And He will! And the King will use you to do it. You will do for your father what he did for you. You will save him and be his hero, just as he saved you and was your hero. Your purpose is to save your father. Don't be scared. It is your purpose."

Quinny looked at his Great Grandfather in astonishment. His heart began to beat faster at the thought of a possible resolution. "Healing and closure are a possibility!" he said to himself.

"Quinny," Chief Banashley said, "There is one more thing I want to say. It is a reminder."

"Yes," Quinny said intently waiting for what came next.

"Never forget to paint your arrows. Yellow first, then red, then black, then yellow. The circle of life; medicine. Do you understand?"

"Yes, Great Grandfather. I understand."

Suddenly Quinny opened his eyes. His heart still pounding from his dream.

A possibility is a hint from God. Quinny would follow it.



Unexpected Detour

January 2017

The Boeing 737 "Con Air" jet began its descent into Pueblo, Colorado. There, several dozen inmates would disembark for either USP - Florence, where Wakado began his sentence nearly 19 years earlier, or FCI - Englewood, a low security facility. Those headed to FCI - La Tuna, El Paso, would remain on the plane.

Wakado told the U.S. Marshals that there must be a mistake after his name was called to get off the plane in Colorado. His stomach sank. "This isn't good," he thought to himself. "Someone made a mistake. Maybe I'm not actually eligible for low custody? Maybe they are sending me back to Florence?"

He felt as though he had been kicked in the stomach.

That reaction was short lived.

To his surprise, he was loaded on the bus to FCI - Englewood. He was going to a low. And in six months, help would come from another inmate likewise rerouted from FCI - La Tuna, to FCI - Englewood.

Heaven's ways are not mortal's ways.

Wakado's life was about to change forever, for the better.



What Should Be

2018, Arizona State Prison

First year law school students learn a basic principle as it applies to the legal profession.

"Law" is what "is."

"Equity" is what "should be."

In other words, there are circumstances, events, and results in this world that are unfair and unjust. That is why some people say, "it is what it is." Perhaps nothing describes the justice system better.

However, just because some outcome "is what it is," does not mean it is what it "should be," which is where the principle of "equity" comes into play.

The "either/or" fallacy permeates our justice system to the point of pure contamination.

For example, "He either murdered so-and-so (or he did not)." There is no middle ground for mitigation. When mitigating circumstances do exist, it is frequently cast aside to obtain an easy plea agreement. This arrangement is not good. It is not what America is about.

America is about equity.

What "should be" for Quinny and Wakado?

What are the possibilities?



What Could Be

Phone Call

Quinny was called to his counselor's office for a scheduled phone call.

"You have the attention of a very important and influential person," said his counselor. "Normally receiving a phone call like this would be impossible."

"Nothing is impossible. There are always possibilities," replied Quinny, respectfully.

His counselor raised his eyebrows with an impressed look and nodded his head as he dialed the agreed upon telephone number. When the person on the other end answered, the counselor gave the phone to Quinny.

"Hello?" said the voice on the other line.

"This is Mr. Banashley. Thank you for taking my call," Quinny said in a confident yet humble tone.

"Well, Mr. Banashley. It is a pleasure to finally hear your voice. There are important people pulling for you and a lot of effort exerted to make this phone call possible," said the voice.

"I'm deeply honored, sir. I am very grateful for your time."

"Mr. Banashley, I have here on my desk a document detailing everything that happened leading up to the incarceration of you and your father. Is all of this true?" he asked, placing his hand on a large document.

"Yes, it is," said Quinny.

"Who else knows about all of this?"

"Only a few family members, friends, and advisers. I was scared to tell the story, but not anymore. Like Humpty Dumpty, I've finally concluded that I need to allow a Higher Power to put my life back together, that of my father, and hopefully do what I can to help Mr. Gatewood's children."

"Those are very wise words. What you are doing is very brave. I'm sure your father is very proud of you. He should be."

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"Thank you, sir. My father is very proud of me." Quinny beamed and his counselor noticed the look on his face.

"Mr. Banashley, this is a delicate situation."

Quinny listened as those possibilities were explained.

The voice continued, "Many powerful people would like to see you and your father exonerated because your actions were taken in self-defense. Do you understand?"

"Yes, I do. Is that a real possibility?" Quinny asked.

"Yes, it is, but it is only a possibility, not a guarantee. Because of your bravery in telling your story and seeking to heal and bring closure to such a deep wound, you have gained the respect of influential and important people. Because of your bravery, possibilities have opened up. We will now see where they lead."

"A possibility is a hint from God. I would like to see where the possibility leads," said Quinny.

"You are a wise young man, and I am very proud of you. Like you said, we will see where things go. Good bye."

"Good bye."

Quinny handed his counselor the phone, who then hung it up.

"Mr. Banashley," his counselor said, "You have impressed me twice today. First with your optimism, and second, with your handling of yourself on that phone call. Good for you. I hope you see a light at the end of the tunnel soon."

Back to January 4, 2018 12:30 AM Cell 10, North Range, Lower West Unit

The beautiful Apache woman dressed in a dark red blouse stood in the hallway and looked into Cell 10 through the small window. She watched Wakado as he looked out the window at the industrial red piping that feeds the fire sprinkler system.

She was there for a reason, and she prayed silently she would not be required to fulfill her mission.

The hours ticked by and night became day.



Eggo, Honeybee, and Jesus

January 5, 2018

Without being seen or noticed, the beautiful Apache woman followed Wakado into the visiting room where he met with family members in shifts. She had been with him for more than 24 hours now, waiting and watching. It was the second shift that was of particular importance.

Wakado sat patiently, watching the door for Eggo and Honeybee. Shortly, the door opened and through it walked Honeybee. Her eyes found him, and she started towards him, shyly at first, walking slowly, then with more excitement transitioning into a zeroed-in run towards him, she literally leaped into his arms! He swept her up in his embrace and gently rocked her in his arms. "Papa! Papa!" she squealed, laughing uncontrollably, making it known to everyone in the room this was a joyful reunion. His eyes brimmed. His throat lumped.

He always believed that Eggo's simple faith saved him before, when he was accidentally shot in the chest years earlier. The love of his Honeybee was about to save him again.

He silently mouthed the words that could not be spoken aloud. "Thank you for coming to visit me, Gosnee, my little Honeybee! You saved me, just like your Momma Eggo did years ago when she was a child."

Tears streamed down his face as he quietly uttered, "Jesus!" asking for His help.

The beautiful Apache woman smiled as tears filled her eyes. Knowing that the truth would now be told, and that The Creator had prepared the way for healing and closure to occur in the coming months. She took three steps backwards, while keeping her eyes fixed on Wakado and Gosnee. Then, she began to fade away into the world of spirits.

"I'm no longer needed here," she said as she faded away and completely disappeared.

THE END



EPILOGUE

Tenny's Secret

This book is meant to heal. It is truth intended to set Wakado and Quinny free and to reveal to Tenny's family what really happened that tragic day.

The moral ethic followed in writing this book is found in the Bible, Psalm 82:3-4.

**Defend the weak and the fatherless;
uphold the cause of the poor and the oppressed.
Rescue the weak and the needy;
deliver them from the hand of the wicked.**

The truth of what happened that fateful date has never been told until now. Many on the White Mountain Apache Reservation have wondered about "the other side of the story." Wakado has never wanted to tell his side of the story because he felt it would open old wounds or even create new ones. He worried that telling his story could violate the moral ethic of protecting the weak, fatherless, oppressed, etc. Wakado is an honorable man. He is an honest man. He has suffered beyond what most can comprehend to protect the innocent.

Wakado said, "I would rather spend another 20 years in prison than hurt those innocent children." The children to whom he refers are Tenny's children. There are others, too. Tenny's children already lost their father. The last thing they need is to be fatherless and to experience yet even more pain and suffering. They, and the others, have moved on and now have families of their own. The Go Fund Me page was established in an attempt to do everything within Wakado's power, and those associated in bringing this story to light, to begin healing the injured hearts of the fatherless.

As I wrote this story, I wrestled mightily with how much to share about "Tenny's Secret." Early on I made up my mind that I would not share specific details out of respect for Wakado and Tenny's children.

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Under protest by Quinny, Wakado asked me not to, and I will not. Quinny wanted the whole story told; every detail. I do not blame Quinny for his desire, and I tend to agree. This tension tore at me and I labored under many sleepless nights working it through in my mind. It is not lost upon the reader that the secret that animated Tenny's actions must be a scandalous one. It is. However, it is not going to be revealed here. The reader may make any inferences he or she chooses from the story generally.

It is also important for the reader to understand that "Tenny's Secret" is not really a secret to those on the reservation. I have read letters written prior to Wakado's decision to tell the story that discuss the details. A great effort was taken to learn everything I could from those who know, or who may have known, about his secret. Multiple attempts, in the spirit of healing and good will, have been made to contact Tenny's children; all of which have gone unanswered. Important conversations with certain individuals directly involved in the case were also had.

In the end, there was a reason Wakado was not given the death penalty.

What I share now will be the totality and the end of the matter. The reader may reach whatever conclusions he or she may.

It first began to come to light in the Summer of 1998.

Wakado and Audrey would sometimes drive up in the mountains to a favorite spot overlooking the valley below. There, they would watch the sun go down from the cab of their truck. On one particular occasion they heard a truck driving up the dirt road below them faster than it should. Wakado and Audrey looked out the windshield at the road below them and saw that it was a police SUV. Tenny's SUV. He made it up the hill and around the bend and blew right by where they were parked without waving or acknowledging them as he normally would. Inside with Tenny sat two girls who looked pre-teen or early-teen in age and they were headed up into the mountains, away from town, away from homes, into remote seclusion as it was growing dark.

Audrey and Wakado looked at each other with raised eyebrows, but soon let the unpleasant speculation pass.

Time passed without too much noise about the matter. Then, a few months before the fateful day, December 8, 1999, rumors began to fly. Wakado and Audrey stayed above the fray, but the local teenage population dove right in, including Quinny. Soon, the teenage boys became incensed by the thought that the rumors could be true.

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One day, while driving past a local teenage hangout in town, Officer Gatewood heard a group of boys taunting him, letting him know how they felt. He had had enough and pulled over.

"You better shut your mouths before you get in a whole lot of trouble," Officer Gatewood said.

"Not as much trouble as you are going to be in soon," said one of the boys.

Quinny was in the group and their eyes met for a moment.

"You think you are tough, Quinny?"

Quinny did not respond, but slightly shook his head in disgust.

"You better watch it," Officer Gatewood said while point his finger at him.

"Or what?" asked Quinny.

Officer Gatewood glared at Quinny with fire in his eyes and then returned to his vehicle and drove off. Some of the boys were frightened by the look he gave. They felt a cold foreboding come over them.

There are very few things as dangerous as a humiliated man.

Tenny died because he pursued Wakado and Quinny when he learned from a witness getting water at the cold water spring near the turnoff to Hawley Lake that they may have been the ones in the truck. He raged inside, and was full of malice, for a reason that had nothing to do with the store trespass. Otherwise, Tenny might very well have gone back to the police station after he saw that things seemed to be in order at the store.

Tenny took the improper action of pursuing Wakado and Quinny to aggressively intimidate or threaten them. He abandoned proper police protocol. He acted with reckless aggression without regard for the profession and rules which he swore to uphold. The negligent shooting of Wakado by Tenny tipped the first unfortunate and unnecessary domino that escalated into Tenny's death. Two innocent men have spent decades behind bars because of Tenny's actions.

Wakado has 20 more years to go.

Law Enforcement Analysis of the Events of December 8, 1999

The Law Enforcement Analysts kind enough to review the events leading up to, and including the death of, Officer Gatewood stated:

"The point at which Officer Gatewood began to cross the line was when he allowed a personal vendetta to dictate a decision made while

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acting under "color of law." It is entirely subjective and only relevant when inside knowledge in hindsight is made available. From an outside observer's perspective, Tenny was within the color of law to pursue and investigate the "break-in" at the convenience store. It can be effectively argued that Officer Gatewood, while not typical of tactics or procedure, was still acting within the law when he slapped a handcuff on a person-of-interest as he is being detained while investigating the commission of a crime. Where Officer Gatewood made a critical legal, tactical and ultimately fatal error was at the point when his recklessness with his unholstered firearm resulted in the infliction of 'serious bodily injury' to Wakado. Law Enforcement Officers are trained under strict regulated certification standards. They know to point their weapon only at someone or something they intend to shoot. They are to know their target, their backstop, and beyond. When Officer Gatewood discharged his firearm illegally and struck Wakado, he was no longer acting under the color of law any more than when a Law Enforcement Officer enters into a home forcefully without announcing himself as such and is, as a result, shot by the owner defending his or her home. Acting outside the color of law resulted in Wakado's defending himself (and Quinny defending Wakado) against further 'serious bodily injury' and, what a 'reasonable person' would believe to be imminent death. It is not a crime to defend oneself, or the life of another, against the unlawful use of force. When that force will result in 'serious bodily injury or death,' it is then lawful, in turn, to employ the use of deadly force to prevent such action."

Because Tenny's secret did not go to the grave with him, now Wakado may finally go home a free man.



Les Misérables

Professor Chris Hedges, a professor at Princeton University, spent 4 months in 2018 teaching Victor Hugo's 1862 novel, "Les Misérables" to inmates at a maximum-security prison in New Jersey.

The impact of this novel on the minds and hearts of his student-inmates cannot be overstated.

He says,

"There is a moment in the novel when a man named Champ Mathieu is hauled into court and accused of being [Jean] Valjean [the novel's main character], who has broken parole and is living under the assumed name of Monsieur Madeleine. Javert and three witnesses who were in prison with Valjean insist the man is Valjean. Valjean, under his pseudonym, has become the prosperous mayor of Montreuil-sur-Mer. If he remains silent, allowing the innocent Champ Mathieu to go to prison in his place, he will throw the police off his trail permanently. During a night of anguished indecision, he burns his last personal effects from this life as a convict, but then sees the coin he stole from the boy when he left the bishop's house; a coin that represents his last crime and his transformation. He goes to the courtroom. He announces to the stunned court that he is Valjean. He condemns himself but recovers his name. He saves his soul.

The importance of a name, and the idea that carrying out a moral act means you will be crucified by the ruling elites, intrigued my students, most of whom, like Valjean, are known by their prison numbers. Valjean, Hugo wrote, scarified 'his own personal security to his moral principles' and 'had, it seems, concluded after the manner of saints and sages, that his first duty was not to himself.' Jean

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Valjean, through this act of self-sacrifice, emerged from the court 'even more honored and secure than before.' He had, in Hugo's words, 'taken up the cross.'

Hugo went on:

Certainly, his life had a purpose, but was it simply to hide himself, to outwit the police? Had everything he had done been for no better reason than this? Had he not had a greater purpose, the saving not of his life but of his soul, the resolve to become a good and honorable and upright man as the bishop required of him had not that been his true and deepest intention? How he talked of closing the door on the past, when God helped him, he would be reopening the door by committing an infamous act, not merely that of a thief but of the most odious of thieves. He would be robbing a man of his life, his peace, his place in the sun, morally murdering him by condemning him to the living death that is called a convict prison. But if, on the other hand, he saved the man by repairing the blunder, by proclaiming himself Jean Valjean the felon, this would be to achieve his own true resurrection and firmly close the door on the hell from which he sought to escape. To return it to appearance would be to escape from it in reality. This was what he must do, and without it he would have accomplished nothing, his life would be wasted, his repentance meaningless, and there would be nothing left for him to say except, 'who cares?'

Hugo added: 'It was his most melancholy destiny that he could achieve sanctity in the eyes of God only by returning to degradation in the eyes of men.' He is filled with terror yet proceeds. 'Whichever way he looked,' Hugo wrote, 'the course of his duty glared at him as though the words were written in letters of fire 'Stand up and say your name!' He could 'cling to his paradise and become a devil or become a saint by going back to hell.'

To save Champ Mathieu, Valjean gives up his freedom. In this singular act of justice and heroic self-sacrifice he exposes the bankruptcy and corruption of the courts, including the lie of authority. He elevates a convict, Jean Valjean, to a higher morality. He redeems his name and the

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names of all convicts. The price is catastrophic. But the price of moral acts is usually catastrophic. No one is rewarded for virtue. In my class, this chapter triggered a discussion of Immanuel Kant's 'categorical imperative,' the idea that there are things we must do no matter what the consequences. The moral life, as Hugo pointed out, is not pragmatic or rational. It does not guarantee that we as distinct individuals survive. And yet, it permits us, by living for others, to become our best selves. It allows us bittersweet happiness."²⁸

Thus we see, that in the real-life drama of Tenny, Wakado, and Quinny, that there are truly heroes - moral giants - among us; yes even when tragic failures occur injuring the innocent; yet, during the saga, one individual saves the second at one end of the continuum, and the second saves the first at the opposite end.

Society must acknowledge the greatness of the fiction-less bravery of father and son. Such courage and loyalty, perhaps, is the definition of honor. Does not society place such moral excellence and honor in its highest regard?

This tale is a true, real-life Valjean - Champ Mathieu story.

Wakado lived in Champ Mathieu's shoes for nearly 20 years. His morally courageous son, Quinny, did the terrifying thing that very few have the integrity to do.

He has "stood up and said his name!"

In the end, Quinny came to know one thing for certain, as summed up by Leo Tolstoy's dictum: "The only certain happiness in life is to live for others."

Certain happiness awaits the hearts of all those wounded on December 8, 1999, for Quinny is living his life for Wakado. Few know the depth of his courage.

"Don't be scared."

Final Word

In the Spring of 2017, Time Magazine published a special edition book called "**INNOCENT, The Fight Against Wrongful Convictions**."²⁹ It details person after person who was wrongly convicted for a wide variety of reasons. For example, 68% of all false homicide convictions resulted due to perjury or a false accusation. 68% also had some element of official/government misconduct! 26% resulted due to false confessions, a factor in the convictions of nearly 30% of the first 300 people later proven to be innocent [by the Innocence Project].³⁰

The article goes on to say, "At times, witnesses got things wrong. Jailhouse snitches lied. Police, prosecutors, and rogue laboratories cut corners. Defense lawyers coasted through their work. *People confessed to crimes they had not committed*. Almost none of these errors was caught by the trial courts or the appellate judges, the supposed backstops of the justice system. There was more. What had passed for forensic '**science**' was often junk, disguised by white coats and technical jargon.

Melissa Calusinski, a former day-care worker who was exonerated of murder, is highlighted in Time's INNOCENCE. She makes it so simple for anyone to understand how Wakado and Quinny found themselves in such a terrible predicament. She says, "I confessed because I was terrified," and "They don't know what I was put through in order for me to confess."

So it was with Wakado and Quinny.

Quinny is now out of prison. As of this writing, he is 37 years old. His nightmare began when he was 17. As of 2018, Wakado still has 20 years to go. Like the hundreds referenced in Time's "**INNOCENCE**," Wakado and Quinny did not commit a crime. It truly was self-defense. They were simply too terrified, like almost anyone would be, and confessed under duress. This is a tragedy that must be corrected. Join with me in helping Wakado and Quinny restore their lives, and to help the children of Tenny Gatewood receive the healing, truth, and understanding they deserve.

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AUTHOR

Matthew D. Hutcheson advocates for those who do not have a voice. His advocacy favorably impacts the lives of over seventy million Americans, including investment transparency, prison reform, race relations, jobs creation in struggling economies, affordable health care access, and uniting those of varying cultures, religions, and political persuasions. A Seattle native, he is blessed with a beautiful wife and four children.



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Psalm 82: 3

Defend the weak and the fatherless;
uphold the cause of the poor and the oppressed.
Rescue the weak and the needy;
deliver them from the hand of the wicked.

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ENDNOTES

¹ Ecclesiastes 3: 11

² Harvard Criminal Justice Reform, January 2017, Quoting Infra Note 22.

³ <http://www.dailymail.co.uk/news/article-2633716/Inside-Alcatraz-Rockies-The-supermax-prison-Colorado-Abu-Hamza-spend-rest-life.html>

⁴ Wakado experienced Romans 10:13 manifesting in real life: "For whoever calls on the name of the Lord will be saved." The reader will see, as Wakado did, that the power of the Atonement of Jesus Christ not only applies to the soul in the life hereafter, but applies to salvation from every oppression and yoke of bondage in this life, too.

⁵ There are events described in the Bible where the Savior sends certain individuals to help those in their very moment of need. Experiences, such as those so common to the Native Americans, have basis and precedent in Holy Scripture. In Acts 16:9, the Lord sent a man to the Apostle Paul in dream, asking Paul to "help" him in Macedonia. Some Bible scholars believe that man was Luke, the writer of the Gospel bearing his name. Such experiences, perhaps, happen more often than we realize as God seeks to bless and save His children. Wakado's mother being sent by the Lord to help him is consistent with Holy Writ.

⁶ John 15: 13

⁷ Prosecutors, Ex-DOJ Officials, Back Convicts at High Court. The Bureau of National Affairs, Inc., CRL ISSN 0011-1341, Volume 103, No. 6, May 9, 2018, pg. 140.

⁸ Ibid.

⁹ Ibid.

¹⁰ Lisa Blatt, Anthony Franze, et. al, Arnold & Porter Kaye Scholer, LLP., Amicus Brief in supporting Brenden Dassey and Corey Williams, filed March 26, 2018.

¹¹ Laura Nirider, assistant professor of law and co-director of the Center on Wrongful Convictions of Youth at Northwestern Pritzker School of Law in Chicago, quoting the famous 1935 Supreme Court case, *Berger v. United States*, Bloomberg Criminal Law Reporter, Volume 103, No. 6, pg. 141.

¹² *Ibid*, pg. 141.

¹³ *Ibid*, emph added

¹⁴ *Ibid*.

¹⁵ *Ibid*.

¹⁶ *Ibid*.

¹⁷ John 15: 13

¹⁸ Vinh Chung, Where the Wind Leads, pg. 57

¹⁹ Stephen Raphael & Michael Stoll, *Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom* (2009).

²⁰ The Sentencing Project, *Americans With Criminal Records*, pg. 2 (2015).

²¹ Peter Wagner, *Jails Matter. But Who Is Listening? Prison Policy Initiative* (August 14, 2015).

²² White House Council of Economic Advisors, *Economic Perspectives on Incarceration and The Criminal Justice System* pg. 23 (2016).

²³ Sarah E. Redfield & Jason P. Nance, American Bar Association, School-to-Prison Pipeline: Preliminary Report (2016).

²⁴ Lindsey Fitzharris, Scientific American, October 2017, pgs 76-77.

²⁵ Supreme Court Justice Anthony Kennedy before U.S. Senate Judiciary Committee, February 14, 2007.

²⁶ William J. Stuntz, The Collapse of American Criminal Justice pg. 13 (2011). Emphasis added.

²⁷ Fred Banashley, Jr., Wakado's father and Quinny's grandfather, passed away in March 2012 of bone cancer.

²⁸ The entire Les Misérables post from Professor Hedges can be found at: <https://www.truthdig.com/articles/teaching-les-miserables-in-prison/> All quotes used with permission requested.

²⁹ Editors of Time; *TIME INNOCENT: The Fight Against Wrongful Convictions*, Available at Amazon <https://www.amazon.com/TIME-Innocent-Against-Wrongful-Convictions/dp/1683300386>

³⁰ Ibid, pg. 7