

Flying Lamps & BEHAVIOR MODIFICATION

by Larry Piergallini



Eddie and I have been friends for years. We started first grade together and went through 12 years of grade school, junior high and high school, side by side. In fact, Eddie also worked on our farm during the summer months. Primarily he helped pitch square bales and clean barns. I am convinced that hay and manure help friendships grow. For the two winters of our junior and senior years, Eddie and I went into business together. Eddie and I cut and split black locust fence posts for 50¢ apiece.

Splitting fence posts with axes, sledgehammers and wedges provides a true test of who your friends are, particularly when you're only being paid 50¢ a post.

After high school graduation, I went on to the Ohio State University School of Agriculture and then to Law School. Eddie found his career in coal mining. Our paths went in different directions and we kind of lost track of each other.

However, old friendships have a tendency to rekindle.

I had been an attorney for about five years when Eddie called my office. After spending a few minutes catching up, Eddie indicated he needed my services. As far as I am concerned, there is nothing more rewarding than helping friends and family with a legal problem that life may have thrown them.

So, I asked Eddie to explain his problem and to tell me all the facts.

Without hesitation, Eddie told me he needed my help to get his wife, Mary, out of jail. I reminded him that I needed the facts leading up to her arrest to determine if I could help her.

Eddie explained that on Friday, after work, he and a couple of co-

workers decided to stop at the local bar, before going home. One cold beer turned into several and before he knew it the bartender announced last call. It was 2:30 a.m.

Eddie said he knew Mary was going to be upset. On the ride home, he decided he would simply tell the truth and suffer the consequences. Easy enough. After all, truthfulness is always the best policy.

Unfortunately, Eddie underestimated Mary's level of disapproval. Eddie explained that when he walked into their home, Mary was still up and did not look happy. He calmly explained his evening and he assured her it was only a few beers with co-workers. No gambling, no dancing and no one of the opposite sex. Simply drinks and conversation.

The truth did not work. Eddie explained it was obvious that the longer he talked, the madder Mary got. In fact, she got so mad, that she threw the living room lamp at him—not a direct hit, but the lamp grazed his forehead drawing a small amount of blood.

Mary was not done. She told Eddie that if he could stay up half the night drinking, then he could spend the rest of the night sleeping on the swing on the front porch. Eddie conceded to Mary's demand. After all, he did not want to risk his life with another flying lamp. In addition, fresh air might help with the probable hangover.

The night air on that front porch was cooler than Eddie anticipated. Through the screen door, he asked Mary to give him a blanket. Mary replied that she would give Eddie something to keep him warm.

Eddie had a pet talking bird—a sulfur-crested cockatoo, if I recall cor-

rectly. Eddie said the bird only knew a few phrases, but its favorite was, "Daddy loves you," which it repeated several times a day.

Now I knew why Mary threw the lamp. Can you imagine staying up all night waiting for your husband to come home after an evening of drinking, all the while having to tolerate a talking bird whose favorite line is, "Daddy loves you?"

Getting back to Eddie's request, rather than a blanket, Mary opened the screen door and threw the bird at Eddie, declaring that the bird could keep him warm. All Eddie could recall is that when the bird hit the floor, it was dead. He did not know whether it died on impact or whether Mary may have strangled it prior or if the bird died of unknown causes in its cage.

At that point, it did not matter to Eddie. He knew he needed to avoid further contact with Mary and he quietly fell asleep on the porch swing. That is, until two deputies showed up and woke him. They explained they were called by the neighbors about a possible domestic dispute between Eddie and Mary.

The deputies asked Eddie what happened to his head. He apologetically explained about the flying lamp and how he deserved it since he should not have been out drinking. The deputies then noticed the motionless bird on the porch floor and wanted an explanation.

Eddie explained the talking bird's demise, but refused to implicate Mary. After all, the bird could have died from natural causes ... and

maybe Mary did not want a dead bird in the house.

The deputies eventually got around to interviewing Mary and arrested her. That is why she was in jail. I asked Eddie if the charges were for assaulting him with the lamp. He said no. Mary had been charged with animal cruelty.

I had heard enough and quoted Eddie my fee for representing Mary, but I suggested that we let Mary spend a few days in the county jail. In my opinion, jail has a tendency to change some people's attitudes. I heard a psychologist once refer to it as "behavior modification."

Eddie insisted he wanted his wife home. He gave me several reasons for his decision, but the one that stuck out to me, was that she was a better cook than he was. I suggested the local diner. He paid my fee.

I determined this was Mary's first offense. She was never in court for anything like this in her entire life. For first offenses of this type, the judge will normally release the defendant from jail, provided that he or she attend anger management classes for a couple of months and stay out of trouble during the term of counseling. A suspended jail sentence is given to ensure that the defendant attends counseling. In general, the law prefers counseling—a.k.a. "behavior modification"—for first offenders over extended jail time.

The oddest part of this whole case was that Mary went to only one counseling session and refused to attend any more. The judge rein-

stated the suspended jail sentence and Mary spent another ten days in the county jail, after which she was released without incident.

Several months later, I saw Eddie and asked how things were going. He indicated that everything was good. He told me that he no longer drinks with friends. He only enjoys an occasional beer at home with Mary. Further, Eddie said that Mary had not been mad at him in months and, come to think about it, has shown no signs of anger towards him since he quit running around with his old drinking buddies.


On my ride home from the office each day, I have time to ponder my day and my clients' predicaments. I did that with the resolution of Eddie's and Mary's problem.

People and horses, in many ways, are very similar. Some are quick learners, and some are not. Some need more "behavior modification" than others. For Eddie, a flying lamp and the demise of his talking bird probably had a lot to do with the change in his drinking habits. For Mary, ten days in jail probably had something to do with her changed behavior.

On a similar note, I have a tendency to leave my dirty socks on the living room floor. My wife, Carolyn, invokes upon me, her own brand of "behavior modification." It's working, but she tells me I am one of those slow learners.

As horse owners, I suspect that each one of us has administered some level of "behavior modifica-

tion" to our animals. However, we need to be careful and aware of society's increased scrutiny of action towards animals.

Otherwise, the legal system may administer some "behavior modification" to the horse owner. 

Footnote: To protect the innocent and not-so innocent, the names of the parties have been changed, but the facts are true. This article is a supplement to the last issue of *The DHJ* roundtable discussion, "Situation Critical." To remind readers, I have farmed my entire life (64 years) raising beef cattle and Belgian horses with my wife, Carolyn. I have been an attorney for 39 years. Because of my agricultural background, many of my clients seem to have legal issues that involve animals.



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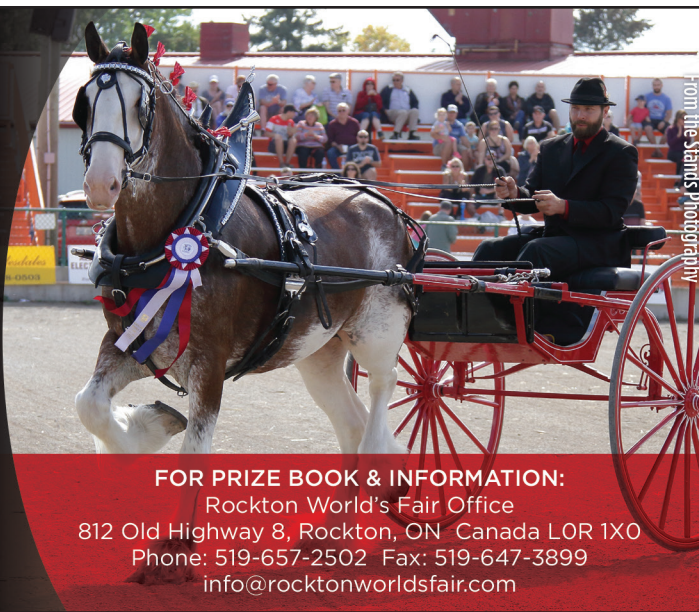
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