

Vance Voyles
Monster Mistake

Charlie didn't expect to see me waiting for him in his probation officer's empty conference room. He was expecting to take a court-ordered piss test, not answer an allegation of sexual battery. No one likes to piss in front of another man, but I imagine given the choice, the urinalysis is the lesser of two evils. Suspects are never happy to see me.

"Hey, Charlie. My name is Detective Voyles, and this is my partner, Detective Harms." I motion to Dave seated at the big conference table. He smiles in that way that tells Charlie he feels sorry to meet him. Unfortunately, we rarely make a good first impression.

Charlie steps through the door, but instead of moving toward the table, he half steps inside with his back against the wall.

His probation officer stands near him. "These detectives need to talk to you," he says. "As soon as they're done, we'll get what we get and you can take off."

Charlie nods and keeps looking back and forth between Dave and me.

"I'm not here to get you in trouble, Charlie," I say, "but your name came up in my investigation, and this was the quickest way to talk to you so we could rule you out as a suspect."

It is best to start off trying to put the suspect at ease. Being arrested isn't something new to him, so it's important to remind him he's free to leave, that something besides jail will happen after our conversation, and I want him to know at this moment not all is lost.

"I'm clean," Charlie says. "You'll see that from the piss test."

"We're not here about that, Charlie." I sit down at the conference table. "Frankly, I couldn't care less about that. Your business is your business." I motion for him to sit at the table with me, but he takes one of the chairs near the door. "We're here about Kelsey."

"Who?" Charlie says. But the name has registered.

"Kelsey, Kelsey Chavez. You know her, right?" So far, so good. Before he got in the room, I set the tape recorder on the bookshelf near where Charlie took his seat. He's been through the system. Talking to the police about a girl is never good.

"Um, yeah, like from middle school. A long time ago."

"But you've seen her since. You've hung out. At Jared's house, right?"

"I guess." Charlie is the last person I have talked to about this case. Kelsey doesn't know what happened other than she got drunk and woke up in the backseat of her car with her underwear on sideways, and she only figured that out when she made the guy driving her home stop so she could pee in the bushes behind a closed convenience store. She could have had consensual sex or she could have been raped; she was just too drunk to remember which.

And being drunk doesn't automatically make it non-consensual. Many a stubborn drunk girl has exposed her breasts for cheap beads in the humidity of a New Orleans night, much to her mother's chagrin when the photo shows up on Facebook. And even more have fought for his keys to drive home, because no one is going to tell him he is too drunk to drive. Just because a person is too drunk to remember, doesn't mean they weren't intent on doing it.

"Do you remember that night, Charlie? Because she called in to us saying she got raped."

"She got what?" Charlie's face changes, micro tremors of a scared smile.

“Raped.”

“Raped?” he says, just to be sure, gripping the arms of his seat.

“And people at the party are saying you guys were making out and stuff.”

“Uh huh.” The air is being sucked out of the room. Charlie looks at Dave who is still wearing that same sorry smile. He turns back to me.

“So, I figured I’d talk to you and clear this whole thing up. Since you were making out, and everything.”

“No. We never made out.” This is the first mistake Charlie makes in the conversation. Everything up to this point has been perfect. He is supposed to be nervous to see us. He is supposed to be foggy on the girl. They were all smoking weed and drinking jungle juice out of red Solo cups that night. But he’s been through the system and somebody, some other cop before me, ruined his relationships with law enforcement. *Oh, I’m sorry, are those cuffs too tight? Maybe you should have thought twice before shoplifting that pack of gum. Respect is a two-way street.* No matter what crime the guy committed, two things can be gained with respect. One, he won’t remember me two years down the road when he sees me at the movies with my family. Or two, he *will* remember me as the nice cop who let him smoke a cigarette, which means he won’t key my car in the parking lot. But in this moment with Charlie, my motivation is different. I’m not worried about my safety, and I drive an unmarked car. Not that it matters, because I don’t even live in the jurisdiction where I have lawful arrest powers. The thing is, I want to help him, this alleged rapist. But to do that, I need him to be honest, because a lie will be the end of him.

“They all said they saw you, Charlie. Why would they lie?”

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