

# Wake Up to Nightmare

*By Norman A. Daniels*



*Because a wizard of Wall Street had a dream of murder, the department turned it over to matter-of-fact Detective Daley. But when that nightmare vision turned into daytime reality, it took all of Daley's crime-wise conjuring to bring the killer to bay.*

**H**IS appearance alone was overbearing. The kind of man who shows that he has money and wants people to know it. His manners were preposterous, for he walked into Police Headquarters as though he had just been elected, unanimously, chief of all police chiefs in the country.

He was bulging a bit around the midriff and tried hard to conceal this. His hair was well greyed and a bit thin on top, but his mustache was black as ink and

bristled. He wore a grey business suit that told, in no uncertain manner, that it had been especially created for its owner and ran a couple of hundred dollars a creation. His shoes were very pointed and shone like glass.

The desk lieutenant looked idly at him. Desk lieutenants meet all kinds and nothing astonishes them. "Yes," he said. "What can I do for you?"

The pompous man had a voice that rasped a little. A trifle more and it would

have been a growl. He said, "I would like to see the head of your Homicide Division. The head of it, mind you, not some underling."

The desk lieutenant picked up a telephone and asked for Homicide. He hung up a moment later.

"At the present time," he said, "Sergeant Jess Daley is in charge. And don't get him wrong. He's the smartest cop on the force. He'll take care of you."

The visitor drew himself up slightly. "I really think I should be taken to an inspector . . ."

"None around," the desk lieutenant dismissed him. "You see Sergeant Daley or cool your heels for a few hours. That's the way it is, mister."

He watched the man strut toward the doorway beside which was an arrow and a sign indicating Homicide was in that direction. The man walked down the dismal corridor, scowling a bit and swinging his cane nervously. He didn't knock at the door marked Sergeant Daley. He simply wasn't used to knocking. He walked right in.

Sergeant Jess Daley had both feet planked on the edge of a battered old desk. His hat was pushed to the back of his head, his coat hung on the chair, and a service pistol sagged limply by its shoulder harness. Sergeant Daley was about thirty-eight. He didn't look like much until you studied his eyes. Then you got the idea that a shrewd brain percolated behind that skull.

The pompous man sat down, primly, as if he were afraid of getting his clothes soiled. He put the cane between his knees, grasped its crooked handle until the whites of the knuckles gleamed, then cleared his throat.

"Okay," Daley grunted. "Let's have it."

The pompous man said, "I am David Tyler. Undoubtedly, you have heard of me."

Daley nodded. "Yes, we dicks get around. You cornered a few million dollars. Your picture is in the newspapers every now and then. So you're David Tyler."

Tyler cleared his throat again. "What I have to say may seem incredibly silly. Yes, indeed. I may be a complete fool to have come here at all, but I simply had to. The fact is, I—had a dream."

Daley's legs hit the floor. "A dream? Listen, Mr. Tyler, we operate here on facts. What has a dream got to do with Homicide?"

"A great deal. It was a dream about a murder. Just as clear as—well, as if I'd been there."

Daley reached for a pipe so richly caked that it would drive anyone out of the office. Usually that helped to clear away pests. He got it going—hard.

"Mr. Tyler, you are an important man. In a way, I am too. The city pays me to find out who killed whom and not to listen to a man's nightmares. Unless you have something of more tangible value, please excuse me. This is my busy day."

**T**YLER arose, but he didn't leave the room. He picked up Daley's telephone and asked for the police commissioner. While he waited, Daley heard him mutter, "This is what I should have done in the first place."

He talked to the commissioner for a moment, then handed Daley the telephone. Daley took it, mumbled something and did a lot of listening.

"Yes, sir," he said. "But you don't understand the facts. He's here wasting my time by reporting a dream he had. Yes. Yes, sir. Okay."

Daley hung up, swiveled around and glared at Tyler. "Let's hear the dream," he said disgustedly.

Tyler smiled. A smile of triumph. "It doesn't pay to cross some men. I'm one of those kind, Sergeant. Very well. This is my dream. It happened last night. I retired about the usual time, shortly after midnight. My servants were all abed by then too. There was no reason for that dream. I had nothing to eat before retiring. Do you follow me?"

"You had nothing to eat," Daley said wearily. "So you dreamed."

"Yes. A most astonishing thing. I was an involuntary witness to a murder. It happened in a room I've seen before, while awake. There was a green leather davenport facing me and the murderer. I was behind him, you know. Well, the murder victim sat on the davenport. I couldn't hear what was being said. It was like a silent movie.

"The victim sensed what was to happen. He arose and tried to run away. The murderer gave him no chance. He followed, and he had a knife in his hand. A strange knife. The handle seemed to gleam as if it was inlaid with green gems. He caught up with the victim, plunged the knife into his back and withdrew it. The victim fell. The murderer, still holding the knife which was now red, bent over him and slowly pressed the blade home to the heart."

"Is that all?" Daley queried softly.

"That's all. I couldn't do a thing. I awoke in a cold sweat and didn't sleep any more. I thought about it all day long until I felt the police must be told."

"Just why?" Daley asked bluntly.

"Because it was too real. Besides I knew the victim. He was a man I heartily detest. Always have. His name is Paul Lombard. The room where the murder took place is the study in his home. I think

Paul Lombard really was murdered and somehow the deed was transferred to me in my dream."

Daley reached for the phone book, checked Paul Lombard's address and phone number. He dialed it and looked steadily at Tyler while he waited for the call to go through.

"If Lombard talks to you, will you be satisfied then that the police can do no more for you?"

Tyler wetted his lips and nodded. Daley heard the phone buzzing, but there was no answer. Just his luck. He'd hoped to squelch this crackpot fast. He hung up.

"Just because there is no answer means nothing, Mr. Tyler. Don't you think this has gone quite far enough?"

Tyler arose. "Please accompany me to Lombard's home. I must know. I must, or I'll never sleep again. Are you coming, Sergeant, or shall I call my friend the commissioner?"

Daley put on his coat. "I'll go along for the ride. Mr. Tyler, did it ever occur to you that should we find Lombard dead, you're in one beautiful spot?"

Tyler frowned. "I'm afraid I don't quite follow you, Sergeant."

"If Lombard is dead under the circumstances you outlined, I'll be compelled to arrest you. I don't believe in transference of thought. I don't believe a man can dream a murder and have it actually happen. I'm sure the D. A. will side with me and so will a jury. But, just to satisfy you, we'll look over Lombard's place."

**L**OMBARD was also a wealthy man and lived in a house big enough to harbor half a dozen good-sized families. It was dark now and the house was showing no light. Daley stopped the police car, waited for Tyler, and walked beside him to the porch. He rang the bell, heard it clamor

inside.

Tyler said, "Lombard has no servants at the moment. I happen to know that. There isn't a soul who will work for him longer than a couple of weeks. His temper is vile."

Daley wondered how many changes of servants Tyler underwent every year. He pushed the bell again, then tried the door. It was locked. He walked over, cupped hands against a living room window, and rested his forehead on the edge of his hands while he tried to penetrate the gloom within. He straightened up.

"I suppose you're going to insist that I smash a window and go in anyway."

"I'll bear all responsibility," Tyler replied. "I must know whether or not he is in there dead. Break a window!"

Daley sighed, drew his gun, and used the butt of it to crash a hole in the upper part of the pane. He pried away broken glass, reached through and twisted the catch. Then he raised the window and slung one leg over the sill.

"I'll open the door for you, Mr. Tyler."

Tyler nodded, moved toward the door and waited until it was unlocked. Sergeant Daley snapped a light switch and found himself in a very large reception hall. "Did your dream indicate just where the body is located?" he asked.

"Yes. I know the very room. The last door down this hallway. To your right. I'm almost afraid to go through with this."

"Just say the word," Daley said hopefully, "and we'll call it quits."

Tyler shook his head. "No, I've got to find out. I—I'll be right behind you."

Daley strode down the corridor, determined to get this over with as fast as possible. The whole thing was absurd enough to be silly, but when the commissioner issued orders, they were followed. Daley reached the door, turned the knob, flung it open. Darkness greeted

him. He fumbled along the wall for the switch, found it and flooded the room with light.

"Take a good look," he said with open sarcasm. "Then go on home and go to sleep. There's nobody in here."

Tyler peered over Daley's shoulder. He raised one shaking arm and pointed in the direction of a huge, circular divan.

"He fell over there. Behind the divan. I think we ought to look. Can't see the floor from here."

Daley walked around the divan and came to an abrupt stop. He turned. "Stay right where you are," he told Tyler. "I want to know the position your dream murder victim fell into when he died."

"On his back," Tyler exclaimed and slow horror was growing in his eyes. "He had one arm raised, half covering his face. As if he—he didn't want to see the knife coming."

"How was he dressed?" Daley went on.

"Red leather slippers, a purple smoking jacket. No tie. White shirt. I think his trousers were a dark color."

Daley said, "Come over here, Mr. Tyler, and take a look at something much more real than a dream."

They stared down at the dead man. There was a knife driven hilt-deep in his chest. The knife had a handle set with some kind of green stones. One arm was stiffly crooked over the face. The corpse wore red leather slippers, dark blue trousers and a purple smoking jacket. The shirt had been white. It was black in the area of the wound. Lombard had been dead for hours.

Tyler backed away slowly. "Then it was true! It did happen!"

"Did you see the face of the murderer?" Daley asked crisply.

"No. No, I didn't. His back was toward me, as I told you."

“If you’d like to see his face,” Daley said slowly. “Turn around and have a good look.”

Tyler gulped. That immense load of *savoir-faire* he carried was completely gone now. He turned and looked straight into large, gold-framed mirror. His own ashen face looked back at him. He just stared and didn’t even make a move until something metallic closed around his left wrist. It was a handcuff.

“The charge,” Daley said, “is homicide. Nobody can dream a thing like this. You knew too much about it, my friend. Make a break and I’ll flatten you. This, Mr. Tyler, is one case where wealth, friends and influence mean nothing. You’re in the same category with any drunken stevedore who knifes a pal during a street fight. Murder doesn’t respect classes.”

**T**YLER made absolutely no protest. Daley called headquarters, submitted a brief report and asked for the squad. In a short time the place was swarming. Outside, patrolmen were having a hard time trying to keep out the press. When a man of Tyler’s calibre is arrested for murder, that becomes front page news.

They took a number of flashlight shots of him as Daley led the man out of the house to a waiting police car. Tyler settled back in the seat. So far he hadn’t uttered a word. He seemed so stupefied that speech refused to come.

“Want to tell me the truth now?” Daley asked casually.

Tyler found his voice. “I did tell the truth. It *was* a dream. I *was* home in bed. I didn’t kill him; I just knew he’d been murdered. You’ve got to believe me, Sergeant.”

“I don’t,” Daley answered sharply. “I never will.”

Tyler drew himself up and stared at the

gleaming steel bracelet around his wrist. “I’ve been so stunned that I scarcely realized what has happened to me. Sergeant, I shall prove my innocence and I shall charge you with false arrest.”

Daley eyed him coldly. “If you want to admit murdering Lombard, go ahead. Otherwise stop talking. I’m sick of listening to your crazy prattle. You killed Lombard. Maybe you walk in your sleep, I don’t know, but you killed him and I’m making a formal charge of murder. Hire all the lawyers you wish. Bring any influence you have to bear. See what good it will do you. Or say, Tyler, are you trying to build up a defense of insanity?”

“I am not. Wait, Sergeant, and you will see just how far my influence does go. I predict that you will be back on a beat very shortly. You’re stupid and vicious. I shall insist that someone else be put in charge of this case.”

Daley chuckled and lit a cigarette. “Don’t worry, someone else will take charge. The district attorney. Okay, Tyler, here is where you’ll roost for awhile. In a plain, ordinary murderer’s cell. Get out.”

But charged with murder or not, Tyler still had influence enough to call for attorneys and have half a dozen of the very best respond to his summons.

Daley wasn’t worried. He quickly set about finding a motive. Tyler had invested large sums in a certain business and wanted complete control of it. Paul Lombard owned enough stock to crimp Tyler’s style and refused to sell. They’d had several arguments about it. Daley found half a dozen witnesses who would testify to this.

He visited Tyler’s enormous home, occupying three floors of one of the very best apartment buildings. There were elevator operators on duty twenty-four hours a day. None had seen Tyler leave the place around the time of the murder

although they recalled taking him up at nine o'clock.

The murder, Daley determined from the Medical Examiner, had taken place about four in the morning. Tyler's alibi for that time consisted of his story about a dream. He'd been home and asleep in his own bed.

There was a butler, a Filipino houseman, two maids, and a cook. All lived in the apartment and all swore that Tyler had retired about his usual time and so far as they knew, had not left the place. Yet not one could swear he'd been in bed at four o'clock. Sergeant Daley realized he couldn't prove that Tyler was out of the apartment at the time of the killing, but neither could Tyler prove that he was in bed.

**B**Y MID-MORNING Daley arrived at the district attorney's office. Esmond, the D.A., was a man who stood behind police and battled for them to the last inning. A tall, white-haired man, feared by criminals and respected by attorneys.

Esmond said, "I don't know, Sergeant. Usually, when you bring in a case, there's little question about it. But Tyler is wealthy, important, and by no means a fool."

Daley lit a cigarette and grinned. "There must be something of a fool in his makeup, sir. Imagine coming in with a story about a dream. Why, he described everything we found in Lombard's house. He must have been there to know how the body fell, about the wound in the back, and the one in the heart. How the dead man was dressed and everything else. You don't, by any chance, believe he actually did dream all this?"

Esmond shook his head. "No, I don't. But I'm just as frank to admit that Tyler can get any number of scientists, so called, who will swear that such a thing is

possible. They'll make a jury groggy. People have a certain tendency to believe in such things, whether they admit it or not. How did Tyler's motive for the crime stack up?"

Daley told him and the D.A. nodded. "Not bad. We've convicted people on less motive than that. Alibi?"

"Not a shred of one," Daley said. "Just his word that he was home in bed, asleep, and dreaming like sixty."

Esmond stared into space for a moment. "That helps, of course, but remember that it's up to us to prove he was present at the scene of the crime. How about tackling that phase?"

"I'm working on it now," Daley said. "When do you intend to indict him?"

"Today. The indictment either has to be gone through with or I'll have to release him. He's already brought together a formidable battery of lawyers. The indictment will be easy. But Tyler is certain to demand a swift trial, so go to work."

Daley went to work. For two weeks he worked harder than he'd ever done in his career as a detective. The net results were nil. There simply was not a single clue pinning Tyler to the scene of the crime. There were even times when Daley wondered if Tyler was telling the truth. That, by some mysterious power, the murder had been transferred to the rich man's dreams.

Doggedly, he questioned everyone who knew Tyler and Lombard even remotely. He questioned neighbors, milkmen, patrolmen, anyone who had business in the vicinity of Lombard's residence around the time of the murder. Nothing developed.

The D.A., Esmond, was worried too. "If I drop the case, we'll be laughed at, Sergeant. The pressure from Tyler's friends is growing terrific."

Daley shrugged. "The answer is simple. If you believe in fairy tales, let him go free. If you don't, prosecute him. There is one thing I have had jabbed at me so often I hear it in my sleep. Nobody likes Tyler. They just fear him. He's the biggest braggart I've ever encountered. Right now, he has jail guards hopping and scared of him. I'd like to break that ego open wide."

"So would I," Esmond sighed. "But how? We've so little to go on. True, his story is preposterous and weak; but I know the type of defense he'll put up. Frankly, I've consulted with men of science. All of them tell me what Tyler claims to have experienced is impossible. I can put fifty on the stand to testify to it. Tyler will put a hundred more on the stand to say it's possible."

Sergeant Daley puffed slowly on a cigarette. "It's up to you, sir. I've done all I can do. Maybe if you just let him go free, but keep the indictment open, we'll stumble onto something or he'll give himself away."

"I'll think it over. Come back tomorrow," Esmond said. "This thing is getting me down."

Sergeant Daley left the office and went to work again, just as vainly as before. All he could do was go over the same ground again and again. Looking for the infinitesimal something that would break down Tyler's story. If it existed, the clue was small enough to hide behind an atom.

Newspaper stories were beginning to turn to Tyler's side. The more enterprising reporters got interviews with psychoanalysts, psychologists, and even gypsy dream doctors. The stuff made interesting reading, but had no foundation. Daley was sick of the whole thing when he reached the D.A.'s office next morning.

He found Esmond even more worried than he was. The D.A. looked up at Daley.

"We're in a fine mess," he said. "I made up my mind to quash the indictment, let him go, and try to get something on him later. I made the offer to his chief counsel. It didn't work. Tyler insists that we've gone too far. That people will always believe he may have killed Lombard. He wants to go to trial. In fact, he demands it."

Daley groaned. "And that offer automatically weakened our case before the trial even started. How long can you stall?"

"The case is scheduled for one week from today and I can't stop it. If I admit I have not sufficient evidence, Tyler will demand his freedom. We've got to go through with it."

**D**ALEY kept on investigating with no better results than before. The day of the trial found him tired and disgusted. His disgust grew even greater when Tyler was led into court. The man smiled as if he were bestowing favors upon everyone. His egotism was superb and Daley hated the man with a fine intensity.

For three days, Daley and a packed courtroom listened to experts testify about dreams. The jury had been glassy-eyed for two days. Right now, Daley knew, they'd find Tyler not guilty on the face of evidence that had been introduced so far. Tyler's lawyers were having a field day. It was excellent publicity for them.

Esmond worked hard. He tried every legal trick. Tyler went on the witness stand and told his story. He didn't embellish it, and his voice and manner were those of a sincere man. Yet Daley, seated at the D.A.'s table, eyed the man and knew he was sizing up a smart killer.

That night Sergeant Daley didn't sleep at all. He paced the floor, barking his shins on furniture in the darkened room. He smoked cigarettes by the dozen and

wished he'd picked some easier way of making a living. By morning, he was hollow-eyed, footsore and still determined. The defense had rested the afternoon before. Esmond had no witnesses to call in rebuttal. The summing-up speeches would take place today. Daley knew, without the slightest question, that Tyler would be a free man within twenty-four hours.

While the defendant's chief lawyer made his speech, Daley whispered to Esmond. The D.A. shook his head persistently.

"You've got to do it," Daley said, "otherwise, a guilty man is going free. This is the smartest scheme ever invented to kill a man and get away with it."

"But what you are asking is impossible. I'll be disbarred, Sergeant."

Daley dropped his voice until Esmond had to bend closer to hear. The detective said, "You don't have to know a thing about it. This is all on my own hook. I need your co-operation in only one thing. Keep talking to that jury until after dark. Insist that you can't interrupt your speech. You've got to keep court in session until it's dark."

Esmond bit his lip. "All right, I'll do it. Personally, I think you're as crazy as at Tyler's story, but go ahead. I'll talk myself hoarse."

"Good." Daley was eyeing the jury. "Right at this moment, how would you say it was going?"

Esmond groaned; "In the corridors, at lunch recess, I heard the bets were thirty-to-one in Tyler's favor. We were licked before this began, Sergeant. We're being routed now."

Daley spent a very busy afternoon. Most of it convincing certain friends that they had to help him even at considerable risk. There was only one item that helped Daley. Everyone hated Tyler and longed to see him punished if he was guilty.

At five-thirty, the jury began to grow restless. Esmond was still hammering at them to disbelieve the dream experts, to realize that Tyler couldn't possibly have dreamed a murder in all its intricate details. He rammed home the motive, skimmed over the alibi neatly and knew very well the jury wasn't being convinced at all. Even the judge was commencing to look skeptical.

But Esmond put it over. He stalled until seven o'clock when it was good and dark. Then he sat down, feeling like someone who'd just been put through a Gestapo ordeal. The judge glanced at his watch.

"The court will now instruct the jury. This is slightly irregular, but the court's charge will be very brief. The jury may then have dinner before starting their deliberations."

Daley was on the verge of chewing his fingernails during the brief charge to the jury. Tyler and his attorneys were enjoying this to the hilt. They believed that Esmond had made a complete idiot of himself by holding the jury so late. They'll want to go home and they'd render a verdict on the first ballot.

**I**T WAS over finally. The jury filed out to have dinner. The judge went to his chambers and courtroom attendants lounged idly in their chairs. Reporters rushed out to snatch a meal somewhere nearby, guided only by the fact that the jury was bound to take at least an hour to eat. Everyone knew the verdict would be swiftly determined.

Tyler and most of his attorneys stayed in court. Daley idly walked over to where the wealthy defendant was sitting. He tapped Tyler on the shoulder.

"Can I talk to you for a moment?" he said.

Tyler was egotistically magnanimous

about it. "Of course, Sergeant."

Daley led him to one of the benches far to the left of the courtroom. As far away from the jury box as possible.

"I'm a funny guy," he said slowly, "I realize the odds are in your favor, but I'd like to make a little bet. Say my fifty dollars against a thousand. How about it?"

"That I'll be convicted?" Tyler exclaimed. "Of course, I'll take the bet. Shall we shake hands on it?"

They did and Daley began talking rapidly. About anything at all, just to keep Tyler busy. Suddenly every light in the courtroom winked out. In a few moments, a bailiff appeared with a couple of candles. He put these on the judge's bench.

"Sorry," he informed everyone in the room, "there's been a power failure. The lights ought to come back on any minute."

Perhaps five minutes went by. In the feeble light of two candles, the courtroom was a mass of shadows and deceptive light. Then another bailiff entered. The jury was ready with a verdict. A shadowy form mounted the bench and the bailiff's gavel rapped for order.

"We are somewhat inconvenienced," the judge said, "but I'm certain justice can be rendered in this gloom as well as in bright light. Has the jury reached a verdict?"

The foreman, hardly visible in the semidarkness, arose. "We have, Your Honor. We find the defendant Not Guilty!"

Tyler laughed harshly. "Well, Sergeant, that's that. I'll take my fifty dollars if you please."

The judge was droning something about the prisoner being discharged.

Daley said, "You won it, Mr. Tyler. Fair and square. You can never be charged with the murder of Paul Lombard again. Your victory is complete. But tell me something, just between the two of us, did

you really kill Lombard? I never believed a man lived who was clever enough to get away with murder on such a simple defense as you offered. Did you kill him?"

Tyler laughed. "Of course I did. You knew it all the time. I could feel that, but I wasn't afraid because I'm a clever man, Sergeant. I've made millions by using my brain. I've amounted to something because I am smart. Do you think I was afraid for one moment? Certainly not, because I planned all this. I knew exactly how it would turn out."

"Like that, eh?" Daley mumbled, in a thoroughly chastened voice.

"Just like that. I'm a man who did the impossible. I always do the impossible. I killed Lombard and got away with it. Furthermore, Sergeant, if you try to tell anyone I confessed to the crime, I'll deny it, naturally. I'll make more of a fool of you than I have already. Anyway, even a full confession on my part wouldn't make any difference now. I've been fairly tried, found not guilty and discharged. You cannot place a man's life in jeopardy twice."

Daley said, in a loud voice, "That's all I wanted to know. Turn the lights on again, boys."

**T**YLER gave a shriek of dismay at what he saw when the lights came back on. There was nobody on the bench. In the jury box sat an assorted group of detectives and reporters, all smiling broadly at Tyler. This wasn't the jury at all.

Daley said, "Mr. Tyler, this trick couldn't possibly have worked with a man any less egotistical than you. For a month I've studied your character and traits. You always boast about your victories. This would have been your greatest, and I felt sure you'd brag about it after you felt certain you were quite safe."

"It's a frameup," Tyler rasped, "but it won't work. I'll deny I ever said a word. I'll sue you."

"Every word you said was recorded," Daley told him. "And overheard by men hidden right behind us. It was the only way we could make a man we knew was a murderer convict himself. The jury is still out. It will be discharged without rendering a verdict and a new jury impaneled. The judge, in his chambers, heard every word. It was piped to him over wires placed yesterday. He had nothing to do with this scheme, but he'll appreciate how well it worked."

"You can't get away with it," Tyler howled. "My lawyers! Where are they? I've been tricked."

Daley said, "You certainly have, Tyler. Your lawyers won't be able to get you out of this one. All along, everyone in this courtroom has felt that you were guilty, but realized the proof was lacking. Now

we have the proof. It was easy for you to slip out of your apartment without being noticed and get back again. You had incredibly good luck in not being seen by a soul on your way to and from Lombard's house.

"Oh yes, it was all thought out. You knew you'd be arrested after reporting the murder as part of your dream. You wanted to be arrested. You insisted upon a trial, forced the D.A.'s hand. You had to be found not guilty, discharged, and thereupon never liable to arrest for this murder again. In that way your mind would be free of worry.

"Clever? Yes, of course. Devilishly clever. The only way to make you admit your guilt was by means of a trick. A fake judge and jury. You'll be punished for the murder of Paul Lombard. Want to make another bet on that, Mr. Tyler? A real one this time?"