

Wrongful Death

Nine Feet East of Roadway Edge: One Shoe

The police report is staccato lines, check-the-box,
fill-in-the-blanks, measured. The mother hands it to me
over my desk with the files of minor tragedies, survivable

accidents piled between us. I knew she was coming,
so I put on a suit; she will want to see me as a lawyer,
not another mother of another nine-year old son.

I tell her that I will obtain the forty-one photos of the scene,
his small torso on the street, the ribs she tickled, his dark
hair unkempt. She doesn't have to see them, won't see

the red trails darkening the dirt shoulder, point of impact,
point of rest, in the school zone. The children knew
where to place the roadside flowers. Bright balloons

would leak like lungs, unlike a heart exploding
in a chest, a brain bursting in a skull, a breast
engorged and spurting with a baby's cry.

I fixate on his shoe: sole up, black as asphalt
with day-glo green laces, how she bought them
wondering if he would wear them out before

he outgrew them, how his feet slipped into
and then out of them as loose as he slipped
out of her and into breath of air.

Tortious

Last night I dreamt of butterflies
fluttering soft upon the small boy's face,
his temple of asphalt wounds, blood
ponds, reflected in their stained glass wings.

The sound of my pounding heart
frightened them off, they rose
and strained against the gravity
of his hematoma chest. He was not mine.

A morgue shudder, my nightmare
hand clutched the bone cold table.
Monarchs circled above us, when my own
son's face morphed onto the broken body

as the head turned to me, pulpy lips mouthing
"It didn't hurt, mother." A scream
jackknifed my lungs, choked
on the gallows weight of night.

Tort, torture, contorted
tonight, I am wakeful very late
and watch my sleeping son in his bed.
His twelve-year old body thrashes itself awake,

I cocoon into the small of his small back,
the room fogged into a chrysalis. "Mom, I'm fine,"
he mutters annoyed, but I stay a little,
listening for his eyelashes to wing off in flight.

Lessons for the Week

Tuesday night, my son studied
a Holocaust survivor, scrolling
the shrinking roll of Jewish names,
battered sepias of children before
their internments and tormentors.
Six million Jews were murdered,
and at least one million of them were children.
Yes, he is learning that.

My eighth-grader came home to news
of the Newtown 20, just nine days
left on the Christmas calendar.
Eyes stuck stoic in front of the TV
he asked if they were all first-graders
“like my buddy at school.” Yes, I said,
like your buddy at school. “I helped
him get his lunch today,” he stuttered
and I imagined the weed-stalk of him
bending low to hug his assigned bud,
look his little guy in the eye
and rustle him off into the wind.
Yes, he could do that.

Weekend deep in the terror of it,
I woke up screaming--- his face
pasted onto dead children,
a young body in the morgue
thrown by a speeding car, swollen
with the violence of their meeting.
I fled the hysterical dark to his room,
his voice scraped awake with “what?”
but nothing escaped my throat.
In the morning whirl, he asked about
“that boy who skated” into the road
and I begged him never to do such things.
There was oatmeal and apple slices
in his promise. Yes, he could do that.

Wrongful Death

1. *Plaintiff*

I can't move. An oddity on display.
They stare at me, a flightless bird-
creature from some obscure island
beyond any imaginable map's edge,
I have buried a child, wretched thing
that I am. My boy-egg broken on asphalt,
a boy-petal crushed in the road,
boy-flesh of my flesh ravaged by metal
rubber and gravel. The boy-less mother—
if I exist, then fate is indeed cruel
and unusual. The unthinkable happens,
savages the earth; it vultures 'round school
grounds and street corners. I'm the proof.

They can't take their eyes off me.
Waiting for me to puddle onto
the floor at the mention
of his name. I won't move.
If I move, the monsters under the bed
will know I am there, again. The monstrous
must account, the monstrous must
answer for this dark.

2. *Attorney*

I cannot smile. Retained woman,
smartly dressed at counsel table
made up face, disaster on my lips. No better
than the Barbie doll anchor serving up
the deaths of 135 in a plane
crash, live at five. I must speak
the unspeakable. A suit who filed suit
for the death of the boy. They hate me
already. How dare I ask
the value of a nine-year old in a grave?
Calculate the number of goodnight kisses
in a boy, compound the interest on his
soccer moves, the grades and grandchildren
left unearned. Price tag a love lost.

How can I? It is all I can do. He could have been mine. He could have been theirs.

3. *Juror*

College is out, summer animates the halls.
This room, larger than I pictured, filled
with suited players, not the small,
swarmy stage of mockingbirds and
southern winds. The black robe
in charge crows to the lawyers
from his perch, captives in paper chains.

My name called and assigned
to seat number six, next to Five,
who looks like my Gramps when he
folds his arms. His children were grown
by a stay-at-home mom; they still breathe
and pay taxes and sweat in their beds.
What does Five know about single mom?
She could be a space alien to Five.
His bowels growl and it is still only morning.
Will I hear her womb scream, from here?

4. *Attorney*

Twelve faces lined up in an egg carton,
on the edge of breaking open in my hands
over the rail between the facts and their vanilla
safe, engineered, routine. They are about
to catch a nightmare, as if it could breed
like a germ I breathe on them. Tilt back
in the rack, as far as they can. Except for
number Six, whose body shifts toward me
and the horror I parade back and forth. She
wants to grab my hand as in a movie theater
when the music tenses just as blackbirds
murder on to a screen.

5. *Juror*

mom shoulders into a fetal curl,

penitent as a nun. Only a handful
of years older than me, looking
a hundred years past dead.
She was me when she had him,
his tiny fingernails like fish scales
from pre-natal stew. A photo of his shoe
in the road, laces loose. He put them on that day
without a clue. His ten fingers, plump
as caterpillars gnawing a dirty palm,
would die within reach of her.
Her own hands weep in her lap.

A ruffle of crow wings. A bowel grumbles.
A throat clearing. A womb screaming.

6. *Plaintiff*

My ears are bleeding.
My eyes are blood-black.
My mouth is pooled black.
My uterus is pulpy road kill on the exhibit table.
Their eyes autopsy our lives—
every detail stitched with
womb memories, cut anew as a tomb
freshly hewn. Atrial muscle, a peeled
and sliced blood orange, pinned
to an emptied breast. They stare—
my hands bleed inconsolable.

7. *Attorney*

“Ladies and gentlemen of the jury,”

8. *Juror*

There are 100 trillion cells
in the human body, and one quarter
are red blood cells. I learned that
in biology class. Do her cells remember
his, laced in the membrane of red
between them? Her every breath sends
a purge of atoms that mourn him. The vein
in her neck is pounding out a dirge.

9. *Attorney*

“From the forensic, can you track the
boy’s path until he was struck by the car?”

My ears are ringing.
Mouth of desert. Number Six
cradles her flat belly and rocks.
Photos swirl his youth, his eyes eclipse
in black. He could have been—
no, he was
ours.

Anthony

was never ten. He was never a senior
with a license in his pocket, never
a rapper or a bagger at the market,
or a lover stockbroker with chardonnay
leather satchel. Dark eyes never saw
more than nine, once caught red-
handed with skateboard
on the roof of the school
by the super, after his homies
flew the coop. Call your mother, son,
to pick up you and your board, the dude
said. Still only nine at springtime,
black Vans and a natural tan, father-
less and stepfather-less again,
after mom came off a twelve hour
shift into a smackaround.
Anthony calmed his sisters, listened
to the walls heaving, his black hair
sweating like a highway in the desert.
When I grow up, he thought, *when I grow*
up. Anthony did not see May break
into that April, never saw a girl's blouse
unbutton in the backseat throes,
never saw the silver sedan blow
through the school zone as he darted out—