

The culprit 1.

Inspired in part by Anton Chekhov's story of the same name.

HEAD HANGING, Codell balanced in uncomfortable shoes between an assistant prosecuting attorney and his court-appointed attorney in a Wayne County courtroom.

"Step forward," intoned the judge. An undertone of murmuring from behind the empty jury box went silent. "You stand before this Court charged with larceny from a building in violation of Michigan Compiled Law 750.360. My understanding is that you wish to plead guilty to this charge. Do you understand the charge against you?"

"Yes, I think so."

"You think so? Did your attorney explain the charge to you?"

"Yes."

"Do you understand that this charge, larceny from a building, is a felony that carries a maximum prison term of four years?"

Codell shifted from foot to foot. "Yes."

"Very well, then. How do you wish to plead?"

"What?"

"How do you wish to plead? Guilty or not guilty?"

"Guilty."

"Say 'your Honor,' " prodded the court-appointed attorney.

"Your Honor."

"So you took the candy bar from the Mobil station?" asked your Honor.

“Yes, I took it. If I didn’t take it, I wouldn’t be here.” Codell gave a side-long glance at the courtroom wall behind the jury box. Half a dozen dark old portraits of dour old judges watched the proceedings.

“What was it? An Old Henry candy bar?”

“O Henry.”

“The report says you put the candy bar in the pocket of your trousers. You were leaving the gas station when the attendant stopped you. Why did you take it?”

“I was hungry.”

Did you plan to take it?”

“Plan? No, no plan. I was hungry. How can you get through the day without eating, your honor?”

“You know that was wrong. You chose to be dishonest.”

“Yes sir, dishonest was better than being hungry.”

“That candy bar wasn’t yours. You knew that.”

“They had lots of candy bars. Boxes and boxes. I only took one!”

“What if every hungry person took one? There wouldn’t be any left.”

Codell, incredulous, screwed up his eyes at the magistrate. “I’ve been in that store lots of times. There’s always a lot of candy bars.

“It was my bad luck to be hungry right then,” Codell muttered, looking downward.

“We’re not making much progress here,” the judge said to the two attorneys. “Is there a plea agreement?”

“Yes, your Honor,” responded the defense attorney. “The plea is offered under Holmes. We move that the Court withhold judgment of conviction and assign the defendant to youthful trainee status.”

The judge turned to the assistant prosecuting attorney. “Is that acceptable to the state?”

“Yes, your Honor.”

The judge turned to the defendant. He was watching the court reporter. Whenever anyone said anything, the court reporter typed, and when they stopped talking, the court reporter stopped typing. “Pay attention,” the judge chided Codell. “Is that your request as well?”

“Pardon?”

“Something like a pardon. Has your attorney told you about youthful trainee probation? The Holmes Act?”

“Yes. Sherlock Holmes.” The judge eyed the defense attorney, who inhaled deeply.

“Is it your request,” said the Court, “that the Court accept your guilty plea pursuant to the Holmes Youthful Trainee Act?”

Codell lifted his eyebrows inquisitively to his attorney, who nodded his head.

“Yes sir.” His attorney let a big breath escape.

“The Court accepts the guilty plea. No judgment will be entered at this time pending successful youthful trainee probation, to which status defendant is assigned. Thank you, counsel.

“This is a break for you,” the judge admonished Codell. “Don’t let there be a next time.” Codell wanted to ask why the judge was wearing a bathrobe.

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The courtroom emptied for lunch, and the venerable jurists in the frames on the wall above the jury box, as they were wont to do, talked it over.

“He wanted a candy bar, so he took a candy bar. It was spontaneous.”

“How could he understand the charge or the consequences. Taking a candy bar, a four year felony!”

“Of course he didn’t plan it.”

“Is it better to be an honest thief or to go hungry?”

“The boy did not repent or reproach himself, only his bad fortune, his circumstances.”

“He will be no better than his birthright and his actions.”

“He has already established himself in life. His character, his inclinations, his shortcomings.”

“To the contrary, the Stoics would have him recognize and remedy his shortcomings.”

“He didn’t comprehend the purpose of the tribunal. You could hardly say that he attended.”

“He attended as much as we did,” said the paintings on the wall.

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