

TIM JOHNSTON

*State v. Stucky*

Pedestrians moving along Main Street sidewalks made good obstacles in a game of follow-the-leader, but after several cursings and one close call (they both nearly ran over the same outraged little dog), Tex hopped off his bike and sauntered into Manny's Barbershop.

A moment later, to his satisfaction, Jack followed.

They'd known each other a month now, and what had begun as a disaster, a punishment handed down by the sudden, harebrained marriage of their parents, was beginning to resemble a friendship. Though, at the same time, Tex realized he felt less at ease than ever; he could not toss a baseball, or ride a bike, or even drop coins into a pop machine, it seemed, without feeling Jack's flinty green eyes all over him.

At the clatter of the Coke bottle, Manny looked up from his newspaper. "You boys got appointments?" He was a dark, skull-faced man with a fancy little beard that was cool and silly and menacing all at once.

Jack caught Tex's eye—you *boys*?—and they both smirked, though Tex felt allied with the barber, remembering how upset he'd been (humiliated!) when he'd learned, well into their first day under the same roof, that Jack was short for Jackie and that his new stepbrother was a stepsister. What with her baggy T-shirts and that cap glued to her head and that mouth of hers, who could tell? He popped more coins into the machine and extracted a second bottle of Coke. "No, sir," he said. "Just thirsty."

"No haircuts, then."

"Thanks anyway."

"Thanks anyway," Manny said. "Son of a lawyer ought to know good grooming. You think your daddy is facing that jury today with a shaggy hat? No sir, got himself a fine proper gentlemen's cut first thing this morning right here in this chair. Jury take one look at that cut, they *know* the truth."

Satisfied he was finished, Jack and Tex turned to the window. "What is he talking about?" she whispered.

“One of my dad’s cases,” Tex said. “He’s in trial today.”

“A murder trial? Like Charlie Manson? Remember those pictures in that book—where you couldn’t see the *bodies* but you could see all the blood and knives and stuff? And that pregnant girl, with a *fork*—”

“No,” Tex said, “not a murder trial.”

“Oh.” Jack stared out the window. Across the street at the Galaxy Theater a line had formed for the matinee showing of *Blazing Saddles*. “Let’s go see it,” Jack said.

“I heard it’s not *that* funny,” said Tex.

She gave him a sidelong glance, then pointed at the long line. “That ain’t what they heard.”

A week ago, she’d gone to see the new James Bond movie with Andrew Ferguson, the shortstop on Tex’s Little League team, and Tex was still sore about it. More than sore. Which was ridiculous because, for one, he liked Andrew Ferguson, and for two, she was his *stepsister*.

Nonetheless he glowered at the Galaxy and wondered if Ferguson was already in there, wondered if Jack had planned on meeting him all along.

“Yeah, well,” he began, stalling. “It’s rated R.”

“So? Look at all those kids.”

“So it’s prohibited.”

“It’s what?”

“I’m not allowed to go to R movies by myself.”

“You’re not by yourself.”

He made a face, unamused.

“Jesus Christ, Tex—”

Manny rattled his paper, and Jack lowered her voice.

“*Jiminy Crickets*, Tex, Farley lets me see whatever I want.”

He held her eyes a moment, and looked away. Now and then he liked nothing better than to forget one of his father’s mandates, but Jack’s challenge was less a bid for the next phase of entertainment as it was a commentary on the character of fathers. Since the beginning of summer, hers had commanded the spotlight: Farley Dickerson had batted .350 in the Cactus Leagues, he coached Little League and cracked jokes and took them to ball games in St. Louis. He’d slapped a Rawlings mitt over Tex’s right hand (runty since birth, the shame of his life) and given him a uniform and called him

Lefty. Tex didn't guess Jack would be much impressed by a father who studied law books and wore ties in the summer—even if Jacob Donleavy was, as people liked to say, the finest trial lawyer between the Mississippi and the Missouri.

Jack sighed, and Tex watched her watching underage kids disappear into the theater.

He drained his Coke and filed the bottle in the crate on the floor. "All right, then," he said. "Let's go."

"To the movie?"

"Forget the movie," he snarled, and pushed through the door.

He led the way up marble stairs, hoping some lawyer or judge would recognize him and say hello, but all he got, from behind, was Jack's too-loud voice. "I don't see how a man could rape his girlfriend if she really was his girlfriend," she said.

"It all depends on consent," Tex said. They came to the closed oak doors of District Court A. Beyond, a woman was speaking in a shaky voice, and Tex wondered if his father had already begun his cross-examination of Lucinda Barnes, the waitress from the Route 61 Diner. He whispered, "If she doesn't give her consent to, you know, it—"

"Screwing?"

He turned from her in disbelief and hot, tender-eared shame. Why was she always doing that to him?

"Come on," he said, and they both slipped in.

They made their way to the middle of the back row, inconveniencing many sets of knees, and sat down. The jury box held six men and six women, all twelve pairs of eyes fixed on Lucinda Barnes. Her red hair, Tex noted, was not in its usual ponytail but flowed freely from her head down to the shoulders of a white blouse. Seeing her here, outside of the diner, was vaguely troubling, like seeing a teacher out of school.

She blew her nose into a hankie. Above and to her left, Judge Tanner bided his time. His teeth were yellow, but he liked to stop whenever he passed Tex in the courthouse and say, "Sir, you are a gentleman and a scholar," so Tex liked him. Now the judge nodded in the direction of one of two tables, and a man stood up.

"That's my dad," Tex said, his heart suddenly pounding.

"Nice haircut," said Jack. "Who's the other guy?" Their view of

Jacob's client was limited to the back of the man's carefully combed head and a tweed jacket his father had paid two dollars for, Tex guessed, at the Salvation Army. "The defendant," he said. "Ray Stucky."

Jacob walked to within a few feet of the jury box, then faced the stand. "If you're ready, Miss Barnes, I'd like to continue."

She blew once more into the hankie. "I'm ready."

He nodded, then launched into a series of questions that, aside from leaving no doubt as to her address and the name of her landlady, Mrs. Reeves, who lived in the apartment next door, seemed designed to see how many times in a row he could get her to say the word "Yes." The court was lulled with yeses, and Jack gave Tex a nudge. "This how he talks at home?"

Tex leaned to whisper. "You gotta picture you're in a long hallway and there's all these doors the witness can get out of. Each question closes a door. That's what he calls it: closing the doors."

Jack sighed and turned back to watch.

"She's a good landlady, then," Jacob persisted.

"Yes."

"If you get locked out, or lose your keys, Mrs. Reeves is always happy to let you in."

"Yes."

"So on the night of March tenth, when Mrs. Reeves heard you screaming that you didn't want Mr. Stucky to leave—"

"Objection, Your Honor." A man stood, his fingertips pressed to the table. "Mrs. Reeves said she *thought* that's what she heard. Counsel's question is a misstatement of the record." This was Tom Gray, the new county attorney. He was, as Tex's father put it, an ambitious young man.

The judge sustained the objection. "Let's stick to the facts, Jacob."

"All right," he said agreeably. "Miss Barnes, it is a fact, isn't it, that you had a relationship with Mr. Stucky?"

"Yes."

"A sexual relationship."

"Yes."

"And it's a fact that you yourself installed the security lock on the inside of your door."

"Yes."

"And you did this, you say, to keep Ray Stucky out. Because he had

a key to the other lock. A key you had duplicated just for him.”

Lucinda Barnes stiffened. “No,” she said. “I had a key made, but not for him. He stole it.”

Jacob looked confused. “You had a duplicate key made for yourself? With Mrs. Reeves right next door?”

“Your Honor,” Mr. Gray said, “does counsel intend to argue the right of a single woman to duplicate keys for her own convenience and safety?”

Jack whispered, “What’s the big deal with the key?”

“If she’s lying about the key,” Tex said, “she could be lying about everything.”

Judge Tanner did not glance up from a note he was making. “Overruled.”

“So there you were, Miss Barnes,” Jacob resumed, “on the night of March tenth, your door double-locked, watching TV.”

“Yes.”

“You kept the volume low so as not to disturb Mrs. Reeves.”

“Yes.”

“You made some popcorn.”

“Yes.”

“But you didn’t get ready for bed.”

“That’s right.”

“You didn’t undress.”

“No.”

“You wore a T-shirt and jeans.”

“That’s right.”

“And underpants.”

“Yes,” she answered flatly, without the slightest trace of blush. And for each of her yeses, Tex noticed, Ray Stucky had a slight shake of the head.

“And you fell asleep on the couch.”

“Yes.”

“And you say the next thing you knew, Mr. Stucky was in the room. You say you tried to scream, but he put a hand over your mouth. You say he ripped your T-shirt with one hand over your mouth. You say he undid your jeans and pulled them down with one hand over your mouth, wrestled you onto your stomach, pulled down your underpants, undid his trousers, and sexually violated you—all with one hand over your mouth.”

"Yes."

"That's your testimony?"

"Yes," she said in a less steady voice, "it is."

Tex ventured a glance to his left. Jack's eyes were wide, her mouth slightly agape as if she were standing in that apartment, watching. As for himself, he could not deny the fact of his arousal, a shameful little fire Lucinda Barnes's wet eyes did nothing to extinguish. He looked down and flinched at the sight of his own right hand, sitting pale and vulgar on his knee. He took it in his good hand and squeezed until needles shot across his vision.

Jacob was nodding, as if impressed with the witness. "Very well, Miss Barnes," he said. "Let's go back to the lock. You know how it was broken."

"I know who broke it and how he did it."

"Then you know it was pried apart, from the exterior."

"Yes."

"With a good-sized screwdriver."

"Yes."

"And you say Ray Stucky did this at twelve-thirty in the morning. Standing a few feet from your landlady's door. While you were sleeping." Jacob walked over to his table and picked something up. "Do you recognize Defense Exhibit Number Two, Miss Barnes?" He returned to show it to her.

"Looks like my screwdriver," she observed.

"The one you used to install the lock."

"I guess."

The judge cleared his throat.

"Yes," she said.

Jacob stared at her a moment. He looked at the screwdriver. He patted its handle into the meat of his palm as if he were thinking about throwing it into a tree. He faced Ray Stucky, stared at him for some time, then swapped the screwdriver for a folder. He turned again to the witness.

"Miss Barnes, you have no roommate, is that correct?"

"That's correct."

"There's no one you know, besides yourself, who might use your phone to call Mr. Stucky."

She tried to catch Mr. Gray's eye but he was too busy, Tex saw, trying to look like a man who knew exactly where this was going.

"No one," she said, "including myself."

"And why would you? Why would you want to call the man you say raped you?"

"I wouldn't."

"The man you say abused and degraded you in your own home. You wouldn't be able to stand even to hear his voice, much less hold a conversation over the phone."

"Would you?" Lucinda Barnes asked.

"Certainly not," said Jacob, and a wicked thrill buzzed Tex's insides. "All the doors are closed," he whispered.

"Will you shut up?" Jack hissed. She wouldn't look at him, and Tex turned away, her words on his face like spit.

Jacob consulted the folder. "Miss Barnes, do you recall phoning your mother the morning of March thirteenth?"

She thought a moment. "It was her birthday."

"And you called her at her home in Waterloo."

"Yes."

"And do you remember who you called right after that?"

She picked something from the corner of her mouth, then dropped her hands to her lap. "No."

"Is it possible you called Ray Stucky at his home?"

Lucinda Barnes blinked. Judge Tanner watched her.

"I might have," she said. "I don't remember."

Jacob suddenly grew hard of hearing. "I'm sorry?"

"I said I don't remember."

"You don't remember?"

"No." She tugged on an earlobe.

"You don't remember if you called the man you say shamed and degraded you?"

She reached for the other ear, but stopped herself. "No. I don't."

"You don't remember, Miss Barnes, if you called the man you say brutally raped you—"

"Your Honor—" Mr. Gray was on his feet.

"—you don't remember that?"

"Your Honor, the witness has clearly stated her answer!"

"Yes," Judge Tanner said. "Move along, Counselor."

Mr. Gray sat down, removed his glasses and gave the bridge of his nose a pinch. Jacob looked to the jury box as if awaiting signals from a dugout. He turned back to the stand.

"But, Miss Barnes," he said. "Is it *possible* you made that phone call?"

She seemed to shrink a little. Her face was a brittle mask. "It's possible," she said.

Jacob turned away from her and began distributing sheets of paper as if giving a pop quiz. He handed one to the judge, the clerk of court, and Mr. Gray, who accepted his with maximum indifference. Finally Jacob showed a copy to Lucinda Barnes and asked if she recognized it. She did. "It's your phone bill," he said, "for the month of March, nineteen seventy-four."

"Yes, it is."

"Which you paid."

"Of course." She glared at him as if he'd just made his most outrageous implication of the day, and the court, Jacob included, had to smile.

"Well then," he continued. "Would you mind telling the jury how many times Ray Stucky's phone number appears after March tenth, the day you say he raped you?"

She studied the sheet.

"They're underlined," Jacob said helpfully. "In red."

"Ten, maybe fifteen—"

"Actually, Miss Barnes, I count twenty-seven times. In the twenty-one days following March tenth you phoned Ray Stucky a total of twenty-seven times. Isn't that correct?"

"Seems so."

"May I take that as a yes?"

She tossed red hair and lifted her chin. "Yes."

Farley Dickerson might have been a great ballplayer, Tex wanted to tell Jack, but he couldn't have hit that home run.

He didn't tell her. Didn't even glance her way. He doubted very much if he'd even ride home with her.

"You called him twenty-seven times, Miss Barnes, as surely as you pried that lock off your door."

"That's a lie."

"With your own screwdriver."

"No."

"After you let Ray Stucky in and had consensual sexual intercourse with him."

"I didn't—"

“After he picked up his things and said goodbye at one in the morning.”

“No.”

“Because you needed a way to convince people that it was rape. Because you wanted to humiliate and shame Ray Stucky—”

She shook her head.

“—because Ray Stucky was leaving you for another woman.”

She opened her mouth to answer, but Jacob turned away, fury in his eyes. “Because in fact,” he said to the jury, “Ray Stucky didn’t want *in* your apartment, Miss Barnes. Ray Stucky wanted out.”

“That’s a lie!” she cried. Her mouth trembled and her eyes darted around the room, seeking contact with Mr. Gray, with the jury—with anyone. When she got to Tex, he looked away.

Jacob had heard enough. “No further questions, Your Honor.” He returned to his seat and did not look again at the witness, but only sat there, elbows on the table, one hand cupped over a fist, a knuckle to his lips—the way he presided over a chessboard, it occurred to Tex.

Judge Tanner set aside his copy of the phone bill and asked if the prosecution cared to redirect. Mr. Gray declined, then stood to announce that the State would rest its case.

“Any more witnesses, Jacob?” the judge asked.

Jacob stirred. “Yes, Your Honor. Raymond Stucky will testify.”

The judge nodded and told the jury to recess for five minutes while he and counsel went through a few mundane motions. The jurors rose and began shuffling from their box, and Ray Stucky stood up. He followed the jurors with his eyes, showing his respect, and in the process gave Jack and Tex their first clear view of his profile.

Tex heard a small gasp, and turned. Jack was bumping knees on her way to the doors.

“*Jack!*” he said, louder than he meant to.

Ray Stucky turned, Judge Tanner looked up, the entire courtroom craned as one. Jacob lowered his glasses, frowned, and returned his attention to the bench.

Tex caught up with her outside the courthouse, where she jerked repeatedly at her bike, trying to extract a handlebar brake from his spokes.

“What is your problem?” he demanded, out of breath.

“Leave me alone.” Her bike broke free and she hopped on the seat. She glared at him. “I know that guy.”

“What guy?”

“Ray Stucky. I know that asshole.”

“How?”

She tried to push off and he grabbed her handlebar.

“Let go, Tex, or I swear—”

He held on a moment longer, then released her. “Fine. Go. See if I care.”

She glared down the runway of the sidewalk, but didn’t move. She took a breath that seemed to calm them both. “One time last summer,” she said in a tired voice, “me and Farley stopped at that Texaco, the one by the ballpark? We needed some gas and a bulb for the taillight. It was hot, so I got out to watch that Stucky creep change the bulb. Farley filled the tank, then went to the bathroom at the back of the station, and while he was gone, the creep says to me, ‘How old’re you, darlin’?’ I tell him, then I ask him, like I could care less, ‘How old’re you?’ ‘Hand me that screw,’ he says, ‘and I’ll tell you.’

“I bend to get the screw,” she went on, the red of her face deepening, “and that creep. That jerk—” She squeezed her handlebrakes. “He just off and spanks me, right on the seat of my white shorts with his greasy, disgusting hand. Says, ‘Too old for teasin’, that’s how old,’ and starts laughing like some kinda pervert demento.”

Tex looked down at his bike, wanting suddenly to be on it and riding far away from the courthouse. “What’d you do?”

“Called him an asshole and threw the screw at his face. I went inside the station and Farley was paying the lady behind the counter and when we turned around he must’ve seen the handprint on my butt, ’cause he handed me his Coke, walked outside, and positively slugged that Ray Stucky to the ground.”

“Farley beat up Ray Stucky?” Tex said, as if he were having a hard time picturing it, though he wasn’t.

Jack curled her lip at the courthouse. “My dad don’t defend perverts, Tex. He kicks the shit out of ’em.”

She pushed off, then, and rode swiftly away. When he finally recovered his voice, she was well out of earshot, but he hollered anyway, “Dammit, Jack! Even perverts have rights!”

Linda Volesky’s Mustang sat in his father’s drive, and Tex went in to find her. She was a teacher and didn’t have much to do with her summer, it seemed, but play tennis and sunbathe and lie around the house waiting for Tex’s father to come home. Tex stood in the kitchen, listening to the hum of air conditioning. He climbed the stairs soundlessly and peered down the hall toward his father’s bedroom and the adjacent bathroom. Both doors stood wide open.

In the tub, a pool of milky bathwater burped above the drain, smelling of lilac. He stepped back out, wrestled a moment with better judgment, then eased an eye around the jamb of his father’s bedroom door.

Linda lay facedown on the bed, wet hair swept over her profile, two pink insteps nakedly displayed. Her tan legs were exposed, but the rest of her, from mid-thigh to collar and out to the fingertips of her spread-eagle arms, lay beneath the scrim of one of his father’s creased white shirts. Her shoulder blades rose and fell quiet as moth wings, and Tex knew that a single step into the room would yield a clear view beneath the canopy of shirttail, up the corridor of thighs and farther, as far as the eye cared to go. But then he thought of Jack, the look of disgust she gave the courthouse, and he turned away.

Back in the kitchen, he grabbed a bottle of Dad’s Root Beer and carried it around the corner to the den. He took a seat in the oak swivel chair, propping his feet on the desk the way his father did. He sat there a long time, gazing at yellowed depictions of ancient trials hung on the walls—until the clamor of grocery bags in the kitchen startled him and he heard his father call his name. He took a swig of root beer and dropped his feet to the floor. “In here,” he answered.

Jacob appeared at the doorway with an apple in his grip. “Thought that was your bike. What’re you doing?”

Tex shrugged.

“I see.” His father turned to glance up the staircase, listened a

moment, then stepped into the room. "Please," he said, "you look so comfortable," and Tex sat back down. "Have you called your mother to tell her you're here?"

"Not yet. But..."

"Yes?"

"Can I stay here tonight?"

"Of course." Jacob took a seat on the sofa and began buffing the apple on his knee. "That was quite a performance at court today."

Tex knew which one he meant. "I'm sorry." Sudden tears burned in his eyes, threatening to spill.

"I'm glad to hear it. I'm sure Judge Tanner will be—" Jacob leaned forward. "What is it, Tex?"

He shook his head. He couldn't stop thinking about Jack's story about Ray Stucky, or about that cornered, cross-examined Lucinda Barnes. He felt as if he'd seen and heard way too much for one day. He rubbed his eyes hard. "Did you win?"

Jacob stared at the apple. "We got our verdict."

Tex nodded. "Those phone bills did it, huh?"

"They certainly helped."

"How come Mr. Gray didn't have them?"

"He didn't subpoena them. And the witness didn't tell him. In other words, pure luck."

"Pure luck," Tex repeated. It was pure luck that Jack and Farley had stopped at that Texaco, that Jacob defended Stucky, and that Jack was there to see it. Would his father have taken the case, he wondered, if he'd known what Stucky did to her?

Jacob gave the apple a toss and caught it, the fruit smacking his palm with the sound of a baseball. "And do you know the strangest thing of all?"

Tex did not.

"When I left the courthouse a little while ago, I saw the two of them drive off together in an old Chevy Impala."

"Ray Stucky and the waitress? What for?"

His father's lips formed a mysterious smile, but he only shrugged and stood up. "So. Are you gonna live?"

"Yes," Tex said with annoyance.

"Okay. I'm going to, ah..." and he ducked from the room.

Tex listened to him ascending the stairs and thought again of Lucinda Barnes on the stand, scanning the courtroom for a single

friendly face. Maybe she'd seen Ray Stucky's. Maybe, after all that, she'd had nowhere else to go.

To get her out of his head, and to avoid hearing anything from upstairs, he went to the living room and found the Cubs on TV. He turned up the volume and wished for a baseball to hold. He wished for a glove over his right hand, for a bat to swing and bases to run. He wished to enter a game of endless innings, a perpetual distraction from himself and from any more days like this, from any more nights of sleeping on the other side of a wall from Jack and hearing her every move and driving himself crazy wondering what she thought about over there, what she did, in the dark, with Tex just a few feet away.