



1st
Place

SHORT-STORY
CONTEST WINNER

A Fish Tale

By Charles Regan Shaw

Catch and release . . . catch and release. On Friday mornings, from late May through early September, this was his mantra.

This Friday, like many others, started before sunrise with him stepping out into the morning air, a bouquet of wormy earth and river, and with the night leaving everything covered in a cold sweat.

He left his home and its inhabitants, even his dog, sound asleep. Everything he loved in the world was wrapped under warm blankets, he thought, contained in 2,500 square feet of wood and brick, assembled by someone he never knew, way back in 1901.

Though the house was only four blocks from the public marina where he docked his fishing boat, he took the Yukon anyway, thinking he might hit the home store after work to get that new mailbox he promised to put in over the weekend. A hungry snow plow had taken the old one over the hard winter in a complete disregard for the sanctity of the United States Post Office.

As he drove past the town park that led to the marina, he could glimpse the parking lot ahead and see his would be the first car of the morning.

Opening the trunk, he grabbed his pole and tackle box and headed to the narrow dock where his 17-foot aluminum Sportsman was waiting silently. He had to use his iPhone for light, as the moon was low and the sun was not yet ready to start its day.

As he loaded in and started the motor, he was reluctant to sit down, knowing the wet aluminum bench would soak through his thin khakis. His usual seat cover was missing because the paper carrier had failed to deliver to his house on time again. "If it's not on my porch at 5 a.m., it's no longer a morning paper!" he would tell the carrier. So much for that edict, he thought.

He had been on the water a few hours now and well into his morning, a half Thermos of coffee and three catches already under his belt. As the sun began to rise on his back, he felt it burning off the remnants of the prior night's wet chill.

He loved the river this time of day, smooth as glass and swelling with hungry fish. If others were on the water at this time, it was OK. They were all like-minded; focused, solitary, and with a line or two in the water.

On a few occasions, a freighter would quietly glide by, barely disturbing the water, headed down for Lake Erie like a whale swimming out to open sea.

He liked to keep his boat between the east shore and the middle channel. To him, it was like a park bench overlooking the town. "Best seat in the house," he would tell his wife when she'd ask how the fishing went that morning.

It was a small town for a county seat, but he liked it that way. From his view, he could see the church where he and every member of his family were baptized. He could see Carol's Riverside Diner, where he ate lunch most days, and the eight to ten other buildings that made up the business district. And then there was the four-story building on the river's edge. Built in 1928, it was the heart of the town and held the city offices and the county courthouse. Nothing said "we are a river town" better than this building.

The fourth floor had a large window overlooking the river, which was the office chamber of the chief judge. Before the current judge had the office, it had been his grandfather who had called those chambers home for nearly 30 years.

As he felt the line tug, he thought back to the many afternoons spent looking out of that window to where he now sat—staring out, scanning the river like an eagle searching for prey, up and down both river banks, all the way down to the bridge crossing the Canadian-U.S. border.

On those occasions when he would meet his grandfather after school let out, he preferred to wait for him in his office instead of the back of the courtroom.

In the courtroom, his grandfather always disappeared as soon as he sat down behind the bench. In his place would appear a stoic, gruff-sounding man in a black robe—humorless, emotionless, and tough.

But in his chambers, his real grandfather was all around. He was found smiling in the many pictures with family and friends. The comforting smells of pipe tobacco and cologne kept guard in his absence, and the space was filled with collections of things his grandfather loved—classic books, smoking pipes, and swords. His grandfather had enough decorative swords on his walls to arm an entire crusade.

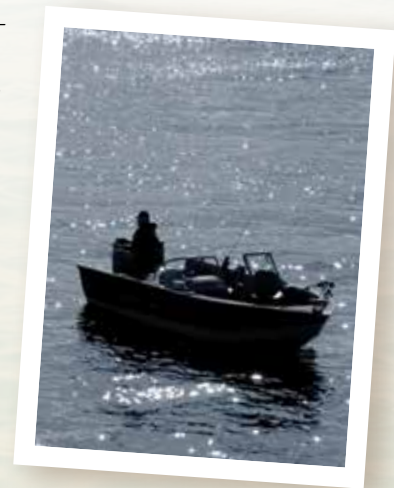
But that was a long time ago, and even the new judge wasn't so new anymore. It must be more than 10 years since his grandfather held that office, he thought.

"ZZZZZZZZrrreeeeiii!" hissed his line, snapping him out of his boyhood daydreams and bringing him to the present and what would be his last wall-eye of the morning.

As he reeled in his catch, those who knew him would have thought his best times on the river were when he was fishing with his son, John, the only boy out of his four kids. But he knew they would all be wrong.

Sure, he loved John, and he loved his girls. But to him, the best times on the water were times just like this morning, when he was alone, with no one to listen to but his own thoughts.

Just the same, John, he had to admit, was one great kid. A freshman at the University of Michigan, he'd be home for the summer soon. His only boy had ditched him, leaving him alone in a house full of women. Still, he felt the excitement John held for the future and shared in it. John was on his way to being a successful adult, and he knew a lot of kids weren't so lucky.



They didn't have a mother like his wife looking over their shoulder and keeping them on the straight and narrow. In fact, some of John's own friends were among the unlucky, lost to a dream-stealing world of drugs, alcohol, or both. And in that world, as he knew too well, crime was part of its gravitational pull.

One of his son's best friends, Kyle McLean, had become lost in that world. He had been just as good a kid as his son, and they were like brothers growing up. Kyle was often the third man on this same boat many mornings in summers past, and he had so many sleepovers, many in the town thought he and his wife had five kids.

But John and he were not brothers after all. Kyle had his own mother—a troubled single mom with two other kids and a drug problem that hung like a black cloud over the house until it eventually rained down on Kyle. He picked up his mother's heroin habit his freshman year of high school.

Kyle fell out of contact with John and most of his other friends as well. Over the past couple of years, while John was on the football field or baseball diamond, Kyle was in the back of one police car or another, busted for possession or another retail fraud committed in an effort to fund his habit.

The last he heard, Kyle had checked himself into an inpatient treatment program after committing another retail fraud. The most recent one found him charged as an adult; he had made it to the big leagues.

Voluntary admission to an inpatient program? That doesn't happen much with these types of kids, he thought. If it was true, maybe there was a glimmer of "Kyle the younger" still in there somewhere.

Gently releasing his last catch into the water, he was taken by the creature in his hands. Sharp fins and teeth, it could have put up a good fight. But it rested in his hands calmly, the sun sparkling off its green and black scales. This was a proud fish, he thought. He's got a lot of life left in him. As he watched it swim down and away, he was aware of feeling the day was starting.

The usual walkers appeared along the river, cars began pulling into parking lots, and office lights turned on. A 32-foot Sea Ray sped by behind him, shattering the glass that had been the river, leaving only the sound of fading hip-hop music behind.

"To the office!" he said to himself, pretending it was time to leave his alter ego behind.

A few other boats headed out as he was heading in; he and they knew that he had beaten them and gotten the best of the river.

And so he judged Kyle McLean.
He made his judgment call,
a call based on the totality
of the circumstances and a
certain walleye now swimming
somewhere downstream.

"Good morning, Judge," said a smiling Mary, his secretary for the past 10 years, clearly sharing in his joy of Friday.

He entered his office and smelled the hint of pipe tobacco. He wasn't a smoker, but he kept his grandfather's pipe collection on display just the same. The swords were gone, replaced with rare-edition comic books framed on the wall—*Superman*, *Batman*, and others, including the first issue of *Wolverine*. "To the desk!" he said to himself.

As he sat down, Mary came in, holding several files.

"Remember you have Judge Thomas's docket this morning, too."

Crap, he thought. He had forgotten. He had been hoping for a light docket today.

"There are four adjournment requests, two pleas, and one sentencing. Defendant waived sentencing in front of Miller, Thomas picked it up, and now you have it as it was scheduled for this morning," said Mary, seemingly all in one breath.

"And with his faithful sidekick, Mary..." he said to himself, still feigning superhero status. "Very well, thanks, Mary," he said dutifully, and began poring over the files.



He had saved the sentencing for last and as he grabbed the file, he read, “Kyle McLean, Defendant.”

As he studied the file, Kyle’s life over the last few years was revealed in the pages of the pre-sentence report in front of him: retail fraud, possession, juvenile lock-up, school expulsion, domestic violence (argument with the mother), and then the last charge which he pled to—retail fraud over \$1,000, a four-year felony.

The report said nothing of the boy he knew as a kid. Nothing about his humor, his loyalty as a friend, or of his wanting to belong. Pre-sentence reports don’t address that kind of thing; it’s all unrelated to the crime and proposed punishment.

The report did contain a statement from Kyle in which he took full responsibility, and it included information on his voluntary admission into an inpatient treatment program before the last charge came down. He had completed it successfully and was currently in outpatient counseling. But based on his priors, probation was recommending six months’ jail time—the maximum under his guideline range of 0–6 months.

Kyle’s attorney had prepared a sentencing memorandum, which was also in the file. It included glowing reviews from his treatment counselors, and it looked like Kyle had completed his GED. The attorney’s memo also indicated that Kyle had a job at the home store he was planning on heading to after work.

Maybe the kid was turning a corner, he thought. But he also knew heroin users were often collectors of broken promises and lost potential. He wasn’t sure where Kyle stood.

“...the honorable Patrick Conner Jr. presiding,” finished the deputy as those in the courtroom took their seats.

He sat down behind the bench. Stoic, black-robed... humorless, emotionless...and tough.

Cases came and went in quick succession. His years on the bench had taught him how to move a docket along, to the envy of his fellow judges.

And then, “Calling case number 14-4754 FH, Kyle McLean,” summoned the clerk, preparing the next monitor screen to await the orders of the judge.

From his bench, he watched as Kyle approached with his counsel. He could see the past years had left their mark on Kyle’s face. He looked out to the courtroom and saw there was no one appearing in a show of support. Kyle stood alone, caught in the system.

As Kyle stared back at him, his memory flashed to his morning on the water. It was something in Kyle’s eyes. If he had to describe it, he would have to say it was hope, or perhaps even confidence. He knew then that Kyle

hadn’t given up on himself. He could see that Kyle still saw a future for himself.

Kyle stood calmly, like the walleye he had held in his hands earlier that morning. He could see Kyle, too, had a lot of life left to live.

Kyle’s attorney spoke with impassioned sincerity about how Kyle was taking control of his life, how he was helping others by talking about his habit as a guest speaker in various treatment programs, and how jail wasn’t a solution. Then, there was nothing left but to await a judge’s order.

And so he judged Kyle McLean. He placed his sentence on the record. The Honorable Patrick Conner Jr. did not follow the probation recommendation. He made his judgment call, a call based on the totality of the circumstances and a certain walleye now swimming somewhere downstream.

He sentenced Kyle to two years’ probation, continued counseling, and community service to continue helping others by sharing his story.

As he stepped off the bench and made his way back to his office, Mary came in with a cup of coffee and a few files for the afternoon. Maybe it would be an early day after all.

“How did that sentencing go this morning?” she asked.

He glanced up and looked out the window to the river. The sun was shining and the river was glimmering in deep blue. “Catch and release,” he said. “Catch and release.” ■



Charles Regan Shaw is a graduate of the University of Detroit Mercy School of Law. His general practice firm, Charles Regan Shaw PLC, is located in Clinton Township and has been serving the legal needs of families and businesses in the tri-county area for 16 years. He lives in Macomb Township with his wife, Andrea, and children, Olivia, Connor, and Mia, and serves as chief dog walker, head chauffeur, and alternate school-lunch maker.