

M L COPE



Bellicosity  
Law of 2027

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“Court is now in session. Judge Hyrum Gaines, presiding. Now hearing Docket number G53975-2031, People versus Franklin McMurphy,” announced the bailiff.

Judge Gaines stared at the public attorney, “What charges are the People bringing against this child?”

A young female attorney read from her legal brief. “We, the People, do charge Franklin McMurphy with violating the Bellicosity Law of 2027. To wit, the seven-year-old has exceeded the allowable count of violent behaviors as regards his genetic predisposition.”

“Thank you, Counsel.” The elderly judge adjusted his bi-focals and turned to the parents at the defense’s desk. “Do you understand the charges the government is bringing against your son?”

Despair tinged Sheila McMurphy’s voice. “He’s just a boy. How can he be compared to murderers and rapists?” Her husband put a reassuring arm around her while their cut-rate lawyer tried to look invisible.

The judge took a deep breath before explaining the reasoning. “Mr. and Mrs. McMurphy, the Bellicosity Law was passed to solve the overcrowding of prisons. The discovery of twelve genes responsible for violent behavior gave the legal system the ability to terminate incorrigible criminals so it could focus on those genetically disposed to being reformed. The success of that program has encouraged American society to prevent violent and criminal behavior, rather than pay for the consequences afterwards.”

In a move so bold that he surprised himself, the defense attorney said, “Your Honor, isn’t the American legal system based on innocence, requiring proof of guilt?”

A withering gaze from Judge Gaines forced the man to shrink into his cheap suit jacket like a frightened turtle. “Unless you’re planning to overturn the Supreme Court ruling, you know better than to use that argument. Science has conclusively proved that individuals possessing at

least four of the villainous genes will eventually exhibit violent behavior. Young Franklin has already shown signs of inappropriate behavior. It is in the interests of society to halt his violent behavior. Prosecution, please present your evidence.”

Flashing a professional smile, the young woman stood and recited the charges. “In February 2028, the McMurphy’s doctor registered Franklin as a carrier of five villainous genes. On or about 23 November, 2029, kindergarten teacher Luanda V. Johnson filed a report stating Franklin initiated a physical altercation with another student.”

Sheila McMurphy cried out, “It wasn’t his fault.”

In a calm tone, the judge admonished her. “Mrs. McMurphy, if you have something to say, you will say it through your attorney or I will be forced to hold you in contempt.” He paused to let his words sink in. “Defense, do you have something to say to this charge?”

The defense attorney stood. “Yes, Your Honor. The McMurphys counter that Franklin was merely trying to re-possess a toy he brought to class. The other boy admitted to taking the toy from Franklin’s backpack.”

“Was this boy’s admission noted in the complaint?”

“No, sir. The McMurphys also claim that Ms. Johnson failed to amend the report within the ten-day window.” The defense attorney’s demeanor changed from despondent to hopeful. Until the judge announced his ruling.

“Then I’ll have to allow the charge to stand and find the evidence admissible. Please continue, Prosecution.”

“To wit, on or about 17 April, 2031, Franklin McMurphy did aggressively strike and cause serious bodily injury to one Hector J. Ortiz.”

The judge eyed the defense attorney.

“The McMurphys are appealing the assault charge. Franklin was invited to Hector’s birthday party where they played a game of dodge ball. Hector was struck in the face, suffering a bloody nose and two teeth were knocked out.”

The judge stared at him, aghast. “A bloody nose and two teeth, and you’re appealing?”

“Your Honor, this was an accident. The Ortiz family gave the children a basketball instead of a regulation dodge ball. Hector is of the age when kids lose their baby teeth. The ball knocked out loose teeth.”

“Unless you can prove the teeth were already loose, I’m accepting the ruling as it stands. Any more evidence, Prosecution?”

“Yes. Section 7 of the People’s statement is a Child Protective Services report of the six weeks Franklin’s been in their custody.”

“Just a moment counsel.” Judge Gaines rifled through his folder until he found the report. “It says Franklin enjoys killing bugs and playing with plastic army men. His favorite cartoon show involves a cat and a dog carrying out acts of extreme violence on each other with objects like hammers, axes and... explosives! Defense, I don’t see a motion to dismiss the report. Given the nature of the charges, I’m very interested in hearing what you have to say.” He leaned forward and stared at the defense.

For five minutes, the McMurphys conferred with their lawyer in angry whispers. Sheila’s sobbing left mascara streaks on her cheeks. “Your Honor, for the record, the McMurphys would like the court to know they have voluntarily subjected Franklin to monitoring since he was four. The army men were not purchased by them and are property of the foster family Franklin was remanded to. The cartoon show in question is rated age appropriate and is popular among kids.”

“I see. Prosecution, would you explain why the People are presenting this report as evidence?”

“Your Honor, the ownership of the toys and the popularity of the show are not being debated. The merit of this report lies in the fact it shows a pattern of behavior and proclivity for Franklin McMurphy to gravitate towards things glorifying violence. The McMurphys have displayed great attention to the nurturing of Franklin. However, the nature of Franklin gives all indication he will succumb to his genetic predisposition if allowed to develop further.”

“In that case, I accept the report as evidence and have reached a decision.”

Franklin’s mother sobbed, toppled from her chair, and lay on the floor keening for her son. Two Sheriff’s deputies dragged her from the courtroom.

The judge waited for the deputies to return before he continued. “In the case of the People versus Franklin McMurphy, I rule in favor of the People. Franklin will be lobotomized immediately and monitored for one year. Any further acts of violence will result in euthanasia. Will you be appealing, Counsel?”

Mr. McMurphy jerked the defense attorney to his feet by his jacket collar. “Your Honor, I’d like to file for an immediate delay of sentence.”

“Appeal will be heard three weeks from this Thursday. Request for delay is not granted. The law specifically states if all conditions are met, the procedure is to be carried out the same day. Bailiff, please escort Franklin to the infirmary.” Franklin, seated in a corner with the foster parents, meekly followed the bailiff, unaware of what had just happened or his immediate fate.

In a voice laced with desperation, the defense attorney pleaded, “But Your Honor, if we can prove the charges are unsubstantiated, there’s no undoing the lobotomy. He’s their only son.”

“I’m sorry, Counsel, but you know the judicial system doesn’t make the laws. I feel for them, I do. But it’s my job to determine when a law has

been broken, and to enforce the penalties. This court is adjourned.” He struck a single blow with the gavel and retired to his chambers.

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