

# THE SORROWS OF GATHERING

A Novel

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## CHAPTER FIVE

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The harshness of the overhead fluorescent light was mitigated only slightly by the morning sun insinuating itself through the metal grating over the window. Nolan was seated at the interrogation table. He wore a jailhouse jumpsuit (Rebecca had been wrong about the hairshirt) and rested his handcuffed hands and forearms on the table. When he heard the door open, Nolan looked up and, as soon as he saw Rebecca, rose to greet her. The police officer ordered him to sit back down and warned that there was to be no physical contact whatsoever between them.

“Are the cuffs really necessary?” inquired Rebecca politely, despite the strain it took to mask her annoyance.

“I don’t have the authority tah remove ’em, ma’am,” responded the young officer brusquely. He then added, “We’ll be transportin’ him to the court shortly,” which might have seemed a conciliatory explanation had it not had a cautionary edge to it.

“Very well. I’d like to speak with my client in private now.” As the officer neared the door, Rebecca added, “Perhaps we could have some water?”

He nodded assent before leaving. Rebecca placed her briefcase on the table.

“Thank you for coming,” Nolan began. “I didn’t know whom else to call. I must have sounded...deranged, but this is insanity. I can’t believe it’s happening.”

“Well, that’s why I’m here, to make sense of it all, and to get you out of here as soon as possible. It doesn’t look like Marshford has put much money into renovations since I left,” she remarked while surveying the dingy room.

Time, she noted, had made Nolan more handsome than she could have predicted. The trademark hair, wavy and blond, had darkened somewhat and grayed a little at his temples, but otherwise was still thick and worn longer than when last she’d seen him. His eyes still had that chameleon aspect of appearing both pale green and blue depending upon the lighting and sparkled despite his obvious sleep deprivation. His gangly teenage body had filled out; he was sinewy and broad-shouldered. What had changed most was his face, once soft around the edges, it was now tight and chiseled, his cheekbones made even more prominent by the ruddiness of his complexion and the stubble of his beard. There was an angularity to his face, something central-European about his look. Rebecca recalled that his mother’s side of the family hailed from Northern Italy, and Nolan had inherited the aquiline nose, full lips, blond hair and light eyes common to the region’s natives. *Ironically*, she thought, *his mother’s Italian heritage should contribute more to his fairness than his father’s Anglo-Irish ancestry.*

Rebecca sat down and opened her briefcase; she took out a legal pad and pen. Nolan remained silent, and when Rebecca looked up, saw that he was smiling at her.

“Care to fill me in on what you find amusing?”

“I was just thinking, ‘What’s a guy have to do to get you back to Marshford? It only took, what, fifteen some-odd years?’”

“And a murder charge. You always were an over achiever.”

“And you’re not? Just look at you. You’re so...so – impressive.”

Rebecca radiated confidence, which made her even more beautiful to Nolan. She wore her ginger hair short now, but coiffed, and had learned that minimal makeup – a touch of mascara and lipstick – is all that is needed, especially for a woman trying to convey consummate professionalism. She wore a navy-blue tailored pantsuit and an ecru silk blouse; the impression was of understated elegance and command. This was a far cry from the tomboy he’d grown up with, who’d once fought her mother and the school administration about having to wear dumb skirts to school. The metamorphosis intrigued Nolan.

“‘Impressive’? That’s the euphemism the kinder critics use these days to describe Margaret Thatcher.”

“It was the best I could come up with under the circumstances. I’m a little stressed, you may have noticed. I would have used

‘beautiful,’ but somehow that seemed reductive, and I didn’t want to either embarrass you or start out by offending you. It would appear,” Nolan affected humorously, “that my life may be in your hands.”

Rebecca understood that Nolan was speaking metaphorically because he didn’t yet fully comprehend the charges against him. She was still at the hotel when Neele called and told her his instincts had been correct, that his paranoia was indeed justified.

“Look, the governor’s statewide policies have given license, in a few cases, for politically ambitious DAs to rattle the bushes for a *cause célèbre*. And, it seems to me some of these inquiries are tantamount to witch-hunts. And unfortunately, they have the effect of causing a kind of mass hysteria.”

“Jesus, you make it sound like seventeenth-century Salem, not 1983 Marshford.”

“Childhood abuse cases, for example. They receive the highest priority in Middlesex County, and anyone even tangentially involved is charged to the full extent of the law. And, if found guilty, given the maximum sentence.”

“But this isn’t some childhood abuse case. You said the murder victim is a young man in his mid-twenties.”

“I know. But the bottom line is that this take-no-prisoners mindset will in all likelihood leave your client facing a first-degree murder charge.”

Rebecca had thanked Neele for obtaining the specifics and forewarning her about the lay of the land. She’d decided conveying this harsh reality to Nolan could wait, especially because nothing as yet had been verified. She wanted to feel out her client before Mei-Lin and the arraignment attorney joined her, and then they all would prepare Nolan for the bad news and his preliminary appearance before the District Judge.

“It’s good to see you too,” Rebecca said. “Hopefully, we can have all this resolved A-SAP, have a good laugh, and play catch-up over a drink. My associate is waiting for your attorney to arrive, and she’ll bring him right in. As I explained on the phone, I have no standing in Massachusetts. I’m assured he’s extremely competent and should have no problem steering you through the initial steps of the arraignment and the bail hearing.”

“Bail, I hadn’t even thought about that.”

“You do have the option to request a separate bail hearing if necessary, but that would mean spending a couple more days in jail, which I’m assuming you’d prefer not to?”

“You assume correctly; asceticism has never held any great allure for me.”

“The surroundings do have an air of abnegation about them.”

“One might say, abjuration,” quipped Nolan.

Rebecca smiled appreciatively, then glanced at her watch and continued, “We’ll have adequate time to address today’s proceedings when they arrive. In the meantime, why don’t you fill me in? Tell me what you know.”

“I’m a bit in the dark frankly.”

“Well, what exactly did the state troopers say when they arrested you?”

“That they were arresting me for the murder of Matthew McKinnon.”

“And this Matthew McKinnon, you knew him?”

“Yes, of course. He works with me.”

“Your partner?”

“Yes. Well, no, not technically yet. I still employ him.”

“Doing what?”

“Landscaping. I’m an architect, focusing mainly on preservation and restoration. Matthew’s in charge of the landscaping. I started the business after moving back here – after my parents passed.”

“Oh, I’m sorry. I...hadn’t heard.”

“It’s been a few years now. First my father, and then my mother – just four months apart.”

“That’s not all that uncommon, in close elderly couples. I lost my mom...uh...sixteen, no seventeen years ago, but then I never had the close relationship with her that you had with your parents. They were extraordinary people.”

Nolan nodded in confirmation and fell silent. Normally Rebecca would observe a moment of silence and wait to press on, but she also knew this kind of emotional distraction sometimes caused a client to drop his defenses and be unsuspectingly forthcoming so she took advantage and forged ahead.

“This Matthew McKinnon, how long had you known him?”

“Uh... well, almost three years.”

“And was he a good worker?”

“Yes, very. Exceptionally so in fact.”

“And were there ever any problems?”

“Problems?”

“Yes, like, uh was he ever late or disrespectful or – ?”

“Matthew? No way.”

“So overall, you’d say you had a good relationship with him?”

Nolan silently nodded in the affirmative. He again was lost in thought.

“And just what do the police allege happened to him?”

“That’s just it. No one knows. He disappeared five months ago.”

“You mean there’s no body?”

“God no. I mean...I can’t, I won’t believe anything’s happened to him.”

Rebecca made mental note of Nolan’s reaction and continued, “The police, I presume, had been investigating the disappearance?”

Nolan nodded ‘yes.’

“And they had questioned you about it?”

“Mmhmm, yes.”

“And what was the occasion?” Seeing that Nolan was puzzled, Rebecca rephrased with, “When and where did they question you?”

“They called the first time and then asked if they could come by. I’ve converted the old barn out back into my studio, and they said they’d be happy to meet me there.”

“How generous of them. Did they ask to look around?”

“Not then, but the second time.”

“Second time?”

“They just showed up and –”

“Did they have a warrant?”

“I don’t think so. They never showed me one.”

“You were okay with that?”

“Sure. I had nothing to hide, and I wanted to help in any way I could.”

“Isn’t it marvelous how helpful everyone wants to be around here. Must be something in the lake water. I know I’m gonna sound like a ‘defense attorney,’ but generally, when the police ask to search your house, it’s a good thing to: one, demand a search warrant and two, have your attorney present.”

“That doesn’t make you appear guilty?”

“Exercising one’s rights does not convey guilt. They are, after all, protected under our Constitution. Now, did they take anything from the house?”

“Yes, a towel.”

“A towel?”

“It had some of Matthew’s blood on it, and they said it would help, you know, to identify his blood type if they – if the search turned up...”

Rebecca was flabbergasted at Nolan’s naïveté, but remonstration was fruitless at this point; she didn’t have much time remaining and needed to press on.

“You say the towel had his blood. Might I ask just how the blood came to be on the towel?”

“Matthew cut himself. On a broken glass, a champagne flute, and I used the towel for the wound.”

“So, you’d been drinking,” she confirmed, jotting down a note. “Later, when you were arrested, did the state troopers have a warrant?”

Nolan, again, nodded ‘yes.’

“Do you know what they were looking for? What they might have taken?”

“No. They handcuffed me and took me out to their car. They had shown interest in the plans to the old Woodruff Estate. It was the last job I worked on with Matthew. We were restoring some of the terracing and walls now that the property is part of a land preserve.

“Anything else?”

There was ever so slight a pause, and then Nolan added, “A shovel.”

Rebecca looked up at him, but before she could explore further, there was a knock at the door, and the young police officer entered. He was carrying Dixie cups and a pitcher of water and announced that the other attorneys had arrived.

Rebecca thanked the officer for the water and added, “How...thoughtful of you.”

Unlike the young officer, Nolan didn’t miss the veiled sarcasm in her smile.



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## PART FIVE

### CHAPTER FORTY-THREE

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ADA Kucharsky’s opening statement to the Jury was clear, concise and well organized. “Spoon feeding,” quipped Mei-Lin, “comes naturally to him.” For the most part Kucharsky’s statement followed the sequence and content set forth in the grand jury transcript. He spoke convincingly and assured the jurors that he would prove from the police investigation, forensic evidence, and witness testimony that Matthew McKinnon had been sexually assaulted and murdered by the Defendant.

What surprised Rebecca was that Kucharsky avoided the incendiary rhetoric spewing from the DA’s office and making its way into the media and the public discourse. Kucharsky’s avoidance of hyperbole seemed more a personal choice than a strategy to avoid Justice

Stevens' censure. Kucharsky's clinical approach was in contrast to Rebecca's more personal style; the last thing she wanted was to appear detached. Nonetheless, Kucharsky had presented sufficiently compelling detail and imagery to begin conjuring a lurid picture in the minds of the jurors.

His opening statement took just under twenty minutes to tick off in seriatim fashion the case he would be presenting, a case that could lead, in his estimation, to but one conclusion, that Nolan Gathering was guilty. Kucharsky's one detour from this methodical approach was an embellishment filled with adjectives and adverbs regarding Linda McKinnon, that the Jury would "see and hear from a deeply bereaved mother, inconsolably suffering as she mourned the loss of her one and only son, and in order to find peace, now sought – no, demanded and deserved – justice for her dear, sweet boy."

Other than this one play to the sympathy of the jurors, Kucharsky had refused to yield to the sensational, despite the recommendations from his boss to appeal to the jurors' passions and outrage. To Rebecca's way of thinking the lack of sensationalism and exaggeration was for this particular Jury more effective. Kucharsky was savvy. These men and women got their news from reading the *Springfield Union*, probably *The Boston Globe* or *Herald* and watching Dan Rather or Tom Brokaw on network television. They were not seduced by the trash and fiction of supermarket tabloids. As such they could very well be annoyed at the distraction of needless sensationalism and grandstanding. They were there to do a job, and they earnestly embraced that responsibility. They would, however, be genuinely moved by a tearful mother, a petite and wounded woman, grieving for the loss of her son.

When it came Rebecca's turn to present her opening statement, she rose and approached the Jury. She looked directly at them and smiled, conveying both a warmth and modesty without appearing meek. Now began the task of team building. Rebecca would use the professional, yet cordial rapport, begun during *voir dire* and, with each word, expression, and gesture, let them know she held these men and women in high esteem, that they were peers, and that by following her lead and working together, they would come to understand the case and in doing so, find Nolan not guilty. She took in a slow deep breath and waited for silence.

"Ladies and gentlemen, good morning. Before I say anything about what the defense will present in this case – evidence that will unequivocally refute each and every assertion the prosecution just made – let me begin by drawing your attention to two facts Mr. Kucharsky did

*not* include. Two rather significant – one might even say glaring – omissions. Perhaps you already recognize them.” Again, Rebecca paused, this time to allow the jurors quickly to rummage through their minds for the answer before returning focus to her.

“Okay. Number One. Nolan Gathering is charged with murder, but nowhere did the prosecution make any reference to a body.” She paused just long enough to let this fact register and then pressed on. “What is the one indisputable piece of evidence a murder has even taken place?” she asked raising both arms, almost in supplication. “A body! That’s right. And there isn’t one here. Because Matthew McKinnon may have disappeared, but there is absolutely no evidence of his having been murdered.

“And that fact leads us to Number Two: the prosecution’s second omission. Nowhere did Mr. Kucharsky mention any eyewitnesses. Not even one. There is not one person who saw or heard any assault upon Mathew McKinnon occurring immediately prior to or simultaneously with this so-called, this...hypothetical assault and murder.

“So, I ask you to keep these two critical facts in mind as the trial progresses. The two most important factors directly substantiating that a crime has occurred and that a specific person committed that crime – both those factors are missing. There is no body! There is no eyewitness!

“And that leaves us with what? Besides a lot of flimsy circumstantial evidence,” Rebecca said, emphasizing the insubstantiality of it with the wave of her hand, “which the prosecution hopes to weave into some fantastical fabric of a credible case. And how will he attempt to accomplish that? Conjecture. Assumption. Speculation. All based on the highly subjective interpretation of this circumstantial evidence, massaged and manipulated in order that it might fit a predetermined theory.

“What do I mean by predetermined theory? It’s a question of placing the cart before the horse. The conclusion before the facts. Let me illustrate. Matthew McKinnon is missing. That’s a fact. If he’s missing, he must be dead. That’s a conclusion. Let’s find the evidence and only that evidence that appears to support that conclusion. And, if he’s dead, someone has to have murdered him. Also, a conclusion. It could have just as easily been an accident. Matthew could have been struck by a car or fallen off his bike and hit his head. But no, he must have been murdered by this man, his colleague, and friend. And, if the prosecution wishes to please the state capitol by testing the newly passed death penalty law, it must have been a murder committed during a felony. What kind of felony? A robbery? Surely not under the circumstances. So what?



“You will recall that during your selection, Justice Stevens asked each of you what your feelings were toward homosexuality. Each of you assured us that those feelings would in no way affect your decision-making regarding the case. And we believed you. We placed our trust in you. The Defendant placed his life in your hands. Whether this case actually involves homosexuality is highly suspect and must be determined by the facts presented. But whether it does or does not, the question of homosexuality should be irrelevant. Should be as irrelevant as... say...the gender of a person or the color of a person’s skin should be irrelevant. We do not live in the Dark Ages but a more enlightened time where homosexuality is not a crime. Let me repeat that. Homosexuality is not a crime.

“So, the question that should be in your minds is not whether this case involves homosexuality, but does this case involve homophobia. Homophobia is defined as an irrational fear of, an aversion to, or *discrimination* against homosexuality or homosexuals. Homophobia is bigotry. Just like racism is bigotry.”

Kucharsky was smart enough to know that Rebecca would raise the specter of bigotry. Damn if he hadn’t struggled with the very same issue himself. However, he kept his composure and vowed not to let any accusations Rebecca leveled appear to rattle him.

“If bigotry is involved, whether consciously – or unconsciously – if it is present, then any interpretation of the facts through this filter of prejudice must be considered suspect. But if that evidence is viewed from an unbiased perspective, a different, equally compelling – if not more compelling – and perhaps more plausible interpretation emerges.

“The point I’m making is this: that the prosecution is going to attempt to construct a parallel courtroom reality, an alternative to the truth of what really occurred out there in the real world. And it is that very truth that the defense will reveal to you over the course of the trial. A more plausible, if not more compelling scenario, one not seen through any filters, but which will prove to you that Nolan Gathering is innocent of the charges. Remember, not a reality concocted for the courtroom but the simple truth.”

Rebecca had remained alert to any movement by Justice Stevens on the bench. He had shifted his weight once and cleared his throat a couple of times during her opening but said nothing. Rebecca was well aware he might intervene at any time and say something to the effect, “Enough of this, Ms. Martin, just tell the Jury about the evidence you hope to present.” *Time to head back to safer terrain.*

“I realize I’ve made this sound complicated and this framework is a lot to digest. But it is a complicated task for which you have been enlisted. A man’s life hangs in the balance.

“So, let me illustrate *exactly* what I mean, what I mean about courtroom reality versus actual reality, the truth. In order for the prosecution to support its first-degree felony murder charge, Mr. Kucharsky would have you see Matthew McKinnon as – and I quote here from his opening statement – ‘an intellectually-challenged boy, a troubled high-school dropout, who after a night of drinking fell victim to unwanted sexual advances, and in resisting those advances was raped and murdered by his employer.’ Let me repeat: ‘an intellectually-challenged *boy*’, ‘a drop out’, who was the ‘victim’ of rape and murder by his boss.’ Ladies and gentlemen, that is pure fiction. And we will prove it.

“The defense will clearly demonstrate to you that Matthew McKinnon *is* an accomplished, *twenty-six-year-old* man with a bright future ahead of him. He was independent, lived on his own and earned his own living. He had obtained his GED, the high-school graduate equivalency degree. And. And, Matthew McKinnon had been accepted into the Certificate Program for Landscape Architecture at the Jamaica Plains Arboretum. (Which, by the way, is overseen by none other than Harvard University.) That’s a very different story than the prosecution would have you believe, is it not?”

Eyes opened wide, eyebrows went up, and the odd tilt of the head demonstrated that jury members were surprised and, perhaps, even taken aback by these revelations contradicting what they’d just heard from the prosecution.

“The defense will further show you that rather than being a lowly employee and subordinate as the prosecution would wish you to believe, that Matthew McKinnon had recently been offered a partnership, a full partnership, as head of landscape design by Mr. Gathering in his highly respected architectural design and restoration business. So respected in fact, that because of Mr. Gathering’s, and let me add Matthew McKinnon’s contributions, to the revitalization of their hometown of Marshford, and Mr. Gathering’s guest appearances on WBGH’s *This Old House*, Mr. Gathering was, at the time of his arrest, in discussions with the City of Lowell to assist in the latest phase of restoration for its historic downtown, including the very Courthouse in which we now sit.”

Several of the jurors smiled and shook their heads. The irony was not lost on them.

“Witnesses will further speak to the upstanding character of Nolan Gathering, himself a widower, who had returned to Marshford to care for his ailing parents, a move that followed not that long after the shocking loss of his wife and his only son – both of whom perished in a senseless accident.” Rebecca had slowed the pace and lowered her

volume forcing the jurors to lean forward slightly. She held their full attention and raising her voice ever so slightly spoke deliberately. “A man who, witnesses will testify, had just weeks before Matthew McKinnon’s disappearance – while injured himself may I add – heroically rushed his injured and unconscious friend to the hospital – thereby *saving* Matthew McKinnon’s life.” Rebecca shook her head from side to side and spoke almost plaintively, “That’s a vastly different narrative from the one the prosecution would have you believe.

“So, too, will be the explanation the defense will provide, an explanation that is both logical and, let me state here, a rather obvious reason, for why Matthew McKinnon decided to leave Marshford. He needed to escape the soul-crushing conditions of his upbringing and his repeatedly having to play sole caregiver to an overly dependent and demanding mother with a long history of hoarding and alcoholism, and whose husband had left her when Matthew was only a boy.”

Although Nolan had relented to Rebecca’s demand about bringing up Linda McKinnon’s illnesses, he still had to make the effort not to let his disapproval show. Rebecca had pointed out that Kucharsky would introduce these facts himself during her examination. Nolan closed his eyes just long enough to envision his dock and the view across the lake and while holding onto the peace it brought him, slowly opened his eyes in preparation for the last part of Rebecca’s opening statement.

“And finally, the defense will corroborate our fact-based narrative by presenting an eyewitness. Ah, I see you’re thinking, ‘But she said there were no eyewitnesses.’ Well, that isn’t strictly true. Remember, I said that the *prosecution* could not provide any eyewitness corroborating his version of the story. The defense can. There is one, and *only* one eyewitness, the Defendant Nolan Gathering, who knows the truth – knows the whole simple truth.”

There were murmurs in the gallery, and the jurors immediately turned to look at Nolan, sitting beside Mei-Lin at the defense table. He was dressed in a gray sports coat and muted tie, a pale blue shirt that matched the color of his eyes, and even his weariness could not detract from how handsome he was. Mei-Lin looked petite beside his tall frame, but sat calmly and confidently close. She smiled and placed a reassuring hand on Nolan’s arm. Rebecca drifted back toward the defense table, the movement and her voice drawing the jurors’ attention from Nolan and back onto herself.

“Now, as I’m sure you are all aware, a defendant is not required to testify. He is presumed innocent, and it is up to the prosecution to prove beyond a reasonable doubt otherwise. That sounds good, I know. Very noble and high-minded. But come on. Is that reality? Let’s just be honest and admit that once a person has been accused of a crime, once

that seed has been planted in your heads, it is hard to shake it free. And isn't it also a comfort to think that the guilty person has been caught and is going to be punished? That we can sleep safely at night because the mystery is solved." She crossed back toward the Jury and began to pick up the pace.

"But saying something happened does *not* make it true. Telling you something happened does not confirm that it actually occurred. Yet we seem to be living in an age where repeating a tall tale enough times makes it fact. And all the modifiers, all qualifiers – the 'supposedlys' and 'allegedlys' – cannot dispel that nagging little voice at the back of your mind, saying: if he's charged, he probably is guilty – until proven innocent.

"Well, I assure you, ladies and gentlemen, the defense will prove, although it is not *our* burden to do so – that Nolan Gathering is, without a doubt, innocent. There is a simple and logical explanation for each and every point the prosecution has outlined for you, and the evidence the defense will present, tells a very different and very credible story. It will tell you the truth. The truth of what actually happened the night of Matthew McKinnon's disappearance.

"It will be your job, ladies and gentlemen, to discern speculation and conjecture from hard facts. It will be your job to make sure that the story presented by the prosecution fits those facts. That it is in point of fact the *one and the only* possible story. Let me repeat that, that the prosecution's version is the *one and the only* possible story, because then and only then can you find Nolan Gathering guilty beyond a reasonable doubt.

"I believe in you. I have faith that you will pierce the veil of prejudice – and politics – surrounding the prosecution in bringing this case. I have faith in you that you will see a prosecution fitting the facts to a predetermined theory. I have the greatest faith in you to see, not an alternative reality constructed by the prosecution for the courtroom but the actual truth when it is shown to you in the light of day: That Jonathan Nolan Gathering is without a doubt an innocent man. Thank you."



CHAPTER FIFTY-FIVE

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The moon rose over the eastern shoreline of the lake, full and orange, its radiance, a reflection of the sun setting behind the western hills. Nolan sat on the dock witnessing the ritual – ever changing, ever eternal – and his mind filled with his mother’s voice.

“A moon on the horizon appears much larger than when it’s overhead, but the difference in size is an optical illusion. All full moons are essentially the same size, the minor variations depending on where they are in their orbit. And, as the moon orbits the Earth, it presents the same face to us because it is in synchronous rotation. Do you remember, my son, what that means?”

“It rotates about its axis in about the same time it takes to revolve around the Earth,” answered Nolan out loud.

“*Si, precisamente. Molto bene.*”

“And, in point of fact,” continued Nolan, “the sun neither rises nor sets. It stays in its position at the center of our solar system, and only *appears* to rise and set because of the Earth’s rotation on its axis, which brings the sun and moon into view.”

“*Una bella e vera miracolo.* No, not ‘vera,’ corrected his mother. “Not a true miracle,’ but *una propria meraviglia*, a *real* marvel.”

*Tonight’s marvel is called a Harvest Moon*, thought Nolan, *the full moon closest to the Autumnal Equinox, whereas the Hunter’s Moon is the first full moon of autumn. Molto bene.*

The old Yankees called these same moons the “Singing Moon” or the “Wine Moon”; the Nipmuc called them *taquonck*, the “Beginning of Cold,” or sometimes the “Fall of the Leaf” or the “Nut-gathering Moon.” Whatever their christening, the implication was clear: These moons signify a celebration of the bounty that the earth has bestowed during the summer and will now sustain life during the dead of winter.

*I wonder if I shall ever again have anything to celebrate.* Shiloh leaned her shoulder into Nolan, as if she’d read his thoughts, and the warmth of her body staved off the chill of the early night air.

Autumn had become a difficult time for Nolan ever since Jessa and JB’s death, for it seemed the one season without hope. Sure, Nolan loved its crisp light: the way the sun’s angle intensified the colors and sculpted the tree trunks, the dramatic *chiaroscuro* play of dark and light on the rock faces above the lake. He loved the way the brilliance gilded the water’s surface, and how the fresh breezes across the lake invigorated him, especially following the torpor of a hot, humid summer. But this entire spectacle was only the last hurrah, the last dramatic flourish before

the final curtain call. As the air cools and the leaves drop, as the last geese desert the lake, it was as if all hope flies off as well.

*Was it any wonder, thought Nolan, that the Greeks created a myth about Persephone being raped by Hades and that her grieving mother Demeter stripped the earth barren in her anguish?*

Nolan's mother had rallied at the end, as many of the elderly do in their last days. For the first time in weeks, she spoke a few words to her son as if she recognized him. She seemed almost cheerful and had said, "I'm going to be with *babbo*." Were her thoughts of her father; were they the ole Catholic paternalistic beliefs resurrecting themselves after all those years as a devout atheist; or were they thoughts of her husband of so many years? Nolan's parents had been like many couples, once having had a child, they occasionally slipped and referred to each other as "mommy" and "daddy." Nolan had started to remind his mother that Paul-Finian was gone, but thought better of it. He wiped spittle from the corner of her mouth and moistened her lips. Her skin, in which she had always taken such pride, was beautiful, still creamy and unblemished, and during the weeks of decline had acquired an ethereal translucency. She laid her head back, smiled and closed her eyes. She never again regained consciousness, and when she stopped breathing a few days later, Nolan was alone.

The Jury had been deliberating now for three days, and when Nolan asked what that meant, Mei-Lin couldn't hide her concern. She had harbored the hope for a speedy acquittal, but Rebecca pointed out such a hope was based on the supposition that people were rational, and she had seen over and over again that they were not. That the Jury could not reach a quick consensus meant some member or members were considering, if not arguing, that Nolan was guilty. The fact that the blood on the towel, the shovel and in his car was the same type as Matt's had been concerning but reasonably explained – especially with corroboration from Nurse Maryann's testimony. The talk of masturbation and semen on the sheet, likewise plausibly explained, had nonetheless made several jurors uncomfortable.

"What is it in American Society," Mei-Lin had asked Rebecca, "that makes people more comfortable with violence than natural human sexual behavior?"

"Immaturity," Rebecca shot back. "Puritanical repression, Victorian priggishness all reinforced by the continued infantilization of people by organized religion and corporate advertising."

Rebecca knew she'd taken a risk forcing Nolan to confess the truth, a risk she prayed would not backfire. If Nolan were condemned, it would not be because there existed concrete proof that Matthew was dead. The most damning evidence was simply the young man's absence.

He was gone, presumed dead, and, thus retribution had to be exacted. Someone always had to be blamed and punished. Only then could order be restored and people could once again sleep securely through the night.

Moreover, it had been clear from the outset that the trial was, on the surface, about a suspected murder, but underneath it was about bias toward what many, probably the majority still found, if not perverse, at least a mysterious and disturbing taboo, perhaps worthy of distrust if not disapproval. Deliberation was not based on objectively connecting the dots and taking one where the circumstantial evidence led, but rather it was about seeing all of that evidence through the prism of bias against a godless homosexual. The crime for which Nolan stood accused might be thought so egregious that any defendant would be automatically guilty and not even substantial reasonable doubt could prove a defense.

Rebecca hated the fact that Nolan was waiting alone, and she so wanted to go see him, to be by his side, to bring him comfort and strength and above all love. But she knew she had lost that right, not after the torment to which she had subjected him on the stand. Nolan was no fool, and he clearly realized now that their lovemaking was as much a calculated ploy and manipulation as it was sincere.

They hadn't spoken much since his testimony. Rebecca had scrupulously avoided any discussion of what happened on the stand, let alone the night before, by warping into professional hyper drive, practicing her closing argument, and with Mei-Lin acting as a buffer, outlining the post-trial procedure, the judge's instructions, the overall timetable, the possible outcome scenarios, grounds for appeals, etc. Nolan listened to the litany, shell shocked and docilely followed Rebecca's and the court's instructions.

When he found himself standing back on the stoop of his house, Nolan couldn't remember driving back from Lowell. He did wonder why Shiloh wasn't barking a greeting and then recalled he had dropped her off with Izzy and Bidy at the start of the final week. The ladies had volunteered to look after Shiloh whenever Nolan needed them to and had promised him that she would always have a home with them – but were sure it wouldn't come to that. Nolan didn't want to think about such things now, and he didn't want to be without his dog, so he got into his car to fetch Shiloh home. That was three days ago.

Nolan shivered and shrugged his shoulders. He hadn't planned on staying outside so late. The night air had grown damp and chilly. The moon was well into the blackening sky, looking much smaller and whitewashed. The first stars were setting their course across the firmament, across the great vault of heaven.

"The earth is firmly fixed; it shall not be moved," whispered Nolan. Shiloh barked.

The line came from the Bible, one of the Psalms. His father quoted it often enough in his western civilization class all college-bound seniors were required to take at the high school. Nolan could hear his father declaiming, “That quaint and archaic belief has shackled the minds of men for over two millennia and held back the advance of science until the mid-sixteenth century when Copernicus presented his *On the Revolutions of the Heavenly Spheres*. So, too, this exact same verse was quoted as evidence against the genius Galileo almost a century later in 1633, when he promulgated the theory of Copernicus that the earth was not “firmly fixed,” but rather revolved around the sun. For his teaching of this heliocentric model, Galileo was called a heretic and tried by the Catholic Church for the crime of heresy. During his inquisition, the seventy-year-old man was dragged into the crypts of the church and shown medieval instruments of torture that would be used on him if he did not recant. Fearing the torture, or even worse, being burned at the stake as others had been, the elderly Galileo finally capitulated. He was placed under house arrest, permitted neither to leave nor to receive visitors for the remaining seven years of his life.”

Nolan thought that, for all his father’s brilliance and erudition, he had missed an essential aspect of the great controversy. *No matter what the scientific evidence, people see themselves as the center of the universe. It’s hard not to.* Nolan did, sitting there on the dock looking up at the moon and stars pass over in the night sky. *In addition to Copernicus and Galileo’s challenge to the old Aristotelian model, they were not only challenging two thousand years of tradition and fifteen hundred years of church doctrine but also the very nature of our own self-centeredness. It isn’t a matter of the heliocentric versus the geocentric, but the heliocentric versus the egocentric. We are in the end all worshipers at the altar of narcissism.*

People need the simplicity, the uniformity and the graspable geometry of a geocentric model placing them at the center of their universe. Such a model is comforting in a world where so much seems unfathomable and beyond our scope, and fear dominates our emotions. We exaggerate how knowable the world is because we fear that which we don’t understand or haven’t yet proved scientifically. Yet, even in the face of overwhelming scientific evidence, many remain blinded by irrational allegiance both to dogma and to fear that leads them to be rash and arrogant and bigoted.

Nolan recalled waking during the night his senior year in high school to find a burning cross in front of the house, probably the work of Catholic students who found his father’s teaching of the Reformation heretical. All his father had taught was to have each student think for him- or herself and take full responsibility for their actions. “Do not rely simply on parroting established doctrine, but find your own language,



your own vernacular like Martin Luther. Question everything; assume nothing is valid but verify it for yourself. Delve below the surface and find the patterns and connections in human behavior that unite us all. Challenge the *status quo*, for if we do not, then we are doomed to think the earth flat and the sun revolves around it.”

Nolan rose and headed up the embankment to the house. Shiloh pushed her way through the door, her old bones happy for the warmth, and headed straight to her water dish. Nolan crossed to the fireplace and lit the kindling he’d laid earlier in the day. He sat on the couch and pulled the quilt over his shoulders. He didn’t want to go into the bedroom, didn’t want to think about his night with Rebecca, the devastation he felt over her betrayal, nor could he really face the ramifications of his love for Matthew, not yet. Nolan didn’t know if he had a future, at least one where he would chart the course of his own life. He sat back and watched the flames consume the kindling and pine cones. He was beyond exhausted; he was heart weary. The ordeal would be over soon, one way or the other; and it might just as well depend on how the planets and stars aligned as it did on rational thought and justice.

