

## Losing by a Marble

The fate of a man is in the hands of twelve jurors. Eight believe he is guilty, three are unsure, and one has a little secret of her own.

Jack Smith scanned the room before his blue eyes rested on the eleven sets staring back at him. The vanilla walls lined with hairline cracks, and drab lighting matched the mood in the room, and Mr. Smith was no stranger to tension. Landing airplanes and the orchestrating that accompanied such a task made him tolerant of pesky stressors. However, being stuck in a small room surrounded by what he would consider amateurs was starting to take its toll.

“I still think he’s innocent,” Mrs. Jones insisted. “He looks like such a nice boy. He has black hair like my Louis.”

Most of the people in the room groaned.

Mrs. Jones, who looked as if she was approaching the century mark, pushed her coke-bottle glasses up on her nose as she tightened the scarf protecting her blow-out. The two-inch lopsidedness of her purple hair showed that she slept on her right side.

“I’m not sure if there’s enough evidence.” Julie, the cute young blonde, chimed in.

Mr. Smith knew that Marcus would side with Julie. As if on cue, his head bobbed. Julie smiled and averted her eyes.

Good grief, Mr. Smith thought. They were deciding the fate of a man, and these two were treating this time as a date. Mr. Smith almost reminded them that this was a jury room and not a single’s club, but he bit his tongue.

The only other opposition to the majority’s guilty verdict was the engineer, Jimmy. The proclaimed Southie made it clear that he was on the perpetrator’s side and that he wanted to stick it to “the man.”

“Well,” Mr. Smith began, “there are ample DNA samples. You can’t get better evidence than that,” he said sweetly, figuring he’d make more leeway with honey. Plus, he didn’t want to

get Jimmy on the defensive. The last time Jimmy was backed against a wall, the entire group had to listen to a twenty-minute monologue on governmental corruption.

“Yeah, but who did the testing? The government? Can’t trust those guys,” Jimmy said as his eyes narrowed.

Mr. Smith shook his head. “No. A third party did the testing. The company wasn’t associated with the defendant.”

“He reminds me of my Louis. On his fifth birthday, Louis went to the park, and while he was swinging, he fell off and broke his arm. He had to have medical tests. Bless his heart.”

Cringing internally, the stoic expression on Mr. Smith’s face didn’t waver.

“Oh, that’s so sad,” Julie said as she placed her hand on Mrs. Jones’s shoulder.

Mrs. Jones patted Julie’s cheek. “Aren’t you a sweet girl.”

Marcus smiled, making his dimples wink. “Yes, she is.”

For the love! Mr. Smith wasn’t sure how much more of this nonsense he could take.

“Deputy?” Mr. Smith asked loudly as he turned toward the door.

A burly man entered the room. “Could we please get two small bowls or jars or mugs, and a bag of marbles? I saw some in the kid’s play area.” The deputy grunted as he exited.

“Can you trust him? I bet he’ll bug one of the marbles.” Jimmy warned. “He works for them.”

Mr. Smith ignored Jimmy, scanning the drab room once more, trying to pass the time.

Surprisingly quick, the deputy returned with the requested items. “Thank you, Deputy.”

Mr. Smith picked up one green marble and made eye contact with each juror, trying to emphasize the importance of what he was about to say. “This is a man’s fate—”

“It looks like a marble to me.”

“Yes, Mrs. Jones. This marble represents the perpetrator’s fate. Does he pay for his crime? Or walk away free?”

Mr. Smith took the two plastic bowls and set them on the table.

“Everyone gets a marble,” Mr. Smith said as he passed out the small glass balls. “If you vote guilty, put your marble in the red bowl. If you vote not guilty, put your marble in that bowl. Okay, let’s vote.”

One by one, a marble was dropped in the guilty bowl. Even Julie and Marcus and Jimmy reluctantly placed theirs into the dish. The final vote came to Mrs. Jones.

“Did I ever tell you how good Louis was at marbles?” Mrs. Jones asked. “He was the best player on the block.”

Mr. Smith smiled and nodded. “I bet he was very talented.” It was now clear to him that Mrs. Jones had lost her marbles. “What’s your vote, Mrs. Jones?”

She flashed him a grin and pushed her glasses back up onto the bridge of her nose. She reached across the table as if she was going to drop her vote into the guilty bowl, only to change her mind and place her lonely ball into the not guilty dish.

Stunned, Mr. Smith’s mouth fell agape.

“I love playing marbles. Would you like to play?” Mrs. Jones’s face lit up at the prospect of a game.

“That sounds fun!” Julie piped up.

“I bet you’re good at marbles,” Marcus praised. “Count me in!”

Julie flashed Marcus a broad flirtatious smile.

Jimmy frowned. “Did you know the government invented marbles to distract people so they could take over the country? There’s no way you’ll find me playing.”

Mrs. Jones's longing expression made Mr. Smith sigh in defeat. "Sure. Why not." After dumping the bowl of marbles into his hand, Mr. Smith placed them in the center of the table.

"Wait," Mrs. Jones said, "you forgot this one." She reached into the other dish and handed Mr. Smith the lonesome glass ball. "Louis and I would play this same game every Sunday when I'd visit him in San Quentin."

Mr. Smith's head snapped up, and his eyes met hers. Mrs. Jones shoved her glasses up and winked.