

Street Scene

by Anthony J. Mohr

Sam was happy, at least that's what he said under oath. His employer had promoted him, he told the jury, and given him the rest of the day off. Heading home in his convertible, the radio blasting rock 'n' roll, he balled his hands into fists, bounced them on the steering wheel and then into the air in long up and down sweeps, every stroke in tune with the pounding beat.

Sam cruised by a stretch of single-story California bungalows with gabled structures and front-pitched roofs overhanging the porches. He admired the Craftsman style of board and shingle. All along the street, palm trees reached for the sky. This was the best part of Sam's commute, so he told the jury, a scene he enjoyed so much that he circled the block. The sun bathed him. The air felt like velvet. It was a perfect Southland day. Sam's life and career had come together. He was riding the crest, his reward for good work, the future open before him, boundless and bright.

He said he never noticed the ten-year-old girl on the sidewalk, but she noticed him, and when he passed her again, she ran into her house.

"There's a man in a car," the girl told her parents. "His hands are going up and down." I doubt the word "masturbate" had entered her vocabulary, but at age ten, Adrianna knew—she just knew—this man had something bad in mind. Bad enough that she'd memorized his license plate. Her parents called the police. The police contacted the city attorney. The city attorney filed a criminal complaint. The case came before me, a judge on the Los Angeles Superior Court.

Based on the time we'd need to pick a jury, hear the opening statement and the closing argument, and then instruct the jury, I estimated the trial could last a week, even though nobody would testify except ten-year-old Adrianna and thirty-something-year-old Sam.

The deputy city attorney led off with the right questions:

"Adrianna, do you know the difference between the truth and a lie?"

"I do," she said.

"Do you understand what an oath means?"

"You tell the truth."

"What happens if you don't tell the truth?"

"Daddy spansks me."

"Adrianna, would you like to tell the jury what you saw in the street that afternoon?"

"That man."

So far so good. The prosecutor knew how to examine a child on the witness stand.

Use simple words. Move through the questions slowly. Be friendly.

"Do you see him in the courtroom?"

"Yes."

"Would you like to point him out?"

"There," she said.

"Indicating the defendant," I said.

"What do you think he wanted to do?"

"Objection," said defense counsel. "Calls for speculation."

"Sustained," I said.

"Okay, then, what was he doing?"

Adrianna told the court.

"Can you show us what you mean?"

She did, moving her little fists up and down, near her lap.

"How did that make you feel, Adrianna?"

"He scared me."

I called for a brief recess, because under the stress of testifying, children tire easily, even with a support person.

I wondered if the defendant would take the stand. No one could force him to, and I'd already instructed the jury not to consider his silence as evidence of guilt. But Sam was the only witness for his side. Nobody else could support his version. To win, he had to testify, especially because his attorney had failed to shake Adrianna during cross-

examination. I was sure Adrianna did not believe she was lying. She thought what she'd said was the shining truth.

When I was ten, I spent a week at my Aunt Ruth's beach house on Long Island. A chubby second cousin, Dennis, a year younger than I, visited for a day, and before night fell, on purpose I think, he kicked the coffee table, shattering its glass top. My aunt stumbled from the wet bar in the den to the living room. She looked at the remains of her table and glared at me.

My aunt had been drinking, but I still wonder if that's the reason why she didn't ask us what happened—and why she blamed me so quickly. Did I have a guilty look? Often, I did, my father told me when I was Adrianna's age, but the faculty at our judges' college had insisted that we must never form conclusions based on appearances as Aunt Ruth had.

She aimed a finger at me. "You're not coming to the city tomorrow; just Dennis is," she said, slurring her words.

"I didn't do it," I said. That alone should have created a reasonable doubt, especially when my cousin didn't say anything. I started to cry. I wanted to see the Empire State Building, take the Circle Tour around Manhattan, have a sandwich at the Automat, and ice cream at Schrafft's.

"Maybe this'll teach you to behave," Aunt Ruth said. She started toward me, but something made her hold back her fist, probably the thought of my mother, who, at the moment, was walking with a friend on the beach. Aunt Ruth shambled back to her highball.

It hurt when someone called you a liar and you know you hadn't lied. I can only hope that during my years on the bench, I didn't believe the wrong person. But, unlike Aunt Ruth, I listened to both sides before deciding.

I don't recall how the truth emerged, but it did, after Aunt Ruth and Dennis returned from New York City. She didn't tell me; my mother did, then gave me a hug. A former member of the Women's Army Corps, tanned, hefty Aunt Ruth had questioned Dennis and pried the admission out of him. Cross-examination is, in John Henry Wigmore's words, the "greatest legal engine ever invented for the discovery of truth."

Aunt Ruth never took me into Manhattan. Several years later, highball in hand, in pain as usual, she tumbled backwards off her second-story balcony and died.

Sam took the stand. His hand trembled as he swore the oath.

“I was glad about my promotion,” he said, smiling. “I like architecture. I want to buy a bungalow for my family someday.” He lowered his head slightly. “If I get another promotion, maybe I can.”

Some trials bore me. Not this one. As I hoped the jurors were doing, I analyzed every facial tic, every body movement, every piece of witness diction, and still couldn’t tell who was right. I was glad a jury, and not I, would make that choice. My job was to decide what evidence was admissible, instruct the jury in the law, and make sure the trial ran fairly. Many judges have said that during jury trials, we act like umpires, just calling balls and strikes.

Had Sam “annoyed” Adriana? That’s all he had to do. Penal Code section 647.6 made it clear. “Every person who annoys or molests any child under 18 years of age shall be punished...” A five-thousand-dollar fine. A year in jail. Maybe both.

The word “or” controlled the statute. Sam didn’t need to molest Adrianna to be found guilty. He didn’t have to touch her. The case presented a classic example of one witness against another, with nobody to support either of them. The jury had nothing beyond tones of voice, word choices, and hand gestures. Adriana’s parents hadn’t seen anything. All they could say was that their daughter was upset.

If anything, Sam struck me as more frightened than Adriana, but then Sam was alone in the courtroom, his freedom and future at stake. Adriana’s parents sat in the audience and stood next to her when she testified. If, like me, the jury was undecided and if they obeyed my instructions, the result would be “not guilty.” They’d have a reasonable doubt. But would the jury follow the law? Some don’t.

The foreperson, a middle-aged lady who’d maintained a neutral but serious expression throughout the trial, handed the verdict form to my bailiff. The bailiff handed it to me. As always, I read it twice to make sure nothing was amiss and that the jury had not written anything confusing. That happens more than one would think.

“The verdict appears to be in order,” I said. I handed it to my court clerk.

In every criminal trial, before the verdict was read, I said, “The defendant will rise and face the jury.”

Trembling, Sam did as he was told.

The court clerk read it.

Not guilty.

I’ll never learn if the jury thought Adriana was lying or whether they didn’t know who to believe. Either would have justified the verdict. Collapsing into his seat, Sam broke into sobs. He covered his face with his hands. His entire body shook. I’d never seen a witness cry so hard and for so long. I’m sure the jury saved his career, maybe his marriage. Even if I’d put him on probation with no jail time, a guilty verdict would have forced Sam to spend a decade as a registered sex offender.

I heard this trial in 1997. Adrianna is an adult now. She wasn’t in the courtroom the afternoon the jury read the verdict; most likely she was back in school. Once she learned the result, maybe she cried, too. Adrianna was probably too young to know that not guilty didn’t mean she’d lied, as a guilty verdict would have meant for Sam. His acquittal signaled little more than the jury had a reasonable doubt, just as my Aunt Ruth should have had, staring at two children next to her shattered table. I hope that Adrianna’s civics teacher explained that concept.

How easily a gesture, even a look, can land a person in jeopardy. Being a judge did not shield me from the truth that things are not always what they appear. The trial made me feel vulnerable. As I drove home, I kept the radio off and focused on the road, no left arm on the open passenger window, no sideways glances at the hills, and my facial expression in neutral—no guilty look, lest anyone think I’d done something wrong.



A six-time Pushcart Prize nominee, **Anthony J. Mohr's** work has appeared or is upcoming in, among other places, *Cleaver*, *Commonweal*, *Cumberland River Review*, *DIAGRAM*, *Hippocampus Magazine*, *Moon City Review*, *North Dakota Quarterly*, *Superstition Review*, *ZYZZYVA*, and several anthologies. His memoir, *Every Other Weekend—Coming of Age with Two Different Dads* (Koehler Books), won several awards including 2025 Memoir of the Year in Australia's Books, Reviews, and Everything Written (BREW) Project and first place in the autobiography/memoir category of the American Writing Awards. For almost twenty-seven years, he sat as a judge on the Superior Court of California, County of Los Angeles, and still serves on a part-time basis. He is a 2021 fellow of Harvard University's Advanced Leadership Initiative and a managing editor of their *Social Impact Review*.