

1st Place Creative Nonfiction
(but it's actually fiction)

Case Closed
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Anyone looking at the courthouse steps on that bright morning in June, 1971 would have ducked for cover at the sound of the shots. A policeman in full uniform was firing a rifle, and then firing again and again at a man walking out of the building. That's exactly what Gus Larson did. Then a second-year law student at NYU on his way to his summer job, he dropped to the ground and covered his head with his almost new brown leather briefcase, a gift bought at Carter's Department Store and given to him with great ceremony as he waited with his parents to board the plane in Indianapolis that would take him to his new life in New York City.

Augustus Larson, Esq. remembers that morning as he glumly exits the subway in front of the courthouse. He usually chuckles when he looks at the spot where he lay on the concrete in his one and only suit and heard "CUT!" He looked up and saw the cameras, the crew, and the movie equipment. A year later, watching *The Godfather* on a widescreen, he saw that cop and those courthouse steps, now recognized around the world from infinitely rebroadcast *Law and Order* episodes, in the grand finale when all of the old guard mobsters are assassinated to an operatic soundtrack. He loves to tell this story. He even used it on jurors when he was making a point about eyewitnesses.

Gus is one of a dying breed, the Baxter Street Bar, lawyers whose offices, often up one flight from street level, behind the main Criminal Court building and the detention center, provide easy access to the newly arrested and the soon-to-be-convicted. He cherishes that parental parting gift so much that he had dubbed it 'Portia' many years ago. He thought he was being both literary and even a bit sexy, but when he referred to his 'Portia,' most people misunderstood and thought he meant a fancy sports car. If only. His battered, battle-scarred leather Portia is both his prized possession and his lifeline ever since he had been evicted from his office last year to make way for the gentrification that would have been unimaginable to the generations of immigrants who once teemed in that neighborhood. Portia was his paralegal, his file drawer, and his supply cabinet. Gus is old school and believes it's possible to represent his current standard clientele of petty thieves, DUIs, and prostitutes without doing much paperwork, actually without doing much work at all. These days, he never tries cases, so his *Godfather* story sits on the shelf gathering the same dust as the rest of his legal skills.

Few people actually hire Gus to represent them anymore; instead he relies on assigned cases, a usually steady flow which recently has been reduced to a trickle as younger lawyers flood into the criminal defense bar trying to earn a living in a lousy economy at a job they would have derided with a sneer only a few years ago. Every time he sees a three-piece-suited, clean-cut newly admitted lawyer standing before the judge at arraignments or talking on a cell phone in the courthouse lobby Gus thinks, or maybe even says out loud, "These kids don't know shit about how to work in these dirty halls and piss-soaked holding pens." Feeling superior makes Gus forget his unpressed suit, dwindling caseload and shrinking bank balance.

He is wrong, at least about one young lawyer. Maria Shelley Riley-Bustamonte does know this world very well even though she hadn't been born long after 1971 and actually had

never even seen The Godfather. Her view of the street and the courthouse is very different from Gus's as she treks up the same subway stairs, not five feet behind this man whose fate would braid with hers in just a few hours. The warmth of the sunlight hits her in the face giving her the energy and spirit to bounce up the last few steps. Maria carries a bag also, but it is full of the trappings of her generation: a laptop, granola bars, various electronics chargers, a pair of black leather shoes with 2" heels, and a few scrunchies to tame her curly hair when she wants to be taken seriously by a judge or prosecutor. Maria is what her teachers always described as a "force of nature," "a breath of fresh air," "a thoroughly modern" Mizz (as she as she is now called by her friends, much better than Busty, her junior high nickname). She'd been the sweetheart of the Public Defender's Office with a 100% acquittal rate until she abruptly quit after catching one of her male colleagues peeking through a hole in her office wall while she was changing into her court clothes. He was summarily fired, but enough was enough for Mizz. She started working from home, a studio in Bushwick with a really low rent because of a former bedbug infestation, but now was doing just fine, well enough to be moving to a freshly painted apartment in Dumbo with a million dollar view of lower Manhattan.

This morning she was rushing to the courthouse where a new client awaited her arrival. So did Judge Waxwrath, the terror of the Criminal Court bench, a man with bird wing eyebrows, pitted cheeks and the impatience of a hungry viper. Over the years, his oily black hair has greyed so now he behaves like some venerable Olympian shooting angry thunderbolts at the lawyers who disappoint him, which is just about all of them. He'd become even more arrogant since his book, "I'll Be the Judge of That," was published. No media even reviewed it, but the judge kept a copy by his side to flaunt at the lesser mortals who approached for a bench conference. His temper worsened with each case so by the time Mizz enters the courtroom, he'd worked up a lather and is standing in his robe, arms crossed, berating the ADA fumbling in his file for some piece of paper that stubbornly refuses to attach to his sweaty fingers.

"Ah, Ms. Riley-Bustamonte," Waxwrath hisses. "Your client is in the holding pens waiting for you. When I was a public defender, I never kept a client waiting. Show a little respect for the accused."

"What a dick," Mizz mutters, "as if you ever show respect for anyone."

"What did you say? Speak up. I'm sure I'd like to hear whatever it is you have to say to me." Mizz vanishes behind the door to the pens ignoring the judge's question.

"Jimmy Kinder? I'm here to see Jimmy Kinder." Mizz peered into the cell. These cells always depress Mizz. Small, smelly, ringed by benches stained by the butts of thousands of prisoners, the cell is a terrible place to kick off any kind of decent lawyer-client relationship. The discussion takes place through bars that are so grimy that Mizz simply won't touch them.

"Hey, are you Jimmy?" Mizz asks the only occupant, a slight, young man in an orange jumpsuit seated with his eyes closed. The prisoner looks up in the dim cell at Mizz standing outside. "I'm Jenny Kinder. I don't know why you're calling me Jimmy."

For the first time, Mizz really looks at the file she'd picked up on her way back to the pens. "I'm really sorry, Jenny, I guess I can't read very well." This kid really did look indeterminate, short, pale, scrawny, shapeless, and young. How did this mix up happen?

"That's ok, lady, neither can I. As long as you're here to help me?" Mizz hoists her left foot to rest on a bar and balances the file on her knee, creating the makeshift writing surface she'd used so many times in the past to conduct cellblock interviews. "I'm your lawyer, Maria Shelley Riley-Bustamonte, but you can call me Mizz. Let's see what's going on here, Jenny."

Downstairs at the entrance to the courthouse, Gus is with the security guards, a group of gabby guys who spend the day watching people empty their pockets, sometimes being bossy, but mostly bored. They love to hassle Gus, calling him “Fussy Gussy” behind his back and making him empty Portia every time he puts the bag on the conveyor belt. Gus never minds their petty harassment. Deaf to sarcasm and malevolence, he misinterprets their spite as friendly joshing.

Today is different. Gus arrives empty-handed, lacking his normal bluster, looking even more disheveled than usual.

“Hey, Gus. How’s it doin’, fella? What’s your girl got today?”

“Don’t ask. My Portia was stolen yesterday.”

“Whoa, what happened to the old bag?”

“I was sitting on a stool in Purity Coffee Shop with Portia on the floor right next to me reading the paper. A kid just snuck up and stole her. I didn’t even realize it until he was running away. I tried, but you know, I just couldn’t catch him.” Gus looks ruefully at his portly belly straining the buttons on his shirt.

“What’re you gonna do?”

“I heard they arrested someone trying to pawn Portia so I’m headed to Waxwrath’s courtroom to sign a complaint.”

As he arrives in the courtroom, Mizz is just vanishing behind the pen door and Waxwrath, his back to the almost empty room, is reading the paper. The ADA hands Gus the paperwork. Gus had seen a million of these blue forms before but because he so rarely took his cases to trial he never really considered what real victims feel while they read and sign the inanimate piece of paper. Gus feels really anxious. He wants Portia back and doesn’t want anyone fishing around her nooks and crannies. He reads the complaint:

On or about February 14, 2012, in the County of New York, Jenny Kinder, did take a leather bag valued in excess of \$250, from its owner Augustus Larson, without his permission and authority.

“Sure, I’ll sign this,” Gus told the ADA, one of those jut-jawed defenders of justice he usually disdained for their rigidity and lack of sense of humor. But this time, the guy was his champion; so all of his bias was tabled temporarily. “Where’s my Portia? When can I get her back?”

“Not until the case is over. We need the bag for evidence. As soon as we’re done here today, it will go to the Property Clerk. Let’s get moving. I’ve a pile of cases on the calendar today and Waxwrath is about to start foaming and spitting. Any minute now the bus is going to disgorge 50 guys from the detention center and Waxwrath will want to start the parade of guilty pleas.”

“This is unacceptable, young man. I need that bag and its contents so, with all due respect, figure out a way to give it to me. Get me Portia, now!” This isn’t Fussy Gussy or even Augustus Larson, Esq. This is Augustus Agonistes speaking.

“Ah, Mr. Larson,” Judge Waxwrath bellows, noticing Gus for the first time. “I’m delighted to see you. There is a defendant in the pens who is in need of an attorney. I’m assigning you to the case.” Before Gus could reply, the judge added, “Don’t thank me. I know you need the work. I’m sure we can work out a speedy disposition and you can just submit your payment voucher to me later in the day. Chop, chop.”

“Jenny, tell me what happened. Why did they arrest you? And while you’re talking, tell me where you live and who I can contact. You shouldn’t be in here and I want to get you out.”

“I don’t exactly know where to start, Mmmmm.” She has to put her faith in this woman but Jenny can’t quite bring herself to call her lawyer such a silly name. “I was in this coffee shop. I saw a bag lying on the floor. It looked like someone had left it there so I was going to look through it and call the owner or take it to the police. I thought maybe I’d get a reward.”

“I don’t understand. I can’t picture what happened. Why didn’t you ask the people in the coffee shop about the bag? Maybe they’d know who it belonged to.’ Mizz doesn’t want to accuse Jenny of lying, even if lies were what most of her clients delivered. But this sweet-faced kid wasn’t telling the truth. Mizz was determined to get the real story before she walked into court. She wasn’t about to stand in front of Waxwrath with this half-baked story. He’d look at her from under those brows and shoot bullets from the bench. “Is-that-the-story-your-client is-telling, Ms. Ri-lee-Bust-a-mont-tee? Surely, she can do better than that-a-tat.”

Gus drags himself into the pens, turning this short trip across the courtroom into a funeral procession. “He’ll hold me in contempt if I don’t take this case. But I can’t take the case. I need to get Portia back. I can’t do lawyer work. I need my bag.” Gus mutters as he walks toward the cells looking and sounding slightly deranged. Mizz steps aside. “Hi, Mr. Larson. Are you here on a case? There’s only one person back here and I’m talking to her.”

“Oh no, oh no, oh no, it’s him.” Jenny jumps up pointing at Gus, “it’s him. It’s the guy with the bag.”

“What are you talking about, Jenny?” Mizz is so surprised by Jenny’s reaction that she backs into Gus, knocking him onto a bench facing the cell. Gus lands hard, banging his head on the wall. Mizz herself falls on the floor, both hands sticking to the gummy linoleum. “Get him away. Get him out of here.” Jenny’s now a waterfall of tears and shouts.

Mizz pulls herself up by grabbing the grimy bars that now seem clean compared to her yucky hands. Where’s the Purell when you need it? “Stop it, Jenny. Stop that wailing. You have to explain.”

“He...he...he lost my brother. I hope he’s having a heart attack. Do you think he’s dying?”

Gus actually was looking pretty terrible sprawled on the bench, glasses askew and skin khaki-colored. “That’s the kid who stole Portia. Where’s my bag, you demon-child?”

Standing between these two lunatics is driving Mizz crazy, too. “I’m outta here. Let Waxwrath deal with this.”

“No, no, don’t leave,” Gus pleads. “Make her tell me where Portia is.”

“I’ll tell you if you tell me where Jimmy is. Where did they take him? You were supposed to be in court the day of his hearing with my petition for custody. I sat there all day watching kid after kid tell sad stories. You never showed up. The judge just sent him away to foster care. She wouldn’t listen to me when I said you were coming. She said, ‘If Mr. Larson is your lawyer, you may as well have hired a block of wood.’ I’ve been following you ever since to find out where Jimmy was sent. I stole your bag to see if you had any papers that would help me find Jimmy. You miserable waste of space, you didn’t help me then. You have to help me now.”

Gus closes his eyes, picturing Jenny not in a cell but on a bench outside Family Court. They had talked quickly while he took notes on a pad pulled from the depths of Portia. Jenny was shivering, he remembered, in a short coat on a chilly day. Her story was hopeless: no parents, waitressing, subsisting on minimum wage, about to be evicted, kid not going to school, riding the trains all day. His notes were sketchy but the story needed no details to know that the conclusion was foregone. The brother goes to care; the sister is on her own. Why spend much

time on this? Why spend any time at all? The case was so unlikely to generate more than a \$100 fee for him, he might as well get some other work for that day that would actually pay the bills. Gus sat there, catching his breath, remembering with newly discovered shame how he'd missed the court appearance.

"If you'd open your eyes, you pathetic excuse for a lawyer, you'd see the bag over there."

Gus and Mizz both look where Jenny is pointing. There, on the floor, next to the guard's table was Portia in all her battered splendor. Gus's jaw drops. Mizz gapes, too. She sees Gus's eyes narrow with a thought that she actually could read like a cartoon balloon over his head: "Just walk over to the bag, pick it up and act like I had it with me all along."

Amazing for a guy who minutes before looked like he needed an ambulance, Gus springs up from the bench, walks to the bag that quietly sits waiting for his fingers to grasp the well-worn tracks on the handle, and quickly walks out the door. Mizz doesn't have a minute to call out, to say something, even if she had wanted to. And actually she hadn't. Case gone, case over. Gus walks straight through the courtroom, ignoring the judge's "Where do you think you are going, Mr. Larson. Get back here right now!"

Jenny too is speechless, but only for a minute. She starts her wailing again. "My brother. What about Jimmy? Now, I'll never find him." "Quiet, Jenny," Mizz hisses, "you have to let me think. This is really a break for you. Your case will be dismissed. Let's deal with that first."

When Mizz tells the ADA and the judge what had happened, Waxwrath sputters and shouts about disbaring Gus and excoriates the "criminal justice circus." But what could he do without the evidence? "Not a thing," Mizz crows to herself as she walks Jenny out of the courtroom.

When they reach the sidewalk, where usually lawyer and client would part company with a handshake, or even an exchange of money, Mizz hesitates, not knowing what to do about this desperate girl and her vanished brother. "Go home, Jenny. Let me see if I can do anything to find Jimmy." Mizz reaches for Jenny to give her a comforting pat on the back, but Jenny's eyes tell the story: She has nowhere to go.

"Oy vey." Mizz, always the quick learner, had absorbed the Yiddish expressions of her law school classmates. She relents and crosses her "never get personal with a client" boundary line. "Let's go to my office. We'll figure things out from there."

Gus is skipping for joy, looking like the ballet-dancing hippos in *Fantasia*, minus the tutu. Portia is like adrenalin, recharging his batteries. "I've got to make this right." He bolts out of the Criminal Court and heads straight for Family Court hoping that it's still open for business. At the clerk's office, true to Gus form, he realizes he can't remember Jenny's brother's name, has no idea about the docket number, but he does have the date and judge's name marked on the calendar he pulls from the depths of Portia. That's enough for the clerk who locates Jimmy Kinder's file and gives it to the attorney-of-record, Augustus Larson, Esq.

"Get over to Family Court first thing tomorrow morning," Mizz hears on her voicemail when she listens to her messages a few days later. "Oh and this is Gus speaking." Mizz arrives just in time to see Gus, pressed suit, combed hair, Portia on the table in front of the judge, put his arm across the shoulder of a young man. "I promise that Jimmy will attend school, report to a family services officer, and not get into trouble." "So ordered," bangs the gavel.

Gus can't suppress his big grin when he introduces Jimmy to Mizz. "This is your sister's lawyer. The judge is letting Jimmy and Jenny see each other as much as they want in exchange for my promise to stay involved in their lives as surrogate grandfather. Go tell her the good news."

“Oh, my God, oh, my god. Goddamn,” Jenny can’t make up her mind when she hears what happened. “The fat slug pulled this off? Amazing? “ She pauses and pulls something out of her pocket. “Do you think I should return this to him now? I took it from the bag before I was arrested.” Jenny shows Mizz and Jimmy a photo of an almost unrecognizable Gus with long black hair, clear eyes, and a trim waist, his arms around the shoulders of a man and a woman, both of whom had that goofy proud parent smile across their faces. His look of anticipation and excitement beamed off the photo. At his feet, unmistakably, was Portia looking spiffily brand new, an almost living creature ready to jump into Gus’s hand.

Gus’s revived energy had dissipated from the effort of his good deed so he lumbers along toward the subway, the wrinkled senior citizen version of Portia firmly in his grasp. “This would be the moment that the music would begin as the old gunslinger rides his horse into the sunset, the town saved, the young sheriff married to the rancher’s daughter,” Gus muses.

“Gus, Gus!” He turns to see Mizz running after him and then she is hugging him. “You did good, Gus. Thanks so much. Let’s get some coffee. Better yet a beer.” A beer would be fine with Gus as long as there were some pretzels on the side, and Mizz picked up the tab.