

## **The Right of Way**

**THOMAS MURRAY**

### **INTRODUCTION**

In early 2013, my friend Catherine introduced me to her new boyfriend Bobby. Two months later, he would be killed on his way home from work - knocked off his bike by a drunk driver. Bobby was one of seven such fatalities in the city of Chicago that year. Mutual friends asked what we could do to draw awareness to these disturbing losses and advocate for change.

Much of my work as an ethnodramatist has involved telling transportation-related stories. With my ensemble, Waltzing Mechanics, I created a docu-comedy in 2010 entitled *EL Stories*, crafted from brief interviews conducted with Chicago Transit Authority train and bus riders. In 2012, I wrote *Over My Dead Body* about the mass disinterment of a cemetery located in the path of a new runway at O'Hare International Airport. Interviews with next-of-kin to the buried formed the spine of that storytelling, which confronted the human scale of eminent domain proceedings.

The desire to extend the conversation around bicycle fatalities on

our city streets—particularly in a way that would engender consideration from everyday motorists - seemed ripe for documentary storytelling. The media condensed a fatal crash into a 90 second story on the evening news, but an ethnodrama could ask an audience for a full hour of sustained engagement.

One might conclude, as one of my interviewees did, that drunk driving was the culprit in these fatalities. But I was surprised by a common refrain from the driver defendants in many of these cases: “He came from out of nowhere. I didn’t see him.” In other words, a fellow traveler sharing the same roadway seems to be invisible until the last moment. Intoxication may slow response times, but I was not convinced that it caused people in our field of vision to disappear. I became further intrigued when this defense was raised similarly by sober drivers who hit and killed bicyclists.

By the time I started my research, there had already been another crash. Hector Avalos was killed in December 2013 on Ogden Avenue on Chicago’s West Side. He worked as a line cook at a Mexican restaurant in River North. After quitting time, he hopped onto his bicycle for the five mile ride to his home in the Pilsen neighborhood. Half an hour later, less than a mile from home, he would be struck from behind by a driver in a white minivan. The blood alcohol concentration of the driver would be measured at 0.11, exceeding the legal limit in Illinois.

In February 2014, I reached out to Ingrid Cossio, Hector’s mother, on Facebook. I asked her if she would be willing to sit for an interview about the loss she had endured. She called me back to ask how I was planning to use her story; even though I do not think she fully grasped the concept of ethnodrama at the time, she was willing to meet me. We conversed over morning coffee in a diner in Whiting, Indiana. For more than two hours, Ingrid articulated her love for her son through stories about raising him as a single mother. She was a Honduran immigrant, and English was not her first language, but nevertheless she crafted organic poetry through the words she attached to her broken heart. I was deeply moved by her shattering tale. At our interview’s end, Ingrid offered to introduce me to Hector’s girlfriend and his close circle of friends.

A few months later after several more interviews, I shared a first adaptation of *The Right of Way* in an invited reading for Hector’s family and friends. At the time, the script only drew from their interview

transcripts. They were invited to offer feedback, although the emotion in the room seemed to overwhelm dialogue. The friends were appreciative that Hector's story was memorialized; Ingrid hoped others would see the pain of her loss and change their driving habits.

From there, Hector's story sat on my shelf for a couple years while I matriculated to the M.F.A. program in Directing and Public Dialogue at Virginia Tech. I knew *The Right of Way* wasn't finished. The driver pled guilty in 2015 and was sentenced. The criminal court transcript of that case came into my possession. The resources of the university introduced me to urban planners, historians, civil engineers, personal injury attorneys, and alternative transportation advocates nationwide. I believed contextual interviews with these professionals might allow an audience's experiences as motorists and bicyclists and pedestrians to sit alongside Hector's tragic story. I proposed the production of a completed script for *The Right of Way* as my final M.F.A. project.

The result has been an ethnodrama sourced almost entirely from interviews, transcripts, and media imagery. In 2017, the script was workshopped through regional partnerships with Theatre in the Square (Marietta, Georgia) and Forum Theatre (Washington, D.C.) and was sponsored by Virginia Tech's School of Performing Arts and the Institute for Creativity, Arts and Technology. Working with spatial audio engineer Tanner Uptegrove, we crafted an environmental sound design that could efficiently differentiate the various locations in the script.

*The Right of Way* premiered in an arena staging in the Cube at the Moss Arts Center on the Virginia Tech campus in March 2018. Each performance was followed by a brief conversation led by members of the Town of Blacksburg Corridor Committee, board members from the recreational New River Valley Bicycle Association, and alternative transportation advocates from RIDE Solutions. My hope is that *The Right of Way* can be a catalyst for conversation in communities that are struggling to engage citizen support for Complete Streets or Vision Zero initiatives. Placing myself in the shoes of Hector's family has been a memorable experience for me, and it has certainly changed my understanding of how we as fellow travelers share passage on our city streets.

## **THE RIGHT OF WAY**

a docudrama by Thomas Murray

### **CHARACTERS**

HECTOR AVALOS, a 28 year-old former Marine

INGRID COSSIO, his mother

ROB MANCHA, his best friend, a fellow Marine

CRISTINA VALENCIA, his girlfriend

VANESSA, his friend

EMMANUEL, his friend

JAMIE, his friend

INVESTIGATOR MUSIAL, City of Chicago Police, Major Accidents Division

OFFICER TEGTMEIER, City of Chicago Police, Tenth District

SHAWN CONCANNON, assistant state's attorney

TOM BREEN, defense attorney

JUDGE FORD, Circuit Court of Cook County, Illinois, Criminal Division

THE RIGHT OF WAY received its premiere at the Moss Arts Center, in Blacksburg, Virginia, on March 29, 2018. It was directed by Thomas Murray; the sound design was by Tanner Upthegrove; the costume design was by Mary V. Rathell; the lighting design was by John Ambrosone; the video design was by Mordecai Lecky; the properties design was by Felysia Furnary; and the production stage manager was Andrew Schurr. The cast was as follows:

INGRID OSSIO

HECTOR AVALOS

ROB MANCHA / INVESTIGATOR MUSIAL

CRISTINA VALENCIA / OFFICER TEGTMEIER

VANESSA BLY / SHAWN CONCANNON

JAMIE / TOM BREEN

EMMANUEL / JUDGE FORD

Maya Garcia

Rodney McKeithan

Stephen Balani

Alexandra Yau

Anastasia Conyers

Andrew Bartee

Ryan Chapman

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*(As the lights dim, we hear the clicks of a chain engaged - a bicycle in motion. It is night. As the bicycle continues in motion, we hear the pedaling disengage as intersections approach and then re-engage as the bicyclist crosses through. A truck approaches us from behind, getting closer, closer, and passing us at close range. The bicycle continues. Other traffic passes in our direction and in the opposite direction.*

*In time, the sound of our bicycle and fellow traffic is contained by the walls of a viaduct. As we come out of the viaduct, we hear a van closing in behind us - not unlike other traffic until the last moment, when seeming perhaps too close, it CRASHES. The hood of the van crunches. The glass windshield shatters. The passenger mirror tears off. The bicycle is thrown. The van comes to a stop at a distance away from us. We faintly hear the door of the van open. As the clicks slow to a stop, we hear an ambulance siren approaching from a distance. As the siren gets closer and louder, it merges into the news jingle:)*

VOICEOVER: This is ABC 7 News at 10. Chicago's number one news.  
(stinger)

*(The video of the following segment is projected.)*

ANCHOR: A former Marine was struck and killed by a car as he was riding his bike in Chicago. That driver stayed on the scene and was taken into custody. Tonight, police say alcohol was probably a factor. We get the latest from Eyewitness News reporter John Garcia.

VOICE: "That was my baby. I don't care how old he was, but that was my baby."

*(INGRID enters center and silently watches the video.)*

REPORTER: Ingrid Cossio says she and her 28-year-old son Hector Avalos were very close. He spent a lot of time with his mother and his two younger siblings since his active duty in the Marines ended a few years ago. He loved to cook and after graduating culinary school, he started working at El Hefe Restaurant in River North. That's where he was last night before riding home on his bike. He never made it. He was hit by a car in the 2500 block of West Ogden just before midnight.

VOICE: "It's one of those things where, you know, you say goodbye to someone and they go off doing the same thing they do every day and something tragic happens."

REPORTER: The driver stayed on the scene and was taken into custody. His family says Avalos loved to ride his bike. He loved the outdoors. They say he was tired after leaving work last night and told co-workers he was considering taking the train home instead. But ultimately he decided to ride home. It was his favorite form of transportation.

VOICE: "He felt free riding it, he felt freedom. He loved it." (*INGRID exits.*)

REPORTER: His Christmas stocking still hangs on the wall with those of his co-workers.

VOICE: "Hector was a great guy. Us being in a new town, only being out here six months, he was one of the guys who was very welcoming to us. Busted his butt every day at work. Put in his all, he was a great chef. Great guy."

REPORTER: Chicago Police say they are continuing to question the driver, and they suspect alcohol may have been involved, but at this point, they have not yet filed charges. In River North, John Garcia, ABC 7 Eyewitness News.

*(At "filed charges," JUDGE FORD, SHAWN CONCANNON, and TOM BREEN face off in opposing vomitoria on rolling stools. Projected text: This play reflects a true story. The words spoken have been compiled from interviews and transcripts.)*

BREEN: Good morning, Your Honor. I'm Tom Breen on behalf of the defendant.

FORD: Thank you, Mr. Breen. The driver of the minivan entered a plea of guilty on the last date, and we are gathered today for sentencing.

*(Projected text: Sentencing Hearing, Cook County Criminal Court)*

CONCANNON: That's correct, Judge. I'm Assistant State's Attorney Shawn Concannon.

FORD: Very good, Ms. Concannon. Do you wish to call witnesses in aggravation?

CONCANNON: I do, Judge. The State will call Investigator Elliott Musial of the Chicago Police Department. *(MUSIAL enters and raises his hand as if taking the oath.)*

FORD: *(to audience)* Investigator Musial, called as a witness by the People of the State of Illinois, testified as follows:

CONCANNON: Investigator, I want to draw your attention back to the early morning hours of December 7th. Did you receive an assignment at about 1:30 in the morning?

MUSIAL: Yes. I was assigned to a traffic crash that happened on Ogden Avenue.

CONCANNON: Can you describe that area as it looked when you arrived?

MUSIAL: I saw a white minivan parked in the westbound lanes of Ogden. There was a bicycle on the street, some distance away near the entrance to a viaduct.

CONCANNON: Can you describe the minivan?

MUSIAL: It had significant crush damage to the hood, the windshield was shattered, and the passenger mirror was broken off. There was also some damage to the front fender.

CONCANNON: Did you notice if there was any blood on the scene?

MUSIAL: Yes. There were two separate pools of blood.

*(Courtroom freezes. INGRID enters the center of the playing space, addressing the audience. She pushes a bicycle wheel as HECTOR follows her. We also hear periodic traffic.)*



INGRID: I taught Hector how to ride a bicycle.

*(She lifts the bicycle wheel into the air as he watches. Projection: Ingrid Cossio, Hector Avalos's mother)*

As a matter of fact, when he was, two and a half? I had bought him a little black bicycle, you know, he had the training wheels in back. And he went to the corner, and I was watching him.

HECTOR: I did it!

INGRID: I said, see? You can do it! But as he came back down the block, my sister was across the street with her friend. And as soon as he saw her...

HECTOR: I did it! *(He runs off.)*

INGRID: He got off that bike and he ran for her. "DON'T DO THAT!" *(We hear the brakes screech and stop. Beat.)* He went to the tip of the bumper. I just couldn't move... And when I saw he was fine... I ran.

*(INGRID runs out as the courtroom proceedings resume.)*

CONCANNON: How far was the victim's bicycle from the defendant's minivan?

MUSIAL: From the rear tires of the defendant's vehicle, it was 146 feet.

CONCANNON: And could you describe how the point of impact occurred?

MUSIAL: My belief is that the defendant's vehicle struck the rear tire of the victim's bike, which caused it to go underneath the vehicle. At that point, the victim was thrown off of his bike. He struck the hood, then the windshield, was thrown onto the pavement - tearing off the passenger side mirror as he fell, and then rolled for some feet.

*(The sound of each action becomes broken up in isolation as each element is spoken.)*

CONCANNON: And would that account for the two different areas where you saw blood?

MUSIAL: Yes.

CONCANNON: And were you able to come to an opinion about what happened in the early morning hours that night?

MUSIAL: Yes, that the defendant was driving his minivan westbound on Ogden when he came in contact with the victim - also westbound on Ogden - who was subsequently dislodged from his bicycle.

CONCANNON: Investigator, when did you learn that the victim, Hector Avalos, had died from the injuries sustained in the crash?

MUSIAL: I went to the hospital around 2 a.m. I was told that Mr. Avalos was unresponsive when he arrived there, that they were unsuccessful in reviving him, and that he had massive blunt trauma to his head and his chest.

CONCANNON: Did you learn what time the doctors pronounced Hector Avalos dead?

MUSIAL: 12:38 that morning. *(The courtroom participants roll back on their stools to the entrance of the vom. INGRID enters the center with HECTOR and the bicycle wheel. He wears a helmet and knee pads.)*

INGRID: When he was in the first grade, I took him to Calumet Park. And I took the training wheels off. His father left when he was a baby, so I started him instead-- *(she balances him and then walks cross the circle in the direction he moves)* I got 'em on, I held him, and I let him go. And I was walking, and he would fall. *(HECTOR falls.)* Pick him up. And like three times then, he got on. Go. Fall. On. Go. Fall. On. Gooooo. Fall. *(again, he falls)* The last time, I got on my own bike and went ahead, and all I could hear was him screaming--

HECTOR: "Ahhh, I'm not riding this bicycle! I can't ride it!" *(HECTOR's protest brings him to center stage as INGRID addresses both the audience and HECTOR from the vom.)*

INGRID: And he was crying. He had red shorts. And a little white shirt. And I said, "it's either you leave the bicycle there, or you ride it. But we have a long way to go. Right now, we just got started. So what's it gonna be?" *(Beat. HECTOR sets up one more time, INGRID meets him, and he slowly - but successfully - starts to ride off.)* And by the time we came around the park, he knew how to ride it. *(INGRID smiles and exits. The courtroom participants roll back into place.)*

CONCANNON: Were you able to make a determination about fault?

MUSIAL: I contributed both parties to being at fault.

CONCANNON: But didn't you make a finding that the driver of the minivan should have reduced his speed upon entering the adjacent viaduct, because it was dark and it would have been difficult to see what was on the other side?

MUSIAL: I did say that, yes.

CONCANNON: Nothing further.

FORD: Cross.

BREEN: Good morning, Detective.

MUSIAL: Good morning.

BREEN: Detective, just very quickly. On that evening, the viaduct was illuminated by artificial lighting, is that correct?

MUSIAL: Yes.

BREEN: But not all of that artificial lighting was in working order, would that be correct?

MUSIAL: That is correct.

BREEN: Thank you. I have nothing further.

FORD: The witness is excused. *(MUSIAL rises and the court freezes.)*

## INTERLUDE: HISTORY

*(Projections: We see modern day traffic, but it is moving in reverse - it speeds up and cuts to traffic from previous decades also moving quickly in reverse. By the time we reach the early 1900s, the reversing slows, pauses, and moves forward. Over the footage of the 1906 San Francisco streetcar, we briefly see the words, How Did the American City Become an Automotive City? During this reversal of imagery, the courtroom participants slowly roll off backward through the voms.)*

VOICEOVER of Peter Norton: To start with, we have to step out of the world we learned to think of as normal. One way to do that is to imagine a person from a hundred years ago looking at our streets today, and they would be amazed. They would be amazed that we surrendered the street to vehicles completely and it would look crazy to them. You have an amazing consensus a hundred years ago among officialdom, authorities, engineers, judges, police and also average people, we know that because they wrote letters to their newspaper editors, that says, "Streets are for people."

VOICEOVER of Ralph Buehler: If you go way, way back when you only had trolleys, pedestrians, and bikes in the street, and the car emerged — the car needed that space. People, trolleys... were slowing it down. They had to get out.

VOICE of Peter: When cars were new on streets, they mixed badly with people. Of course, that meant they hit people a lot, and when they hit people, most people blamed the car.

VOICE of Ralph: And the big part of the campaign then, and it was not targeted at cyclists but at pedestrians, was to force pedestrians to only cross the street at crosswalks. The term jaywalking was coined. The idea was to sort of brand pedestrians as... it's their own fault when they get hit by cars, because they don't behave according to the law. And that happened in the 20s and 30s. So the car lobby or whatever you would call it-- they started blaming the victims... for being hit.

*(Images of safety campaigns populate the video screen.)*

VOICE of Peter: A lot of people find it's hard to believe that they could change our conception of what a city street is for, but this is the era

that retrained us in a lot of ways and they used the same techniques. For example, this was the era when we found out we have to shampoo our hair, when we found out we had to use mouthwash or people would hate us, when we found out kids have to have three tall glasses of milk a day, which no nutritionist believes but we all grew up believing it.

VOICE of Peter: The transformation in street safety moved from the early message being, "Everybody be more careful, especially drivers," to the later message being, "Keep the kids off the street, streets are for cars." You can transform people's perceptions of what's normal.

*(Video fades and ROB enters.)*

ROB: There's never been a period where I didn't talk to Hector. Like, you know some people, they hang out for so many years, and maybe they go to different high schools, they split up? *(Projection: Roberto "Rob" Mancha, Hector's best friend)* I've known him since fourth grade. And I've always been in constant, constant uh contact with him and always knew what was going on in his life. *(HECTOR enters with JAMIE from the opposite vom. They have backpacks. They're looking at ROB.)*

ROB: But I can tell you the first time I really talked to him. We were at school, and uh, he said something to me about my last name, Mancha- it means stain in Spanish. So he, you know, I think he said something smartass--

HECTOR: Hey, Mancha! Mancha de mierda!

ROB: So, translated, basically, it's "shit stain," and I was just, "ha ha—funny"...

HECTOR and JAMIE: Manchaaaa! *(INGRID enters from opposite vom.)*

ROB: But also like, "man, fuck this dude," you know what I'm saying? I don't want to hang out with an asshole like that.

INGRID: He was a quiet kid though. He was never giving me any types of problems-- rowdy or-- I never felt like I had a kid, because he wasn't

the type of kid asking me for clothes-- asking me for shoes. (*HECTOR and JAMIE start around the circle. ROB falls in with them.*)

ROB: But we lived on the same block, so we had the same path home from school. And so I guess I'd walk home with him. Not intentionally, but I'd always see him. (*INGRID moves toward the center.*)

INGRID: His father didn't give me child support. He told Hector when he was young that he wouldn't give me money because I would spend it on another man. And as soon as he got an order to pay child support, he quit his job. So I worked as a bus driver. Nine dollars an hour. And it was just Hector and I. I struggled with the rent. I struggled—I wasn't on welfare or nothing, but I was living by myself. And so I didn't have much of— say, cable back then. Or a telephone. The only time I remember him bugging me was--

HECTOR: "I want my own TV in my room. And I want my own VCR."

INGRID: "No. What you get in your room is your radio and your alarm."

HECTOR: "But all my friends have it!"

INGRID: "Well, go live with your friends-- see what happens."  
(*HECTOR turns to ROB and JAMIE; they swiftly exit.*)

HECTOR: "Maybe I will."

INGRID: (*she laughs as she exits*) "By the third day, they'd be throwing you out!" (*ROB enters again, this time with a backpack of his own.*)

ROB: So before long, I'd be walking with him home from school, and next thing you know, I started walking with him in the morning as well, and along the way, like we'd talk and like, he just grew on me and that was... 'came my homie ever since.

(*ROB walks in HECTOR's direction and they move off again through the same vom. The courtroom restores. TEGTMEIER enters when called.*)

FORD: Next witness.

CONCANNON: The State will call Officer Matthew Tegtmeier, Chicago Police.

FORD: *(to audience)* Officer Tegtmeier, called as a witness by the People of the State of Illinois, testified as follows:

CONCANNON: Officer, I want to direct your attention to the late night of December 6th. A little before 11:45, did you monitor a call of a traffic crash on your radio?

TEGTMEIER: Yes, I received a call, a vehicle versus bicyclist on Ogden near Western.

CONCANNON: Now, when you arrived on the scene, can you please describe to the court what you saw?

TEGTMEIER: Yes. I observed Chicago Fire Department personnel were on the scene working on an individual. There was a large crowd as well.

CONCANNON: Can you describe how that individual appeared?

TEGTMEIER: It was... not good. The individual was lying on the ground and appeared to have his head caved in. He didn't appear to be breathing. He had a lot of clothing on. It was very cold that night so he had on a large coat. He had what appeared to me to be a scarf wrapped around his head, hat on as well. All dark clothing--

CONCANNON: *(interrupting)* Okay, and did you have a conversation with the paramedics at that point?

TEGTMEIER: Well, I asked them how does it look, and their initial words to me were that it doesn't look good.

CONCANNON: Now, you had said that you observed a large crowd when you arrived. Did you approach that crowd?

TEGTMEIER: I did. Obviously I'm looking for a driver from a traffic crash, so I approached the group and said, who's my driver? And most everyone scattered, started walking away, but the defendant approached me, pointed out his vehicle, said that's my car.

CONCANNON: Did you bring the defendant anywhere?

TEGTMEIER: I took him over to my squad car and had him sit down in the back. He asked over and over, "how is he doing," meaning the gentleman who was lying on the ground.

CONCANNON: Now, when the defendant was talking, were you able to make any observations about his breath, smell, or the way he was talking?

TEGTMEIER: Yes. He had bloodshot eyes, odor of an alcoholic beverage, and he was speaking repetitiously. He was very distraught.

CONCANNON: And what did you do?

TEGTMEIER: I closed the door, and it seemed to me that we had a fairly significant event on our hands here - that this man had been driving under the influence, so I spoke with my partner to let him know this was going to be a long day.

CONCANNON: Did you take the defendant anywhere?

TEGTMEIER: I did. Back to the station. To conduct a Breathalyzer analysis.

CONCANNON: And what were the results of that breath test?

TEGTMEIER: I believe it was a point 1-1-8.

CONCANNON: No further questions, Judge.

*(Courtroom freezes. INGRID, HECTOR, and ROB re-enter.)*

INGRID: There were a lotta' gangs in the city, and I was worried about that. When he was in high school, I told Hector, "Hey! I didn't come to this country to be in gangs. I came here to get educated. To look forward to life. My parents gave that right. So I'm here for that. You are born and raised here, but that doesn't give you the right to go backwards. If you get yourself into a gang, I will leave everything and go back to Honduras. You are seventeen years old. And you are going



to get your diploma. From here on, it's nothing but school. So what's it gonna be?"

ROB: My whole family's been in the Marines. My uncles, I always looked up to them and I wanted to be like them. So why not be a Marine, you know? Just like them. So Hector, I think, when he knew I was gonna join the Marines, I think he was like...

HECTOR: *(to ROB)* You know what, I don't really want to go to college.

ROB: *(to audience)* Don't get me wrong. He coulda probably went to just about any college, the guy's so goddamn smart.

INGRID: I remember one afternoon, he came to me, and he says--

HECTOR: I gotta tell you something, ma.

INGRID: Oh no... please don't tell me you got somebody pregnant. Because that'd be the last thing. You're too young. There will be plenty of time for that when--

HECTOR: No! Why you gotta say that, ma?

INGRID: Because you know, your age. Everything's about sex right now.

HECTOR: I don't wanna talk about sex.

INGRID: I'm not talking about sex. I'm just saying that everything's about sex right now. But okay... come then, what is it? *(Beat.)* Just say it, please.

HECTOR: I decided what I'm doing after graduation. I'm joining the Marines. *(Beat.)*

INGRID: Where'd this come from?

HECTOR: Well, Robert is doin' it too. *(She looks to ROB.)* And I just wanna get away from the house for a bit, try somethin' new, somethin' fresh... see the world, challenge myself. *(Beat.)*

INGRID: Go. I think that would be good for you. (*HECTOR exits with ROB. INGRID moves to center stage to watch him go.*) He didn't have a dad. And he's grown up next to me for so long, and I thought it was gonna be a great way for him to be with other guys-- getting to be the man. And um... I was glad he did that.

(*Lights suddenly change back to courtroom. INGRID remains centerstage but is now surrounded by the courtroom proceedings.*)

FORD: Cross-examination.

BREEN: A few questions, Your Honor. Officer, from the moment he said, "I was the driver," to the moment you finished your interview of him, the defendant was always thoroughly cooperative with you, was he not?

TEGTMEIER: Absolutely. The entire time.

BREEN: And he was always concerned about the health and well-being of the person who was on the bicycle, correct?

TEGTMEIER: Very concerned. (*INGRID storms out.*)

BREEN: I believe he stated to you, as a matter of fact, when you were at the scene that, "I never saw him; he just came out of nowhere and hit my van." Did the defendant say that, sir?

TEGTMEIER: Many times.

BREEN: And we're not able -- I mean, you're probably not able to even estimate how many times he asked about the well-being of the deceased?

TEGTMEIER: I don't think I could. It was definitely on his mind the whole time.

BREEN: Thank you, Officer. Nothing further.

FORD: You may step down, Officer. Thank you.

## INTERLUDE: INATTENTIONAL BLINDNESS

*(Light change. Projected video and imagery accompanies this narration.)*

VOICE of Tara Goddard: What's interesting to me are people who are not impaired, they're not drunk, they're not on their phone, they have no intention of hurting someone or acting out on that, but somehow are still hitting and killing bicyclists and pedestrians. You hear the phrase, "Oh, they came out of nowhere."

*(Projection: "Selective Attention Test" by Daniel J. Simons begins to play.)*

VOICEOVER: This is a test of selective attention. Count how many times the players wearing white pass the basketball. *(Video plays.)* How many passes did you count? The correct answer is 15 passes. But did you see the gorilla? *(Video replays. Courtroom dismantles.)*

VOICE of Tara Goddard: Inattentional blindness is this idea that as humans we don't process everything in our visual environment. There's just no way. We can't. Our brains are constantly making decisions, usually subconsciously, about what we attend to, what we look for, and what we mentally process. So if you're watching a basketball game, you're not expecting a gorilla, and we miss it entirely. *(Projection displays of "Driver's Cone of Vision.")*

In high speed environments where a lot is coming at us, we're not evolved to handle the amount of information at the speed that it comes at us of the driving task, and yet we go out and operate these 4,000 pound things all together on the road. At a certain speed, your cone of vision includes a lot more of your peripheral, right? So you're going to see that bicyclist or that pedestrian approaching, or that you've just passed or whatever. Whereas the faster the speed, the more that we're looking in front of us, which necessitates a much smaller vision.

*(Projections fade. A whistle blows. ROB enters wearing a military cap and doing high knee kicks.)*

ROB: In the Marine Corps, Hector fixed radios. That takes— you gotta be smart to do that. And at this point, like this is probably the first time I

think like in our lives where we kinda didn't see each other every day. But still, we knew we were still homies, and we had that connection even more tighter because we were both Marines. (*ROB moves to center stage.*) One day in boot camp, I broke my leg, and I was at the hospital there, and out of nowhere I hear...

HECTOR: (*from offstage*) Manchaaaaa!

ROB: And I thought, "what the hell? Was I in trouble?" (*HECTOR marches on wearing a military cap.*)

HECTOR: Mancha de mierda!

ROB: (*laughs*) Who is this skinny dude lookin' right at me? I was hyped!

HECTOR: Dude, let's go to church on Sunday. We'll hang out there and try to talk. (*HECTOR exits.*)

ROB: 'Cause you couldn't get no conversations done in boot camp anyway. They're up our ass everywhere. But it felt good. Kept me motivated, you know, kept the morale up! (*Exits.*)

INGRID: (*entering*) When he was in the Marines, he would come and surprise me. You know how you see all the soldiers come in? He would never say, "Mom, I'm coming in." He would just show up at the front door. Christmas, Thanksgiving, Fourth of July--

HECTOR: (*entering*) "Hi, ma!" (*INGRID embraces him and then exits.*)

(*CRISTINA moves to center as others join ROB on the periphery. Projections reveal colored lights on the wall of a party. As she narrates, HECTOR approaches her. Projection: Cristina "Tina" Valencia, Hector's girlfriend.*)

CRISTINA: Hector and I dated for three years. I first met him in like oh-six, 2006, at a party. He was home on leave from the military, and he was very obnoxious that night -- he kept following me around and he kept making comments to me, like--

HECTOR: "You got a sweet ass, chica."

CRISTINA: "Um?"

HECTOR: "No, really. I'm a fan."

CRISTINA: "Yeah, I'm gonna go find my cousin."

HECTOR: "Wait, wait... what are you doing tomorrow? We're gonna have a barbecue, like, do you wanna come?"

CRISTINA: "Oh wow. Um... no." (*She moves away.*)

ROB: (*to audience*) Like if it's one thing, Hector was really outspoken. I was a shy guy. Hector wasn't shy, so if I talked to any girls, it was usually because of him, so...

CRISTINA: (*to audience*) And yeah, so I decided to leave. (*CRISTINA pulls EMMANUEL aside.*) I told my cousin, "Emmanuel, I'm just gonna go, I don't even know why you hang out with guys like him."

EMMANUEL: "I know, but he's like one of my best friends, Like, don't be upset, you know, he's just a little, you know, drunk."

CRISTINA: And that was that. (*Party lights fade.*)

ROB: (*taking off his military cap*) I got out of the Marines in '07, Hector got out in '08, we came back to Chicago, and then, shit, we been kickin' it since then. (*The friends cross to opposite sides of the stage.*)

CRISTINA: A few years later, my cousin invited me to hang out one night, and we wound up at Hector's apartment. And at first, we didn't understand the connection. So some of the guys were telling Hector--

ROB: (*pointing toward Cristina*) "No dude, that's the girl that-- you know, you were bothering at Emmanuel's party that one time."

HECTOR: "Really? That's Emmanuel's cousin?" (*ROB, JAMIE, VANESSA, and EMMANUEL laugh and exit.*)

CRISTINA: And so, the next day he wound up sending me a message on Facebook like--

HECTOR: "Oh hey, how's it going? Um, the guys were telling me that we've met before, but I don't remember. Do you remember?"  
(*Facebook ding*)

CRISTINA: "No, I don't know what you're talking about." (*Ding*)

HECTOR: "They said we met at a party." (*Ding.*)

CRISTINA: "Whose party?" (*Ding.*)

HECTOR: "I think it was at Emmanuel's house. I invited you to a barbecue and then you just ghosted." (*Ding.*)

CRISTINA: "Oh my God, that's you?!" (*Ding. To audience.*) I'm like WOW, and I just like X'ed out of the conversation. (*Window close sound.*)

HECTOR: "Oh, I shouldn't have said anything"-- (*New window sound.*)  
"I'm so dumb, like I should have just not even said anything." (*Ding*)

CRISTINA: "Well, you did, so..." (*Ding*)

HECTOR: "Still, it was nice seeing you. Would you want to go out sometime?" (*Ding.*)

CRISTINA: "I don't date men who have been in the military." (*Ding*)

HECTOR: "Okay, well what about... would you like to come over to my house, and I'll make you dinner?" (*Ding*)

CRISTINA: (*pause, considers*) "Okay, fine." (*Ding*)

HECTOR: "You won't go with me somewhere in public, but you'll come over to my house? That makes no sense." (*Ding*)

CRISTINA: (*laughs, to audience*) At the time, he had two big white dogs - like pit bull mixes - a boy and a girl, Rolf and Nana, so... I don't know, it was something about his dogs that sort of made-- gave me this soft spot about him. I could tell on Facebook he took such good care of them, and it kinda showed me a different side of him. So I was

like, *(to Hector)* "Okay, well I feel safe, because, you know, your dogs are there. And okay, I'll come over." *(Ding.)*

### **INTERLUDE: "Fun Fun Fun"**

*(We hear "Fun Fun Fun" by the Beach Boys while projected video shows a point-of-view of a car along a coastal highway. Members of the ensemble move with increasing speed in and out of the center of the space as the speed of video traffic accelerates.)*

VOICE of Becky Katz: We fetishize the car. All our policies, our whole transportation system is focused on getting people around in cars.

#### **LYRICS:**

Well she's got her daddy's car  
And she cruised through the hamburger stand now  
Seems she forgot all about the library  
Like she told her old man now  
And with the radio blasting  
Goes cruising just as fast as she can now

And she'll have fun fun fun  
'Til her daddy takes the T-bird away  
(Fun fun fun 'til her daddy takes the T-bird away)

Well the girls can't stand her  
'Cause she walks looks and drives like an ace now  
(You walk like an ace now you walk like an ace)  
She makes the Indy 500 look like a Roman chariot race now  
(You look like an ace now you look like an ace)  
A lotta guys try to catch her  
But she leads them on a wild goose chase now  
(You drive like an ace now you drive like an ace)

And she'll have fun fun fun  
'Til her daddy takes the T-bird away  
(Fun fun fun 'til her daddy takes the T-bird away)

*(Instrumental reprise gives space for the following voiceovers.  
Projected imagery becomes "Futurama," the General Motors exhibit at the 1939 World's Fair in New York.)*

VOICE of Peter D. Norton: The story to connect with the automobile was freedom. You connect freedom with urban automobility by selling a vision of the future of the city, where you can drive anywhere, anytime, without delay, and park for free when you get there. That's a utopia. Lewis Mumford said around 1960 that, "If you want to have a city where you can drive anywhere whenever you want, you have to erase the city to do it."

LYRICS:

And we'll have fun fun fun now that daddy took the T-bird away  
(Fun fun fun now that daddy took the T-bird away)

*(Video changes to that of a small town Main Street. Actors become obstructions in the path of the onstage motorist.)*

VOICE of Thanh Dang: The private land that's adjacent to the right of way is also important. You know, I'm gonna walk more if there's interesting things to look at. If the buildings aren't set back really far away from the road. When there are trees and buildings and everything closer to the street, there's a tunneling effect on drivers that causes them to drive slower, as opposed to if you were driving in an environment where it was just like an open field. Or parking lots forever.

VOICE of Michael Stapor: Thinking of what I've been exposed to as a young person growing up in northern Virginia where it's traffic congestion everywhere and feeling unsafe just simply going to the grocery store. It's like, "Oh, somebody cut me off. Oh, almost hit somebody. Oh, I have to park in the giant surface lot and dodge the cars all the way to get into the grocery store." *(Actors form a traffic jam.)*

VOICE of Jeremy Holmes: When you have a community that's based around cars, it's very isolating. You see machines, and you don't even really see the buildings around you. You're focused on that space that you're in. You may not even know your neighbors. But the moment that you are out of it, even if it's walking to a bus stop, if it's walking to the corner store rather than driving to the Walmart across town, right? You see and appreciate things that you don't otherwise. You value, I think, where you live more. Because you can't ignore either what's bad about it, um, and you get to experience what's good about it. And you can't



do that with the windows rolled up and the radios blaring and you're worried about, am I gonna kill that person? Is that other person gonna kill me because they're not paying attention?

*(As the music ends, the ensemble exits and INGRID enters.)*

INGRID: I remarried when Hector was in the Marines. And I didn't have no other kids up until he was 21. So for years he was, per se, my partner. His father was not involved, where we had to be fighting or custody... part of it was so great that he was only mine, and I got to enjoy him. I got to know him. And that's how he learned how to cook. (HECTOR enters.) You know, I would call on my way home from work, and he would tell me...

HECTOR: "Ma, what're you gonna cook tonight?"

INGRID: "I think I'm gonna do steaks and rice when I get home."

HECTOR: "Can I get it started?"

INGRID: "Sure." And he would. And it was just him and I, until I got together with his step-dad. *(CRISTINA enters from the opposing vom.)*

CRISTINA: And that's how it started, you know? I remember what he made for dinner that first night--

HECTOR: Steak, and broccoli and cheese, and mashed potatoes.

CRISTINA: And it was like, the best steak I had ever had! He was going to culinary school at City College, because he had the GI Bill. And I was really impressed!

INGRID: My family had a restaurant. Since Hector was going to school, he was getting all these recipes, and he wanted to do that with my restaurant. But since the restaurant is Mexican, you know, it's more like tacos.

HECTOR: "I want to incorporate more healthy foods."

INGRID: "You can try a new dish, but you can't change the whole menu."

HECTOR: "Ma, I gotta move. I need my own kitchen."

INGRID: "What are you talkin' about?"

HECTOR: "Well, you know, I like to cook. I want to be able to cook for my friends."

*(ROB enters carrying a folding table and a plate of something for the potluck. The sounds of the city are heard.)*

ROB: Dude, this guy-- this was the go-to guy for fuckin' ribs-- this dude knew how to cook. Ingrid taught him a lot. *(He begins setting up the table, putting down a plastic tablecloth, and collects his friends' plates for the potluck as they enter.)*

VANESSA: *(enters with food)* I was the first of our friends to move to the West Side. And everybody would come to my house like every day in the summertime, and we'd cook out on my porch. *(EMMANUEL and JAMIE enter with food.)* Then our friends Emmanuel and Jamie moved into Pilsen...

JAMIE: And little by little, people just started trickling in.

ROB: And like suddenly we're all moved from the East Side to the West Side, you know? It's pretty cool.

INGRID: Every Tuesday, he would get together with his friends. And I think they called it the Lucky Pot? Everybody would bring food.

CRISTINA: His last apartment-- it was on top of a Chinese restaurant and he didn't have access to the backyard. They were like, no, you guys can't park there, can't hang out back there, so on Tuesdays the restaurant was closed, and people could come and park in the back, and we could just grill back there without them being there. That's why it became like this Tuesday potluck thing. *(CRISTINA and HECTOR exchange a kiss.)*

VANESSA: And the fact that it was Hector's day off. I thought that was very special. He could have gone to his mom's house. He coulda' done anything. And he chose to always, like, in the evening, he would start preparing stuff, and then just send us a text saying--

HECTOR: "Come on over! I'm grilling!"

EMMANUEL: It was always bring whatever you could, and cook it up – and he'd always have the burgers or something ready to eat there.

*(The others keep eating together as CRISTINA moves away.)*

CRISTINA: Ingrid really liked riding her bike, so she would put him - as a child - in the back. She had a little seat, and she would just ride her bike with Hector. So in 2010 at some time, he bought a bike from a co-op and he started riding. Rob, he also bought a bike around the same time.

ROB: Hector and me had cars. But I crashed my car, and then his car got repo'd or whatever, so then we were just like, how are we gonna get around now? They say you never forget how to ride a bike! *(ROB exits.)*

CRISTINA: So then Hector was like--

HECTOR: "Tina, we should get you a bike too."

CRISTINA: "Oh. Do we have to?"

HECTOR: "Come on, don't you wanna ride with me?"

CRISTINA: We went to this co-op-- I remember it was one of my birthdays and he bought me a bike. And I liked it. But then, you know, if we wanted to go to the movies or dinner somewhere that was close, like a bike ride away, he'd be like--

HECTOR: "We can go, but we have to ride our bikes there."

CRISTINA: "No, I'm tired."

HECTOR: "Come on!"

CRISTINA: "Uh! It's so far!"

HECTOR: "Come on, you can do it!"

CRISTINA: "Okay, fine!" And I'd do it. (*ROB re-enters with two bike wheels.*)

ROB: I remember specifically this one time, we had just started riding our bikes. I was kind of afraid a little bit, like timid on the street, on a bike, you know, you feel naked on a bike. So, we were riding in the sun... a guy on a motorcycle came up on the side of me like (*motorcycle engine noise*) really loud, and I said to Hector, plain out-- "hey man, let's race him man!"

HECTOR: (*laughs*) Yeah, dude!

ROB: Should I tell him, like, "Hey, get a real bike?" (*HECTOR laughs*) "Nah, I'm just playing. He's got a real bike, We're the ones on the little bicycles."

HECTOR: "Nah, dude-- If you think about it, he's on a machine. And we are the machine. Who's the real man now?"

ROB: (*nodding*) Oh yeah... I got you. And, and ever since then it resonated in my head.

## **INTERLUDE: DAISY DAISY**

(*Full ensemble choreography set to Nat King Cole's recording of "Bicycle Built for Two," which clears the stage of the potluck.*)

Daisy, Daisy  
Give me your answer do  
I'm half crazy  
All for the love of you  
It won't be a stylish marriage  
I can't afford a carriage  
But you'll look sweet  
Upon the seat  
Of a bicycle built for two

Daisy, Daisy  
Give me your answer do  
I'm half crazy

All for the love of you  
We'll spend all our life together  
Regardless of the weather  
And you'll look sweet  
Upon the seat  
Of a bicycle built for two

Daisy, Daisy  
Give me your answer do  
I'm half crazy  
All for the love of you  
We'll leave when the ball is over  
Get married in the clover  
And you'll look sweet  
Upon the seat  
Of a bicycle built for two

## **INTERLUDE: CONFLICT**

VOICE of Peter Wilborn: The word conflict implies there are two sides that are angry at each other. Cars versus bikes. Bikes versus cars. I think that narrative is impoverished.

I think it's more like there's one remote control and one of the partners in the relationship weighs about 200 pounds more, is much stronger, and is very very opinionated about what they want to watch. They get the remote control.

The answer would be let's create two remote controls. Let's add some more screens or let's have a split screen. There's all kinds of ways of solving the problem.

*(Sound of a gavel. Courtroom restores.)*

FORD: State, call your next witness, please.

CONCANNON: Judge, at this point I have no further testimony.

FORD: Does the Defense wish to offer any evidence in mitigation?

BREEN: We do, Your Honor.

FORD: Go ahead and proceed.

BREEN: Judge, I will try very hard to be brief even though this is an extremely important moment.

There is nothing obviously I can say or do or the defendant can say or do that will bring Hector Avalos back into the arms of his loving mother. There's nothing we can do. We can, however, maybe even in Hector's honor, seek a just sentence in this case.

The defendant goes to a party he probably didn't even want to attend and takes his normal route home which puts him westbound on Ogden Avenue in a dark viaduct. Suddenly out of nowhere, which is the uncontradicted evidence, suddenly out of nowhere, Hector appears and he is struck. Nothing can change that moment in time. But what does the defendant do? He gets out, he calls 911. He stands there, "I'm the driver, he came out of nowhere, I'm the driver; is he okay?" How many times did he ask if he's okay? He wasn't, but he didn't know that.

He's called a murderer by some; but he's not, Judge. It was an accident. A horrible accident. And I want the Avalos family to understand something because it is so true. When a decent human being like the defendant is involved in this type of accident, the punishment he suffers is in every day of every week. He is half the person, is half the bright light he was before this accident. His remorse and anxiety are palpable. Thank you.

## **INTERLUDE: ACCIDENT**

*(Projections: we see words highlighted in isolation: accident, cyclist, person, crash, risk. The courtroom dismantles one person at a time in response to different words.)*

VOICE of Tara Goddard: I have scrapped from my vernacular - as best I can - the word accident. It's hard. It's a hard habit to break. The idea being that most crashes are preventable. For example, if someone blows a tire on the freeway and they rollover and are killed, that seems like a freak thing. But if we take a step back, maybe the tire should

have been replaced sooner or maybe that truck that dropped the nails on the freeway should have had better safety controls, et cetera. You can almost always take it upstream and find a preventable moment. VOICE of Mackenzie Jarvis: I don't use the word cyclist. Even though I am one. I call myself a person on a bike and that's very very intentional. It reminds you-- I'm a person.

VOICE of Tara D. Reel: I would dare to say if you had a group of people, and you asked them, "have you been in a car crash or do you know somebody who has?" Every hand in the room would probably go up. (Projected imagery of crash statistics on overhead highway signs.) We're so comfortable getting behind a wheel and taking other people's lives in our own hands... and it's kind of a crapshoot really. If there was an illness or virus that killed that many people in a year, there would be a public outcry. But this is one of those things that we've just-- it's a risk that we're willing to take.

*(INGRID and ROB return. They face each other from opposing vomms. In slow-motion, HECTOR crosses the space between them.)*

INGRID: Two weeks prior to him dying-- I'd been having headaches. And the last week, twice I woke up early in the morning-- at 2:22 AM. Thursday prior to him dying, I look at the clock-- I have to go pick up the kids, and I turn to my mom-- we look at the time, and I says, ma, it's 2:22 again! What's going on? (pause) Not to realize that, February 22nd is my son's birthday.

ROB: It was a Wednesday I had seen him, that week before he died. So when I seen him that day, he looked really tired. So I took a shower, whatever. I get out the shower, and I'm leaving. Like, I'm, I shit you not, I'm about to roll out and I'm like, "Hey Hector, um, hey dude, I'm about to leave right now man, I'll see you later." He didn't respond. And I kinda peeked in the room real quick, and he was-- he was knocked out. So I was like, poor little bugger, he's asleep.

I'm walkin' down the stairs and I stop on the first landing, I'm like, "Man" and thoughts like this go through my mind sometimes-- and I was like, "man, dude, you never know when it's your last time." But I was like, it's Hector. We were meant to fuckin' rule the world, so I don't see our story ending any time soon. But I stopped and I considered going back

around to wake him up-- But I didn't. I continued on my way. (*ROB leaves.*)

INGRID: One week before, I had told my daughter we're gonna go show her the Christmas tree downtown. So it's around 9:00, 9:30, and my daughter says--

VOICE of BRANDY: "Mommy, you been promising me-- you been promisin'--"

INGRID: I have twins with my second husband. They're seven years old. And I said, you know what? Gimme my hat, let's go. We're just gonna run up to the tree, and I'll take your guysa' picture. And after taking pictures at the tree, we went up Michigan Avenue to look at all the lights. (*Projected imagery of Christmas lights on trees.*) And I remember, I said, "let's pick up Hector!" It was exactly 11:00. He was getting off work. And I called him up.

HECTOR: (*entering*) "Hey. What're you doin' downtown?"

INGRID: "We're looking at the lights. Are you ready to be picked up?"

HECTOR: "Yeah, why not?"

INGRID: "Okay, come on, let's go." And I wanted to take a picture with him too, but my husband had already driven past the tree... and I thought, ah, okay, forget it. So when we get to his house, I said, "what are you gonna do right now?"

HECTOR: "The guys are over at this bar. I might go over there."

INGRID: "How you gonna get back home?"

HECTOR: "I'm walkin'."

INGRID: "You're not walkin'. It's like Zero below, and it's a few miles from here. The street is really dark. And if anybody passes through here, they can shoot you, and you can fall, and nobody knows about you until the next day. You frozen." (*pause*)



*(to audience)* I dropped him off in front. And he usually-- ever since he moved to the West Side, um, he started something different-- where he would give me a hug and a kiss when he left. Something, that in my family, we don't do. Maybe he learned it from his friends. I don't know who, but-- I would feel a little embarrassed to do it. Even though I said to myself, why should I? I'm his mom.

But he gave me a hug and a kiss. Said--

HECTOR: "I love you, mom." *(He exits.)*

INGRID: And that was the last that I seen him.

### **INTERLUDE: THAT CHANGE**

*(The projected video of a spinning bicycle wheel fills the screen. INGRID watches HECTOR exit and then regards the spinning wheel.)*

VOICE of Peter Wilborn: If you die in an industrial accident or if you die behind the wheel of a car, you do not have that change in emotion from the sublime to death. If you die in some tragic way, you're not ecstatic the moment before you die. When you ride a bike, you're ecstatic. There's endorphins, you're where you want to be, you're outside, the adrenaline is good, it's a real positive experience. And it's that transition from euphoria to catastrophe, which I think is very poignant to recognize. There's very few things that people die from that are as great.

*(A cell phone starts to ring.)*

INGRID: Saturday morning, my husband's phone rang. And I saw 3-1-2, the area code for downtown. And I said, this is a 3-1-2-- it dawned on me, this is something different. My husband called it back, and I could hear English, and I said, gimme the phone. It's a lady--

OFFICER VOICE: "Are you the mom of Hector Avalos?"

INGRID: Yeah.

OFFICER VOICE: "Is his father there?"

INGRID: And I got really angry because... his father? He's been estranged for twenty-six years almost. And I just got irritated and said-- "Look lady, his father's not here."

OFFICER VOICE: "Well, can I-- can I speak to him?"

INGRID: "I'm Ingrid Cossio-- I'm Hector's mom, but I'm remarried."

OFFICER VOICE: "Well, I would really like to speak to his dad."

INGRID: "NO. Would you please get it over with and just start talking to me?"

OFFICER VOICE: "Well, your son has been in a car accident."

INGRID: "No, my son doesn't drive a car. You're wrong."

OFFICER VOICE: "Well, he was on a bicycle."

INGRID: And I threw the phone. (*INGRID collapses center stage.*)

OFFICER VOICE: "An accident happened on Ogden Avenue about 11:40 last night. Paramedics took him to Mt. Sinai, and he was pronounced dead at 12:38."

INGRID: I was just sitting there blank-- thinking my son is in the morgue-- cold. Didn't have no one to hug him or warm him up.

ROB: (*entering*) So on December 7th, wake up, I go to my mom's house, and I'm chillin' there next to my brother... Happy Birthday, Bro. And I'm sitting there, and watching TV and my mom's phone rings. (*Landline rings as JAMIE enters from opposing vom.*) And it's Jamie's number. Like, Jamie calling me on my mom's phone? Like what the hell? So I answered it, I was like, "What's up?"

JAMIE: "Hey bro, um... whatcha doin' right now?"

ROB: "Shit, chillin' man. I'm at my mom's."

JAMIE: "Hey, uh... have you talked to Hector's mom?"

ROB: "No, why?"

JAMIE: "Hector didn't come home last night."

ROB: "What do you mean? Maybe he went to Cristina's house or something, like you know, that's what he does."

JAMIE: "No no no no. Someone called his mom and they-- the city or somebody called his mom and told 'em that Hector got hit by a car."

ROB: "Dude... oh shit... like, is he in the hospital? Is-- is he okay?"

JAMIE: "No... he died." (*beat*)

ROB: "Dude... this is the fuckin' worst joke in the world. Quit fuckin' playing around, dude-- that's, that's not funny man."

JAMIE: "No, yeah, I really wish I was like, playing around, but no."

ROB: "Dude, who called you?"

JAMIE: "His mom."

ROB: "Dude, this ain't fuckin' funny. He's not dead." (*JAMIE looks away.*) And I hear on the other end, I hear Jamie start to cry. And I'm like, damn is this real?

So I was like, "dude, let me call Ingrid real quick. Cause maybe it's a mix-up dude, maybe, maybe something's wrong here." (*JAMIE exits.*) I call Ingrid, she didn't answer. I was like, well, let me call Cristina. He hadda be with Tina, and she didn't answer either, I'm like goddammit, no one's answering their fuckin' phone! And now I'm like freakin' out and shit. (*Phone rings.*) And then the phone rings again, and it's Ingrid. She's calling me back. Answered the phone, and she's crying.

INGRID: Robert, have you talked to Hector?

ROB: Nah. Is it true?

INGRID: I don't know, Robert. Go find out. Call Cristina. Go figure it out. You guys live close. (*Call waiting tone.*)

ROB: And as she's telling me that, Tina's calling me back. (*CRISTINA enters.*) So I was like, "hey, it's Tina, let me call you back."

INGRID: "Okay, call me back."

ROB: Click over and I'm like, "Tina?"

CRISTINA: "What's up, Rob?" (*beat*)

ROB: "Where you at Tina? What are you doing?"

CRISTINA: "Nothing. I'm home, watching TV."

ROB: "Are you with Hector?"

CRISTINA: "No."

ROB: "When was the last time you seen him?"

CRISTINA: "Yesterday. Before he went to work." (*Beat.*)

ROB: "Is somebody home with you?"

CRISTINA: "Yeah, my parents are upstairs."

ROB: "Okay, are you sitting down?"

CRISTINA: "No. Do I need to be sitting down?"

ROB: "Tina, I got really bad news."

CRISTINA: "What's wrong?"

ROB: "Ingrid just called me right now, and she said that Hector got hit by a car."

CRISTINA: "Oh my God, is he okay?"

ROB: "No, Tina... he's dead."

CRISTINA: "No! Noooooo!"

ROB: I just-- "Let me find out more and I'll call you back." Bam, hang up the phone. (*CRISTINA exits.*) Call Ingrid up. I'm like, "Ingrid, where you at?"

INGRID: (*entering*) "I'm gonna go see the body right now. Go confirm it."

ROB: "Let me go with you." (*He follows her on a circuitous path.*) So she comes, and she's crying, she's holding this picture of Hector like-- the picture is of him in a diaper, with this smile, at the beach at Cal Park. (*They stop.*) But at the morgue, there's no doctor. They can't let us see him without the doctor being present. Ingrid's fuckin' like hysterical--

INGRID: "What do you mean? I gotta see my baby--"

ROB: And like the security guard won't let her go past. It was terrible. So we're like, come on Ingrid, let's go. (*They start traversing the space again.*) And still, it's not like, clicking in my head yet-- I'm still in denial.

INGRID: "It supposedly happened on Ogden. Supposedly it happened on Ogden by California."

ROB: So we're going on Ogden, I didn't see nothing. Like, any sign of a accident.

INGRID: And in my mind, I'm just recalling what could have been. Why didn't I call him yesterday? I could've stopped it. Maybe if I would've went to pick him up? It was eleven o'clock— what was I doing? I wasn't doing anything. I was watching TV, sitting down, Friday night—"Hold it! Pull the car over! Pull the car over!" (*INGRID collapses in a vom as a timelapse of heavy traffic is heard.*)

ROB: And she gets out the car, not saying nothin', we're on Ogden, It's pretty busy-- we're in the middle lanes-- she runs to a big puddle of bright red blood. And I'm like, holy shit. I went to Iraq-- I know what

fresh blood looks like. And she's on her knees like, grabbing the blood and she's like--

INGRID: "My baby!" *(We hear cars at close range.)*

ROB: "Ingrid, let's get off the street-- this is not safe!"

INGRID: "No! Get away!"

*(The timelapse traffic continues. ROB gives her space before offering to help her to her feet. The sound cross-fades with a sustained tone. INGRID stops center stage and motions for ROB to leave her. He exits.)*

INGRID: When we got back to my mother's house, the media was there. And they wanted interviews. So we interviewed with Channel 7-- I don't remember which ones. But um, I took a pill to go to sleep. Laid down about 1:00. And as I'm laying there talking to my husband, I felt something. Like a whisper. I heard a voice...

Voice of HECTOR: "It's okay."

INGRID: And a kiss. And I told my husband, I don't know if I'm going crazy. Or is it that I want to feel him. But my son is here. I know he just gave me a kiss. I felt like the heat-- this side. But that's the only time I have ever felt... nothing after that.

*(Gavel is heard. The courtroom restores. INGRID remains at center.)*

FORD: State - your closing argument?

CONCANNON: Judge, Mr. Breen made a very impassioned argument on behalf of the defense. But what happened that night was not only a tragedy; it's something that this defendant needs to be held responsible for. This defendant that night decided to go out and drink and then he made the choice to drive.

Judge, counsel's right. Nothing can bring Hector back; however, the defendant needs to be held responsible for what he did, and also this is a clear case where society can be sent a message that it's not okay to drink and drive. And now the Cossio family has to live with this for

the rest of their lives. Judge, the Illinois legislature advises that in most cases, an aggravated DUI resulting in the death of a person carries a sentence of between 3 and 14 years in the Illinois Department of Corrections. I ask that you sentence the defendant to such a term for what he did. Thank you.

FORD: Thank you, State. I would like to begin by indicating to all those concerned that it is my sincere wish that we could have met under different circumstances.

In this case, at the time the defendant struck the victim, the defendant was legally drunk, but still closer to the minimum than many of the other blood alcohol contents I see on a weekly basis in this courtroom. Another thing I look at is that the defendant remained on the scene, and I mention that, because had the defendant left the scene where this occurred, it's possible he could have completely escaped criminal responsibility. That doesn't depreciate the death that he caused.

A sentence of a court like this always has to reflect a series of concerns. One of them was mentioned by the State and I think that's a legitimate one, so that other people don't commit the offense. That can't be the only one.

Some supporters in these proceedings have mentioned that Hector was murdered. He wasn't murdered. He died during the course of an accident, which is different than picking up a gun and pointing it at another person and pulling the trigger. The facts and circumstances are noteworthy, ladies and gentlemen, because it happened late at night, it happened in an area that I think anyone would have to acknowledge is a pretty dark area, it happened in a circumstance in which the person on the bike was in dark-colored clothing.

Those are the sorts of things that the law requires me to consider in cases like this. I've done that to the best of my ability. These are terrible cases.

For the offense of an aggravated DUI causing death, the defendant will be sentenced to 100 days in the house of corrections. We'll take a short recess.

*(The courtroom dismantles. INGRID is left at center stage.)*

INGRID: Ever since I seen-- the first time I see the judge the day after my son died, I knew he wasn't... I told my husband, I said, the judge looked at me like saying sorry, there's nothing I can do.

I wish that the world could stop, you know. Just stop and bring him back and put it back the way it was. I asked God to take the pain away, but... I don't know how to push it away. It's grief, but for how long? Cause I need to live. I want to move on, but it doesn't let me move on. I sleep with his pillow. His shirts... (VANESSA, ROB, JAMIE, and CRISTINA enter with the white bicycle. They begin assembling the memorial.)

VANESSA: The Ghost Bike means a lot to me, because it's the only public memorial we have of him. It just where he spent his last moments. He was almost home.

ROB: Jamie's a hands-on person. He wanted to start building shit.

JAMIE: "Ghost bike, let's do this ghost bike, let's DO this ghost bike!"

CRISTINA: I don't even know who went and got the bike.

ROB: Jamie spray painted it white.

VANESSA: One person bought the chain. Somebody brought a lock. So we all put it together.

JAMIE: My friend Albert made the most awesome painting.

CRISTINA: People were working on signs, and I think I was just sitting there-- just shocked still. I was not very helpful. But everyone who was able to was just moving around.

ROB: All the friends worked like fuckin' gears in a clock. You know, we were able to tell time! Efficiency!

VANESSA: It hits close to home when you're a cyclist. It's really beautiful that it's a public place where anyone can go. But it's also important to me because it's the only place we can go. And every time, there's something somebody has added.



JAMIE: Whether it's a dollar--

VANESSA: Or art-- somebody put up this beautiful installation of forks and spoons and a plate.

ROB: Bike lights.

JAMIE: A hat.

ROB: We go, and it was snowin'-- and it's like, y'know, all these cars are passin' by and they probably just see a buncha' kids like standin' outside and shit. Little do they know, like, this is-- we just lost a really important person, like-- not only to us-- I feel like the whole entire world is gonna shaped by this loss. 'Cause this dude had an impact not just on us, but he coulda' been-- he coulda' been anything.

CRISTINA: Sometimes Ingrid will call me and say--

INGRID: "I feel like I really need to go. Will you come with me?"

CRISTINA: We went like a week ago. It was a Friday night. I think Friday nights and Saturday mornings are difficult for her.

INGRID: But I told my other kids -- I want to get them into riding their bicycles. My son rode it to school too. Since he was little. So.

VANESSA: Me and Rob decorated the ghost bike for Christmas. The snow was finally melting, and I ended up finding Hector's glasses. One of our friends was very adamant about finding something that Hector left behind. What he was searching for-- so he could be free. We didn't say goodbye...and we've never said goodbye.

*(JAMIE and EMMANUEL reenter with white balloons and hand one to each of the cast except for INGRID.)*

CRISTINA: After his funeral, we walked into the parking lot and released balloons.

ROB: We bought like over a hundred of them. *(They gather around INGRID at the ghost bike.)*

CRISTINA: The following Friday night, we got together at the ghost bike, and released more of those. And on his birthday, we had 29 birthday balloons, because it was his 29th birthday. And that was really nice.

INGRID: I realize my son is not coming back. It's something that is hard for me to understand. I mean, I know I cremated my son. But there's always-- I don't know. (She looks out toward her front door.) You see my front door? I leave it open. Just to feel him. In the hope of him. Because he used to come in, "hi ma," you know? My husband tells me, close it, but I can't... I can't. I have to let the sunshine in. He was my sunshine.

*(The balloons release and float to the height of the auditorium. The lights follow their ascent and fade as the balloons disappear from view. A single column of light remains on INGRID at the ghost bike for a moment before the light and the music fades.)*

**END OF PLAY**

## **SUGGESTED CITATION**

Murray, M. (2019). The right of way. *ArtsPraxis*, 5 (1), 38-80.

## **AUTHOR BIOGRAPHY**

Thomas Murray is a Chicago-based ethnodramatist, stage director, community organizer, and teacher. He directs Storycatchers Theatre's ensemble at the Illinois Youth Center-Warrenville, where he collaborates with incarcerated youth to adapt their life stories into works of musical theatre. He is also the executive director of documentary theatre ensemble Waltzing Mechanics, where his original interview-based productions include *EL Stories*, *Extraordinary Interruptions* (with Kristin Rose Kelly), and *Over My Dead Body*. His newest docudrama, *The Right of Way*, has been presented at conferences hosted by the American Planning Association, the National Academy of Sciences, Bicycle Indiana, and the Smithsonian Institution. He is a member of the Lincoln Center Theater Directors Lab, The Midwives, and The Space Between. Thomas holds a B.A. in Theatre Production from Ball State University and an M.F.A. in Directing and Public Dialogue from Virginia Tech. View his [artistic portfolio](#)