

# The Measure of a Man

a short story by Kurt Holloway

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It was almost 9:00 PM on a sultry summer night in Washington DC, with darkness spreading over the dimming sunlight when Jamal Wilks stopped in the Quickie Mini-Mart on his way home from work. As he reached for a cold soda from the cooler, Ben Malone walked up behind him and slapped the back of his head hard, taunting, “Bang you’re dead.” Ben hated Jamal because three years before, during their senior year of high school, Jamal shoved him against a wall when he saw Ben smacking a girl’s face and twisting her arm in the school stairwell. Word spread about Jamal manhandling Ben, and for the next month the other kids pointed, whispered, and snickered when they passed by Ben in school. He blamed Jamal for being shamed by the other kids and wanted to get even, and, one day, would settle the score once and for all.

As he glanced back at Ben, Jamal decided to leave the store quickly to avoid a scene, so he put the soda back and walked out. Ben followed close behind talking trash. It was an odd sight, Ben all of 150 pounds with pale, lightly freckled skin, a clean-shaven face below two pale green, narrow eyes and shortly cropped ginger hair on his head, which measured five-feet-eight inches above the ground; following and squawking at six-foot-two-inch, 210 pounds, dark brown-skinned Jamal. Jamal’s body was muscular, his hair and beard dark and thick but closely clipped and his face, once cheery and bright-eyed, was now serious and sad-eyed from the turn of his life. It all combined to give him a brooding, powerful masculinity which was physically imposing and to strangers appeared intimidating, even dangerous. To those who knew him, he was a gentle, kind young man who still had a big smile, but he shared it less often these days. Ben, a bully and a coward, was cautious about how much he would taunt Jamal tonight; he was biding his time.

Jamal grew up in a poor, mostly African American, DC neighborhood with his parents and two younger sisters. Every week his parents made sure that the family spent time together in parks or the myriad of other free attractions in DC where they could escape the decay and dangers of their neighborhood. They seldom missed services and gatherings at their Baptist church because their faith and church family were important to them. Jamal’s parents, Sam and Opel, were soft-spoken about their faith, mostly allowing their actions to speak for them.

Sam was a big man with a heart to match who thought deeply and spoke little. When he thought his kids were straying from the way he wanted them to grow up he would often tell them, “If you only think about yourself, you’ll be lonely your whole life but if you think about everybody else, you’ll never be lonely.” The kids didn’t really understand what he meant but they had fun whispering it to each other and giggling when he said it. Mama Opel was a ball of energy and passion. When she spoke, the kids knew exactly what she meant and if she told them to do something she didn’t mean in five minutes.

When Jamal was sixteen Sam died of a heart attack. He couldn’t understand why God needed to take his dad, and he regularly told Him silently, “We needed him more than You did.” Sam’s death ripped the family’s emotional and financial fabric, and the threads were pulling apart. Mama worked as many hours at the neighborhood dollar store as she could, but the money was still short, so Jamal worked when he found it, here and there, to help the family. He didn’t have time for school football anymore and his usually good school grades fell except for math, his favorite subject. Even with the extra psychological weight he carried as the man of the house, Jamal was the guy in school and the neighborhood with a good word for everyone. His dad used to be that guy and when he died there was a hole in the neighborhood, in Jamal, and in his family.

After graduation from high school, Jamal found full-time, minimum-wage work washing dishes at Auntie’s Kitchen diner. He knew education was the only way to a better life, so he applied and was accepted to the Washington DC Community College where he would try to balance work and school. But trouble was a trap waiting at every corner for a young African-American man in tough DC neighborhoods, and the trap snared him twice within three years. Not long after he turned eighteen, three young gang members jumped him, and the police arrested everyone involved in the fight. The prosecutor allowed Jamal to enter a special program for first offenders which allowed Jamal to serve a year of probation after which, with good behavior, he could apply to the court to have the arrest expunged from his record. Jamal successfully completed the program but neither he nor his public defender followed up and applied for the expungement of Jamal’s arrest. The second arrest was for stealing a soda and chips from a market the day before payday. It happened late one summer night on his way home from work. He was broke and

hungry for some junk food, so on impulse he walked into a small food store and quickly stuffed the bag and can into his jacket and tried to walk out, but the owner had been watching him and called the police the minute Jamal walked out of the store. The store surveillance camera and the owner's testimony were ample evidence of the crime. Jamal pled guilty to retail theft, a minor offense, and paid a one hundred dollar fine. By the time he was twenty-one, he carried the burden of the two arrests on his record.

Ben, an only child, grew up with his parents in a blue-collar, white DC neighborhood. His father, John, verbally and physically abused his wife, Millie, and son, especially when he was drunk, an almost nightly occurrence. Over the years the abuse drained the love and spirit from Millie until she withered like the potted mum on their front porch shocked by the first frost, once full of color and glorious, now brown and lifeless. Instead of the love and encouragement Ben needed, he received the same brutal coldness that killed the flower. But his young spirit did not die; its spark became a smoldering ember glowing hotter day by day fueled by each blast of his father's icy coldness. After high school, Ben's father got him a job with the city maintenance department and threatened to beat him if he screwed it up, but a decent paying, steady job was not enough to control Ben's now red hot, violent nature. He was arrested twice for assault, his victims a girlfriend and an elderly neighbor. In both cases Ben was allowed to plead guilty to minor, summary offenses because the victims were terrified to testify against Ben. John Malone, furious about having to pay for his son's lawyer twice, told Ben on the way out of the courtroom the second time that he was nothing but a stupid punk.

Over the years, John Malone pounded and manipulated his son into a violent man like himself, except that John's twisted mind controlled his violence as a tool to grasp and hold the power that he craved, the power to control as much of his little world as possible. Ben could not control his rage, and every so often the building pressure would burst out without warning in an act of violence like searing hot steam spewing from inner earth. But his venting was only a byproduct from the cauldron of bubbling hate and anger, like magma, churning inside Ben and building toward a cataclysmic explosion. Now, just six months after his last arrest, when Ben ran into Jamal in the market, the sight and memory of Jamal produced a surge of anger which would unleash violently.

Jamal was a block away from the Quickie Mini-Mart, where the street was darker, with Ben still on his heels, when a white-haired, old man with a cane limped toward them. Suddenly, Ben ran at the old man and threw his weight and rage into a smashing punch to the old man's nose, which sounded like a raw egg smashed into a brick wall. The man crumpled to the ground, and as he lay there moaning in pain Ben kicked him in the head and ribs. Ben turned toward Jamal, pointed as if to threaten "you're next," and cackled manically. Then he ran away, almost bumping into a man walking his dog. Jamal hurried over to the old man, bent over and reached down to help him, and as he did the old man swung his cane wildly and began screaming. The cane slammed into Jamal's right hand with a bone-cracking crunch. As Jamal recoiled in pain, he heard a woman yell from her second story window directly above, "Leave that man alone. I've already called the police." Jamal jerked his face toward her for a moment as his mind swirled in pain and with fear of another arrest; then he ran away.

With identifications from the victim and two witnesses, the police arrested Ben. Trying to cut a deal, Ben told police that Jamal helped in the attack. Jamal was picked up, and the woman in the window and the victim identified him in a lineup as one of the attackers. The attack had occurred so suddenly and violently, and Jamal had bent over and placed his large hands on the victim, which made both witnesses mistakenly believe that he struck the old man. The bulky bandage on his right hand looked like an injury which would occur by hitting a victim's bones. Jamal's pleas of innocence to the police fell on deaf ears. At the arraignment, Ben and Jamal were each charged with aggravated assault. Ben's father allowed the family house to be used as security for a bail bond so that Ben could be free pending trial. Neither Jamal or his mother had the five thousand dollars in cash or collateral to post his bail, so he went to jail. Money and the lack of it are important in the criminal justice system.

At home, Ben's father told him to plead guilty because he would not pay the lawyer to go to trial for his son's stupidity. Ben seethed in self-pity and vowed silently to show his father someday just how smart and strong he was.

Since Jamal had no money for a lawyer, he was assigned a public defender named Janet Maldonado. She was a forty-something, Hispanic woman of average height and sparkling brown eyes that offered a hint of her intelligence, intensity, and toughness forged by a life fighting for

equality, respect and against the abuse of her husband over their five years of her marriage, which ended in divorce. For the past ten years she was the sole parent to her two daughters born of the marriage. Her law degree was earned part-time over six years and she was now in her eighth year as an attorney, all spent in the DC Office of the Public Defenders. Her staff attorney's salary barely stretched from check to check. Before she earned her law degree she worked in both the juvenile and adult probation departments of the city. She knew the prosecutors, most of the defense attorneys, the judges and the cops. She also knew which of them cared more about justice than their careers. She, like her colleagues, was overwhelmed with cases but she tried her best to not let that influence her decisions about trying a case or counseling her client about entering a guilty plea. If her workload did influence her, she was not aware of it. A defendant really couldn't find a better defense attorney in the city than Janet Maldonado.

At their first meeting in a prison conference room, a week after his arrest, Ms. Maldonado laid out the evidence in the case and her advice for Jamal. "Jamal, let's assume that your version of what happened is one hundred percent correct. It is always risky for a defendant to testify at his trial. In your case, the prosecution has the victim and another eyewitness who will testify that you attacked the victim as your friend was running away."

"That white trash ain't my friend. I'll tell 'em what happened that night."

"What are the chances you think the jury is going to believe that you let Ben hit you and you walked away from him for a block or so? He's much smaller than you. Can you see how hard it might be for the jury to see you as Ben's victim?"

Jamal's eyes squinted into an angry stare at Janet for an instant, then they dropped to look at his huge, clenched fists in his lap and he fell quiet.

"As I was saying," Janet continued, "eyewitnesses are often wrong about some details, but you were there in the middle of the attack. You admit that you leaned over and put your hands on the victim as he lay on the ground which means you were close enough to the victim for a juror to believe the victim's testimony that you hit him. At trial, I would have to get the victim to change

his story or at least get him to admit that he might be mistaken. The only way I can do that is to use his own injuries and fear as a way to impeach his memory. Can you see how dangerous it is for me to stress his injuries and fear?”

“Yeah I get that but don’t you believe me?”

“It really doesn’t matter what I believe. All that matters is what can be proved and what a jury is likely to believe.” After saying it, Janet knew she could have said it more reassuringly, but she continued. “I’m analyzing your case the same way I analyze every case. Is it more likely than not that the prosecutor will be able to convince a jury that you are guilty beyond a reasonable doubt? In your case, I think the answer is yes, but I want to explain my reasoning to you. Do you have any other questions at this point?”

Jamal was brooding and silent.

“Okay, casting doubt on the testimony from the woman in the window is possible due to her distance, the darkness and vantage point above you and the victim. But the jury will still have a picture of you leaning over the victim on the ground with your hands on him. The only way to make the jurors believe you were trying to help the man is for you to testify. The prosecutor assigned to your case is good. If you testify, she will cross-examine you with leading questions to try to prove a connection between you and Ben and that you did this together. She will also ask questions that bring attention to your size, your powerful build, and your broken fingers, and unless you see her traps and you answer perfectly, it could all work against you.”

“I’m smart. I can handle her questions,” he said but with inflection that sounded less than confident.

“There’s another factor that may work against you. There’s a good deal of bias against young black men in assault cases. Often people don’t realize they have a bias, but it exists. It’s called unconscious bias, and many of the police and the much of the public have a bias against young African American and Hispanic men in certain types of cases.”

“So what are you sayin’ I should do?”

“I’m saying I think there’s a strong chance the jury will convict you if you don’t testify, and given the facts, there’s an equally strong chance you’ll be found guilty if you do testify. I think you will be better off letting me try to make the best deal I can with the prosecutor.”

“This is crazy. You’re tellin’ me I should plead guilty to something I didn’t do. That ain’t right. What about Ben? Can’t you call him as a witness and make him say I had nothing to do with beating that old man?” protested Jamal angrily.

“Well, first of all, what makes you think he wants to help you? I think he would only make it worse.”

Jamal’s temper flared, “He’s a lyin’ scum. I should’ve knocked him out two steps outta’ that store. Then none of this would be happnin’. Next time I see him, I’ll take care of him for good.” He lowered his head, slowly shook it, closed his eyes and asked, “So, do you really think my best chance is to make a deal?”

“Yes, Jamal, I’m sorry but I do.”

Jamal told Ms. Maldonado that he would think about it. That night as he agonized about what to do, he also thought of his father. What would he do? No answer came; just Jamal’s anger and emptiness that his father was gone.

Jamal’s mother visited him in jail the next day. In many ways she was a well-rounded and resourceful woman shaped by forty two years of a hard but mostly happy life until Sam’s death. She loved all of her children equally but she had a special bond with Jamal, her only son. When she heard what Ms. Maldonado said she told Jamal, “Baby, I’ll find the money to hire a private lawyer for you. You shouldn’t have to plead guilty.”



“No mama, I don’t want you to do that. You can’t afford it, and I don’t want you goin’ in debt. Besides, I think Ms. Maldonado knows what she’s doin’. I just need to think about whether I’m gonna’ take a chance goin’ to trial. She thinks that the judge will jack up my sentence if I’m found guilty, worse than if I can get a deal with the prosecutor and plead out. I just need some time to think it over.”

“Well, I am at least gonna’ find the money for your bail so you can think at home with your family.”

Opal Wilks begged a loan from her cousin Jasmine, and three days later Jamal was free on bail. The first night home, Jamal, Mama and the girls talked and cried about the decision he needed to make. The next day, Jamal called his lawyer and told her to plea bargain for him.

A week later, Jamal was sitting in the small, dingy, public defender’s office where rich people never sit because free legal representation has limits that, sometimes, do not include justice. What he didn’t realize was just how difficult his case was for Janet Maldonado. She really wanted to take his case to trial. She wanted to fight and win. She wanted to show the jury how witnesses can be mistaken. If she only had more resources she could hire investigators to look into the lives of Ben, the victim and the other witness to find ways to challenge their testimony. There was no money to hire medical experts to evaluate the victim’s injuries and the corresponding physical damage likely to the attacker. She could not hire experts to dig into the DNA or lack of it from Jamal’s body on the victim or any of the minutia that experts might find which could help create reasonable doubt. The system was failing this defendant miserably.

Now, she had to do something she hated. She hated this for Jamal. She hated it for herself. She hated it because it was not justice. She had to explain more bad news to Jamal. “You are facing a maximum sentence of ten years for aggravated assault. The prosecutor agreed to two and a half years minimum followed by three years of probation but when we discussed the deal with the assigned judge, Thomas Miller, he rejected the agreement. Judge Miller wants to retain discretion to determine the sentence because the DC courts now have a new tool for sentencing.

It is a risk assessment score. I knew the court had this new system, but I didn't think the judge would reject our deal just so he could use it in your case."

"So, what's this mean? What's this new system all about?"

"The judge will receive a presentence report composed of three parts: a victim statement, a profile on your background and an assessment of the risk that you will commit another crime within a few years. The risk assessment is provided by a company called Safeguard. They developed a formula called an algorithm. They plug information about a defendant into the algorithm and it produces a score from one for low risk up to ten for high risk. The score is called the Criminal Assessment and Information Number (CAIN). Safeguard's public literature states that the information they use, the data, is from public records and each defendant's answers to psychological profile questions.

"I heard of algorithms in math class. There a set of rules followed in calculations. Computers use 'em. So, you're telling me that some formula is gonna' look at information about me and predict if I will commit another crime?"

"Yes, but it's our understanding that the CAIN algorithm uses arrest, not conviction data. So, what it is really measuring is the likelihood that you will be arrested for a crime. It doesn't automatically mean you would actually be guilty of a crime."

"So the chance of me being arrested, even for somethin' I didn't do is gonna' be used to determine my sentence now? That's what you're sayin'." Jamal bowed his head muttered a string of obscenities under his breath while he clenched his hands and shook his head.

"The judge is not supposed to rely only on the CAIN score but, unfortunately it's part of what he considers. What is also very troubling is that the actual data used and the way the algorithm works are private, only Safeguard knows. The company claims its results are very accurate but others are challenging that. Because of this secrecy surrounding CAIN, attorneys have appealed cases in the other states that use CAIN but the only higher court decision so far upheld the

sentence the judge gave to the defendant in that case. This may very well end up in the U.S. Supreme Court one day because there has been at least one study published showing that the results that CAIN is producing were racially biased in its results in one county in Florida. There are fundamental constitutional rights and protections involved here, but it will be years before there's any chance that the Supreme Court will review it. So, for now, it's allowed."

"I'm feelin' like the system isn't fair to men like me. What else will the judge be lookin' at?"

"He will also consider information about your background, and he'll have the victim's statement about how the attack affected him. Believe it or not, the idea behind using a formula to create the probability number, the CAIN, is to eliminate the bias of an individual judge. Some say that this makes sense but the problem that other defense attorneys and I see is that defendants can't see everything that goes into creating the number so we can't be sure your rights aren't being violated."

"The system's really got me trapped. I can't win a trial, and if I plead guilty, I've gotta' leave it up to the judge. You still think it'll be better if I plead guilty?"

"Sadly, I do. I am afraid that if we go to trial and you are found guilty, Judge Miller will likely give you a longer sentence, closer to the maximum. That's his reputation. I think you'll likely get a shorter sentence if you plead guilty even without a deal."

Can I appeal if I don't like the sentence he gives me?"

"We can appeal if we can show that the judge made a mistake. If it's clear that he bases his decision only on the CAIN score, we can appeal and say you should have the right to know more about it."

"I'm damned either way." He paused, looked out the window and took five deep breaths and then said, "Tell them I'll plead."

“OK, I’ll notify the prosecutor and the judge about your decision, and I’ll let you know when your next court date is to enter your guilty plea. I’m sorry, Jamal.”

As he left the public defender’s office, Jamal felt the hole inside him growing larger. Maybe he would soon fall in and disappear.

Both Ben Malone and Jamal Wilkes pled guilty in separate court appearances. The next stage was their sentencing hearings, which would also be held separately before Judge Miller. The judge believed in data-driven research and had lobbied hard to bring the new system to the DC courts. He knew that the trend in the criminal justice system was to use data and algorithms to predict future behavior of defendants. It was promoted as a tool to help judges properly sentence defendants based on statistical probability. Recently, five states had started using the Safeguard system for sentencing in criminal cases, and now Washington DC was trying it. The Malone and Wilks cases were his first two cases to use the new system. He was anxious to see the CAIN scores for each man.

The judge was aware of the arguments claiming constitutional due process and equal protection issues because of the secrecy surrounding CAIN, but he believed that the benefits of data-driven analysis combined with sound judicial judgment outweighed the possible constitutional issues or the so-called bias flaws, especially when it came to convicted criminals.

Jamal and Janet Maldonado stood in Judge Miller’s courtroom as the judge looked at Jamal and delivered his sentence. “Mr. Wilks, the report I have shows that your CAIN assessment score is a six, which means you are likely to be back in court in the near future for committing a crime unless this court takes action to change your direction. I find little about your environment, your past arrest record, or employment situation in the reports that speaks well for you. Even the probation officer who interviewed you reported that you became loud and uncooperative during your interview, and he felt physically intimidated by you. You need to be punished, to be taught to respect authority more, and to overcome these black marks on your record. And society deserves to be protected from you.”

Hearing the comments about Jamal being intimidating and his black marks made Janet's eyes flash in anger at the judge's meaning behind those words. Jamal bowed his head and thought, "Justice ain't blind in this court."

Judge Miller finished." I hereby sentence you, Jamal Wilks, to three to five years' confinement in Jackson Correctional Facility in Virginia, followed by five years of probation."

Ben's report looked more promising than Jamal's. He held a good job, and his employer had written a recommendation letter. He lived with two parents in a lower crime neighborhood. Even though he had two prior arrests for assault both ending with summary convictions, his CAIN score was only five. Two days after he sentenced Jamal, Judge Miller, relying on his confidence in the CAIN analysis and Ben's better life situation, sentenced him to two to three years in Newmark State Prison in Maryland, with three years of probation following.

When Janet Maldonado discovered the difference between the two men's sentences, she was outraged. Before Jamal was transferred from the DC prison to Jackson, she met him in the prison conference room and told him to appeal attacking the CAIN issues they discussed before and to assert that she was ineffective as his attorney because she had recommended that he plead guilty instead of going to trial. Her actual words were, "Blame me, Jamal. I don't care. You did not deserve to get a longer sentence than Malone. I'll see that an outside attorney is appointed for you free of charge to handle your appeal."

"I'll think about it," Jamal said. He was mentally and physically exhausted by the weight of his case and the sentence. "I don't blame you. I just need time to think."

Janet Maldonado, still angry at the judge's sentencing and now emotionally shaken by Jamal's words of absolution for her could barely hold back tears until she was outside and then the tears streamed down her hot, red face. She didn't want to be seen like that, so she fast-walked to her car. It took a minute to collect herself in the car, and then she sped back to the courthouse, parked in the garage, and marched to Judge Miller's chambers without acknowledging or even noticing the people she passed on the way. She stiffly asked his secretary if he was in. The

secretary, startled by Janet's angry face and voice, barely uttered yes when Janet, without waiting for permission, opened the door to Judge Miller's office, walked in, and shut the door behind her intentionally hard to capture the judge's full attention.

Exactly what happened in the office that day no one seemed to know, except Janet Maldonado and Judge Miller, and neither of them ever spoke about it. The judge's secretary got the courthouse gossip mill churning by telling another secretary, in strictest confidence, that for thirty minutes Ms. Maldonado and the judge were speaking in very loud voices and the words she could make out were not very nice so she wouldn't repeat them. For the next six months, there were often curious spectators in Judge Miller's courtroom when Public Defender Maldonado was scheduled there, but both judge and attorney were civil and as courteous as professional ethics required.

By the time Jamal landed in Jackson Prison, the hole that had opened in his spirit after his father's death was wider and deeper and growing every day as though a celestial black hole had birthed inside him wanting to consume his soul. He didn't have the energy to appeal his sentence and told a very disappointed Ms. Maldonado. She tried again to talk him into it, but he told her that he just wanted to be left alone. He found out quickly that prison was lonely but no one, except the death row men, was left alone. Within two months he endured threats, propositions for sex, and two beatings. One afternoon, while Jamal was washing the blood from his face and trying to stop his nose from bleeding, an older, tall, thin black man with short grey hair walked into his cell and quietly said, "My name's Jesse Davis. Some other men and I meet and study the Bible. The other prisoners leave us alone so if you join, you'll be safer."

"OK, Let me think on it." Jamal said as he sat down. Jesse nodded and walked out. Over the next week Jamal thought it over and decided that he could listen to the men talk the Scriptures in exchange for their protection. That felt like a fair deal. He decided to join the group even though he was not yet ready to forgive God.

Jamal's seven by six-foot cell had a deeply scratched grey steel door as though someone had tried to claw his way out. The wall with the door had grey steel bars while the others were

concrete covered with chipped grey paint. The smells of his cellblock were a mixture of man-stink from the bodies of prisoners who no longer cared about cleanliness and perfumed fabric softener sheets some prisoners hung in front of air vents to cover up the stink. To Jamal the stench was sickening but the sounds were even worse. Angry yells, screams, cries, moans and hateful threats rose in the morning and grew more desperate and demanding through the day before sleep, for some, quieted the sounds to a whimper.

Despite the tension created by the threat of violence, the routine of prison life was boring. Each day glaring white lights and a shrill whistle woke him up. Then he lined up for a meal, tried to eat, stood up to a whistle, and walked to his assigned jobs. When that time was up, he lined up to another whistle and walked back to his cell. Later in the day he was released to go outside to the exercise yard for an hour where he paced, watched the plotting gangs, and avoided the psychopaths.

During the hours in his cell he had only his zombie-like cell mate for company, From the first day they met, that wretched soul seemed to have already mentally retreated to another place; a place of silence. So, Jamal dwelled on all the unfairness of his life; for seven long months those thoughts consumed him. When he slept he often had a recurring nightmare where he was sinking into a pit of quicksand with nothing to grasp. As he struggled, a jackal would appear and circle the pit, staring, waiting for a chance to attack its weakened prey. Jamal hated that jackal even more than he feared being sucked into the pit but had no way to kill it and his screams, screams that sometimes wakened him, did not scare it away. In the distance he could see a chain-link fence which stretched from one horizon to the other with his mother and sisters standing on the other side unable to help him. As with most dreams, there was no resolution, no escape.

Gradually, his fear of prison predators subsided as his anger rose. He was angry at the people who forced him here, at the guards for ordering him how to live, at the unjust system and at God for abandoning him and his family and especially Ben Malone. The anger was beginning to fill the emptiness inside him.

On visiting days, the visits from Mama and his sisters always lifted his spirits; at least momentarily. They told stories of the normal routines of life and activities, trying to stick to the cheery parts for him. He knew, however, that they had plenty of their own problems. Mama, he noticed, walked a little more slowly and stooped now more than before. She was another casualty of his imprisonment.

One day Ms. Maldonado made a surprise visit. After the initial inquiries about his wellbeing, to which he lied saying he was fine, she told him of the changes that had occurred in the DC court system. The President Judge of the court mandated that every employee, judges included, attend week-long training on the hidden bias. A committee of the judges prepared a warning about the potential biases in the CAIN analysis and the many unknown aspects of how it was generated. Each judge had to sign that warning and place it in each sentencing file. Audits of the files were to occur twice a year. She told Jamal that his sentencing had been a catalyst for these changes. She was too modest to tell him that her persistence and passion were also a primary factor. Jamal thanked her for visiting and sharing the news, and they said goodbye. That night as he lay in bed thinking, he realized that it was kindness not a sense of obligation that brought her to share this news with him. She was trying to tell him that something positive had come out of the injustice he suffered. Maybe so, but how did that help him? What Jamal did notice the next morning was that the nightmare had not come during the night.

Around the eighth month inside, Jamal started using his free time for studying whatever math, statistics, and computer science books he could find. He marveled at the clarity, the right or wrong, of numbers, and his mind wrestled with the concept of using numbers and data to determine the future of a person, like the number that helped put him here. Jamal doubted that numbers could ever measure a person's value, his fears, dreams, anger, joy, compassion, hate or love, his human qualities. On his strong days he pondered the irony of his love for numbers, the hope it gave him for his future and the impact a number had on his prison sentence. On his weak days, anger clouded his mind clutching Ben Malone tightly in a special place.

The evening free hour spent with Jesse and the prayer group of six black and two white men reading the bible and talking about God, Jesus, and the Holy Spirit was, at first, barely tolerable



for Jamal. In his mind, none of those Holy Three had helped him or his family. For seven months Jamal was part of the group in body only. Finally he began to seriously listen to the others and occasionally read the bible they had given him. It took almost a year or so before Jamal began to say much of anything in their meetings. Good and evil was often discussed because evil walked the stinking, locked hallways there freely, beckoning all to follow with nearly irresistible temptations. It was common for guards and prisoners to act cruelly and brutally. Jackson, like most prisons often reduced men to their base, survival of the fittest, instincts.

Jesse's faith gave him the peace of mind that his freedom from this prison had been assured by the sacrifice of another long ago. His faith had attracted these broken men to him and his leadership held the group together. He was not a perfect man. He wrestled with sin and temptation as they all did. Jesse's temper had always been his biggest weakness and it flared, sometimes to the point requiring restraint by others, whenever he saw men abusing others in the hopes of gaining and keeping an illusory throne of power in the dark place that was this prison.

Several months into his second year, Jamal began to notice different things happening. One guard helped an illiterate prisoner write letters to his family. Another guard, seeing a prisoner being bullied, transferred him to another area away from his tormentors. He observed that once every week, three prisoners on his cell block gave up their phone time to another so he could spend an extra thirty minutes talking to his children. And the most amazing part was these acts were done without expectation of repayment.

At their next bible meeting Jamal asked the men in the prayer group why they thought these men could act with such kindness in a place like Jackson. No one spoke for a minute, then Jesse looked straight into Jamal's eyes and offered, "Jamal, those things have been around you the whole time. I think each man in here has his own dark place, a pit, inside him. Those men you've been seein' doin' good for others figured out that they can climb outta' their pits by thinking about and doin' for others. Other men just want to wallow in their pits and try to pull others in. But those men doin' things for others can do it even in this deep dark place, this prison. One of the ways me and the other men sittin' here freed our minds and souls is by doin' for others. My friends are just too modest to tell you but I'm askin' them to tell you so you know. It don't have

to be today but when they are ready. Son, there's something I want you to do; read about two men in the Bible. One man in the book of Genesis, tryin' to hide his evil deed, challenges God by askin," "Am I my brother's keeper?" In the book of Luke Jesus talked about a different kind of man from Samaria. Go back to your cell and find out about both of those men and decide which man you want to be and if you're ready to climb up outta' your pit."

In the weeks and months that followed, Jamal read and thought about those Bible stories and the other men from the group shared their stories with him. He tutored inmates in math for their GED studies. He also talked with new inmates about the issues he had learned about the CAIN score so they might press their lawyers about filing appeals. Eventually, the nightmares with the pit and the jackal stopped haunting his sleep.

Jamal and Jesse spent many hours talking as Jamal shared his life story and slowly Jesse did the same even though he had never shared it with another inmate before. Jesse's complex story brought him to Jackson for twenty years when he killed another man, a former friend who betrayed him. Jesse and Jamal came to understand that they both wrestled with many of the same demons. They discovered that they both liked their mothers' homemade mac n' cheese and blues music, especially by Buddy Guy. The bond they formed filled a void in both of their lives.

After two long years, Jamal was eligible for parole, and the parole board approved him unanimously based on a strong recommendation from the warden about Jamal's good conduct. Paperwork was the only hurdle remaining. At long last he would be free.

Ben's time in prison ended nine months before Jamal's parole hearing. While in prison, Ben was confronted with men who were meaner and more brutal than his father, and after suffering three severe beatings, he tried to better control his outbursts. Ben's mother visited him in prison; his father did not. Once released, he did not stay free for long. He was sent back to prison after only six months outside for choking a girl almost into unconsciousness who laughed at him, or so he thought. This time Ben was incarcerated in the Jackson Correctional Facility for a much longer sentence. For the first few days back in prison, Ben seethed about his perceived persecution by the system and the list of incidents when people, especially his old man, had not shown him the respect he deserved. He decided it was time to change things, to prove once and for all to his

father and the world that they should fear him. The time bomb of rage that his father planted in his brain years ago was nearing its final, awful detonation a week after arriving in Jackson when he spotted his old enemy Jamal in the prison yard during exercise. This was his opportunity. Tomorrow he would kill Jamal in that yard.

The next morning, before the line-up for yard time, Ben hid up his sleeve the knife-like weapon he had gotten from another inmate the night before. As Ben hid his weapon, the warden, having received the release paperwork, sent Officer Jenkins to find prisoner Jamal Wilks and take him for release processing. As Jenkins set off, Ben's cell block lined up for the walk to the exercise yard.

Officer Jenkins picked up the phone to find out where Wilks was scheduled to be. Then he left the administration building where he would need to pass through three security doors before reaching Wilks in the exercise yard.

Ben and the other prisoners plodded down the glaring white lit hallway, steel cell doors on one side and the open cellblock divide then more cells on the other. He was visualizing his murder plan as he walked. After the thrust to Jamal's heart, Ben would drop the weapon before anyone else noticed. Later, he would spread the word of his killing to the other prisoners who all lived by a strict, no-snitch code.

As Jenkins reached the first secure door, an officer in a safety-glass control cubicle asked about his family, and they chatted. A minute later Jenkins moved through the doorway toward the next door at the end of a fifty-foot hallway. Unless Jenkins stopped again, it would take him about three minutes to reach the yard.

Ben reached the door to the yard and his mind flashed home picturing his father berating him and then flipped to a visionary scene of other men in this prison who, after today, would be stepping aside and averting their eyes as Ben Malone, the killer walked by. Retribution and his redemption were waiting on the other side of this door.

Jenkins reached the last door and waited while the guard talked on the prison phone.

Once in the yard, Ben scanned the sunny space for Jamal. It took a minute to spot him in this macadam area crowded with men. He let the weapon slowly slide down his shirt sleeve partway to his hand, and today he wore a long sleeve tee shirt underneath so he could keep the cuff between his fingers with their telltale prints and the weapon.

The guard finally got off the phone and pushed the door release button so that Jenkins could enter the yard. He pulled his sunglasses from his pocket, put them on, and began to look for Wilks so he could deliver the good news.

Ben strode intently across the hot blacktop, his glassy dark eyes locked on Jamal and the weapon's edge cutting his clenched hand. He felt nothing. Dozens of hard men were milling about, no one paying attention to Ben, but that would change after today. As he drew closer to Jamal, Ben's adrenaline rose to anticipate the rewarding surge of power that he craved.

For the past twenty minutes, Jamal had been sitting on a bench, thinking. When he first arrived in prison, bitterness, fear, and anger overwhelmed him, but with the help of Jesse and the bible study group those emotions had faded. His faith in God and hope for the future had returned to his life. Soon he would leave these men who had received sentences of dozens of years behind these thirty-foot high concrete walls, some for good reasons, others because they, like Jamal, were not believed and others because life's trials had been too much, and they escaped into drugs. He would miss reading scripture, praying, and talking with them daily. They, and particularly Jesse, had changed his life; maybe saved it. He would stay in touch in the hope that someday they would reunite outside these walls.

Eventually, his thoughts drifted to freedom and the future. Waiting for him would be Mama; ready for a long, teary-eyed hug. Next would be a laugh-filled, three-person embrace with his sisters. In the years ahead he would use mathematics and his growing knowledge of statistics to build a better world for himself and his family. Maybe, someday he would help write an algorithm that saved innocent people from persecution and ignorance. Wouldn't that be

something? Then he heard some familiar voices off to his left, looked in that direction, spotted Jesse walking toward him, and they both waved. Jesse was carrying his bible as always, but Jamal didn't know that today Jesse planned to hand it to him as a gift.

Jamal glanced to his right and saw Ben approaching with a strange stare. What is that jackal doing here he wondered as his mind began to race. At that moment Jamal heard Jenkins call his name from somewhere behind him and he turned to look. Jesse spotted Ben and a glint from the weapon blade and sprinted toward him, reaching him about two steps from Jamal. Surprising Ben, Jesse grabbed Ben's shoulder, spun him, and as he did Ben swung the weapon wildly and slashed Jesse's stomach and left bicep. It took only seconds for dark, warm blood to begin flowing freely from the gashes.

The struggle brought Jamal's attention back. He jumped to his feet and, seeing Jesse's injuries, grabbed Ben's wrist to control the weapon. With his other fist, he punched Ben hard on the side of the face. Stunned, Ben dropped the weapon and fell to his knees. In an instant both of Jamal's big hands were around Ben's neck, squeezing as hard as he could to stop this miserable creature from hurting his friend. Rage took over Jamal's brain. Ben grabbed desperately at Jamal's wrists, trying to free a little space for his gasps to force air into his lungs but those iron clamps only tightened. As Ben's face reddened, his eyes turned from glassy black hate to white, panic stricken, oxygen-starved fear, and then to a sorrowful look that caught Jamal off guard. Ben gasped, "Please don't kill me, Jamal."

Jenkins and another officer reached the men, shouting orders and trying to restrain Jamal. They couldn't pull him off until something inside Jamal convinced him to release his hands and let this man live. He quickly looked over at Jesse who was still standing and bleeding but calm. For a moment they just looked at each other and Jamal thought he heard Jesse whisper, "you found your way outta' your dark place."

The system was not quite done with Jamal yet. It took two months of investigation, the warden's second favorable recommendation, and paperwork to clear Jamal for release. The day he got

released, Mama and the girls were waiting. They squeezed him nearly breathless; then took him home to begin his life again.

Four months after Jamal went home, Jesse, his wounds healed into scars, visited an inmate who had been released from solitary confinement the day before. As he stepped into the man's cell through the open cell door he saw the frail, ghostly man holding his shaved head with his face buried in his hands and Jesse asked, "Can I come in to talk with you?" The man didn't look up or speak, so Jesse continued, "I heard 'bout your father dyin' while you were in solitary. I pray he's with the Lord."

Without looking up the man scoffed in raspy voice, "I hope he's in hell where he belongs."

"I suppose ya already know there ain't no secrets in prison. I also heard he was a hard, cruel man. Jamal Wilks and me talked and we thought you outta' know 'bout the men who meet every night and talk about God and the Bible. So, if you'd like to make some friends and maybe find your way outta' the dark place fillin' you up, you're welcome to join us."

The man slowly raised his head, and with bloodshot, life-weary eyes he looked at Jesse, blinked and slightly bobbed his head in recognition. No one had ever asked him to join any group, let alone make friends. He uttered almost unperceptively, "I'll think about it."

Jesse said, "We meet at seven. Ten cells down on the right. Just come on by. You're welcome anytime."

As Jesse began to turn to leave he thought he saw Ben Malone's eyes moisten as he said, "Thanks."

The End.