

Refusing to Blindly Follow

By Harold J. Fischel

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Chapter One

“Henry, you have to stop campaigning against the DA’s decision to indict Jaylen.”

“Can’t do that. He didn’t rape that girl! He never even touched her.”

“You don’t know that. The DA had enough to have him indicted. If you have your doubts, why not let the jury decide?”

“Don’t make me laugh. There is no way he can get a fair trial. Not in *this* town.”

“Henry, please. I don’t want to threaten, but the school board has instructed me to officially inform you that any further agitation by you will not be tolerated. Your job is on the line so shape up.”

“So be it. Jalen didn’t do it, and I can’t sit idly by while he’s railroaded into a conviction for something he is not guilty of.”

“I repeat. How can you be so sure he didn’t rape Darcy Paddington?”

“Jim. You’re an excellent principal. Administration is your thing, and I would never challenge you on that. Coaching is my area, and I know and understand kids. I’ve known Jaylen Wilson since he was in eighth grade. I’ve coached him from his JV days

until now, his senior year. I know that kid! I'll tell you what else I know. Jaylen is immensely popular. Great athlete, captain of this year's football team, handsome, and on top of that, he has a charming personality. Most of the girls in school would love to date him. That certainly included Darcy. She's one of the so-called cool girls, and as the big shot head cheerleader she thinks she's irresistible. The truth is, she can get any guy she wants and wrap him around her finger. Any guy except Jaylen. She's tried like hell, but no luck. It wasn't up to Jaylen. His mama forbids him to date white girls. And, in her household, her rules are the law."

Jim interrupted. "That's pretty racist of his mother."

"Not really. She has two older daughters. Both are college graduates and can't find suitable guys to date. So their mother feels it's not fair for white girls, who have a much wider field to choose from, to compete for the small group of 'suitable' guys. Anyway, Jalen wouldn't disobey his mom, and Darcy got so frustrated and angry by being ignored by Jalen that she wanted to get even with him. In order to hurt him and at the same time show the world how desirable she was, she invented the story that he raped her. She totally misjudged the consequences, and the whole thing quickly spiraled out of control. From a confidential story she told her best friends, the cool kids in school, the story leaked out, and Darcy's parents got wind of it. They went to the police, and Darcy saw no way to retract the story without getting into serious trouble herself."

Jim didn't believe a word of what Henry was telling him. "Sounds like a lot of bullshit to me. Who told you this fairy tale?"

"When the news broke that Jalen was arrested, I immediately went to see him in jail. My gut told me he didn't rape Darcy. I know him too well for that. He was confused and frightened. The arrest came totally unexpectedly and shook him pretty badly. It took a while for me to calm him down enough so we could discuss what happened. He told me he had heard the rumor, but his friends laughed it off. They didn't believe it. When the police questioned him he didn't take it too seriously. He thought he could protect Darcy by blowing the whole thing off and not strenuously denying it. Not until the police tried to get him to sign a confession, did he realize how serious the charge was and he should ask for a lawyer. Not until the end of the next day did he finally get a lawyer. By that time, they had gotten him to admit that he found Darcy very attractive and very sexy. I asked him pointblank; did he ever secretly date Darcy and did she refuse to have sex with him? He swore he never did date her, nor even try to date her. He was never alone with her, he never touched her. He told me Darcy often came to talk to him after a football game. She would make suggestive remarks which he considered part of her boisterous personality. Lately, the remarks were more and more in line with what the two of them would do when on a date. He felt sorry for her that he had to ignore her overtures. Getting sort of rejected in front of her

friends and his team mates must have been unexpected and embarrassing to a popular girl like Darcy.”

Jim shook his head. He liked Henry a lot, but he had instructions from the school board and the regional school superintendent. “Henry, you’re convinced the boy is innocent, but the decision is not up to you. You have to stay out of this case and let a jury decide what happened or didn’t happen. The public is demanding a conviction, and we have to stay neutral.”

“I can’t do that, Jim.”

“Then you leave me no choice. I have to let you go.”

“You can’t do that. There is such a thing as free speech, and besides, after all my years coaching at this school, I’m protected by my tenure.”

“That would be true, except for the fact that the board has readied a case against you by collecting complaints about your coaching and contact with students from parents who object to you speaking out in defense of Jaylen.”

“Those prejudiced bastards can go to hell. When you investigate those complaints, you’ll find it’s all made up. Pure fiction.”

“They won’t investigate any claim. The board wants you out. Henry I’m sorry; you’re fired. Welcome to the real world.”

Chapter Two

Walter Owens the public defender assigned to Jalen's case wasn't too interested in Jaylen's side of the story. During most of the pre-trial proceedings he concentrated on trying to convince Jaylen that by pleading guilty he could get a favorable plea bargain. Owens did call on Henry for the defense, but could only use him as a character witness. As for the actual facts in the case, he did little to try to dispute the charges.

It came as no surprise that the jury unanimously found Jaylen guilty. He received a twenty year jail sentence with the possibility of parole in ten. Jaylen's conviction didn't end Henry's campaign to prove his innocence.

Several months after he was fired from his job as head coach at the local high school, Henry was hired as manager of the Warriors, the regional division 2 baseball team. Two of the Warriors were recent graduates of the local high school. The person responsible for player personnel had played for Coach Henry twenty years before. When the Warriors searched for a new coach, Henry was the logical choice. Except for the horrible travel conditions and big cut in pay, Henry loved his new job. It gave him the time and the freedom to continue his fight for justice for Jaylen. He had the full support of the players and coaches of the Warriors for what they dubbed Henry's crusade.

By continuing to ask questions and encouraging people to speak up, things slowly started to fall into place. The first big break in the case came when Josie Winters came to see Henry. She was a close friend of Darcy's, but started to have doubts about her story. Late one night, she came to Henry's house and asked if she could speak to him. She insisted that what she would tell him had to be kept in strict confidence. As a friend of Darcy, she didn't want her name mentioned, but there was something about Darcy's account of what happened that bothered her. She explained the following to Henry. "We always park next to each other in the school parking lot. My SUV is higher than her Mustang and I can look down and see inside her car. Darcy said Jaylen raped her in her car. She was never clear about the day or exact time when it happened. She just told about how they were sitting in her car talking when he attacked her. I never noticed anything. It would have to have been during a time I was not in the parking lot. But that doesn't make sense. During lunch and any other time we weren't in class, Darcy and I would go out to the parking lot and sit in my or her car and smoke. Often, we would be joined by one or two of our friends. I can't think of any time she and Jaylen would be by themselves out in the parking lot talking in her car. She and Jaylen knew each other, but they weren't friends. Certainly not the type of friends who would go the parking lot to smoke in the car. Besides, Jaylen doesn't smoke! I don't want to be funny, but how do you have sex in a Mustang? Straddle across the gearshift? I think not. Were they in the back? Why? Her story

doesn't make any sense; she's my best friend, but I think she made the whole thing up."

This was precisely the type of thing Henry had wanted Owens to cover during the trial. "Why didn't you speak up before or right after the trial?"

Josie burst out crying. "Why? Because she's my best friend. I believed her, felt terrible for her. My mind wouldn't question her story until much later." After a long pause the crying stopped. "No! I'm a coward. I was afraid to come forward. Everybody wanted Jaylen convicted. As her best friend, I didn't dare question the 'poor' girl's story. Look what happened to you. From a respected coach, they reduced you to a pariah. You lost your job, and they damn near drove you out of town."

"I get your point. But why now, Josie?"

"Coach, I can't sleep at night. I like Jaylen. I like him a lot. At night I see him in jail, and I helped put him there by cowardly keeping my mouth shut. I knew. Yes, I knew all along her story couldn't be true. Coach, help me. Please help me. I can't stand it any longer. I hate her!"

"That you didn't come forward and help prevent a boy I love from being convicted for a crime he didn't commit tears me to pieces. I should be furious, but I understand why you hid from the truth. Society has no right to put the burden of correcting its failure on the shoulders of a high school girl. The DA, the

school board, the superintendent, the people in town, all of them had a duty to carefully investigate Darcy's accusation. The only ones I can excuse are her parents."

Josie wiped away her tears. "I was afraid to come to you. I was sure you'd throw me out. And even though you promised to keep what I said in strict confidence, I wasn't sure you wouldn't take me by my ears and force me to tell my story to the DA. But what can we do now?"

"The owners of the Warriors have helped me put a fund together to hire lawyers to prepare Jaylen's petition for a new trial. The petition will be based on his claim that the public defender didn't abide by the standards of professional conduct, as expressed in applicable law and ethical codes and opinions in the applicable jurisdiction. The three gentlemen who jointly own the Warriors have what we call deep pockets, and our fund is sufficient to cover all legal costs. I blame myself for fighting his arrest by myself instead of seeking help to raise funds for a proper defense."

"If he is granted a new trial, I'll volunteer to be called by the defense."

"You'd be sort of outing yourself by doing that. You'll be exposing yourself to the same public hysteria that influenced the original trial. I can hear it now... 'best friend turns on poor rape victim.'"

“I don’t care. I can’t live this way. I’m through hiding from the truth.”

“I hope and pray Jaylen gets a new trial. Before that, we can’t get anything done. I tried, but the DA won’t budge. It’s best you lay low until I call on you to consult with the lawyers handling the petition for a new trial.”

Chapter Three

Henry's high hopes for a new trial were dashed when he received word the petition for a new trial had been rejected. Jaylen's lawyers immediately appealed the decision, but this time Henry was less optimistic. Instead of pinning his hopes on a new trial, he increased his efforts to find new evidence of Jaylen's innocence. Henry's aggressive questioning of anyone he suspected to be even remotely connected to the case angered the town's people to an extent that it influenced attendance at Warrior games.

Attendance at Warrior games continued to drop, and so did the support Henry had from the owners of the Warriors. Two of the three owners felt that Henry had become such a liability that he should resign as manager. The third owner, Henry's strongest supporter, consented, but continued to give substantial support to Henry's efforts to free Jaylen.

Baseball season ended, and Henry's resignation would not become relevant until spring training the following year. In the meantime, Henry was allowed to stay and take care of scouting and recruiting for the team since that had a low public profile.

He was in his office watching videos of prospects sent in by their high school or club coaches. Someone knocked on his door. To Henry's surprise, it was Hagan Debussy. Henry had not

seen or spoken to Hagan since he left his coaching job at the high school.

“Hagan, what a surprise. What brings you to this deserted baseball stadium?”

“I have to talk to you about Jaylen, sir.”

“I haven’t visited him for a week, but under the circumstances he’s doing okay.”

“I’m glad to hear that, but that’s not what I came to tell you.”

Henry had no idea what Hagan had come to tell him. Hagan and Jaylen were both on the high school football team. Naturally, they knew each other well and were friendly, but they weren’t really friends. That was partly because of the competition between them; they were both star running backs. But mostly because of what Hagan heard at home. His mother was a member of the school board and opposed to having children from outside the local school district attend the town’s highly rated schools. It was well known that her motives were racist. She had no use for minorities.

“Coach, I took Darcy to our senior prom. We had been dating for several weeks, and our relationship had become pretty serious. At the prom, we drank quite a lot. I smuggled in some liquor. After the prom, we drove out to my folk’s summer cabin on the lake. Darcy was eager for us to go out there, and I was

sure we were going there to have sex. We started necking, and both of us got excited. She helped me take some of her clothes off and I took out a condom from the package I had with me. She stopped me and told me that it would be her first time. She said she was scared, but if I really loved her she would let me make love to her.”

Henry stopped him. “Hey I don’t have to hear all the details. So you and Darcy have been intimate. What on earth does that have to do with Jaylen?”

“Coach, Darcy was a virgin. Jaylen didn’t rape her!”

“What the hell are you saying? How do you know she was a virgin?”

“Coach, I know for sure. I researched it.”

“Researched it? How, what does that mean?”

“Hold on, Coach. Let me explain. When I entered her she groaned like it really hurt. She kept on whispering for me to be gentle and help her because it was her first time. I didn’t take that first time bit too seriously; a lot of girls say that to make a guy feel he is pretty special. We didn’t do much about foreplay, so I thought it hurt because she wasn’t ready for me and the condom I used wasn’t lubricated. But when I took off the condom it had blood on it. When I looked at the bedsheet we were laying on, it too had blood on it. She saw the blood and

was embarrassed. I asked if she was having her period and she assured me she wasn't."

Before we left the cottage we washed the sheet and remade the bed. A few days later Darcy called me. She said she really loved me and since the first time had not been great could be go back to the cottage and make love again. We did the next week end. Everything went fine. This time she didn't complain about it hurting."

"Coach, I'm pretty active sexually. Why not? If the girls agree I don't see anything wrong with it. But I never had a girl tell me it hurt, and I never saw any blood before. So, yesterday, I looked it up on my computer. I found out that Darcy must have had pretty thick hymen tissue which I broke. I was horrified when I realized it meant I was the first to penetrate her vagina; Jaylen could not have raped her. The whole thing was a lie. I hate her!"

This was the break Henry had prayed for. He knew he had to handle it carefully; the DA wouldn't have a problem in discrediting Hagan and his story. "Hagan, let's sit down and let's talk this over calmly. I have always known that Jaylen couldn't have raped that girl, but we have to prove it. You are incredibly brave to have come to me with this. It will be the cornerstone of events that will reverse Jaylen's conviction. In my eyes you are a hero, but I have to protect you from forces that will destroy you if you go public with this story and accuse

Darcy of lying. The people of this town wanted a conviction, and they won't let you try to take that away from them.”

“If I don't tell my story to the police, how can we help Jaylen?”

“You didn't go to the police, but did you tell anyone else?”

“No! I came directly to you because you're known by everybody as the guy who claims Jaylen's conviction was wrong.”

“So you realized proving Darcy was lying, solely based on your experience during sex with her, would be difficult if not impossible.”

“Then we can't do anything? She gets away with lying and Jaylen rots in jail.”

“No, that's not going to happen. We have to build a strong case against her. Strong enough to get her to retract her accusation.”

“She'll never voluntarily do that.”

“Yes she will!”

Chapter Four

Josie Winters called Darcy and asked her to come and join her for pizza at Casa Italia. When Darcy got there, Josie was sitting in a corner with four of their friends from school. While they were eating and gossiping about classmates, Josie turned to Darcy. “Where was I that day when Jaylen attacked you? When something so awful happens to you, you surely remember the exact day. You never told me, but you must remember the exact day Darcy. Didn’t I go out to the parking lot with you that day? I wasn’t sick all year, never missed a day of school. How come I wasn’t with you? I would’ve helped you fight him off. The two of us could have handled him.”

Darcy tried to evade giving a direct answer. “Josie I’m trying to forget that horrible day. Let’s not discuss it. It was bad enough having to tell the whole thing in court. I don’t want to re-live it once again.”

Josie kept pushing. “I know. You poor thing. I feel so guilty not having been there to help you. Did we have a fight that day, and was I sitting by myself in my own car?”

Darcy was getting very uncomfortable. “Josie, please, leave it alone.”

“Yeah, but as your best friend, I should have been there to stop him. I can see into your car from mine. Did he get you in

the backseat? With those buckets in front it would have been impossible.”

“Josie, stop it. What’s the matter with you? What are you doing?”

The other girls at the table came to Josie’s defense. “Darcy, she telling you she feels guilty she wasn’t there to defend you. She’s saying she’s sorry and is trying to find out why she was not with you that day.”

Darcy stormed out of the restaurant. Inside Josie and the other girls heard her tires screech as she tore down the street.

The next day, Hagan called Darcy. “Honey, I hear the girls were horrid yesterday. You best friend picking on you just because she feels bad. It’s disgusting. Let’s go to a movie tonight, so you can forget the whole thing.”

After the movie they sat for a while parked in front of Darcy’s house in Hagan’s car. Darcy wanted to make out, and Hagan played along. He was whispering nice things in her ear when he brought up what went wrong the night after the prom. Darcy said she’d rather go over the second time they made love. Hagan didn’t budge. “You know when it hurts and there’s blood it means the hymen tears. Doesn’t happen to all girls, but when it does, it’s a sure sign it’s the first time a penis penetrates the vagina.”

Darcy smiled. “Told yah you were my first. Let’s crawl into the back and celebrate our love again.”

Hagan pushed her away. “Yes I was the first. No other penis entered your vagina before. Listen to me carefully, Darcy. It proved that no one else stuck his penis in your vagina.”

Darcy realized what Hagan was telling her. “You dirty bastard. You shit, what are you trying to do?” She slapped him hard and pounded with clenched fists on his chest. Tears started flowing as she threw open the car door and ran into her house.

The next day, Hagan announced to all his friends that he had broken up with Darcy. To Darcy, who had made a big deal of her romance with Hagan, that proved to be a major blow. She could no longer lean on her best friend Josie, and in despair, she locked herself in her room.

After two days her worried parents had her bedroom door broken open. They found her hanging in her closet. On her desk was a handwritten letter admitting that she made up the story about the rape. She never meant it to go so far. She only wanted to hurt Jaylen for snubbing her advances. She hoped that the signed letter would help correct her sin.

Chapter Five

After Jaylen's case was reversed, he belatedly received his high school diploma. Scouts had been following him since his junior year, and he was awarded a full football scholarship to an SEC university. He was a five-star recruit and managed to base his acceptance on the condition that Coach Henry be considered for the running back coach position.