

# Mistrial

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His tie was made in France. Shoes: Italian. White, broadcloth shirt —Brooks Brothers, I'm guessing from the way the collar stood at attention under his medical jacket. He looked professional, but for a doctor, his attire, like the social worker with him, and his questions, were way too casual for my tastes. He did, however, take notes with a Waterford pen, so he did have some class.

"How old is your daughter?"

"Look, I already told the nurse, she's four."

"Four years or four months?"

"Four months. Didn't you read the chart?"

The doctor shook his head with a knowing, and, if you ask me, somewhat condescending look.

"Um..." I looked at his name tag, "Doctor Huber. Look, I don't have time for redundancy. My baby's in critical care, my wife's sick with worry, and you're asking questions I've already answered. My family needs me. I'm leaving."

His trimmed, graying hair swayed as he slowly raised a hand. "I'm not here to upset you, Mr. McDonald. Please forgive my redundancy. It's not personal, I'm jus--."

"Not personal? You've got me in some hospital room asking me questions about my daughter who, for all I know, is dead or dying? How is this not personal? Do you know who I am?"

"I'm sorry, I don't. I'm just trying to understanding what happened in order to provide the best care for your daughter. We need specifics and your wife's too upset to help us."

"She's understandably upset after what just happened!"

"Yes, she is. That's why we're turning to you. Please," his voice deteriorated into a plea, "Help us help your daughter."

"Well," I relaxed a bit and looked at the social worker. "If you put it like that, it's okay. But can we please hurry?"

"Thank you." The doctor went on. "Can you tell me about the accident? Where were you? What happened?"

"I already told your nurse!"

"We're here to help, remember?"

I struggled to control my anger and reluctantly cooperated. "We were having a barbeque later this evening for the associates at my law firm. I and my wife were outside with the baby when my wife handed her to me and went inside for the steaks. It's such a beautiful day that I set her on the patio so she could crawl around. Ask my wife, she'll attest. The baby was fine when I set her down, if that's where this is going. "

"We believe you. You set the baby on the patio."

"Well, I turned around to check the grill, and the next thing you know the baby was gone. You know how fast they crawl at that age."

"What happened next? How'd she fall?"

"It all happened so fast. One minute I was standing at the grill, the next, I turned around and she was bee-lining it toward the steps. I watched her crawl but it was like I was frozen. I couldn't move a muscle. My wife came running out of the house and broke my trance, but it was too late. Just when I got there, she fell off the steps. My god, she only fell two feet, how could there be that much blood?"

The doctor's hand on my shoulder offered no comfort. "It just poured out of her mouth and forehead. I picked her up but, I don't know, it was like she was asleep and I couldn't wake her. We screamed her name but no response. My god, I thought she was dead. My wife ran in the house to call 911 and I wrapped my da..."

"I know this is hard. Take your time."

"I I--wrapped her in my arms and carried her inside. My kids were hysterical and my wife was screaming into the phone for help. Before the ambulance came, we held hands as a family and prayed that Tina would be alright. Thank God, He took care of her."

The doctor handed me a Kleenex. "Thank God, you called 911. The immediate response probably saved her life."

I reached for a tissue. "Thank you, doctor. You have no idea how hard this is."

“No, thank you for telling me what happened. I'm so sorry to put you through this and I understand this is a very difficult time. My heart goes out to your wife and children.” He asked the Social Worker, “We have everything?”

“Absolutely.”

He nodded my way. “You sit tight. I'll take it from here.”

“Thank you, doctor.”

He leaned over and knocked on the door. Instantly it opened and two police officers barged in.

“This him?” one asked and slapped a cuff over my wrist. The other cop cuffed my hands behind my back.

“What the hell are you doing? Do you know who I am? Release me, you imbecile.”

The cops looked at the doc, who slowly shook his head.

“No? No? Who the hell do you think you are?” Pain surged across my shoulders as the cops raised the cuffs. I glared at the doctor. “I promise, you won't find a job wiping geriatric asses when I'm done suing you—doctor! I demand you tell me what's going on.”

He screwed the lid on his pen. “What's going on-- counselor, is you're being arrested for child abuse and possible manslaughter.”

“What? Because my four-month-old crawled away from me for a split second and fell down two small steps? That's insane! It's criminal!” The officer's hands tightened around my biceps as I lunged. The doctor stood his ground and turned to the social worker. “Did you catch it?”

The woman nodded. “You want to tell him, or should I?”

“Be my guest.”

She stared at me with the sad certainty of someone who's heard it all before. “No, Mr. Jones, you're not being arrested because your daughter crawled away from you. That could happen to anyone. And you aren't being arrested because your daughter fell down some stairs. That too, could happen to anyone.”

“Then what's the problem?”

“The problem is four-month-olds don't crawl.”

