

## **Dean and Donald and Peeing on the Chickens**

**by Raymond Abbott**

I have been on jury duty for almost two weeks now. It can be a little dull and it often involves a lot of sitting around waiting. The people there, the others in the pool (about two-hundred of us) are very nice or seem so anyway, and are quite varied as to occupation and lifestyle. One is even a federal judge. It is a most inconvenient experience for almost everyone—less so for me because I am not working (retired, I suppose it can be said)—and an economic hardship for many because the pay in Kentucky is \$12.50 a day, and while many employers give their employees the time off, a goodly number do not pay them. And from the \$12.50 payment you have to buy your lunch and pay for parking downtown, and parking is at least \$3.00 per day. Still, few complain. They seem to recognize the importance of serving on a jury.

I know, I know; what does all this have to do with Dean and Donald peeing on chickens? I am getting to that part, and am here merely providing a bit of background.

One day I was part of about forty other would-be jurors selected that morning from the overall pool. We were sent to a courtroom in the district court, just down the hall—we never had to leave the building. It was Courtroom 202. Six of the forty of us and one alternate were to be selected for jury in a criminal case. A rather tough-looking Caucasian fellow, the defendant, sat next to his attorney at a table in front of where we sat. There were two tables there and behind the tables and to the left the judge sat at her bench, which was somewhat elevated. She seemed rather far away. When she spoke her voice was soft and I had trouble hearing her and wanted to shout out, “Speak up, your highness!” but I didn’t. I guess the proper address was “your honor.” Although I didn’t hear anybody calling anybody “your honor” the entire time I served. Maybe that is only done on TV, or in the Northeast where judges are appointed and not elected as they are in Kentucky. I noticed the judge was simply addressed as “Judge.”

At one of the two tables sat two young men, the prosecutors. They seemed unusually young to me, whereas the defense attorney was older and appeared more seasoned. He was kind of stocky, like the man he was defending. He wore his hair long, and had a lot of it. It was black flecked with gray. He gave the impression of having experience and competency, whereas the prosecutors seemed a little on the lean side of experience. I would say the defense attorney was fifty-five, and the young prosecutor, the one who spoke, not yet thirty years of age. The same was true of his partner. This

young man spoke first and he was clear in what he had to say, well-spoken and calm. He explained the rules saying at one point that while everyone in the courtroom, including us of course, was sworn to tell the truth, the whole truth and so on, that he as a lawyer, and the same went for the defense attorney, were not.

The dark-haired young judge, I suppose, was also not sworn to tell the truth either, although he didn't say as much. But I never heard her swear to anything while I was there. I thought this kind of an odd statement out of the mouth of the prosecuting attorney. It was simply not something I had thought about before. Did saying this mean he might lie to us, and the defense attorney too, and possibly the judge as well? This all stuck in my mind and made me somewhat uneasy, and I wondered why in the world the young man would say such a thing. What did it get him and what was the point except to cause someone like me to wonder as to the why of his curious words? I do feel certain that what this young fellow said helped instigate what I had to say a little later on. His puzzling speech gave me the freedom to say what I did, which was pretty far from the truth, the whole truth, and so on. I will come to that in a moment.

The man being prosecuted, the burly fellow, who looked to me like a forty-year-old truck driver, was being charged with assault. He had beaten up another man. I am guessing, but I suppose the encounter was sort of a brawl, maybe in a barroom setting. I don't know the particulars because I was not selected for the final jury, and so did not get to hear the details of the case. Maybe the man was drunk at the time, his victim, too. The defendant apparently gave the other fellow quite a thumping, or the case would not have made it to criminal court. That is only my speculation, though.

The defense attorney spoke next and he gave a general outline of what occurred with few specifics, emphasizing that the incident was not much more than two men having a disagreement. He noted in his speech that his client could go to jail for a year or two if found guilty, as if to remind us there are consequences for the man being in the courtroom, and consequences if we found him guilty.

Until this was said, the defendant had been looking straight ahead in our direction, although careful not to make eye contact. But when his attorney spoke of the possible punishment, he quickly looked at his attorney and then to the other table where the prosecutors sat, and I thought that maybe he was realizing perhaps for the first time the severity of the penalty, should he be found guilty. Of course he must have been advised of this possibility beforehand, but hearing the words spoken aloud may have jarred him. Or maybe it was an act. The gist of the defense attorney's message was that this case involved a disagreement between two men that sort of got out of control, that it became a fistfight, and it was no more than that.

In their presentations the lawyers asked us if we knew any of the principals involved. Did we know the judge, for example, or the lawyers, or the defendant? No hands went up. Did any of us have feelings, religious or otherwise, concerning such violence we probably would hear about in this case that would preclude us from being fair in a judgement? Again, no hands went up. Then we were asked if any of us had been involved in violence ourselves, a fight or what-have-you. For some reason, that question caught me unawares. A tall man, lean and bald, stood up in the back and identified himself as a police officer with eighteen years of experience. Certainly he had been involved in violent incidents in the course of doing his job, perhaps many over time. No other hands went up and I sat there trying to decide what to do, what to say, if anything.

I didn't know how I would explain what happened twenty years before when I was quite thoroughly thrashed by three men in a stairwell not three miles from where I now sat. The memory of that day came swimming back in my mind and nearly made

me choke when I recalled how two men held me while the third slammed my head by my necktie into a concrete wall several times. I knew I could ask to speak to the judge and the attorney at the front of the courtroom where nobody else could hear what I had to say. I had seen this done before. Yet I didn't want to do that because my story was quirky and could be long in the telling. And in a way, a little hard to explain. But believe me when I say the violence that day was real enough, in spite of the odd circumstances.

I was, lo those many years ago, being carried out of the office of the president of a big hospital corporation. I was in their facility by invitation, and the issue involved the eviction from their emergency room of my young injured daughter. The hospital president didn't think much of my complaints and made it perfectly clear as to how he felt, abundantly so. Things were not going well, and I was ordered to leave. I didn't; I did tell the hospital president that I would leave if he brought in the police to escort me out. I would leave with them, I said. It was a fairly heated conversation, and he did not summon the police, but instead called his security force, three men, who carried me off by way of the stairwell, where they stopped and gave me—out of sight—the thrashing I am sure they believed I deserved.

They beat the piss out of me. I wasn't about to tell all of this in the courtroom, and I knew I didn't have to, so I stood up, my voice faltering a little as I remembered the event, and said only that I was beaten by three men in a stairwell almost twenty years before. The room was silent. I knew details were wanted, but I was not about to provide those. I decided against asking permission to approach the judge's bench. After all, the rest of the courtroom might feel cheated—we all wanted to be in on the particulars, at least I did. I guess it can be said I didn't wish to disappoint. Besides, I was almost at the end of my jury duty time, two weeks in all. And this might represent the only opportunity I'd have to say something aloud, I decided, even though that something was not indeed the whole truth. But if I told my story correctly, I thought, the yarn could be entertaining. We were a group as I have already noted, somewhat bonded, but often bored to a fault. A good story might be welcomed.

One of the attorneys asked me, "Would this incident preclude you from being impartial in this matter?" I think it was the defense attorney.

"Let me put it this way, sir," I replied. "If I were you, I would not pick me for your jury."

There was a titter of laughter from the other would-be jurors and the attorneys rushed up to confer with the lady judge. They were not long in doing this. I wasn't asked to join the group. I thought this must be the end of the matter, but one of the prosecuting attorneys asked another question.

"Did the perpetrators of the assault on you get apprehended?" Of course they hadn't! I looked at the young man, the same man who minutes before said he was not obligated to tell the truth, not sworn to do so, and I thought, *Since there was no chance I would be allowed to sit on this jury after what I had just said, the truth, the whole truth so help me God, what might come next from me?* Well, maybe I could argue I wasn't quite now sworn to the truth in the same way, if you follow my thinking. And if the guy hadn't asked that question, I never would have gone on at length the way I did. I just wouldn't have, not of my own volition.

It has always bothered me a little that the three men walked away from the incident in the stairwell unpunished, although the hospital itself didn't fare so well, but that is another story for another time.

"I guess in a way they were punished, sir," I began. "I don't know that what I am about to tell you actually happened, but I am fairly certain there were consequences.

These men have had to deal with one of my mother's curses for all these years." There was total silence in the courtroom and I expected someone in authority to say, "Okay, we don't need to hear anymore, sir," but nobody said anything, so I continued. I knew my fellow jurors wanted to hear what I had to say. In a way, so did I because I was totally making up what followed.

I continued. "My mother, by the way, is almost ninety-seven, and still active." There was a bit of laughter and talking among the jurors, but still, nobody objected to my storytelling. Nobody said I should sit down, so I explained how my mother believed in curses, something she had learned from her Irish mother. There were several degrees of these curses, I said, the first degree by far being the worst, and my mother said she had never dispensed a first-degree curse because the consequences were so severe, with even death being a possible result. She did say she knew how to issue such a curse, however. But second- and third-degree curses, she used those a-plenty. "I grew up in this world of curses," I admitted.

"My father, he didn't believe in the curses, but I do. Somehow my mother learned of the beating I suffered in that stairwell. I certainly didn't tell her, but my ex-wife could have. My daughter was only about seven at the time and didn't even know the story, so she could not have said anything to my mother. Anyway, somehow my mother got involved, involved from Massachusetts, where she lives even today. And I am sure as a consequence, these men have had to deal with, at minimum, third-degree curses for many years now."

I was prepared for someone to ask how a third-degree curse actually worked, and I would have said those so inflicted have to deal with endless disappointments in life. That nothing they aspired to for themselves ever worked out. Nothing.

I turned as I said my words and looked at the other jurors. I was convinced they believed me. I may have lost some, however, when I introduced Dean and Don into my narrative.

"Dean and Don," I went on, as if everyone there should know who they were before I spoke of them, "were two drunken brothers in the small Massachusetts town where I grew up. I'd say they were in their early fifties when I knew them. They had a habit of wearing soiled, stained, dark-colored clothing. And, in fact, they smelled.

"They were a scruffy pair, often in need of a shave, but they were not violent that I ever heard about. We had a bit of land behind our house and there my father for a few years raised chickens, and my mother had a half dozen or so laying hens. She was fond of those hens. They were kept in a separate pen behind the barn. Maybe there were eight or nine of them. She fussed over those chickens something wicked. Well, Dean and Don had this habit for a while of cutting across our backyard going to or coming from wherever they went, probably a bar, and they developed a nasty habit of stopping and relieving themselves on my mother's chickens. They peed on the chickens, laughing as they did so."

Now the room erupted in laughter and I felt certain no one in authority would try to stop me. And they didn't.

"For a long time I knew about this, about Dean and Don peeing on the chickens, but it didn't do any real harm that I could see, so I kept quiet about what I knew. But eventually my mother saw them doing what they did so frequently. As you might imagine, the practice stopped in a hurry. I suppose she must have reprimanded them, but I don't know for sure." I looked around the jury pool and noticed for the first time how many men there were, and most crowding sixty or even beyond my age, as a matter of fact.

"As many of you men in this room know, as you age, as you approach sixty, and

some well before that time, your urine stream weakens because the prostate gland is growing larger.” If at any time I expected to be stopped, it was now, but after the laughter stopped, I continued unencumbered. I was near the end, anyway.

“Dean and Don, they are not much more than fifty, as I said, but they both soon developed prostate trouble. Not one of them, but both of them, so peeing aggressively (I wanted to say ‘pissing’) soon became an issue for them. I don’t know if they ever knew of my mother’s role in their affliction, although many people in that small town knew of my mother’s alleged powers. Now I must say my mother is not the vicious type, so I am sure she fixed things for Dean and Don medically speaking, but they never again, so far as I knew, ever peed on my mother’s chickens. My point in telling you about Dean and Don is to convince you that my mother’s powers are indeed real, and my attackers surely have suffered consequences, although I am unable to be specific as to what they are.” I sat down rather abruptly.

The judge spoke next and used my surname. Usually in jury pools, you are identified by a number but she has names corresponding to our numbers.

“I thank you, Mr. Abbott. You’re excused.” That was all she said. Usually when you are not selected, you don’t get to leave until everyone leaves who has not made the cut. In this case, however, one of the deputy sheriffs came over to me and indicated that not only was I excused, not being picked for the jury, I was being directed to leave the courtroom immediately, which I did, of course. I had several more days of jury duty, but I never got called again for such questioning. I was certainly prepared to do my civic duty, if so chosen, but that just didn’t happen. As for me, I did in time receive payment, almost \$100.

But I must express a certain amount of satisfaction that I was able, in a small way, to avenge the uncalled-for brutality of the three security men in the stairwell of a hospital on me twenty years before. For I felt somehow exonerated from being the victim in an evil deed that went unpunished by telling a tall tale. Convincingly!