

A Time to Kill

Sitting at the bar at O'Bryan's, I picked up the paper and flipped it over. Then I saw it, an ad on the back page, taking up a whole corner:

BUTLER AQUATICS

It couldn't be. It just couldn't be him. But it was. It was Jake Butler.

The memories rushed back in waves...

I had just turned six. I remember it was creepy the way he looked at me. My parents sent me to take lessons with him since we were buying a beach house the following summer in Corpus. I thought he was holding me a little too tight but he said that was so I wouldn't drown. When I got out of the pool one day and went to change, he followed me into the bathroom. I started to leave but he stopped me. He took off his bathing suit and just stood there, blocking the door. I didn't want to look but I couldn't help it. *You fucking bastard! I couldn't help it!* Then he took off my bathing suit and told me if I told anyone he would kill my Mom and Dad. I closed my eyes so I wouldn't have to look at what he was doing and I started to cry. I tried to stop him but he was too strong. His hands were so cold. I quickly learned not to cry because he threatened to hit me if I did. When school started, the lessons ended, but the rest was just beginning— the bed-wetting, the disciplinary problems in

grade school, the string of failed relationships in college, the nights waking up sweating and shaking, the nights I didn't sleep at all. Some stretches were worse than others. I would go months— sometimes even a whole year— without the nightmares, but they always came back. That bastard always came back.

It was just past five and the lunch-bucket crowd was starting to file in as the construction sites closed down for the day. I ordered my third Guinness and handed the bartender a five. I looked down at my hands pressed flat against the bar, trying to shut out the memories.

A couple of guys with paint splattered pants and t-shirts came down to my end of the bar and sat down. They looked up at the TV showing the baseball game in front of me. I was looking but not watching.

"Who's winning?" the guy to my immediate left asked.

"Don't know. Not really paying attention."

"You work downtown or somethin'?" I ain't seen you around here before."

"Been around." I was doing my usual stare straight ahead and give short answers routine like I always did when I didn't want to talk. I started banging my thumb against the bar wishing this guy would leave me the hell alone.

"What kind of business you in?"

"Sales." I placed one foot on the floor and stood, sliding my chair to the right.

"That's cool," the guy said. "I couldn't sell water in a desert."

Dude, go away.

The guy looked back at the TV, then down at my Guinness. "Guinness, huh? That stuff's like a meal in a glass."

The guy leaned in further each time he talked. *Dude! What's your problem? Get away!* I continued to stare straight ahead at the TV while I moved to the far right side of my seat and placed my foot back on the floor.

"I'm a painter. Name's Charlie." He slapped me on the back and offered his hand.

My body tensed. I swung around and laid both hands on his chest. The bar stools went flying as he stumbled backwards and nearly knocked his friend over before regaining his balance. I felt the heat building in my face and the haze of fury come over me. I stabbed my finger in his face and nearly growled, "Don't fucking touch me!"

The adrenaline rush was wearing off and my hands started to shake as I got to my truck. My heart was beating so hard my eyes were throbbing. I took several deliberate breaths until my hands stopped shaking and my head was clear. Recovery took a little longer than usual this time, but eventually I was calm enough to start up my truck and head for home.

#

I had told Michelle that I had to run out for a few things so I stopped off to pick up some random snacks and toiletries. When I got back to the beach house at a quarter to six, Michelle was just finishing up Travis' feeding. She asked me how my day went. I said fine. I turned on the TV and started flipping channels.

"Travis needs a change," she called from the kitchen. "Can you take care of him while I get dinner ready?"

"Sure."

I grabbed Travis and set him on the changing table in the nursery. In the ten months since he was born, I only changed him a handful of times. My hands started to shake as I removed his diaper, the fear returning.

I managed the diaper change despite my shaking hands, cleaned up the mess in the nursery, and brought him back into the kitchen.

"Honey, are you OK? You look pale." She wiped her hands and put the dishtowel on the counter then felt my forehead.

"I'm fine. I guess T's business was a bit more potent than usual." I forced a smile.

"He's been irritable lately, too. I wonder if he's sick? I'll call Dr. Grace tomorrow for an appointment."

"No. Don't do that. He's fine. I'm just not feeling too good. I haven't been sleeping well lately."

"Are you taking your sleep medication?"

"Nah. I don't like that stuff. Makes me feel like crap in the morning."

"Did you sleep at all?"

"Not really. Tossed and turned all night, dozing on and off. I was afraid I'd wake you."

"You know me. Nothing wakes me up."

"Lucky you."

"Well, dinner's ready. Why don't you eat something then try to get some sleep."

"Sounds like a plan."

#

That night I woke up sweating and sucking in lungs full of air. My heart was pounding and my head throbbing. "Oh jeez... Oh jeez..." More gulps of air. I hunched over in bed, put my face in my hands, took a deep breath, and let it out slowly. My eyes were wide open now and I turned to look at Michelle. She was still sound asleep beside me, thank God. *At least one of us will sleep tonight.*

I slid out of bed as the sky started to brighten, careful not to wake Michelle. I threw on some jeans, walked down to the water's edge, and watched the waves roll onto the beach, the breeze warm against my face as I wiggled my toes into the sand. I shoved my hands in my pockets and wondered if these memories would ever die. As I watched the seagulls drop their morning haul of stone crabs on the rocks to get at the treasure inside, the answer came to me as clear as the memory of his touch.

#

I reached the top step leading up to the beach house and the aromas of bacon and coffee greeted me. I paused at the screen door to compose myself and saw Michelle flitting

about the kitchen holding Travis. I watched them in silence, Travis pulling at his Mom's hair. Michelle's skin glowed in the morning light.

I walked in and she turned to look at me. She walked over to me and took me in her free arm, our three bodies swaying gently together. Travis started tugging at my ear.

Michelle broke our embrace, readjusting Travis on her hip. "I woke up and couldn't find you. I was worried."

"I couldn't sleep so I took a walk on the beach."

"You having the nightmares again?"

"Yeah."

"Oh, Baby, I'm sorry." She drew me close again. "I wish there was something I could do."

"I know Babe." My stomach growled.

"You must be starving. Why don't we have breakfast out on the deck? It's all ready."

"Sounds good."

We enjoyed our breakfast in comfortable silence, watching the sunrise over the Gulf of Mexico. My thoughts drifted back to the newspaper ad and the nightmare cycle that had begun again. She, of course, knew what that bastard did to me. Before Michelle, I had never told anyone except my therapist in college, and no one else since.

Travis' cooing broke my spell and I turned to Michelle, forcing a smile. She smiled back.

"Remember last summer before I proposed and I shared with you what happened?"

"Of course, Baby."

"I never told you why I shared that with you then." I tugged at my ear as I remembered that hot August night. "Part of it was that I didn't want any secrets between us— most of it, really— but another part was that I wanted to know how you would react. I needed to know how you would handle it."

"Oh Baby. I know how hard that was for you and I love you for trusting me with it."

"I just wish it would go away once and for all."

"I know you do."

"I don't know what to do. I was in therapy for three years in college and another four years after and all it did was dredge up all the old crap and make me think about it all over again. I don't want to think about it. I just want it to go away. I need to do something more."

"Like what?"

"I don't know."

"Did you ever think about reporting it to the police?"

"I don't know if I want the whole world knowing what happened. And besides, it's probably too late for that now. It was over 20 years ago. They probably couldn't do anything about it. I just want him gone."

"What do you mean, 'gone?'"

"I don't know. I just want him gone."

I turned again to the gentle rhythms of the gulf as I thought about how I would make that happen.

#

"Large, cream, half a sugar, please."

"That'll be one seventy nine."

I pulled a crumpled five-dollar bill out of my pocket and handed it to the clerk.

"Three twenty one is your change sir. Have a nice day."

"You too." I dropped the coins into the tip jar and shoved the bills back in my pocket.

I picked up the coffee and walked to my truck where the Wal-Mart bag was sitting on the front seat. I grabbed it and walked across the street to the boardwalk, found an empty bench facing the water, and sat down. *Time to call the office back in Austin.* It was just after eight AM.

"Hello, Markham and Associates."

"Hey Stacy, it's Mitch."

"Good morning Mitch."

"Good morning. How was your weekend?"

"Just fine. And yours?"

"Not bad. I'm down here at the beach house with Michelle and the baby. I won't be coming in today. Can you let Mr. Markham know?"

"He's not going to be happy Mitch. You've been missing a lot of work lately. Is everything OK?"

"Yeah. We just decided to stay an extra day is all. We're driving back today." I watched the sun inching higher over the gulf. Though the sun had not yet reached its full power, I could feel the hint of sweat forming on my face that told me it would very soon.

"OK. Well I'll let Mr. Markham know, but he's going to want to talk to you when you get in, you know."

"I know. I'll be in tomorrow. I'll stop by his office and straighten everything out."

"All right. I'll see you tomorrow."

"Bye."

I hung up and sat in silence for a few moments. Letting out a long sigh, I opened the Wal-Mart bag and pulled out the pre-paid cell phone I purchased on my way to Third Coast Coffee. I pulled out my phone, dialed information, and asked the operator to connect my call.

"Hello, Butler Aquatics."

The voice was a bit deeper and wavered more than I remembered it back when I was six. Twenty years will do that to a man.

"Hello. Is this Jake Butler?" My face flushed and my hands trembled.

"Yes it is. How may I help you?"

"I want to sign my son up for swim lessons. Are you taking new students?"

"Yes we are. How old is your son?"

"His name is Bobby. He's six." I shuddered, shaking off a chill.

"Perfect. When would you like to come in?"

"Well that's the thing. He's sort of a shy boy. I think he would be more comfortable taking lessons at home. We have a pool out back. Could we arrange for you to come up here?"

"Of course. In-home lessons are extra, though, and we charge for travel time."

"That's no problem. Do you have any openings starting this week? Sometime in the late afternoon or evening?"

"Let me see. This week." I heard the keyboard and a rustle of paper as he checked the schedule. "Our Thursday evening slot just cancelled. 7:00. Would that be OK?"

"That sounds good. The sooner I get this done the better."

"Excuse me sir? I didn't catch that last."

"It was nothing. Forget it."

"OK. And your name is?"

"Roger. Roger DeVayne."

"And your address?"

"2115 Canyon Lake Drive."

"Great, Mr. DeVayne. I'll see you Thursday then. I look forward to meeting your son."

I bet you do you sick bastard.

#

I arrived back at the beach house as Michelle was getting out of the shower. Travis was in his crib, shoving his big toes in his mouth one at a time as if trying to decide which he liked best. He apparently couldn't decide so he put them both in, smiling wide as I entered the room.

Michelle was bent sideways drying off her hair, a towel wrapped around her chest. She whipped her head up, flinging her hair over her head, and worked her fingers through the damp strands. "How are you feeling?"

"I'm OK. I went down to Third Coast for some coffee and to clear my head."

"You look a little better, anyway."

"I guess so. You almost ready?"

"A few minutes."

"I'll be outside."

I sat on the deck, in tune again with the rhythm of the gulf: the rolling waves, the circling gulls, the tankers off on the horizon making their slow progress to the refineries and back out to sea. My dad died five years ago and my mom two years after that so the beach house was mine now. The gulf had soothed me ever since my parents bought this place. I used to imagine flying away on giant seagulls, or sailing to distant lands. I made castles of sand and I was the king, the other beachgoers my subjects. When I grew older and started noticing the girls lying on the beach and walking the boardwalk, I imagined them as my court, with the prettiest among them my queen. I was a good-looking kid so the girls always smiled at me when they caught me staring. They tried to talk to me but I was too terrified to say much back. Whenever I allowed my thoughts to take me where my teenage mind wanted to go, the cruel hand of Jake Butler reached out with that cold touch...

I nearly leapt out of my chair as I spun around to see Michelle holding the can of Dr. Pepper she had just placed against my neck. I slunk back into my chair and exhaled with my face in my hands.

"Oh Baby, I'm so sorry. I didn't mean to scare you." Michelle handed me the can and sat down at the foot of my lounge chair with Travis.

I took a long swallow and exhaled again. "It's OK. I just wasn't expecting it is all. I guess I'm still a little jumpy."

"Those nightmares have you really shook up this time, don't they?"

"Yeah. Worse than usual."

"Honey, you need to do something. I know you said therapy wasn't working for you, but you can't just go on like this."

"I know. I'll take care of it. I promise."

"What are you going to do?"

"I'll take care of it."

"That worries me, Baby. What does that mean 'I'll take care of it'?"

"I said I'll take care of it!"

"I'm only trying to help Mitch! You don't need to yell at me." Michelle looked down at her feet and pulled Travis close as he started to cry.

"I'm sorry. I didn't mean to snap at you. I just meant that I'll find a way to get through this." I bent forward to kiss her but she stood up. She wouldn't let me off that easy this time.

She stood there looking at me for a few seconds then went back into the house. I closed my eyes and felt them sting.

I stayed on the deck a few moments longer, then got up and began loading our bags in the cab of our truck as Michelle strapped Travis in. I fished my keys out of my pocket and slipped into the driver's seat. I looked over at Michelle. The early afternoon sun shone through her hair like a halo as she stared out her side window.

"I'm sorry, Michelle."

"You're always sorry."

"I know." I looked down at my hands and fidgeted with the keys for a minute before starting up the truck and backing out of the drive. Michelle continued staring out her window.

#

Michelle was speaking to me again when we arrived back in Austin just before five. We were both tired and hungry from the drive so we freshened up and dropped Travis off at

Michelle's parents' house on the way to the sushi restaurant. I walked in and asked for a table for two.

"Sorry. No table for two," the tiny hostess responded.

"You don't have any tables for two?" I asked.

"No table for two for happy hour."

"What do you mean no tables for two at happy hour? What's that?"

"Only table for four for happy hour. That's rule."

"We came to this restaurant to spend money and you tell me we can't sit down and eat because it's only two of us? That's the dumbest thing I ever heard."

"So sorry. Only table for four for happy hour. That's rule."

"Yeah. You said that already. So what time is happy hour over?"

"Seven o'clock."

I looked at my watch. *You've got to be kidding me.* "Happy hour is over at seven o'clock, it's now ten minutes to seven and you won't let us have a table for two?" I felt my face getting hotter.

"That's right."

"So if we stand here for ten minutes you'll give us a table for two?"

"Yes."

"Doesn't that seem silly to you?"

"That's rule."

"Well that's fucking stupid!" I stormed out of the restaurant and Michelle followed.

She pulled me to a stop as we walked out the door, and looked up at me with her wrinkled brow and her hands on her hips. "What's wrong with you, Mitch?"

"What's wrong with me? Were you not there for that insane conversation?"

"Yes I was, but don't you think you were a bit hard on that poor woman?"

"Hard on her?! All I wanted was a table for two!"

"She's just doing her job, Mitch!"

"Who has rules for happy hour anyway?" I stared down at my shoes, hands shoved in my pockets. I could feel Michelle's stare on my face. "Look, Babe, I'm sorry. I'm tired. That's all."

"That's not good enough this time, Mitch."

I stared off up the street for a few seconds then turned to Michelle. "I saw an ad in the paper for 'Butler Aquatics' today."

Her eyes went wide and she put her hand to her mouth. "Oh my God, Mitch. Do you think...?"

I looked away, not wanting to think about it. "Looks like he's up to his old tricks again."

Her face relaxed. Her eyes softened as she took my hands. "Oh, Baby."

"I don't feel much like eating out anymore. Why don't we grab a pizza on the way home? Travis can stay with your parents tonight."

"Yeah. Let's do that." She wrapped her arms around my chest and held me.

I placed my arms around her and kissed the top of her head, whispering, "I'm sorry. I'm so sorry."

#

I called Pepi's to place our order as we left the parking lot and picked it up on our way home. I took the pizza into the den, placed it on the side table, and went to the kitchen. Michelle was gathering the plates and napkins so I tended to the wine. *Maybe a nice Chianti.* I uncorked the bottle and poured a couple of glasses to let them breathe. Carrying them into the den, I set them on the table next to the pizza.

I sat on the sofa and watched as Michelle reviewed our DVD collection. After several moments of reflection, pulling out cases and putting them back, she settled on a Bogey and Bacall classic, slid it into the player, and settled in beside me, grabbing our glasses on the way. We clinked a silent toast and took in the first sips of the soft and spicy fruit. I placed

my arm around her shoulder and took a deep breath, letting it out slowly. Michelle stretched her neck up and kissed me just under my chin and nuzzled into my arms.

#

I woke early Tuesday morning after a fitful night, showered, and dressed quietly. Michelle rolled over and grumbled sleepily as I left for work.

When I stepped out of the elevator it was just past eight and Stacy was there, already busy about her morning activities.

"Good morning Mitch."

"Good morning Stacy." I walked into my office and fired up my iMac. *Time to do a little research.*

Michael "Buck" Tanner, the guy who did Markham's pre-employee screening, once told me there's no real secret to doing routine background checks. The stuff's out there for anybody to get, companies just like the retail convenience of companies like his. "They don't have the time to track down this stuff when they're trying to run a business" Buck told me.

I thought about going to Buck and having him do a background on Jake, but then thought better of it. I'd have to handle this one myself. Besides, I wasn't interested in anything that needed to hold up in court. I just wanted to know what he'd been up to all these years.

I spent the rest of the afternoon running down anything I could find on Jake Butler. I searched newspaper articles, police blotters, court records, anything I could find. I even called a few newspapers to follow up on stuff that wasn't online.

Slowly I started to put together a dossier on Jake, and it wasn't pretty. The details of each case brought it all back again. He'd been arrested twice on suspicion of child endangerment, in Oregon and Texas, but neither stuck. Texas threw it out on legal technicalities, and Oregon never made it to trial due to lack of evidence. And those were just the cases I found where he was caught. Imagine how many more cases there were that

nobody knew about. *This guy is greasy and he gets around. Now he's back. That's all I need to know.*

#

Thursday finally arrived and I left work a few minutes early and headed up north of town. I pulled into a spot directly across from Butler Aquatics and adjusted my mirrors to give me a view of the front door. It was almost six o'clock. Jake would need to leave soon to get to the lesson on time. I wondered what it would feel like, or if I would even go through with it at all.

A motion in the mirror caught my eye. I looked up and saw Jake Butler locking the door and turning to walk to his car, a gym bag slung over his shoulder. I sat up straight. My pulse quickened. My face flushed as a rush of adrenaline poured into my system. Jake Butler backed out of his parking spot and headed west toward the highway. I started my truck and backed out to follow him.

I need to stay a few cars back so he won't notice me. Maybe that's a bit paranoid— he has no reason to suspect he's being followed— but I'm not taking any chances. I just have to be careful not to let him get too far ahead...

Jake turned onto the highway heading south. I made the turn a few seconds later, banging my thumbs on the steering wheel as I locked my eyes on Jake's tail lights.

Canyon Lake Drive was a winding, two-lane road where visibility was limited in the twilight. I knew the perfect spot: a tight curve in the road just past Rt. 624 with a long drop to a creek bed below. It's a fairly secluded road until you reach the subdivisions on the lake.

"HERE'S LOOKIN' AT YOU KID / MISSING ALL THE THINGS WE DID / WE CAN FIND IT ONCE

AGAIN"

From nowhere, the old song drifted into my consciousness and I thought of Michelle's icy hurt the morning we left the beach house. I thought about my fear every time I changed Travis and I shuddered. I blinked tears from my eyes as we approached the curve. *Just a little closer... closer...*

There was a straight downhill stretch of road just before the curve so I floored the accelerator of my two-ton pickup and slammed into Jake's bumper. His car lurched forward and I saw his brake lights flash but he was already out of control. His car veered wildly and I slammed into him again, sending him toward the guardrail. *One more push...*

There was a terrifying crunch of metal as the guardrail gave way, then only the sound of his racing engine growing more distant. I struggled to maintain control of my truck and turned the wheel sharply to the left to avoid following him into the ravine. There was no fiery explosion, no ball of flames like in the movies. Just a distant crunch echoing the sound of the guardrail, and two more as he came to rest in the creek bed. I kept driving, forcing myself to ease back on the accelerator and maintain control.

I slowed down enough to make a quick u-turn and took the turn at 624, driving for a few miles to get out of the area. I pulled into a gas station parking lot and I began shaking visibly as the adrenaline that had flooded my system started to wear off. I sat in my truck with my head on the steering wheel, my body heaving, my hands shaking. By the time I heard the first sirens I had regained enough composure to get the hell out of there and head back home.

I got back to the house a half hour later and told Michelle that I was going to take some pills after all and try to get some sleep. Within minutes, I was out cold.

#

When I woke the next morning, I walked into the kitchen and found Michelle at the table holding Travis, the Daily Post on the table in front of her. *Why is she crying?* I walked over to her and placed my hand on her shoulder as she rocked Travis back and forth, holding him close. She looked at me, tears filling her eyes. I bent to kiss her but she flinched. *What the...* Then I saw it, on the front page, just below the fold:

LOCAL SWIM INSTRUCTOR DIES IN BIZARRE WRECK

By Siobhan Fischer

DAILY POST STAFF

Thursday, August 07, 2006

Canyon Lake Drive was the scene of a fatal accident last evening that saw a car tear through a guardrail and plummet 100 feet to the empty creek bed below. The driver, local swim instructor Jake Butler, was pronounced dead on the scene. An examination of the car and an autopsy are planned to determine the cause of the accident, but investigators say the most likely cause is mechanical failure or driver intoxication. When asked by reporters on the scene, County Sheriffs said they will not rule out foul play until they conclude their investigation...