

"Law for All - Justice for Some"

Rhapsody

Charles Ernest Riley was black, not just black, but ebony black. Further, he was ugly, sullenly ugly.

He was huge, slovenly clothed, ungainly, both in speech and action and from his massive shoulders hung his long, muscled arms—manacled behind his back.

The officer, Tom Hodgson, standing beside the black man, was bedecked with weaponry fitting his profession—baton, .357 Magnum, cartridge belt and a flashlight—but his body and countenance did not. His twitching toothbrush mustache hung over a pouting mouth and baby-faced visage. His pose was one of boredom, both in face and body. His only movement was a slight rocking, from his highly polished boots up his entire 5-foot seven and three-quarter inch body.

The court had been called to order in a courtroom usually used as a City Council room. The judge entered, a tall, somber man, but with a sensitive, bony face. His rich baritone trial voice intoned for the several thousandth time those terms regarding the rights of the accused and he read the charges while arraignment Riley on the charge of "committing the crime of second degree theft—specifically shoplifting a can of noodles and chicken—\$.49—against the peace and dignity of the City of Palumbo. "Do you understand what you are being charged for?"

"Yeh!" a grimace.

"How do you plead, guilty or not guilty?"

He stood flatfooted, looked at the judge, and with anger in his eyes—"They killed my dog!"

The little chipmunk of a woman, full bosomed, the Bailiff/Clerk, frowned and tightened her lips while at the same time her nose wrinkled. She sat to the right of the judge.

"They did what?" asked the judge.

"They killed my dog; they had no right!"

The officer shifted uncomfortably and rocked more emphatically, an inclination of his head.

"Who killed your dog?" frowned the judge.

"They did," said Riley, his head twisting in the direction of Hodgson.

"What do you know about this, officer?"

"We arrested Mr. Riley and there wasn't anyone to take care of his dog—we put him in the pound—that's policy."

"They ain't got no right to kill my dog, they didn't even tell me," his giant shoulders slumped in abjection and despair. "He was my friend; he never did anything wrong to nobody."

The officer looked at the judge, mustache a twitch. "Your Honor, there was nothing we could do," his hands in supplication, "our policy is to turn the

dog over to the pound—there's nobody to take care of him if we leave him." The little woman vigorously nodded her head in assent. The judge shook his head, looked up and spoke to Riley.

"Mr. Riley, I sympathize with you, but I don't know anything about this problem. I need to know how you plead to the charge of stealing the noodles from the grocery store. This matter of your dog is not before the court."

The officer nodded and the Bailiff agreed in an audible chirp. The utter abjection and frustration shone on Riley's broad face as he thought to himself—why won't anyone understand! They killed him for no reason—my best friend. I guess my only friend. He's the only thing I ever had—the only one that loved me. I can't read or write—the judge seems like a guy that should understand. Why won't they listen! Why can't he help me!

"Well, your Honor, I did steal those noodles..."

"Wait," his hands outthrust, "I didn't ask if you did those acts. I need to know if you are ready to plead and do you understand your rights. Any admissions you make can be used against you. Do you need an attorney? You know I can appoint one for you, if you can't afford one."

"What for? I did it. Why do I need a lawyer?" Defiant, his black face stormed in anger. Riley shook his head.

"Mr. Riley, are you sure you understand your rights?" the judge implored.

Riley buried his head. Why can't I explain—The judge seemed to understand. It is so unfair. How can anyone think what I did—I took a \$.49 can of noodles—as to them killing my only friend, how can they take from me who never had nothin', the only thing I ever had. They can't bring my dog back. I don't have nothing; I've never had nothin'; I'll never have nothin' or nobody. I don't understand. No one understands me or likes me—they are afraid of me because I am so ugly and people cross the street so they will not have to endure me. His face showed the utter despair he felt.

The judge was pensive. I can't consider the death of his dog as far as his crime is concerned. I do feel compassion for this man but this injustice to him is not for me to consider. I am not a social worker; I am a judge. I am not permitted to consider those non-relevant matters. Only if he pleads guilty and then I can consider those outside facts, only for the limited purpose of mitigation for the purpose of sentencing. Then I can consider his reasons. But where is the humanity to this man? This despicable, unloved, and disliked man. Who is responsible for this human being; for his appearing before me. What am I to do to do justice to this man—and still follow the law.

"Well, Mr. Riley—"

"Yeh, your Honor. I plead guilty!" his hands clenched.

The judge paused, he reflected. "I will accept; your plea. Now, why did you steal the can of noodles?"

Riley frowned, shook his head, "Your Honor, I was hungry. I had no food. I just took a small can. I had not eaten for two days and neither had 'Bones.'"

"Who?"

"Oh! I notice you have two previous convictions for the same crimes—stealing! You do not have the right to steal from other people. We can't have it."

"That's right; when I can't buy food, I have to eat, so I steal."

The judge shook his head. "That makes no sense. We have all kinds and types of agencies—welfare and dozens of others—people to help you. Have you tried to get food or other help?"

Riley's huge face grimaced and his chest heaved. "Your Honor, I don't have no idea of what I'm supposed to do or how to do it. I can't even read; I ain't never had no schoolin'. Don't you know people hate me—other people always hated me."

His mind returned to his youth. One of many, many children, he worked, he ate, he slept. He dreamed—he dreamed of being a beautiful person that people loved. He was bright, he made speeches. Suddenly, he was grown without any warning. He left home remembering his mother screaming, "Charlie Riley, git your worthless butt out o' heah— you eats too damn much. You ain't got a brain in yer dumb head. You're worthless, ugly and no damn good. Get your a— out of heah. I never did like you and I don't like you now."

"Before I impose sentence, officer, what can you tell me about Mr. Riley?"

His mustache moved officiously, "Your Honor, Charlie went to the grocery store. You can see, he attracts attention."

Riley bowed his ugly head.

"So the owner watched Charlie. He went up the aisle, picked up the can of noodles, stuck them in his pocket, and walked out, just like that! The owner called the police and I responded to the call."

Hodgson pulled out a notebook, frowned and pulled open the page he marked. "At 1800 hours—that's 6 p.m., your Honor, within two blocks of the store in question, I noticed Riley. He was entering Morton's—that's a 'flop house' you Honor—\$.50 a night. I later found out he lived there. I drew my gun and told Riley to 'freeze.'" He complied. I cuffed him, searched him, read him his rights and asked him if he understood. He said, "Yeh!" With that, he folded his pudgy arms.

"What was Riley doing while you were performing those duties, officer?" asked the judge.

Hodgson shuffled his feet, teetered, and said "Nothing," he didn't do or say anything. Anyway, I booked him in, searched

his pocket and took out that can of noodles. Then I went back to Morton's and searched his room. There was nothing there but this big ugly, skinny dog lying on the floor just panting. In the closet was a coat, three socks, all full of holes, a pair of underwear, three pennies, and a book, a reading book your Honor—for the first grade," he smirked and licked his lips. "Well, I called the dog officer, told him to get the dog." He paused and frowned, "Your Honor, no one was there to take care of that dog—he's so damned ugly, nobody would want him. I don't know what they did with the dog," in a defensive manner.

The judge had listened to Riley, had listened to Hodgson, read the police reports and the prior record of Riley. Now he cudged his mind, he pondered, reflected and suddenly his face tightened. The answer was simple. Riley admitted his guilt, he stole, for whatever reason, from another person. The maximum sentence is one year in jail and \$2,500 fine, or both. In addition, he committed two prior crimes, for the same offense. He has no excuse for these acts. He feels no guilt—undoubtedly he will continue to repeat these same acts. He has no job, no training, no education and no place to go. He's a frightening, sinister guy. He has no social redeeming facts in his favor. As a judge, it is not my job to be a social worker. It is my job to follow the law. My choice is simple. I will sentence him to jail, but for some reason he gave a self-satisfied smile. We must protect society and property against Mr. Riley.

"Mr. Riley, you have 48 hours prior to my passing sentence. You may waive that time, if you choose." A puzzled look, "Waive 48 hours?"

"Yes, that means I can sentence you now if you choose, rather than wait 48 hours."

"Oh, I see. O.K.— I waive my time."

"Do you have anything to say, Mr. Riley, prior to my sentencing you?"

"Your Honor, what can I say? I did it. I did it before. I don't know what to say." (What can I say!)

If I don't sentence him to jail, he'll have no place to go. What happens if he unleashes that terrible temper and that brute strength—?

"Mr. Riley, you leave me no alternative but to sentence you to jail. Two times you have committed these same acts. You are a thief Mr. Riley. The fact that you have led a difficult life is no excuse. If I don't sentence you to jail, I have no doubt you will continue to steal. You will serve six months, Mr. Riley, and I will not levy a fine you can't pay. I do hope you learn to some how cope with your life."

Riley's expression did not change, except to become

more sullen. I really thought he was different—that he understood me.

"Yes, Mr. Riley?"

"Who are you going to sentence for killing my dog, your Honor—who will pay for that?"

"That matter is not before the court. I certainly know nothing of this. Officer Hodgson did what he should—he turned your dog into the pound. You were too busy stealing to take care of your dog."

"Your Honor," a dignified but stern look, "somehow it don't seem fair. I'm going to do six months for taking \$.49 worth of food—because I was hungry and you people killed the only thing in the world I loved and respected and who loved me with all his heart and yet no one even admits this to be wrong! Life ain't fair." He strode out of the courtroom.

Hodgson sat with a can of beer in his hand, his feet on a stool, his mouth pursed—"My day," smacking his lips, "my day?—nothing much. That judge put a big ugly black buck to jail for six months for stealing. I kinda thought he was a bleeding heart and would put him on probation—let him go, particularly when he found out about the dog! The dog—he was the dog of the black guy. I turned him into the pound—you know if no one picks up the animal within 48 hours, they put him to sleep. Well, no one picked him up and that's it!"

His skinny, thin-lipped wife nodded; she left to get him another beer.

The judge, a martini, straight up vodka, "Normal day. Among other things, I put a black man in jail for six months for stealing \$.49 worth of noodles. Oh, yes, they also killed his dog—well, the pound put him to sleep—it's the only thing the black man had. I had to—put him in jail to give him a chance at life." His comfortable wife smiled, nodded her head, and awaited—with a warm, knowing, expectant glance.

Riley had a giant order of noodles and chicken with several slices of bread, corn, and apple pie. He was clean and warm in prison garb. He had a comfortable bed; would be a trustee, and would work in the kitchen and learn to cook. At the end of his sentence, there would be a job cooking.

"How did this happen to me?" he asked the jailer. The jailer shook his head and smiled. "Well, there's this judge—he told us he was sending us a guy that never got a break—and that his best friend had been killed!"

"Oh, yeh, I almost forgot" the jailer said as he scratched his thatch of gray hair, "I understand when you get out of here, there is going to be a puppy waiting for you at the pound."

by Dale Liberty

