

## A Season of Scales

*Fear God. Do what he tells you.*

*And that's it. Eventually God will bring everything that we do out into the open and judge it according to its hidden intent, whether it's good or evil*  
- Ecclesiastes 13

Approximately a year-and-a-half after the events described in *A Time for Jail*, I was arrested once again; this time, not in the *Ancient City* of St. Augustine – but destined none-the-less by way of extradition from Charleston South Carolina. Similar to the first episode, my arrest took place at my employment; thus leading to the humiliation and misunderstanding – not to mention loss of job. From the arrest to the trial, the prevailing challenge was (and has been) fear: the fear of a “guilty” verdict and prison; but more pervasive, the fear of my ex-wife and her apparent power to summons law enforcement – even state to state.

Fear had been on the senses; indeed, I had written about it only a few months prior; about fear having the characteristics of both fog and smoke, both a feel and a smell. Compounding this condition was the news that a warrant was out-for-my arrest: in November 2007, or about four months into my one year



probation, the authorities informed me that I had violated probation (VOP). The real problem was that there was “no information” on my VOP; or the Sheriff’s office had no evidence regarding the violation. Troubled by the matter, and sensing the thickening of the *fog* in the form of judicial injustice, I pressed-on to Charleston.

As fear can be driven by the unknown – or shrouded in a sea of *fog* – the news of this unsubstantiated warrant was yet another cause for alarm; it’s one thing to know the cause, and another to not know; and still another when the authorities don’t know. Justice begins with cause that ideally searches for truth; but this warrant (or case) would prove to be another example of justice *gone south*, or using the *fog* analogy, pea soup.

Escorted from my workplace, I learned of still another charge; a felony described as aggravated stalking. Now I had really done it; I had become a stalker without even being in

Florida – where my children live! In case you don't know, stalking has many forms – as I would begin to discover. You can stalk someone without every being near them; and as a third degree felony, aggravated stalking can – at the least – be simple assault, harassment, and malicious.

On to North Charleston County, clad in cuffs in the usual cramped position in the back seat of a Crown Victoria. Booked and processed, I was then expressively profiled by a few passing detainee's as either: a serial killer; a computer thief; a "white-collar" criminal (e.g. executive embezzler); and finally, a man (or once husband) who's probably been *burned* by a woman. Of all these initial impressions, *it takes one to know one*; and the lucky winner happen to be yet another *poor chap* (or is it sap) when he said, "Let me guess, some woman put you in here?" "How did you guess", I said...and that's when the saga began – the story of another man who loved another woman who, at some point, sought the aid of the judicial system, and who promptly replied, rendering this man of his personal manhood.

In Charleston, I shared a cell with six black men...African Americans; and they were six of the nicest guys I probably have ever lived so close too. They never once bothered me, but did *come around the fire* to talk about God, themselves, and other things. Among themselves, the accents could get pretty thick with the co locally – the Geechee or Gullah of the Low Country.

Hearing them talk caused some brief flashback to my youth – growing-up down the road in Beaufort. Oh, how I could have longed for those days of innocence; but even then, there was fear; ironically, much of that fear had been about race and the escalated escapades of egalitarian education...or integration. Those days were long gone – and most of us survived by some degree of an education; for some, maybe not much – but perhaps there is still hope for all us to live together – especially in a cell!

With these six men (and a replacement every now and then), the eight days of confinement in Charleston were as pleasant as the mild breeze that blows off the *Ashley*. There was the adjustment to the food and to the confinement – as well as my drying-out from an ample regime of coffee; but I knew that eventually Florida would come get me. It was ironic that I would end-up just miles from where my children live – not because of employment as before – but because I was stalking them from 200 miles away. I was going to be near my children again; but before the trip, I read the Bible aloud to my six mates and

they listened (or tolerated) the white man – without my sometimes realizing that I was not black...and they were. We were together and that was all.

Of the eight days together, my most vivid memory had to do with their (one or more of them) comments or responses to my situation. What little I mentioned was enough for them to say two things in particular: the first was, “the way you meet her (a woman or eventual wife) is the way that you will lose her”; and the second, “you can’t hate them”. As I’ve thought about these two statements (or advice) on several occasions, the consistent outcome is that he (or they) was right...on both statements.

At 3:00 AM, I was called-out to board the “Van from Hell”: equipped with an internal cage, a falling headliner, and a lousy air conditioner, *this was the worst trip I would ever be on*. Someone boarding on the last pick-up in West Florida said it so well: “they don’t even treat dogs this bad.” That same “last-to-board” tried to remind the deputies that he was “still state property” – as though that might convince them that he was human too – but it did not work, and our kidneys withdrew. As of the moment, I owe the state \$240 for that trip...but as your probably thinking, they should be paying me.

Near the breaking of the morning, I arrived once again in the *Ancient City*, the village of Saint Augustine. As a kid, I had vacationed in this city; as a newlywed, I had honeymooned in this city; as an adult, I had frequented this place and even lived here for six months; and as father, I had brought my children here; and, most recently, had been extradited here for stalking those children.

Weeks later, the city prepared for its perennial birthday and – being the oldest city in the U.S. – was (or is) equally proud of its heritage, its history. Not that anyone would argue the significance of this event, but a Native American did attempt to put forth the ugliness of the early days of raiding Privateers, brutalizing Spaniards, and the oppressed Indians among others. Perhaps the article in the local newspaper did little to dampen the spirits of the living honoring the spirits of the dead, but the argument seemed well documented and truthful. Why I bring this matter up is because, “sometimes, the truth hurts” – so much, that we do anything to avoid, deny and even change it if we must...

In the course of those first weeks, I hurt my back while taking a shower. A single slip and suddenly a body-stopping cramp later diagnosed as a slipped-disk. Immobilized by this slip (in the shower and of the disk), I was transferred to the medical unit – but not before my arraignment of the first of two charges, the violation of the injunction (VOP).

Somewhat taken “back” by the injury, I was not in the best frame-of-mind for each of these cases (or court appearances). Honestly, I was hurting and – and when one is hurt – they can be very difficult, overly defensive, or irrational. What may have been my circumstance was a sort of counter-pain; one pain offset or subordinated by another more significant – the pain of my losses as a parent much more pervasive and hurtful than the momentary and immobilizing back pain.

The court’s “system” was consistent: the violation of injunction (VOP) still indicated “no information” (or evidence supporting the charge, the warrant). A small detail was that the Prosecution did present evidence – which was discovered to have occurred eight months before my probation began. Even with “no information” and out-dated evidence, the Judge granted the Prosecution a Continuance. A Continuance could not be good (for me): tapping into my fears again, the concern was that the Prosecution would now turn to the manufacturing or fabrication of evidence – since they had “no information” or evidence as of yet. Yes, I believe the courts’ can and do fabricate evidence; a condition that begins when evidence is pre-selected is support of the Prosecution while other evidence is precipitously planned to avoid, deny and even change it if necessary.

It hurts me to tell you this, but the Prosecution does not apparently, always evaluate evidence before the case – it’s relevance to the charge. Perhaps it is a *murky matter* where the *end justifies the means*, and the relevance of some evidence is, well, irrelevant. How does one get charged when the “system” has “no information”, no substantiated or relevant evidence, and otherwise, no cause? But finding someone to blame in the court system is all too complex; after all, this is the court...you can’t blame them – their just doing their job...and they *can do a job*.

Fortunately, the manufacturing of evidence did not occur. What did happen rather spontaneously was that I was booked on a second violation of probation (VOP); this time, for the charge of aggravated stalking. I guess if they can’t get you for one, they’ll get you for another. In their haste, the Prosecution forgot to change (or overlooked) the year-date on the charge; apparently, the document used the initial VOP was being used for this second VOP...with minor editing. So instead of being served (and booked) with a VOP on July 14<sup>th</sup> **2008**, I was booked in **2007**; so administratively, the initial VOP occurred after the second VOP – which makes absolutely no sense. If you are confused at this point, it may be the *murky matter*. Just relax as it will get worse...like pea soup...

The arraignment for aggravated stalking, came a day or two later. An unexpected arrival (to the courtroom) was the present husband of my ex-wife; I guess he was on a mission to collect information and report back. After a moment of accepting his oversight, I waited for the call to the judge's bench. With a few questions regarding my inability to pay child support – due to my arrest – I walked away with a Pre-trial set for late September. As a non-custodial parent with an injunction hanging over his head, payment comes in two forms: either you live in public and pay child support; or you go to jail and pay your debt to society – but you can't do both and I would argue, you can't do either effectively.

Here lies the dilemma as I see it. I have been stripped from my role as a parent, but imputed with the enormous debt of child support; I am not deemed worthy to be a parent, but I am subject to debtor's prison as a payee. This dilemma is not just a quandary, but it is a quagmire; it is a tragedy that has been designed by my ex-wife, executed by the governing bodies, and intended to destroy both my relationship with my children and my self if possible. More than anything else however, it has hurt my own children irreparably – leaving them with a lifetime of hurt and sense of disownment. If there was death involved in this disownment, than grief would eventually *heal the wounds*; but in that it is not, the *wounds* remain open and infected with the disease of divorce and the aftermath of *A Mess...* and *The Madness*.

So I returned to my cell, to my block and to my confinement. All this for attempting to contact my children: with a letter and gift to my oldest about his graduation; monies for their birthdays – that their mother cashed...then submitted as evidence for the investigation; and a few letters to each of my children. In what little I attempted to do – by comparison to conventional parents – the Prosecution was forming the case for a third degree felony. As I would soon discover, an injunction not only offers “open season” to “victims” to file such charges, but introduces a new definition of several serious terms. The first of these terms is “malicious” – which was applied to my “behavior” as a parent; second, is “simple assault” which is also *fair game*; with other words to include “harassment” and “stalking” of course.

As I was given much time (in jail) to mull over this charge and supporting evidence, the continuing thought was that the actions I took are no different than the vast majority of our population (of parents and such); but for those who have the unfortunate condition of an injunction, such behavior falls under the description of malicious, assault, and

harassment. What's more, the parental perpetrator (that's me) must accept the one-sided nature of the injunction: whereby, the "victim" (that's her) can breach the conditions at any time with impunity. With such a one-sided law in effect, the old saying that *absolute power corrupts absolutely* comes to mind as the "victim" can not only breach the injunction, but can actually use it to entrap or implicate the other.

My wife (at the time) filed for the "first" restraining order in March 2000; but jeopardized it in the following months by returning to our home and resuming marital relations. As I would later discover, she could have filed charges against me had our residence been in the given state where she filed the restraining order. In short, an injunction is an *open-season*, one-sided law: the described victim being the hunter and the so-called the other being the prey or hunted. The roles have shifted in my case, for the so-called predator is the prey; there is a dysfunction of the injunction.

Jail is an endless series of idleness interrupted by an occasional event or an interesting character. In terms of the basic needs (food, shelter, and security), jail is top-notch; but beyond these basic needs, is the endless idleness and prevailing sense of uselessness. On the one hand is long periods of waiting, while on the other hand is the rush of court appearances and procedures; yes, it *hurry-up-and-wait* coupled with conditioning to be useless...but also demanding like a child.

Yes, very little is expected from an detainee: you are not yet convicted (or fully prosecuted), so you don't have any work-detail; you are suppose to clean you cell and the common area every once-in-while – but I don't consider this as a demand; and you don't have to be concerned about time – except for the occasional trip to the courtroom, booking or the infirmary. Altogether, jail seems like kindergarten – which is perhaps why some choose or decide to act like children: if the meals are "below-par", they complain; if the movie or program is not satisfactory – or has been shown much before – they complain; and if other niceties or benefits don't occur, they complain more. Perhaps one of the few legitimate complains would have been the multiple days penned-up in our cells – when purportedly, construction and power outages might be the cause. The tendency for some (maybe the minority) to complain, coupled with the bickering and occasional confrontation, created an atmosphere much like pre-school – which may be why some of the deputies treated us like children.

There were exceptions...and maybe more than I realize: most of the inmates seemed willing and able to *ride-it-out* – if only the *spark hadn't started a fire*...and sometimes a *wildfire*. Such “wildfires” occurred during a series of weeks when we were locked-down for days at a time; again, the reason(s) were reputed as the construction, power interruptions, etc. At the climax of this wildfire, the “violent-offenders” block was rumored to be near the breaking-point; and on this rumor came yet another lock-down for us...for everyone.

The mix of detainees included: the youngest group that generally were called “JITS” – which is short for jitterbugs; and at the other end were the old timers like myself – who might be referred to as “Pops”; finally, there was everyone else in between that might take on a sub-class name or some pet name. While the mention of this mix may seem rather droll, the brief description is to introduce another expected source of fire; that is, the confrontation that occurs with youth. This type of fire changed the otherwise kindergarten into a troubled high-school – where such occurrences could ignite at any time for any reason...or no reason. The “JITS” were most often in the *final mix* – though at times would be pushed into it for the entertainment of a few others – where age could mean the difference between starting it and ending it. Invariably, someone would end-up in Isolation.

As with any community, there are many characters with an equal number of stories; but the saddest and most compelling is the young men (sometimes “JITS”) who seemingly (or expressible) had started young – real young – and seemed to have been inevitably headed *down the wrong road*...that leads *up the road* to prison. By “young”, I do not mean a certain age as much as a common demeanor; one that is angry from childhood and has been often left without a parent, parents, or some responsible guardian to guide them along. These types have been abandoned, neglected or abused – and are just surviving! Oh yes, there is the ever-present dilemma of the juvenile delinquent – of whether “his story” is true and the circumstances created by something other than his choice; but while I thought about the same possibility, I also considered that if there was any truth to “his story”, I could have ended-up much like him...had I been raised much like him!

It is sad. Yes, these young men are sad cases because they have been *dealt a hand* and seem to be *playing their cards* as most would...and maybe do. Early sexual relationships, petty crimes, and drug use are the usual conditions that have for so long been written about, studied and reported – if for no other reason than to warn parents and maybe the young – if

they listen and if they are able to obey...or if they care about their children...or if they can actually be a part of their children's lives...and make a difference.

In the first of two meetings with one of my public defenders (PD), my story was shared and elaborated in a matter of minutes. Sometime during my discourse, the PD said that “we live in a messed-up world”; and then he mentioned that I would probably be one of those fathers who would not see his children until I was about 65 – if then. Leaving the meeting, I thought of those young men, I thought my young men, and I thought of my experience as a young man. I also thought about life between now and 65.

To my own experience (as a young man), the benefit (the blessing) was that my parents did not divorce, and I did not become subject to the state's jurisdiction; and to the experience of “my young men”, I am sorely hurt by the consequences that have left them without a father (or parent) in their lives; and to the remaining young men, I have taken their stories and will not forget what I heard...and saw – as it has only compounded my belief that divorce is destructive, that alienation can be abuse, and that my estrangement from my children is without excuse.

There are many names among these young men; but there are a collection of common characteristics or conditions that led them *down the wrong road*. Besides the behavior and experience already mentioned, drugs are the frequent – almost certain – addiction and lifestyle. For those familiar with them, the list should come as no surprise; thus, I will not mention any by name. Drugs are an industry...for law enforcement too.

On the other hand, the sales or distribution of drugs was a less noted crime. There was this one fellow however, that had been admittedly selling drugs since he was fourteen – and he was my age, 47 or so. In a lengthy discussion of this career, he was especially proud that he had spent very little time in jail, and no time in prison...on multiple arrests. His most lengthy stay was this particular arrest – and only because it was not in his resident county. As he explained, much money had been made, and with that, much money spent on a very good and proven attorney; one that did ensure his minimal stay for a large cash sum on occasion. Call me naïve, but I was little *taken-back* by yet another pay-for-fee example of justice...discretely through the *back-door*. Of course, it's just another story; but I am reminded of the words of Johnny Cochran: “Justice is the color green in America”.

The months that followed were interrupted by a Continuance for the VOP. In the usual arrangement, I was transported to the courthouse and kept in a waiting cell to be called

into the courtroom; however, the “call” never came...as a guard handed me a notice indicating another Continuance! Annotated on the “pink-slip” was the words “defendant not in courtroom” – to infer that I was not available and, therefore, the case would be continued. Of course, the technicality was that I was available – though waiting in the next room – to be called as standard court procedure. As petty as it might be, this small excuse for continuing the case was one more example (to me) of the court’s ability to do what they want to do; I call it expediency.

Presumably, the Prosecution had nothing in the way of evidence and therefore used the excuse...but I’ll never know. As it was, the Pre-trial had been reset for September 30<sup>th</sup>; and as it would become, the Prosecution would still have no evidence...and end-up dropping the charge. So, for the full record: “no information” in November 2007; “no information” (or substantive evidence) in June and August; and “no information” in late September. I call it expediency.

In addition to your own circumstances, are the condolences for other men in the block; men who have been prosecuted and are waiting for transfer elsewhere. With the court dates conducted in batches, it’s certain that several on the block will be in court at or around the same time; consequently, the condition for condolences (or congratulations) can change the atmosphere rather dramatically. In an odd mix of good and bad news comes a general postmortem where the congratulations are rather subdued and the condolences sometimes no more than a reverence, a moment of silence. For those going *down the road* for the first time, it may include a time of reflection, regret and reservation. Whatever the mix, the condition can be a striking change from the *regular programming* – even if the most pronounced case is in another block or section of the center.

Besides the mention of the drug seller, I have not discussed specific characters – or those who seem to for better or worse, break-up the idleness of the jail. Among such characters were a few worth remembering for a lifetime...while others will be soon forgotten, I hope! If the saying holds, *there’s one in every crowd*, it would seem to hold in jail – in my experience – although that “one” can occasionally turn into several and before you know, the concept of majority rule is at least threatened by mob rule. Yes, a few can spoil for the rest simply by joining their energies into an unharmonious voice of vindictiveness that challenges anyone or anybody – regardless of the cause or condition. Consequently, the block becomes angry, the deputies become angry, and the “mob” continues to be angry.

The jail understandably has a lot of anger; perhaps that's why anger management courses are offered for those who enroll or are ordered to attend. This anger has different manifestations but, for the JITS, it released or evident with that energy of the youth. Ideally it is released on sports, but since we seldom did anything like that, it had to find another outlet. For the JITS, this outlet could be daily confrontations – even fights – and a few other channels of like kind. But if there is one word that I would associate with jail, that word is anger: anger toward “the system”; anger toward parents, wives and relatives who rejected or gave-up on them; anger toward the dad or mom who possibly neglected or abused them; anger toward the schools that did not understand them or in someone so-changed them; anger toward a so-called partner or associate who turned them in or was an informant; anger toward the government or toward God because it is easy or convenient; and finally, anger toward themselves because they got caught or something like that. Again, anger is everywhere and love, well, it still exist.

During my days as a detainee, the most fascinating character was a young man diagnosed with autism. Besides his noted behavior was an incredible ability to memorize information: in just a night or two, he memorized a 52-card set that included names, biographies and pictures of homicide victims in Florida; and by memorize, I mean that he could cross-reference one piece of information given another – so if you ask him about the two of diamonds, he would offer every detail of the victim. With this gift however, he was also prone to some very odd habits and behavior – which seemed to single him out as a target of ridicule among the block. In keeping with the confrontation of the JITS, he would end in Isolation more than once during his extended stay. He had an incredible mind but a very sad story.

Most of the characters seemed normal and amiable – a few of the JITS being the exception. Others practiced the faith and evidently knew the word of God; some had jobs and hobbies and made one or the other a topic of discussion; some had children or parents and spoke with them or heard from them often; some had addictions and found a way to cope without it; some spoke crudely while others hardly spoke; some liked to argue and others like to play cards – or do both; and some had goals and dreams...and plans.

For all the “some”, the majority had a very deem view about women. This view transcended the domestic cases or child-support cases; it was much broader in scope and much deeper in disgust. Not to sound naïve – once again – but the expressed views about

women (besides wives for the few exceptions) was in the most degrading sense of nothing more than a source of sex. To begin, the term “woman” is hardly used; but instead, a few select descriptions that, after I while, take on meaning for the rest of us. I cannot account for the total degree of this view – scope and depth – but will say that I’ve never heard anything quite like it. The *battle of the sexes* is still alive and well – sad as it may be!

Evidence of love came most notable among the visiting Para-church or faith-based groups. Local churches, both Catholic and Protestant, would faithfully visit on the weekends and, with a combination of laymen and clergy, would offer the source of love to those in attendance. Not that love was what these gatherings were all about but, where there is so much anger, love can be much welcomed if just through the ministries that I describe. I could go-on about this groups – and what their presence meant to me – but let me say that these men are *storing-up for themselves treasure in heaven* in keeping the instruction in Matthew that, “while I was in jail, you came to visit me”. To these men, their ministries, and most of all, our Messiah, I could never fully express my gratitude and thankfulness.

As in most situations, humor and comedy has its presence; but the idea of concept of “humor” can be subjective. One of my favorite experiences was two guys who could carry-on a close resemblance of a highly-exuberant, old-time, evangelical-charismatic church service. Complete with music – both voice and simulated instrumentation – and a message of similar rhythmic inflections, these two had evidently witnessed and even participated in the “real article” more than once. What was not so comical was that they had great voices and made beautiful music – and for me, offered the most opportune window to look at youth in a much more favorable light...without anger and all its analogies.

Besides these two characters – and the few formally described – are many that will go unmentioned; but again, should not be forgotten. There is a bond (and I don’t mean a jail bond) – a kind of fraternal brotherhood – that can develop in a place like jail. For those of you who have not had the benefit of jail, this “common condition” with all its stresses and regresses, can render some closeness of “common cause”. Not a family or a club, but just a group of men locked into a concrete and steel enclosure with very little to do and very little to accomplish except wait, of course.

In the last month of my stay, the wait came to an end. The aggravated stalking charge was never adjudicated; but instead, the Prosecution requested five years of probation that should keep this father from being a father for at least the length of time because,

should I violate the probation – or should my ex-wife make such a claim – I could go to prison for up to three years for stalking my children. I will forget that the Prosecution may it clear that I should not show in further malicious or harassing behavior toward my children; which means that I cannot help them in college or their future plans, I cannot send gifts on their birthdays or other special events, and cannot in any way have communication with them as a parent.

At the root of this ridiculous court-rendering is the injunction; and though I have written about the injunction before, I must give due to *A Mess* once again and in closing. In my understanding, injunctions are aimed at protecting the abused or the potentially abused from being harmed by a proven or prospective predator; but what has happened in my case, is that the alleged or assigned “abused” is abusing the injunction by asserting that I am a prospective predator – and not a loving parent. If the courts did have the capacity to understand this abuse, I could perhaps accept some of the consequences; but the courts have on the contrary, ignored my appeals, my testimony and the reports of medical professionals whom they – the court – have assigned in the process no less.

With the realization is that the court system simply does not care; but more than that, the court is not competent in the act of caring. Sources in our society – like these medical professionals – are all too aware of the crisis our society is facing with fatherhood; likewise, family courts seem to have grasped the urgency to honor the rights of the parents, the children and the family. Within this later community however, is the league of attorneys that – in my mind – are no better than paid assassins or hit-men. In this war-like condition, these attorneys are the most contemptible in that the lives of my children are of no import beyond the sum of the retainer received from my ex-wife and/or the state. As for the children – whom are of no consequence – they have long-ago been sold-off as state property with their hearts laid out as collateral damage. And still, *His children are far from safety, crushed in court without a defender.*