

Judge Hoffman seemed like an awfully young man to Dr. Ryker as he and the two pastors with him rose in respect of the entering judge. The dark curly hair and bushy mustache made the judge look more like one of the Marx brothers than a judge. Ryker thought that Hoffman seemed no more than thirty years of age. It was frightening to think that the ministry of a local church hinged upon someone radically young in comparison with most other judges.

The young judge gaveled the court in session and proceeded to call the first case. Ryker knew the procedure was to docket all the arraignments at the same time and then call the defendants in whatever order the paperwork is in on the clerk's desk. He knew his friend could be the next one called or not appear for another hour or so. He hoped for the latter, in order to get a feel for the experience and fairness of Judge Hoffman before the pastor was called.

It did not take very long to realize that looks were indeed deceiving. Judge Hoffman handled the first arraignment with discernment far above his years. Ryker thought that perhaps a young and teachable judge was better than an older man set in his ways. He wondered about Hoffman's background, his religious preference, his family: all the criteria they would eventually find out about the judge. He remembered one judge who declared to him in court that he had descended from the Scottish Covenanters who took such a stand against the King of England and, by their blood, had reformed the policies of the King regarding religious freedom. Unfortunately, a sharp prosecutor motioned the court for a change of judges in that case.

The prosecutor in this court, from behind, seemed like an awfully large man, more a linebacker than a prosecutor. Riley was the name he was told would prosecute this case. The big man stood in front of the judge's desk, slightly to the side, and directly in front of the judge's desk, slightly to the side, and directly to the clerk, who read off the name at the top of the folder and handed the paperwork to the judge. It was an assembly line process as ten people were arraigned in less than fifteen minutes.

*Henry Ford would have been proud of this court,* thought Ryker.

"Robert Hancock!" was called by the clerk, bringing Ryker out of his thoughts. He reached for his pen and notebook in order to jot down anything of significance.

The pastor was ushered in by a deputy through a side door which led from a back stairway and down to the jail two floors below. Ryker was glad to see that someone had permitted the pastor to change out of his orange jail clothes and back into the suit in which he was arrested. He saw the prosecutor look over and acknowledge the pastor with a nod as he gave the folder to the clerk in front of him. The clerk opened the folder, stamped the date at the top of the complaint, and slid the file in front of Judge Hoffman, who read the charges.

"Mr. Hancock, you have been charged with the mental, emotional, and physical abuse of a child under the age of eighteen years of age. Do you understand the charges as I have read them to you?" Judge Hoffman still had not looked up at the man standing in front of him.

"No, Sir. I do not."

"The eyes of the judge lifted from the papers before him and looked square into the eyes of the pastor.

"Uh, Mr. Hancock, what is it about the charges that you do not understand?"

"Your Honor, I do not understand why the prosecutor has charged me with anything."

The judge glanced at Riley, who shrugged his shoulders, and then looked back at the pastor.

“Mr. Hancock, the prosecutor has received information that someone saw you abusing a child. What is there to misunderstand about that?”

“First, your Honor, if I did not have the option of saying ‘no’, why did you ask me if I understood the charges? Why not just assume I understand?”

The judge’s eyes opened widely as he looked over to the prosecutor. Riley refused to meet the judge eye to eye as he chose to simply look straight ahead at the clerk. Hoffman shifted his head to the side as he looked back at the accused.

The pastor continued. “Second, I would like to understand how I can be charged with these allegations on the information of someone who is not here, whom I cannot face, and whom I do not even know if they exist or not.”

“Mr. Hancock,” – the judge smiled – “the court does not have time to answer these questions at this time. This is only an arraignment for the purpose of you entering a plea. At the trial, you can put anything you wish to know into the form of a motion. I will be more than happy to consider your questions at that time. Now, it seems to me that you are a bright fellow. Therefore, I am going to assume that you understand the charges I have read to you. All right...?”

“I firmly object, Your Honor.” The clerk and prosecutor both saw each other wince.

“Mr. Hancock,” said the judge smoothly, “the bench will be tolerable a few minutes longer because you utterly intrigue me. I haven’t had this much drama during arraignments for years. Now, what exactly is it that you object to?”

“I object to the assumption you made concerning my understanding the charges. You see, the question proposed to the defendant about understanding the charges arose historically from the fact that a man could look into the face of his accuser and expect his accuser to explain why the charges were being made. If they could not explain satisfactorily to the court the reasons behind the charges, the case was dismissed. For example: would you understand if I looked at you and asked you if you understood why your robe is white, and your only option as an answer would be a yes reply? You would object, too. You would want to know why I was charging you with having a white robe on, when you know your robe is black. All I am trying to say is, did Mr. Riley here, or someone else here in the court see me do any of the things for which I am being charged? If so, have them speak up. Then I can plead as to whether I believe they are right or wrong in their charges.”

“An interesting theory, Mr. Hancock.... I’ll think about that. Now, I would like to know how you plead to charges I just read. Guilty, or not guilty?”

“I wish the court to enter a ‘no plead’.”

“Do you mean ‘not guilty’?”

“No, your Honor. I mean I am not going to plead guilty or not guilty to the charges.”

The young judge closed his eyes and took in a deep breath. Upon opening them again he said, “You have to plead either guilty or not guilty, Mr. Hancock.” Riley could tell that the judge was starting to lose his patience.

“No, Sir. I believe if you will study pleadings in more depth, you will agree that more options are open to a defendant than just guilty or not guilty. As a matter of fact, before the Ruled of Criminal Procedure came along, there were many pleas under the common law.”

“Mr. Hancock, this court recognized the pleas whereof you speak. I believe you are trying to plead ‘*nolo contendere*’?”

“No, Your Honor, I do contest the charges made against me. And I know that only special circumstances have to apply before the court can grant ‘*nolo contendere*’.”

“Then by process of elimination you are standing mute.”

“Basically, Your Honor, with the exception that I am explaining to you *why* I am standing mute, and no just standing mute.”

“Sum up again for me as to why you are standing mute.”

“Because I do not wish to plead until I can question my accuser as to when, how, and what they allegedly saw me do.”

“You may question anyone you wish at the trial, Mr. Hancock. You may also change your plea at any time. However, under procedural rules I must enter a not guilty plea for anyone who stands mute before the court.”

“I firmly object, Your Honor.”

“I figured you would, Mr. Hancock.” He turned to his clerk. “Set the trial date for one month from today. The next hearing will be in two weeks. I advise Mr. Hancock to get an attorney before the hearing, albeit the knowledge he seems to have concerning law, simply for procedural matters.”

“I obj-“

“Objection noted, Mr. Hancock. The court will not be as indulgent should you refuse to take our advice in seeking out legal counsel to sit by you and help you. Mr. Riley will check with you periodically to see if you are taking care of securing an attorney. If you do not have one by the hearing, one will be appointed for you by the court. Is there anything else, Mr. Hancock?”

“Have you received my writ of Habeas Corpus?”

“It’s on my desk. I have not had the time to read it, but I am looking forward to doing so.”

“I need a ruling on the Habeas Corpus as quickly as possible, Your Honor.”

“I will let you know.”

“Thank you.”

The gavel sounded. “Next case....”

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Randy brought Laura another case to be copied on the copy machine underneath the front stairs leading to the second floor of the law library. Due to the configuration of the stairs, ten steps on way and then ten back the other, the copy machine was partially hidden under the second flight of steps.

“How are the copies coming?” the law student asked the paralegal.

“Fine.... I’ll be done with these in a few minutes.”

“Laura, my father told me that he has accepted Jesus Christ. He said it was the best decision he has ever made.”

Lifting the top copy off of the copy machine, she placed the next volume on the glass and pressed the lighted green button. A blinding flash accompanied each copy made.

“And how about Randall, Jr....? Is he ready to make that decision?”

“No, I don’t think so. Maybe when I’m older.... I have too much living to do still.”

A smile came to his face as they both closed their eyes in anticipation of the next flash. *Flash!* Randy enjoyed being alone with Laura, and he knew that speaking about spiritual things was one way she would always speak with him.

“It seems your friend Lee is taking to legal research like a duck to water.”

“I suppose when it’s your neck in the noose, it tends to make a person a faster learner.”

*Flash!*

“Maybe our professor should learn that and only take students from prison.” They both laughed.

“At least they wouldn’t fall asleep in legal research classes.” She turned the page and placed the book face down again.

*Flash!*

“There, last page. And where is our prize student now?”

“I have him in the Indiana section going over the legislative history of Day Care bills.”

“How come you are giving him the boring jobs?”

“Hey, he doesn’t know Leg Hiss is boring, so keep your mouth shut. Besides, I’m trying to spend my time on cases that will prove him wrong on this church incorporation thing.”

“How are you doing?”

“Well, okay. I guess. Actually I want you to copy these three cases for me. Hollins versus Edmonds, this is a 1981 Kentucky appeals case that quotes the judge as saying that the church entered the realm of Caesar by forming a corporation and therefore must abide by the rules of Caesar which are the state statutes. Then there’s Matthews versus Adams, a Florida case in 1988 which said when the members of the church decided to incorporate they submitted the church to the jurisdiction of the court. And here’s EEOC versus Townley in 1988 which stated that the state of Massachusetts attempted to force church incorporation upon Baptists back in 1810 who believed that incorporation was ‘unChristian surrender to the state’.”

“Sounds to me like you’re on the right track to prove him wrong, Sherlock,” she said sarcastically.

She placed the first book on the machine and closed her eyes. Randy looked away from the flash and past the front counter at the entrance of the library. Two police officers and a campus security officer entered the doors and spoke with the librarian seated at the front desk. She pointed down the center aisle and the three moved past the front tables and into the book stacks.

Randy looked at Laura and whispered. “We’ve got trouble.”

“What,” returned Laura? She turned just to get a glimpse of the second officer moving slowly between the aisles, looking both ways between the shelves.

“Laura, don’t ask any questions. Just grab Lee and meet me in five minutes in the student union parking lot. And get Zorro out of that black outfit and into some jeans. If I don’t make it in five, tell Dad to send bail money to Crawfordsville.”

Quickly the law student grabbed a case book and moved swiftly toward the front doors which led to the halls of the rest of the law school building. In less than five seconds he walked between the metal detectors with the law book in his hand, setting off the alarm. The shocked librarian looked up from her reading to see Randy toss the book toward her with a shrug of his shoulders. He looked back over his shoulder to see the officers hurrying down the middle aisle toward him. He pushed the doors open and immediately turned to the right, dashing past the Moot Court room and toward the front entrance to the building. Thinking quickly, he turned down a side hallway which led down a long corridor past lecture rooms and to a side entrance to

the building. In the background he heard footsteps rounding the corner behind him. Rushing through his mind was the idea of entering a lecture hall closest to him; especially considering the leather-soled wing-tips he wore that made outrunning the police a virtual impossibility. Now forty feet from the outside doors of the building, he made the fatal mistake of looking back to see how close his pursuers were. Not five feet behind him ran the younger of the two officers, who lunged toward the fleeing suspect not ten feet from freedom. Randy felt the full weight of the officer thrust him into the glass doors. Driving his left shoulder onto the metal hardware which opens the door, the law student crumpled against the door and was ridden down to the floor as a wrestler would take down a foe. Dazed, he realized the man on his back was grabbing his left wrist and locking handcuffs onto it.

“Mr. Jackson, you have the right to remain silent. Anything you say can and will be used against you in a court of law. If you cannot afford an attorney, one will be appointed you by the court...”

The right wrist was handcuffed next as the officer continued quoting him his Miranda rights.

“Wait! What are you doing?!” Randy yelled at the man still on top of him. “Get off of me!”

By this time several other law students gathered around the scene. Law professors were assessing the situation from the doors of their lecture halls. Several recognized the popular third year law student.

“Police brutality.... Sue them Randy!” shouted on student.

“Do you guys have a warrant for this man?” asked another.

“Does anyone have a video camera, in case they start beating him?” called another from the back of the growing crowd.

A gray-haired man from the nearest lecture room approached the older policeman.

“My name is Dr. Gannon, officer. I teach Criminal Justice here at the law school. May I inquire as to what is going on here?”

“There’s a warrant out for this man’s arrest in Montgomery County, Doc. We’re supposed to arrest him and take him over to the Sheriff there.”

“What has he purportedly done?”

“This guy’s a pastor who has been charged with child abuse, Doc.”

Several students standing there laughed at the reference of Randy being a pastor.

“Hey Randy, since when did you start preaching?” called one of them.

“Officer, do you know who this young man is?” asked the professor. Without waiting for a comment, he continued. “This is Randall P. Jones, Jr., the son of the new Justice on the Indiana Supreme Court.”

The older officer looked at Randy still lying on the floor.

“You ain’t Lee Jackson?”

“Who”, asked Randy up at the officer?

The older officer looked at his partner, then the professor, and then Randy.

“If you ain’t Lee Jackson, why did you run from us?”

Randy rubbed his shoulder. “I was supposed to meet my father in the State Capitol building in five minutes. He gets real angry if I am late. I was hurrying out to my car when this goon slammed into me. Next thing I know, my rights are being quoted to me – not read – but *quoted* to me. Then I am handcuffed and called a preacher.”

“Looks to me like you have a case of mistaken identity, Officers,” offered Dr. Gannon.

“Sue’em, Randy.”

“We’ll all testify in your behalf.”

A very embarrassed officer turned to Randy and apologized sincerely for the mistake. The younger officer removed the handcuffs. The campus security guard had already slipped from the scene a few minutes earlier. Randy’s face showed pain as Dr. Gannon helped him to his feet. One of the students handed him a piece of paper with the officer’s names and badge numbers and a description of the campus cop. Underneath was written, *Sue them. You’ll own the police department, and you’ll never have to pay for another school parking ticket.*

Another student entered through the doors, saw his comrades still standing around and said, “I don’t know what went on here, but I just heard a police officer tell another one to remind him to never try to arrest a person in a law school, because there are too many people who understand their rights.”

The students laughed as they returned to their dull studies and away from the lone excitement of the day.

Randy walked to his car, holding his shoulder, thinking, *Jackson; I hope you are worth all this trouble and pain.*