

ROBERT C. BRIDGES

TRIALS



Simon Malphas, a maniacal bipolar convicted serial killer, is quietly roaming the dark streets of Denver hunting his next bloodbath. His victory leaves another dismembered human. The trial is set, as the world sits on the edge of their seat, hearts pounding. Deano and Stephanie Traviatti, two estranged attorneys torn apart by Deano's toxic spiral via cheating and booze, are set for the battle. Deano as Defense, Stephanie as Prosecution. The ultimate nightmare; the most paramount trial, between two seasoned fighters knowing the other one knows every piece of your mind and soul.

Trials..A grisly rollercoaster ride through Hell and back.

Cast of Characters

ADRIAN "DEANO" TRAVATTI ----- Late 40's, handsome, big ego, atty
STEPHANIE "STEPH" TRAVIATTI - Smart, driven DA in Denver
SIMON MALPHAS ----- Crazy, intelligent, convicted serial killer
JUDGE NANCY TALBOT ----- 50's, seasoned judge in Denver, Co.
NATHANIEL SEATTON ----- Mid 20's, student, drug charge
WILL ----- Late 20's, wants to learn, intern Public Def
JIMMIE ----- Early 50's, overweight, old-school mind
ALICE ----- Late 30's, organized, admin at Public Def
JANET ----- Mid 30's, committed, works on Steph's team
POLICE CHIEF WISTCOFF ----- Early 50's, mind of a politician
MAYOR RHINEHART ----- Mid 40's, new in role, diplomatic
ALBERTO SANCHEZ ----- Early 30's, street smart, came from the Bronx
THOMAS CARR ----- 40's, disheveled, crime scene expert
DR. WESTON ----- Late 40's, forensics, wanted a practice
SGT TRAVIS ----- Late 30's, cocky, doesn't like orders
OFFICER BETTS ----- Late 20's, wants to succeed, new in role
RICHARD MACINTOSH ----- Pompous suit wearing ultra male, Pres of bank
WAITRESS ----- 40's sweet, long history at the diner
BAILIFF ----- 50's, fat and by the book
SARAH TUCKER ----- Late 20's, prostitute, drug use
BOBBY MACDONALD ----- Bartender, savvy, stays in one job forever
GUARD ----- Maximum security, sarcastic, talks too much
REPORTERS 1 - 4 ----- Various ages/genders
NEWSCASTER 1 & 2 ----- Both females, dedicated, want more
BARTENDER ----- Pours drinks, forever job, loves his regulars



“I became insane.... with long intervals of horrible
sanity...”

-Edgar Allen Poe

INT.

DENVER PUBLIC DEFENDER'S OFFICE CIRCA 1996

VARIOUS OFFICE DESKS STREWN AROUND THE INTERIOR. THREE PEOPLE ARE SITTING AT INDIVIDUAL DESKS.

WILL- YOUNGER MAN, INTERN TO THE PD OFFICE

JIMMIE- LATE FIFTIES WITH SILVER HAIR, LARGER BUILD, HUGE STACKS OF PAPERS/FILES ON HIS DESK

ALICE- MID FORTIES, WELL KEPT AND A VERY ORGANIZED DESK

DOOR OPENS QUICKLY AND DEANO ENTERS ENERGETICALLY. HE IS IN HIS LATE FORTIES, WELL GROOMED AND GOOD LOOKING. HE IS WEARING A STYLISH SUIT AND CARRYING A LEATHER BRIEFCASE.

DEANO

Good morning, you lucky people!

ALICE SHUSHES HIM AS SHE IS ON THE PHONE.

DEANO (CONT'D)

(WHISPERING)

Sorry.

DEANO CLOSES THE DOOR QUIETLY AND SNEAKS OVER TO HIS DESK MOCKING THE QUIET REQUEST.

DEANO (CONT'D)

Jimmie, how about those Broncos?

JIMMIE

Are you speaking of the cattle at the stockyard, or that football team held together with tape that can't win a game to save their lives?

DEANO

Does it matter? Both just sit there and look beautiful without really doing anything.

ALICE

(HOLDING THE PHONE ASIDE)

Ouch, that hurts.

JIMMIE

Na, you kind of get used to it. In fact, some days after a horrible excuse of a game I kind of look forward to the Deano bashing.

DEANO

You're a sick man Jimmie.

JIMMIE

We all are at some point.

WILL

How can you pick on your own team Jimmie? I think you should support them through the tough times.

DEANO

Yes, I agree.

JIMMIE

It just doesn't work out that way son.

ALICE

(TO DEANO)

You've got a full day.

DEANO

What does it look like?

ALICE

I put the cases on your desk.

DEANO

Alice, you know I don't read half of the things that are handed to me.

ALICE

You start off in Judge Talbot's courtroom. The rich kid that was popped for trying to buy a bag of coke down in Lodo.

DEANO

Rich kid, bag of blow...that should be quick and easy. Once again, our overactive Narco Agents raise the body count.

DEANO WALKS OVER TO HIS DESK AND SETS HIS BRIEFCASE DOWN. HE PICKS UP THE SHEET OF PAPER WITH HIS SCHEDULE, GLANCES AT IT AND TOSSES IT IN THE WASTE CAN.

DEANO (CONT'D)

Will, get over here. Our briefing for the day will go..

WILL

(INTERRUPTING)

Our day?

DEANO (CONT'D)

Will, get over here. Our briefing for the day will go ...

WILL

(*INTERRUPTING*)

Our day?

DEANO

You've been here about six months; I think it's time you sat in on some cases.

WILL

(*EXCITED*)

Yes, sir!

WILL RUSHES OVER TO DEANO'S DESK WITH HIS NOTEPAD.

ALICE

Don't you think that Will should stay here as he is an intern?

DEANO

Nope, he's coming with me. That good with you Will?

WILL

Absolutely!

DEANO

Alright, let's get working on your dream.

WILL

To be truthful, my dream is to get out of the PD Department and start my own practice.

DEANO

I see.

WILL

Well, you had your own practice, didn't you?

DEANO

Yes, I did.

(*A BIT LOUDER*)

I was a partner in the largest and most prominent law firm in Denver.

(*A BIT LOUDER AND COMICAL*)

Was I happy with that?

JIMMIE

No sir!

DEANO

That's right Jimmie. I had the love of one of the most beautiful women on the planet, was I happy with that?

JIMMIE

No sir!

DEANO

Right once again sir. I had a mansion on the hill and a cabin in Breck, was I happy with that?

JIMMIE AND ALICE

No sir!

DEANO

Nice addition Alice.

ALICE NODS AND SMILES.

DEANO (CONT'D)

I decided to drink every bit of that away.

WILL

(QUIETLY)

I didn't mean to pry.

DEANO

It's ok, was booze my only downfall?

JIMMIE

Ohhhhh, No!

DEANO

You know that Jimmie is a smart guy. I then cheated my way out of a marriage that any man would dream of.

ALICE'S PHONE RINGS, SHE ANSWERS IT AND QUICKLY HANGS UP.

ALICE

Deano, they are waiting on you in Talbot's courtroom. You're late!

DEANO GETS UP AND PICKS UP HIS BRIEFCASE.

DEANO

Let's go Will, there's a drug dealer that needs to be rescued.

AS THEY WALK TO THE DOOR JIMMIE SPEAKS LOUDLY.

JIMMIE

Hey Will, did you now know that you and Deano have the same dream, to get out of the PD Office.

DEANO STOPS JUST PRIOR TO THE DOOR AND SLOWLY TURNS AROUND WITH A SMILE.

DEANO

(TO JIMMIE)

Why would you say that? It took me 20 years to land this gig.

(PAUSE)

Why would I ever want to leave?

DEANO OPENS THE DOOR AND EXITS, WILL LOOKS BACK AT JIMMIE.

JIMMIE

It's going to be a big day for you son.

WILL EXITS AND CLOSES THE DOOR.

BLACK

INT.

COURTROOM WITH 50 OR SO PEOPLE SITTING IN THE AUDIENCE. A FEMALE JUDGE WALKS IN WEARING THE OBLIGATORY ROBE. THERE ARE LONG TABLES ON EITHER SIDE AT THE FRONT. SITTING AT THE LEFT TABLE IS NATHANIEL SEATON, THE ACCUSED, THE TWO CHAIRS NEXT TO HIM ARE EMPTY. SITTING AT THE TABLE ON THE RIGHT ARE TWO FEMALE ATTORNEYS FOR THE PROSECUTION; JANET RUPP AND HER ASSISTANT. NATHANIEL LOOKS NERVOUS AND IS CONSTANTLY LOOKING BACK AT THE DOOR.

JUDGE TALBOT

I will give the Public Defender's Office 5 more minutes to arrive. If Defense fails to arrive by that time I will move this trial to next week.

JANET

Your Honor, we have already waited 15 minutes. I have several other commitments this afternoon. Can we move the trial to a future date now?

JUDGE TALBOT

I understand your concern, however if we move this trial forward the defendant will be held in the County Detention Center for 7 days. I hate to do that to someone just because his attorney can't show up on time.

THE DOOR TO THE COURTROOM FLIES OPEN TO SHOW DEANO AND WILL. AS THEY WALK DOWN THE CENTER AISLE TO THE FRONT OF THE COURTROOM DEANO SPEAKS TO THE COURT.

Deano

Your Honor, and members of the courtroom, I apologize for my tardiness and request we begin at once.

DEANO AND WILL SIT DOWN ON EITHER SIDE OF NATHANIEL. JUDGE TALBOT SLOWLY SHAKES HER HEAD.

JUDGE TALBOT

Case Number 23433-R, The State of Colorado versus Nathaniel Seaton.

(MORE)

JUDGE TALBOT (CONT'D)

Mr. Seaton you are charged with purchasing 20 grams of cocaine with the intent to sell. How do you plead?

DEANO

Your Honor my client pleads not guilty. The events and evidence from the evening in question reek of entrapment.

JUDGE TALBOT

Mr. Traviatti, I was merely asking for a plea. You will have an opportunity to state your case. Let it be recorded that Nathaniel Seaton has entered a plea of not guilty. Does the prosecution have anything to add.

JANET

No, your Honor. This is an open and shut case and shouldn't take too long.

JUDGE TALBOT
(*INTERRUPTING JANET*)

My goodness you two really have the need to share today. Mr. Traviatti you may begin with your opening statement.

DEANO STANDS UP AND LOOKS AT NATHANIEL. HE PUTS HIS HAND ON THE BOY'S SHOULDER AND GIVES HIM A LOOK OF CONFIDENCE. DEANO THEN APPROACHES THE FRONT OF THE COURTROOM AND DELIVERS HIS OPENING STATEMENT TO THE JUDGE, JURY AND AUDIENCE.

DEANO
(*EXCITED AND PRONOUNCED*)

I agree! She is absolutely correct! It's not often I have the opportunity to begin my opening statement by agreeing with the prosecution, today is one of those days. When Ms. Rupp shared her comment "this trial won't take too long" it became obvious to both myself and my client that she also understands that we shouldn't be here at all. The tactics used to trap this young man, and motivating him into a partnership with an undercover narcotics officer are outlandish in every aspect.

(MORE)

DEANO (CONT'D)

Mr. Seaton isn't a drug dealer; he's sitting over there terrified that this legal system is going to turn his life around and ruin all that he has worked for. He is a straight A student, studying pre-med and he comes from a long line of physicians in his family. The mere thought that he is involved with selling narcotics is ludicrous. When Nathaniel's apartment was searched after his arrest, was there any equipment or evidence that would lead one to believe he was involved in this type of activity? No. The officers didn't find anything that would even remotely lead one to believe he had ever used anything like cocaine. No scale, no vials, no drugs at all.

JANET

(UNDER HER BREATH)

You sound pretty familiar with this scenario.

JUDGE TALBOT

Ms. Rupp do not speak out of turn, and do not make accusations inappropriate to this case.

JANET NODS IN ADHERENCE

DEANO

Here are the simple facts your Honor. Nathaniel and two friends decide to celebrate after acing a final exam. A very poor decision as it turns out, they decided to experiment and try a little cocaine. They called around and were told that drug dealers hung out by the Platt River, so they headed down. Once they were parked at the bridge, they were approached by an undercover officer asking if they wanted to buy anything. Nathaniel could barely get the words out of his mouth that he wanted to buy half of a gram of cocaine, a half gram your Honor. The officer told him that he could take care of that and it would cost \$50.

(MORE)

DEANO (CONT'D)

When Nathaniel reaches into his pocket for the money, he comes out with much more than the \$50, as this was his living expenses for the next semester and he hadn't made it to the bank. When the officer sees the larger amount of cash, he reacts by asking if he wants to buy more than a half gram. Nathaniel responds immediately "no", a half gram is all". The officer continues to badger my client to buy a larger quantity of coke, even to the point of suggesting he buy a half ounce and sell some to pay for his cocaine. Only after being badgered incessantly does Nathaniel agree to buy more, simply to get away from the situation. Once he agrees to purchase more he is immediately arrested and now faces charges of felony drug possession with intent to sell. This entire conversation was recorded via the officer's remote radio and has been entered into evidence your Honor. I believe what is truly on trial today is not Nathaniel's actions of that night, it's the way in which we protect and serve this city. When an undercover sting operation is actually recruiting people to purchase narcotics you have to ask yourself how many of them are now incarcerated due to entrapment? We all agree that the fewer drug dealers we have on the streets, the safer Denver will be. However, having a quota for arrests is obviously changing the way in which it is done. My client and I simply request that these charges are removed from his record and the officers involved are held accountable for their actions.

JUDGE TALBOT

Ms. Rupp has the state heard the recording that Mr. Traviatti is referring to?

JANET

Yes, your Honor, it was entered into evidence.

JUDGE TALBOT

If I were to listen to the conversation between the defendant and the officer that night, would I walk away with any understanding different than what was just described?

JANET

Your Honor, the accused approached a stranger with the intent and ability to purchase a dangerous narcotic, all of his own choosing. How can this be anything but a simple account of person buys drugs. Person goes to jail?

JUDGE TALBOT

You didn't answer my question. Was the defendant coerced into buying a large amount of cocaine?

JANET

(PAUSE)

Yes.

JUDGE TALBOT

(BANGING HER GAVEL)

I rule a mistrial in Case 23433-R The State of Colorado vs Nathaniel Seaton. All charges shall be removed from the defendant's record and this court offers an apology to Mr. Seaton from all involved. This court is adjourned.

JUDGE TALBOT DISMISSES THE COURTROOM WITH THE HIT OF THE GAVEL. JANET STANDS UP AND BEGINS TO COLLECT HER FILES, SHOWING FRUSTRATION. DEANO AND NATHANIEL ALSO STAND UP, NATHANIEL SHOWING GREAT EXCITEMENT.

DEANO

Nathaniel, I have a few things to go over with you prior to you leaving.

NATHANIEL

Ya, whatever you need! You were amazing! Everyone told me that a public defender would never be able to get me off! Wow, that was incredible.

DEANO LEADS NATHANIEL OVER TO A SIDE ROOM AND OPENS THE DOOR. NATHANIEL ENTERS THE ROOM AND DEANO FOLLOWS, CLOSING THE DOOR BEHIND HIM. THEY ARE ALONE IN THE ROOM. DEANO REACHES OVER AND GRABS NATHANIEL BY THE FRONT OF HIS SHIRT AND SHOVES HIM UP AGAINST THE WALL AND LEANS IN NOSE TO NOSE WITH HIM.

DEANO

Listen you fucking idiot, you are the luckiest kid in the world today! Do you realize that you were up against 15 years in prison? Everything that has been done for you, gone. Your parent's would have to live with this the rest of their lives! How stupid can you be? (PAUSE) If I ever hear of you in any courtroom in Colorado again, for any reason...I will personally make sure you do the longest term allowed by law.

DEANO SHOVES HIM AGAINST THE WALL AND LET'S GO OF HIS SHIRT. NATHANIEL IS IN SHOCK AND SAYS NOTHING. DEANO STEPS BACK, STRAIGHTENS HIS TIE, SMOOTHS HIS SUIT COAT AND OPENS THE DOOR TO THE COURTROOM. AS HE ENTERS THE COURTROOM, HE HAS A GRAND SMILE ON HIS FACE AND SEEMS TO BE ENJOYING THE OUTCOME OF THE TRIAL. DEANO GATHERS HIS BRIEFCASE AND NOTICES JANET FRANTICALLY COLLECTING HER PAPERWORK TO RUSH OUT OF THE COURTROOM. AS DEANO BEGINS TO WALK OUT OF THE ROOM HE STOPS TO SPEAK WITH JANET.

DEANO (CONT'D)

You can't be in a hurry; this only took 20 minutes?

JANET

Lots to do Deano

DEANO

I'm sure. One more win for the underdog.

JANET

Are you referring to your client, or yourself?

DEANO

Ouch!

JANET

(PAUSES)

Just because I work for your ex-wife doesn't mean that I'm out to take your performance today personally;

(MORE)

JANET (CONT'D)

and that's what it was "a performance." I have seen all of the damage you have caused by being selfish, pigheaded and cocky. It's always about you Deano, and if you think that getting rich kids off on drug charges is going to get you back into the big time, you're wrong. Nothing will do that. You've seen to that yourself.

DEANO

My past is past. The future is what we should fear.

JANET

Does that really matter? Truly?

JANET PICKS UP HER FILES AND WALKS UP THE AISLE TO THE EXIT AND LEAVES THE COURTROOM. DEANO STANDS THERE FOR A MOMENT, THEN TURNS AND ALSO WALKS TOWARD THE EXIT. AS HE APPROACHES THE DOOR NATHANIEL IS ALSO HEADED TO LEAVE FROM THE SIDE. HE SEES DEANO AND A LOOK OF FEAR COMES OVER HIS FACE. NATHANIEL SPEEDS UP HIS PACE TO GET OUT OF THE DOOR BEFORE DEANO.

BLACK

INT

MAXIMUM SECURITY PRISON CELL. MALPHAS IS SITTING SILENTLY AND ALONE ON HIS BUNK. HE IS STARING OUT AT THE AUDIENCE WITH NO EMOTION ON HIS FACE. THE AUDIENCE HEARS MEDIA BROADCASTS AS MALPHAS SITS MOTIONLESS. THE LIVE REPORTERS ARE SHOWN ON A SCREEN HANGING STAGE RIGHT.

REPORTER 1

We just received word that the convicted serial killer, Simon Malphas, may be headed to freedom. As we all remember Malphas was found guilty of brutally killing and dismembering 6 women 3 years ago. All the world watched as stories of gruesome events were told as the defendant sat quietly showing no remorse for his actions.

VIDEO BROADCAST SCRAMBLES AND THEN CHANGES TO THE NEXT REPORTER

REPORTER 2

According to the Denver District Attorney Stephanie Traviatti, there is an appeal being reviewed bringing to light an initial search was performed without just cause. According to Traviatti if this is proven in court, all other evidence might be negated.

VIDEO SCRAMBLES AGAIN AND GOES BLACK.

A VIDEO SCREEN APPEARS ABOVE THE PRISON CELL. MALPHAS SLOWLY LOOKS UP AT THE SCREEN. AN INTERVIEW WITH DISTRICT ATTORNEY STEPHANIE TRAVIATA IS BEING SHOWN.

REPORTER 3

District Attorney, is it true that you might be setting this convicted killer free?

STEPHANIE

All we know now is that an appeal is being reviewed by the court to ensure that all events of the investigation were performed with the proper support of the legal system. There is no guarantee that anything will come of it, so frightening the public is in no one's best interest

REPORTER 3

But is it not true that if the initial search is deemed illegal, all other evidence following could be viewed as inadmissible?

STEPHANIE

Let's let the system do its job. My office will keep everyone informed as new information becomes available.

REPORTER 3

Isn't that what we did before, let the system do its job and look where it has led us.

STEPHANIE

(*FIRMLY*)

That is all for now.

STEPHANIE QUICKLY MOVES OUT OF VIEW OF THE CAMERA. THE VIDEO SCREEN GOES BLACK. MALPHAS' CELL SLOWLY MOVES FORWARD TOWARD THE AUDIENCE AS THE NEXT AUDIO CLIP IS HEARD.

REPORTER 4

Protesters have taken to the streets outside the District Attorney's office. People are holding signs demanding that the killer not be let free. The latest press release states that the trial is under review, and for everyone to wait until the findings are made public.

MALPHAS' CELL NOW SITS CLOSE TO THE FRONT OF THE STAGE, AS HE SITS MOTIONLESS. HE SLOWLY LEANS FORWARD EXAMINING THE AUDIENCE.

MALPHAS

(*MANIACAL SMILE*)

I don't think you're going to handle this very well.

THE SOUND OF A CELL DOOR SLAMMING SHUT IS HEARD.

BLACK

INT.

DISTRICT ATTORNEY'S OFFICE. MEETING ROOM WITH A LONG TABLE AND A PHONE PLACED IN THE MIDDLE. JANET AND ONE OTHER ATTORNEY ARE SEATED AT THE TABLE WITH PAPERWORK IN FRONT OF THEM.

JANET

I've read the statements from the arresting officers, and there is room for probable cause if you have an open mind.

ATTY 1

Open mind?

JANET

If Malphas is allowed to stand trial again, or even worse released this town is going to blow up.

ATTY 1

That's obvious, but there wasn't any evidence submitted as to why the officers took it upon themselves to search the van without a warrant.

(PAUSE)

The location was very close to where two of the victims were found.

ATTY 1 (CONT'D)

How many traffic citations were given out during the period after those two bodies were found? How many vehicles were searched? One. That's going to be hard to get past.

THREE OTHER PEOPLE COME INTO THE ROOM, STEPHANIE AND TWO OTHER ATTORNEYS.

STEPHANIE

I appreciate you all making this on such short notice. Obviously, all current litigation goes on hold until we get a better vision as to where we are on this case.

ATTY 2

(TO STEPHANIE)

What is the latest?

STEPHANIE

The District Court of Appeals is having a tough time understanding why the officers executed that first search, with no probable cause.

ATTY 2

Malphas was convicted over three years ago, why the turn of events now?

STEPHANIE

The original defense attorney filed an appeal prior to going to trial around the illegal search. It has always been bubbling under the surface, but no one has ever had the want to drive it further.

ATTY 1

Why wasn't this addressed in the trial? I have to believe that all records were reviewed.

STEPHANIE

It was, but once the jury saw the pictures of mutilated women the ball started rolling quickly. I assume the public defender didn't want to drag it out, no heroes in this trial.

JANET

So, are we looking at a retrial?

STEPHANIE LOOKS AT JANET SILENTLY, PAUSES.

STEPHANIE

If the search is thrown out, there is no trial. Every piece of evidence stems from that initial vehicle search where the 6th body was found. Everything collected past the officers opening the back of that van disappears.

ATTY 1

I have collated any trial, investigation or arrest that includes a search similar to this for the past two years.

(MORE)

ATTY 1 (CONT'D)

This includes all searches performed by field officers without a search warrant or contacting a judge. There are 43 such instances, all of which were contested at trial. Seventeen of these are very similar to the Malphas scenario. No real facts just a feeling that something was wrong and a search was done.

JANET

What was the turnover?

ATTY 1

Of the seventeen that are most similar to this case, only two continued on to trial. The evidence that was found in those two searches was thrown out. However, in both cases, the State had prior evidence that was substantial enough to try the defendant.

ATTY 1 (CONT'D)

One ended in a mistrial and the other fell into a plea agreement for minimal jail time which was later deferred.

THE ROOM SITS SILENTLY FOR A MOMENT

ATTY 1 (CONT'D)

In other words, if the appeals court upholds that the original search was illegal, we will all watch a self-confessed serial killer walk free?

STEPHANIE

With the lack of any substantial evidence to warrant another trial, any move to even suggest a retrial will be seen as prejudicial and a way of this office trying to cover their tracks on a blown case. The ACLU will be in our waiting room in an hour.

JANET

When will they let us know?

STEPHANIE

The same time as the rest of the world. When we hear it on the news, no sooner.

BLACK

LOCAL BAR, JIMMIE'S BIRTHDAY

LIGHTS COME UP IN A LOCAL CORNER BAR, HALF FULL OF PATRONS. JIMMIE, WILL and ALICE ARE GATHERED TOGETHER AT THE BAR. THE TELEVISION BEHIND THE BAR IS ON AND THE VOLUME IS TURNED UP SO ALL CAN HEAR.

JIMMIE
(*HOLDING UP HIS GLASS*)

I need another one of these.

NEWSCASTER ON TELEVISION
If you've just joined us here is what is going on in Denver. The entire country is learning that Simon Malphas is being released from prison due to a mistrial being declared. The District Court of Appeals has ruled that a search of Malphas' van, which lead officers to the 6th victim and a dismembered arm of the 5th, was deemed illegal. All evidence found in the search and the following searches of his home and property has been declared inadmissible, thus clearing Simon Malphas of any charges.

JIMMIE
(*LOUDLY*)

Bullshit! Bullshit!

DEANO WALKS INTO THE BAR AND JOINS THE GROUP. HE LOOKS UP AT THE TELEVISION AND LISTENS.

NEWSCASTER ON TELEVISION
Exactly where and when this is going to happen has not been released, in fact there are unsubstantiated rumors that Malphas has already been released and is set up in an undisclosed location for his safety.

BARTENDER
(*TO DEANO*)

Hey Deano, some crazy shit going on in this town. The usual?

DEANO
Yes sir, on both accounts.

WILL LOOKS SURPRISED AS DEANO IS ORDERING A DRINK. HE WATCHES AS THE BARTENDER HANDS A GLASS TO DEANO. DEANO NOTICES WILL'S CURIOSITY.

DEANO (CONT'D)
(TO WILL)

Club soda son, the finest there is.

WILL SMILES AND RAISES HIS GLASS TO DEANO'S.

WILL
Cheers Deano.

(PAUSE)
What do you make of all this?

DEANO
It's pretty simple. What do you make of it?

WILL
I'm not sure, it seems that letting a serial killer loose goes against everything we stand for.

DEANO
Do we stand for convictions of guilty people, or do we stand for every person to have a fair trial under the laws of the land?

JIMMIE
That's bullshit, and you know it.

ALICE
I have to go with Jimmie on this one. I know the reasons, but sometimes there has to be a little common sense. This is not a win of any kind for our office.

DEANO
(TO JIMMIE)
It's a messed-up way to spend your birthday, Jimmie. Let me get you another one.

DEANO ORDERS JIMMIE A DRINK, AND HANDS IT TO HIM.

NEWSCASTER ON TELEVISION
Over a thousand people have gathered to protest the decision at City Hall. The police have kept control of the angry crowd, but with hundreds more on their way down to join it will be a long night for everyone.
(MORE)

NEWSCASTER ON TELEVISION (CONT'D)

There is a press meeting scheduled for noon tomorrow. It will be broadcast right here on channel 5. This is Laura.

THE BARTENDER USES THE REMOTE TO TURN OFF THE TELEVISION.

JIMMIE

(*AFTER A LONG PAUSE, AND ALMOST
UNDER HIS BREATH*)

We will be the laughing stock of the Country.

DEANO

We're attorneys, nothing should get under our skin. We collect and twist the truth for our client's gain. It would seem that is what was done in the original trial, and we see how that turned out.

JIMMIE

That's just bullshit, a killer is a killer. I will celebrate the day someone takes it into their own hands and puts a bullet through Malphas' head.

DEANO

Hmmm, a killer is a killer.

WILL

I don't see that as the same.

JIMMIE

No one would kid, no one.

DEANO

Jimmie, let me take you home. you've had a couple.

JIMMIE

(*PICKING UP HIS COAT*)

Not nearly enough Deano. What a messed-up world we have created, I mean. Who can you trust anymore?

BLACK

A VIDEO SCREEN IS BROADCASTING A NEWS UPDATE. THE REST OF THE STAGE IS BLACK.

NEWS BROADCASTER

We warn you that some of what you are about to hear and see is graphic in nature and disturbing in content. Simon Malphas was released from prison yesterday at approximately 11:30 am, and was secretly transported to a safe house amidst numerous death threats. (PAUSE) At approximately 3 am this morning Denver police were called to an apartment on the west side for a disturbance complaint.

Shortly after the officers were seen escorting Simon Malphas in handcuffs to the squad car. One of the officers was standing guard at the patrol car while the other sealed off the apartment. No announcement of any charges has been made, however a reporter on the scene told me that Malphas was covered in blood and seemed to be in a daze. Is it possible that another life has been taken the same day he was released?

THAT VIDEO SCREEN GOES TO BLACK.

LIGHTS COME UP TO SHOW THE MAYOR AND CHIEF OF POLICE GIVING A PRESS RELEASE AROUND THE ARREST. THEY ARE BOTH AT A PODIUM IN FRONT OF SEVERAL REPORTERS.

MAYOR WISTCOFF

At approximately 6am this morning Simon Malphas was taken into custody.

CHIEF OF POLICE RHINEHART

Malphas was arrested by Denver Police following a disturbance complaint. Upon arriving at the scene officers obtained an arrest warrant based on their findings in the apartment.

(MORE)

CHIEF OF POLICE RHINEHART (CONT'D)

Simon Malphas was transported to the County Jail pending charges. The accused will be kept in isolation with around the clock police protection. This will continue indefinitely, including any tentative court hearing and trial.

REPORTER 1

(*SPEAKING OUT LOUDLY*)

Chief Rhinehart, is your office accepting any responsibility for this additional loss of life?

MAYOR RHINEHART

Our commitment to keeping the city safe and secure has not changed, as is our position on the current charges against Simon Malphas.

REPORTER 2

Is it not true that if the original search had been done legally, we wouldn't be here speaking of another murder?

POLICE CHIEF WISTCOFF

The Appeals process already answered that question, and revisiting it just to grab a headline is inappropriate and dangerous.

REPORTER 1

Do we know the identity of the victim?

POLICE CHIEF WISTCOFF

(*PAUSING*)

At this time, we have not been able to achieve a positive identification.

REPORTER 2

Is that due to the method of the killing?

POLICE CHIEF WISTCOFF

(*PAUSE*)

Yes.

REPORTER 3

Did the crime scene remind of you of anything you have seen in recent years?

MAYOR RHINEHART

As you all have been made aware of, the original trial of Simon Malphas has been erased from all records. Your question is not relevant. That is all we have for now, an additional press conference will be announced as information is collated.

BLACK. LIGHTS IMMEDIATELY COME UP SHOWING THE PUBLIC DEFENDERS OFFICE. DEANO IS ENTERING THE OFFICE, HE HANGS UP HIS COAT AND WALKS TO HIS DESK. JIMMIE AND ALICE ARE ALREADY AT THEIR DESKS.

ALICE

Morning Deano, a bit late today?

DEANO

The world is moving a bit slower this morning.

ALICE

I will have today's calendar for you in a bit.

DEANO

I wouldn't really worry about it; I have a feeling that our world is about to change as far as priorities. Jimmie, what did you get this morning.

JIMMIE

Charlie, in evidence, shot me over the arrest record and what evidence has already been checked in.

DEANO

Good. I wouldn't have thought that was available yet.

JIMMIE

He owes me. If it's checked in and logged as property of the State, we should have visibility.

DEANO

I know, just surprised by the timing.

JIMMIE

(SARCASTIC SMILE)

He owes me.

DEANO

(*SMILES*)

Good.

WILL WALKS INTO THE OFFICE WITH FOUR COFFEES. AS HE PASSES DEANO HE TAKES ONE, THE OTHERS ARE HANDED OUT.

DEANO (CONT'D)

(*TO JIMMIE*)

Fill me in brother.

JIMMIE

Well, let's see, covered in blood, dead hooker on the floor, a portion of her shoulder was dislocated, the apartment destroyed. An assailant that is disoriented and obviously on some kind of narcotics is found in the bathtub. (*PAUSE*) Welcome to Denver.

DEANO

When is toxicology being done?

ALICE

Malphas was tested this morning and the Jane Doe will be this afternoon.

(*SARCASTICALLY*)

Not much of a rush on her for obvious reasons. I will let you know when the results are announced.

DEANO WALKS OVER TO JIMMIE

ALICE (CONT'D)

There is a press conference at 2pm this afternoon with the District Attorney.

DEANO

(*TO ALICE*)

Stephanie. It's all right if you say her name.

ALICE

Stephanie and her team will be answering questions about the arrest and the impending trial.

WILL

That's going to be tough.

DEANO

She can handle it, there's a reason she has that position.

WILL

Well, they can't hold her accountable, she wasn't the DA the first time Malphas was arrested.

DEANO

That doesn't matter. If you're the face they see and you're answering questions...you are responsible in their eyes. Jimmie, give me the story you are seeing.

JIMMIE

Based on what's here it looks like Mr. Malphas went for a little partying on his first night out of the slammer. He had some pocket money because you know the City of Denver illegally held him for four years.

WILL

That's crap!

DEANO LOOKS OVER AT WILL

WILL (CONT'D)

Sorry.

JIMMIE

And you know that when a serial killer gets a few in him the old ways come back. Like riding a bike. You get yourself a little love for the night and then as my dad used to say "that's when the rodeo kicks off."

DEANO

Anyone identify the girl?

ALICE

Not officially, but the officers say they've arrested her before for pandering. Deano, aren't you being a bit presumptuous? We haven't been given the case yet.

JIMMIE

Where else would it go? No attorney in the world would take this case, it's got to fall in our lap. Irony isn't it.

DEANO

I don't think ironic is the right word. Deserving might be closer to the truth.

BLACK

INT.

A DINER REMINISCENT OF THE 60'S, BOOTHS AND A COUNTER FOR CUSTOMERS. DEANO IS SITTING IN A BOOTH FACING THE DOOR WITH A COFFEE ON THE TABLE. A MOMENT LATER STEPHANIE ENTERS THE DINER CARRYING A BRIEFCASE AND LOOKS AROUND. AFTER SEEING DEANO SHE WALKS DOWN TO THE BOOTH AND PAUSES.

DEANO
It's been a while since we've been here.

STEPHANIE
(PAUSING)
Yes, it has, a long time.

STEPHANIE TAKES OFF HER COAT AND SITS DOWN ACROSS FROM DEANO. A WAITRESS APPROACHES THE TABLE AND RECOGNIZES THE TWO OF THEM.

WAITRESS
(HAPPY)
Well, hello you two.

STEPHANIE PAUSES BEFORE RESPONDING

STEPHANIE
Hello, could I get a hot tea please?

THE WAITRESS NOTICES THAT THE TWO OF THEM ARE NOT HAPPY.

WAITRESS
Of course, right away.

THE WAITRESS LEAVES AND STEPHANIE LOOKS BACK TO DEANO.

DEANO
Great memory!

STEPHANIE
Yes.

DEANO
This did used to be our hangout.

STEPHANIE
(LONG PAUSE)
I have asked you to meet me for a couple of reasons the first of which is to sign these papers for the lake house.

DEANO SLOWLY NODS. STEPHANIE REACHES INTO HER BRIEFCASE AND BRINGS OUT THE DOCUMENTS AND PUTS THEM ON THE TABLE. DEANO LOOKS AT HER AND THEN BEGINS TO LOOK THE PAPERS OVER. THE WAITRESS ARRIVES WITH STEPHANIE'S TEA.

STEPHANIE
(TO WAITRESS)

Thank you.

DEANO
Are you, we, selling the property because it doesn't make sense to have it or is it just another thing of the past that needs to be removed?

STEPHANIE
Is there a difference? It's way too large for either of us, it just makes sense to sell it.

DEANO REACHES INTO HIS COAT POCKET AND BRINGS OUT A PEN AND SIGNS THE PAPERS.

STEPHANIE (CONT'D)
I'll have the real estate agent send you a copy of everything.

DEANO
You could have sent those over. We didn't have to meet here.

STEPHANIE
(SERIOUS)
Malphas.

DEANO LISTENS QUIETLY

STEPHANIE
His defense is obviously going to fall into your world.

DEANO
Not necessarily, nothing has been discussed as of yet.

STEPHANIE
You know as well as I that both of our offices are being viewed as incompetent.

DEANO
I don't consider the Public Defender's office...my office.

STEPHANIE

This never should have happened and now it has. I can't see any other direction than you getting approached to take this case. We all know that you have the ability to get it done quickly and professionally.

DEANO

I have no knowledge of any discussion. If it goes to trial, it may be moved to another city.

STEPHANIE

No city wants this attention, it's our mess to clean up.

DEANO

Even if it is assigned to me, I have no obligation to accept it.

STEPHANIE

It's not the obligation I fear...it's the attraction.

DEANO LEANS BACK AND CROSSES HIS ARMS.

STEPHANIE

You've never been able to turn down a challenge, even when you knew you'd fail.

PAUSE

STEPHANIE (CONT'D)

I just want you to know that taking this case will not put you in the space you want to be. Being famous for getting a serial killer off won't get you out of the Public Defender's office, there's not a law firm in the country that would touch you.

DEANO

I don't see any jury letting a killer go free.

STEPHANIE

I don't believe you!

DEANO

I've never lied to you, believe it. Cheating, drinking away a marriage and career?

(PAUSE, DEANO SLOWLY NODS HIS HEAD)

Yes, but I never lied to you. I don't possess the ability. I'm sure the ethics board would be concerned about us discussing the trial.

STEPHANIE

It's not a trial yet, let's not make it a reality.

DEANO LOOKS QUIETLY AT STEPHANIE.

STEPHANIE (CONT'D)

I have to go.

STEPHANIE BEGINS TO GET UP TO LEAVE.

DEANO

I believe you're trying to help me.

STEPHANIE

Deano, you can't undo all of the damage you created by pulling off the defense of the century. If there is a trial, I will be prosecuting. You know the defense will be seen as the enemy, doing everything they can to set a serial killer free. It's a no win on either side, especially yours.

STEPHANIE LOOKS AT DEANO, THEN TAKES HER COAT AND BRIEFCASE. SHE SLOWLY TURNS, PAUSES, THEN WALKS OUT OF THE DINER. DEANO REMAINS SEATED STARING AT THE EXIT DOOR, DROPS HIS HEAD.

BLACK

PUBLIC DEFENDER'S OFFICE

INTERIOR OF THE OFFICE. JIMMIE AND ALICE ARE SEATED AT THEIR DESKS. JIMMIE IS READING THE PAPER AND ALICE IS WORKING ON PAPERWORK. THE DOOR OPENS AND DEANO WALKS IN, REMOVES HIS COAT AND HANGS IT UP ON THE HOOK. THE OFFICE IS SILENT. ALICE LOOKS UP AND GREETES DEANO IN A SUBDUED VOICE.

ALICE

Good morning.

DEANO

Morning.

JIMMIE IS STILL LOOKING AT HIS PAPER AND HAS NOT ACKNOWLEDGED DEANO'S PRESENCE

DEANO (CONT'D)

Jimmie?

JIMMIE

Good morning, Mr. Traviatti.

DEANO

(GIVING A SMIRK)

Well, that's new.

JIMMIE

(STILL READING HIS PAPER)

Well, what I can say is new is that we are all currently in the shit show of all shit shows.

THE DOOR OPENS AND WILL COMES IN WITH A TRAY OF COFFEES. HE USES HIS FOOT TO CLOSE THE DOOR AND WALKS OVER TO ALICE, GIVES HER A COFFEE AND THEN DELIVERS ONE TO JIMMIE.

WILL

Hi Deano. I'm sure you saw the news about Malphas and what he did to that girl.

DEANO

I believe everyone saw it.

JIMMIE

Ya, he's an overachiever.

WILL

It sounded like she was dead for quite a while before he stopped beating her.

DEANO GIVES WILL A LOOK OF CONCERN.

WILL (CONT'D)

Sorry.

JIMMIE

Suicide defense.

ALICE

Come again?

JIMMIE

Suicide defense, that's what is coming our way.

WILL

I've never heard of that.

JIMMIE

Son, people will always remember the best and the worst, it's the only thing humans are concerned with.

DEANO

Going into a scenario where you pretty much know you'll lose is what he's talking about.

JIMMIE

It's more than that. Some people think they will get rewarded for trying...nope, just losing.

JIMMIE PUTS DOWN THE PAPER AND TURNS TO THE GROUP.

JIMMIE (CONT'D)

It is not rare to find yourself in a situation that has no positive outcome. Whatever you try, fails. If you're lucky you may get the option of choosing the better of two evils, but it's still a failure.

ALICE

Someone will take the case. Falls into the 15 minutes of fame category.

JIMMIE
(*PAUSES*)

The person who ends up having to defend this Malphas guy is going to be famous, but they will end up on the wrong side of the equation.

WILL

(*TO DEANO*)

When will we know?

DEANO

Soon.

JIMMIE

It won't be the first time we've been handed the shit end of the stick.

DEANO

I'm not concerned.

ALICE

(*TO DEANO*)

Stephanie?

DEANO

(*NODS HIS HEAD*)

She will most likely be prosecuting.

JIMMIE

(*TO HIMSELF*)

Oh boy.

LIGHTS DOWN-BLACK

AS THE LIGHTS COME BACK UP DEANO IS AT HIS DESK, HIS TIE IS LOOSENED AND HE IS EXAMINING SOME DOCUMENTS. WILL IS ACROSS THE ROOM AT A SMALLER DESK WORKING ON A COMPUTER. AFTER A SHORT TIME, THE PHONE RINGS ON ALICE'S DESK. BOTH OF THEM IGNORE IT, AFTER A FEW MORE RINGS DEANO LOOKS UP AT WILL WITH A QUESTIONING LOOK. WILL CONTINUES TO IGNORE THE RINGING PHONE AND IS VERY CONCENTRATED ON HIS WORK.

DEANO

(*SARCASTICALLY*)

Don't worry about it Will, I'll get it.

WILL

(*WITHOUT LOOKING UP*)

Great, thanks.

DEANO GETS UP AND WANDERS OVER TO THE PHONE, LOOKS AT WILL AGAIN AND THEN ANSWERS IT.

DEANO
Public Defenders. Yes, it's me.

*(DEANO LISTENS FOR A FEW MOMENTS AND THEN SITS
DOWN ON THE DESK)*

I get it. When? Any other info? Start date, ok. Ya I know.
(WILL LOOKS UP FROM HIS COMPUTER)

Ok, I'll see you in the morning.

DEANO LOOKS OVER AT WILL WHO IS STARING AT HIM.

DEANO (CONT'D)
Oh, so now you hear the phone.

DEANO SLOWLY GETS UP AND WALKS OVER TO WILL'S DESK. DEANO PICKS UP A DESK CHAIR AND TURNS IT AROUND, SITS DOWN FACING WILL.

DEANO (CONT'D)
Well, you've told me several times you want to be a part of what you referred to as "The Big Show."

WILL
Malphas?

DEANO
There is no bigger show for us.

WILL
Us?

DEANO
You don't think I would leave you out of this opportunity, do you?

WILL
I'm an intern.

DEANO
Well, if you were an intern at NASA, think of it this way...you just got a ticket to outer space.

WILL
I appreciate it, I guess. I just don't know how I can help.

DEANO

Don't worry, your job is to learn. Both what to do in this scenario and, more importantly, what not to do.

WILL

Are you afraid. I don't mean afraid...I mean, have you thought of what your strategy will be?

DEANO

It's always imperative that one remembers their role. Ours is to create enough doubt in the minds of the jury that they can't commit to a decision.

DEANO STANDS UP SLOWLY, ALMOST AS IF HE'S IN A COURTROOM.

DEANO (CONT'D)

It's the prosecution's job to win. To prove without a doubt who the killer is. We just have to not lose, much simpler.

WILL

Won't the prosecution be attempting the same thing?

DEANO

I would hope so, otherwise, it won't be a fair fight.

WILL

I can't believe that everyone won't initially be convinced that Malphas did it...with his history and all.

DEANO

One has to believe.

WILL SITS SILENTLY, THEN LOOKS DOWN AT THE GROUND.

DEANO (CONT'D)

You?

WILL LOOKS UP AND NODS, YES.

WILL

(SOMBERLY)

What about you Deano?

DEANO

(SMILING)

Ha, I know he didn't do it.

BLACK

INT.

DIMLY LIT JAIL CELL, WHERE MALPHAS IS SITTING STILL LOOKING AT THE GROUND. AUDIENCE HEARS THE SOUND OF METAL KEYS BEING USED TO ENTER THE AREA JUST OUTSIDE THE CELL. THE DOOR OPENS WITH A CREAK, AND THE LIGHT COMES TO SHINE ON MALPHAS. HE SHADES HIS EYES AND SLOWLY LOOKS UP. THE GUARD COMES IN WITH A PLATE OF FOOD, SQUATS DOWN AND SLIDES IT THROUGH AN OPENING IN THE BOTTOM OF THE CELL DOOR.

GUARD

I honestly don't know why we're feeding you. You'll be dead in a couple of weeks...either way.

MALPHAS

(SMILING)

It confuses me too.

GUARD

You're nothing but a piece of shit, killing all of those women. You know what absolutely blows my mind?! I heard today there is a lawyer taking your case. What the hell is he thinking?

MALPHAS CONTINUES TO STARE AT THE GUARD

GUARD (CONT'D)

I guess lawyers don't always get a choice as to who they have to defend.

MALPHAS

Whom.

GUARD

What?

MALPHAS

Whom, you said who they have to defend; it's whom they have to defend.

THE GUARD PAUSES FOR A MOMENT, THEN TURNS TO LEAVE.

GUARD

Well, even a famous lawyer like this guy isn't going to prove your innocent no matter what he does. Everyone wants you to die.

MALPHAS

Not everyone. What's his name?

GUARD

Who?

MALPHAS

The lawyer?

GUARD

I think his name is Traviatti, or something like that.

MALPHAS SLOWLY STANDS UP AND MOVES TOWARD THE CELL DOOR. THE GUARD MOVES BACK A BIT, STARES AT MALPHAS. MALPHAS QUIETLY BEGINS TO SNICKER, WHICH TURNS INTO LAUGHTER, WHICH GETS LOUDER. THE GUARD SEEMS STARTLED AND RUSHES OUT THE DOOR, LOCKING IT BEHIND HIM. MALPHAS SETTLES DOWN AND SLOWLY TURNS TO FACE THE AUDIENCE AND SMILES.

BLACK

INT

MEETING ROOM IN THE COUNTY JAIL. THERE IS A LARGE OVAL TABLE SURROUNDED BY CHAIRS. AN OFFICER BRINGS MALPHAS IN HANDCUFFED AND WEARING ANKLE SHACKLES. MALPHAS IS SEATED IN A CHAIR, THE GUARD WALKS OVER AND WAITS BY THE DOOR. DEANO ENTERS THE ROOM, LOOKS AT THE GUARD, THEN AT MALPHAS AND SITS DOWN ACROSS THE TABLE.

DEANO
(TO THE GUARD)

Thank you, I will call for you when we are done.

GUARD
I was instructed to stay in the same room as him.

DEANO
I'm sure, however what we are going to discuss is not for you to hear. I will handle any concerns from your superior, just direct them my way.

THE GUARD THINKS FOR A SECOND AND THEN HEADS FOR THE DOOR.

GUARD
I will be right outside if you need me.
(HE LOOKS AT MALPHAS)
There's a good chance you will.

THE GUARD LEAVES, CLOSING THE DOOR BEHIND HIM. MALPHAS IS STARING AT DEANO.

DEANO
I'm Deano Traviatti, your defense attorney.

MALPHAS CONTINUES TO STUDY DEANO'S FACE.

DEANO (CONT'D)
Is there anything you want to ask me?

MALPHAS
I've seen you before, I don't know where.

DEANO

Well, I wasn't involved with your last trial, so maybe on the news.

MALPHAS

I have no long-term memory, so that's not it. It will come to me.

DEANO

As you probably know there isn't a lot of support for you nor me in this trial.

MALPHAS

I kill people, so they tell me. I don't remember any of them, I guess that's good. Seems to me this is all just a waste of time. I get convicted, if I am guilty, and go right back to my jail cell as if nothing happened. You, however, have to wrestle with the idea of doing something that no one in the world wants to do, or see being done. It should be interesting, if just for the entertainment value.

DEANO

You have no desire to be free?

MALPHAS

I am free. Free of any horrors that would keep a sane man up all night. The recent events bother me a bit. Some of those will become clearer in time, some won't. You are the one that's trapped. You'll remember the next couple of weeks forever.

DEANO LOOKS AT MALPHAS, SLIDES HIS CHAIR BACK SLOWLY AND CALLS FOR THE GUARD TO COME IN. THE GUARD ENTERS THE ROOM.

GUARD

Yes sir.

DEANO

He can go, we're done for now.

GUARD

Already?

DEANO

Your prisoner seems to have it all figured out, or most of it anyway.

(DEANO LOOKS DOWN AT MALPHAS)

It will all come in time.

BLACK

INT.

COURTROOM, COMPLETELY FILLED TO CAPACITY. THERE IS A RUMBLE OF CONVERSATIONS AND A TENSE FEELING IN THE AIR. THE PROSECUTION'S TABLE IS UP FRONT ON THE RIGHT SIDE OF THE ROOM. STEPHANIE AND JANET ARE SEATED THERE TALKING. THE DEFENSE TABLE IS ON THE LEFT SIDE WITH WILL SITTING QUIETLY, LOOKING A BIT OUT OF SORTS. THE ENTRY DOUBLE DOORS OPEN AND DEANO WALKS IN WITH A BRIEFCASE. THE ROOM QUIETS DOWN AS HE LOOKS AROUND THE ROOM, AND HEADS DOWN TO THE FRONT. HE STOPS HALFWAY AND SHAKES A PERSON'S HAND. HE LOOKS TO BE VERY COMFORTABLE. HE CONTINUES DOWN TO THE TABLE AND SITS NEXT TO WILL.

WILL

I was worried you were going to be late.

DEANO

So was everyone else.

DEANO TURNS TO THE PROSECUTION AND NODS TO STEPHANIE, SHE NODS BACK. TWO POLICE OFFICERS ENTER FROM A SIDE DOOR WITH MALPHAS IN AN ORANGE JUMPSUIT AND HANDCUFFS. MALPHAS IS SEATED DOWN IN A SMALL SECURED AREA AND HIS HANDCUFFS ARE SECURED TO THE FIXTURE. THE OFFICERS REMAIN STANDING ON EITHER SIDE OF HIM. THE JUDGE ENTERS FROM BEHIND THE BENCH, LOOKS AROUND THE ROOM AND THEN SITS DOWN. JUST AS SHE SITS MALPHAS SCREAMS LOUDLY AND BEGINS TRYING TO FREE HIMSELF, KNOCKING ONE OF THE OFFICERS TO THE WALL. IMMEDIATELY THE BAILIFF RUNS OVER AND TRIES TO TACKLE MALPHAS, UPENDING THE CHAIR. THE COURT GASPS AND THE JUDGE RISES AND PREPARES TO EXIT, THE OFFICERS SUBDUE MALPHAS AND STRAP HIS MANACLES TO THE RAILING FORCING HIM TO SIT MOTIONLESS IN THE CHAIR. THE JUDGE SEEMS TO SETTLE HERSELF AND AGAIN SLOWLY SITS DOWN, LOOKING OVER AT MALPHAS SEVERAL TIMES.

JUDGE

(HITTING HER GAVEL)

This courtroom is now in session, Case #67999, the murder of Sarah Tucker. Under the jurisdiction of Jefferson County and the State of Colorado. Is the prosecution prepared to move forward?

STEPHANIE

Yes, your Honor.

JUDGE

Is the defense prepared to move forward?

DEANO

Yes, your Honor.

THE JUDGE CONTINUES TO LOOK AT DEANO SILENTLY.

DEANO (CONT'D)

Yes, your Honor we are prepared to move forward.

JUDGE

Excellent. Simon Malphas you are being charged with murder in the first degree. How does the defendant plead?

DEANO

Simon Malphas pleads innocent of all charges.

LOOKING OVER AT THE DEFENDANT.

JUDGE

Mr. Malphas is that correct, you are pleading innocent?

MALPHAS SITS MOTIONLESS, STARING AT THE JUDGE. AFTER A SHORT TIME, THE JUDGE ADDRESSES HIM AGAIN.

JUDGE (CONT'D)

Mr. Malphas, this is very important. Do you plead innocent of the charges brought against you in this courtroom?

MALPHAS CONTINUES TO STARE BACK, THEN TURNS HIS HEAD TOWARDS DEANO AND MAKES A HEAD NOD TOWARDS HIM. TURNING HIS HEAD BACK TO THE JUDGE, MALPHAS SLOWLY NODS IN AGREEMENT.

JUDGE (CONT'D)

Very well, let it be recorded that the defendant pleads innocent of murder in the first degree. I will add, Mr. Malphas, that any further outbursts will not be tolerated and will be addressed via extreme measures.

THE JUDGE WRITES DOWN A FEW NOTES AND THEN ADDRESSES THE ROOM.

JUDGE (CONT'D)

I feel it necessary to ensure that everyone is on the same page going forward. This is not a retrial; this is not a second opportunity to achieve a desired outcome. (PAUSE) The defendant is on trial for the murder of Sarah Tucker on the morning of September 9th.

References to any previous legal event will be stricken and if continued will be fined to the highest level of contempt. Are there any questions?

BOTH STEPHANIE AND DEANO REMAIN SILENT.

JUDGE (CONT'D)

I move that the prosecution delivers their opening statement.

STEPHANIE STANDS UP AND ADDRESSES THE JURY AND THE ROOM.

STEPHANIE

Your Honor, members of the jury and to all that will be following this trial, I also feel it necessary to align on what we are here to do.

The presentation of facts, events and the development of all testimony should result in a clear understanding of what happened the morning Sarah Tucker was murdered. Obviously, we can't all just erase any preconceived beliefs and start from scratch; but then I don't see that as an issue. Primarily due to the testimony, and the evidence presented from the crime scene are so compelling, frightening, this room will accept no other verdict than guilty. (PAUSE) In some ways, after you hear the story unfold, you also will feel that the term "guilty" isn't sufficient in describing the horrifying events of that morning. Simon Malphas isn't a killer, that term is far too amiable for his desire to take a life.

(MORE)

STEPHANIE (CONT'D)

I can assure all of us, at sometime during these proceedings some of you will want to look down, stop listening, ignore the gruesome facts that bring us here, but you can't. It will be obvious this monster needs to be removed from society, forever. So, I ask you to listen and understand the strength you have in your final verdict. Some things are just that obvious.

STEPHANIE SLOWLY WALKS OVER AND SITS DOWN NEXT TO JANET. THE JUDGE LOOKS OVER TO DEANO.

JUDGE

Will the defense please deliver their opening statement.

DEANO LOOKS OVER AT MALPHAS FOR A SECOND, AND THEN STANDS UP AND APPROACHES THE JURY.

DEANO

Obvious. We all just heard that phrase multiple times in reference to why we are here. Obvious- "Easily seen though due to a lack of subtly." I honestly believe the prosecution shouldn't be throwing the term "obvious" around as they are confused themselves as to why we are here. This trial has a simple purpose, and it is not to sit and hear horrific depictions of the events that lead to the death of Sarah Tucker. We know and feel the sadness of her being killed. Nothing we can do in this room can change the loss. In this courtroom there are pictures, notes from the crime scene to name a few, nothing to show there is sufficient evidence to prove that my client, Simon Malphas, was the one who took her life. It's not obvious! There are no witnesses, no murder weapon, no confession...and no previous convictions that would lead us all to an "obvious" decision.

DEANO LOOKS OVER AT MALPHAS, AND THEN SLOWLY TURNS TO THE JURY.

DEANO (CONT'D)

I leave with you the task, and responsibility, to listen and carefully study what is about to be placed in front of you by the prosecution. I promise you; the story of that early morning is not what you are expecting to hear.

BLACK

INT

COURTROOM, TRIAL IN SESSION. STEPHANIE IS SEATED AT THE PROSECUTION TABLE; SHE STANDS AND ADDRESSES THE JUDGE.

JANET

Your Honor, the prosecution would like to call Officer Alberto Sanchez from the Denver Police force.

JUDGE

The court calls Officer Sanchez to the stand.

OFFICER SANCHEZ IS SEATED IN THE FIRST ROW, HE STANDS UP AND APPROACHES THE WITNESS STAND. HE STEPS INTO THE AREA AND IS SWORN IN BY THE BAILIFF.

BAILIFF

Please state your name.

SANCHEZ

Alberto Sanchez.

BAILIFF

Please state your occupation.

SANCHEZ

I am a street patrol officer with the Denver Metro Police.

BAILIFF

Officer Sanchez do you swear to tell the truth to all of the questions posed to you today?

SANCHEZ

Yes sir, I do.

BAILIFF

Please be seated.

SANCHEZ SITS DOWN AND JANET APPROACHES THE BENCH.

JANET

Thank you, Officer Sanchez, for making the time to speak with us today. How long have you been a police officer here in Denver?

SANCHEZ

I have been on the Metro force for 12 years.

JANET

Prior to this role?

SANCHEZ

Prior to relocating my family to the Denver area, I was assigned to foot patrol in Queens, N.Y. for 3 years.

JANET

Thank you. On September 9th of this year were you on patrol?

SANCHEZ

Yes, I was on patrol during the swing shift.

JANET

What are the usual hours during that shift?

SANCHEZ

I arrived at the station around 10pm, attended a briefing shortly after and was on the streets by 11:30 pm. That shift usually wraps up around 8am the following morning.

JANET

Please walk us all through the significant events of that evening as best you can recall.

SANCHEZ

The night started off rather quiet, as usual. Around 4am I was dispatched to a disturbance complaint on the west side of the city.

JANET

Do you remember what was told to you about the disturbance call?

SANCHEZ

The dispatcher told me that there was a call from someone that heard a lady screaming, and a lot of noise coming from the apartment upstairs from her. She seemed more worried about the lady than upset from the noise.

JANET

Is that what was said to you.

SANCHEZ

Pretty much, something to that extent. So, we immediately headed over to the address with lights.

JANET

Please tell the jury what you found when you arrived at the apartment.

SANCHEZ

Well, there didn't seem to be any issues visible outside. It was dark and quiet. We approached the building and a lady came out of the ground floor apartment in a robe and pointed up the stairs.

JANET

Did she say anything to you?

SANCHEZ

No, she just pointed. However, you could tell she was really scared.

JANET NODS.

SANCHEZ

We used our flashlights to see up the stairwell, as there were no lights on, and proceeded up to the apartment.

JANET

Were there numerous units upstairs?

SANCHEZ

No, just the one. When we got to the door my partner stood to the side and I used my flashlight to knock loudly on the door, announcing we were the police and we wanted the door opened. There was no response, and we couldn't hear any movement or voices from inside.

SANCHEZ PAUSES FOR A MOMENT TO CATCH HIS THOUGHTS.

SANCHEZ (CONT'D)

I nodded to my partner, he then swung around to face the door and using his right foot kicked the middle of the door...which flew open immediately.

JANET

What did you and your partner see inside?

SANCHEZ

Nothing. Nothing, it was dark and silent, (*SOFT SPOKEN*) really silent.

JANET GIVES A CONFUSED LOOK TO THE WITNESS.

SANCHEZ (CONT'D)

When an officer has to kick open a door it makes a lot of noise and commonly startles anyone inside. One almost always hears something, a scream, another door closing...something. We are trained to be extremely cautious when it is that quiet because sometimes a person is waiting for us to enter the room.

JANET LOOKS INTENTLY AT SANCHEZ, ALLOWING HIM TO COLLECT HIS THOUGHTS AND SOME COMPOSURE.

SANCHEZ (CONT'D)

We shined our lights into the dark room and viewed the interior as best we could. Then we stepped into the room, each of us using the flashlights to search both sides of the apartment.

JANET

Describe to us what you saw.

SANCHEZ

(PAUSING)

It was destroyed, like...a hurricane had come through. The walls had been hit hard numerous times with something.

(PAUSING)

Blood, everywhere. On the walls, the furniture and the floor. I then turned to the east side of the room and saw a leg sticking out from behind the sofa. I motioned to my partner, he walked over slowly. as he approached the sofa he pointed his flashlight behind the sofa, he immediately spun around and put his hands on his knees and his head down.

JANET

(IN A CALM MANNER)

Did he say anything?

SANCHEZ

Yes.

(PAUSE)

He said, "it's turned the wrong way!" I responded "what?" and he slowly turned to me and calmly said..." the leg, it's turned the wrong way" I then slowly walked over and viewed the body. She was naked, and both of her legs looked as though they had been twisted like you would to remove a light bulb. In some way they didn't even look as though they were attached anymore.

THERE IS A GASP THROUGHOUT THE COURTROOM, AND THEN IT FALLS SILENT.

SANCHEZ (CONT'D)

It was obvious she was deceased. We continued to search the rest of the apartment. The bathroom had blood smeared all over the walls, mirror and shower curtain. My partner continued into the bedroom, which was also demolished. The bed was flipped up against the window.

(MORE)

SANCHEZ (CONT'D)

It almost seemed that it might be blocking the window exit, to the fire escape, but it was hard to tell as the room had no sense of order. As he exited the room and walked past me in the bathroom, he stopped suddenly and shined his flashlight at the bottom left corner of the shower curtain. He seemed to freeze in his steps and said nothing. I looked over to what he was focused on...there was a hand just under the plastic curtain, motionless. I looked back at him as he moved his eyes to me. He pointed his pistol at the hand as I slowly walked toward the shower. I used the back of my light to slide the curtain open a bit. I saw a man, either dead or unconscious, lying face up in the shower. I knew the face from recent report photos.

JANET

Who was it?

SANCHEZ
(PAUSE)

Simon Malpas. His hands and arms were covered in blood, and his clothes were torn in several places. I looked at my partner. I'm sure he could see the fear in my face, I motioned to exit the apartment. We walked out and down the stairs quickly. I instructed him to stay at the bottom of the stairs as I radioed for backup and a crime scene team.

THE COURTROOM IS SILENT, AS JANET PAUSES, AND THEN ADDRESSES THE JUDGE.

JANET

Your Honor, that is all for now.

JANET SLOWLY WALKS BACK TO THE TABLE, AND SANCHEZ CLEARLY LOOKS DISTURBED.

JUDGE
(A LITTLE SHAKEN UP)

Officer Sanchez, are you needing a few moments to collect your thoughts?

SANCHEZ

No thank you your Honor, it wouldn't help. I will never forget what I saw.

JUDGE

(*SHORT PAUSE*)

All right. Does the defense wish to approach the witness?

DEANO

Yes, your Honor.

DEANO SLOWLY STANDS UP AND WALKS TOWARD SANCHEZ

DEANO (CONT'D)

Officer Sanchez, it takes tremendous strength and character to be a law enforcement officer. To relive the story, you just shared takes so much more than that. There are so many in this courtroom that would never be able to remove the images you painted for us, as they are so gruesome.

DEANO TAKES A MOMENT AND SLOWLY WALKS OVER TO THE JURY BOX. HE BEGINS TO ADDRESS THE JURY AND SLOWLY TURNS AS HE ADDRESSES THE ENTIRE ROOM.

DEANO (CONT'D)

In my opening statement I shared the biggest challenge we have in this case. It's not discovering who is responsible for the unthinkable murder of Sarah Tucker, it's the ability of all of us,

(*LOOKS AT STEPHANIE QUICKLY*)

to only be collecting the facts that are shared with us. Not the horror. We all just heard from Officer Sanchez how traumatic the experience was being the first on the crime scene. That's a fact, remember that! We learned that my client was also found there, that's a fact...remember that! As long as we don't fill the gaps in with prejudice, emotions and presumptions we will end up with the correct and accurate result.

DEANO WALKS OVER TO SANCHEZ.

DEANO (CONT'D)

Officer Sanchez, once again I want to thank you for sharing your facts with us today.

SANCHEZ NODS

.

DEANO

Do you mind if I go back through the events of that evening and dive in a bit more to help us all understand a bit better?

SANCHEZ

That's why I'm here.

DEANO

Perfect. You mentioned that there was a "briefing" prior to you going out on patrol. What exactly was covered in that briefing?

SANCHEZ

They're all pretty much the same; what is happening out on the street, what to look out for and just items that affect us as law enforcement.

DEANO

That makes sense. Was Simon Malphas discussed during that briefing?

SANCHEZ

Yes. Why?

DEANO LEANS INTO THE WITNESS

DEANO

You said the topics discussed were what is happening out on the street...is Simon an issue out on the street?

SANCHEZ

(PAUSE)

No.

DEANO

Is my client something to look out for?

SANCHEZ

Not really.

DEANO

Does he have a direct effect on law enforcement?

SANCHEZ

Not currently.

DEANO

But could be?

SANCHEZ

Well, yes.

DEANO

Why would Simon Malphas have any more of an effect on law enforcement than any other person living on the west side?

SANCHEZ

I didn't say he specifically had an effect.

DEANO

But could be...right?

SANCHEZ

Yes.

DEANO

Officer Sanchez we all know you're not on trial; you are here to share what you saw on that shift. Not what you felt. That's clear, correct?

SANCHEZ

Yes.

DEANO

When you saw my client in the bathtub, unconscious, what was the first thing that came to mind?

SANCHEZ DOES NOT RESPOND.

DEANO (CONT'D)

You thought "oh my God, he did it again" ...didn't you?

STEPHANIE

Your Honor, the defense is leading the witness.

DEANO

Your Honor, if the witness fails to answer a question, we all would assume he is hiding something. How are we to get an answer unless I assume the response?

JUDGE

Officer Sanchez, please answer the question.

SANCHEZ

(PAUSE) Yes, that's what I thought.

DEANO

Thank you for your honesty, once again, Officer Sanchez. Are you aware of what you just did?

SANCHEZ LOOKS AT DEANO.

DEANO (CONT'D)

You transformed an assumption, into a fact. When I assumed what you had thought that moment, I was guessing. But now that you confirmed my guess it becomes a fact, a piece of evidence that we can all remember and refer back to as the truth.

SANCHEZ

I think anyone knowing the circumstances would think the same.

DEANO

Thinking what people would or would not think is not what we're here for. One more question if you don't mind.

SANCHEZ NODS.

DEANO (CONT'D)

In your extensive training in preparation for being a law enforcement officer, what is the standard process when you are the first one to a crime scene?

SANCHEZ

We are expected to survey the scene, ensure that no one is in immediate danger.

DEANO

And if anyone is in need of medical assistance, or threatening the safety of others?

SANCHEZ

In most cases, determine the level of medical help needed and restrain any persons who might cause harm until backup support arrives.

DEANO

Perfect. When you found my client in the bathtub did you ascertain if he was alive?

SANCHEZ

No.

DEANO

Was it fear of him?

STEPHANIE
(STANDS)

I object, the defense is directing the witness away from stating facts.

JUDGE

I disagree. I think it's an outstanding question. You may continue.

SANCHEZ SITS SILENTLY.

DEANO

Why would you fear the other victim of a crime? Maybe you could save his life and learned what had happened to those two poor souls that evening.

SANCHEZ

I didn't see him as a victim.

DEANO

This jury should stand up and applaud Officer Sanchez's honesty, commitment to finding the truth and his ability to show us all what my client is up against. Legacy thinking, around being responsible of crimes he should not have been convicted of. How are we as a team going to put a past behind us that does not concern this trial, and if truth be told should never have even happened? I have no further questions at this time Officer Sanchez, I again thank you for being factual and honest with us.

JUDGE

Does the prosecution have any follow up questions for Officer Sanchez?

STEPHANIE SITS QUIETLY FOR A MOMENT, LOOKS AT SANCHEZ AND ANSWERS

STEPHANIE

Yes, your Honor, I do.

STEPHANIE STANDS AND WALKS CLOSE TO WITNESS, ALMOST TO GIVE SOME COMFORT.

STEPHANIE (CONT'D)

Officer Sanchez, I only have one question. In your experience, being the first on a crime scene, and having to assess the safety and potential risk at hand....do you feel one has to link assumptions together based on what they are witnessing to get a direction as to how it should be handled?

SANCHEZ

(SMALL SMILE)

Yes.

DEANO STANDS UP.

DEANO

Your Honor, may I interject?

JUDGE

Mr. Traviatti, the prosecution is asking the questions now.

DEANO

Your Honor, the prosecution stated they only had one question to ask...and that happened. My inquiry is a follow up to that question.

THE JUDGE LOOKS AT STEPHANIE.

STEPHANIE

Your Honor, we are finished...this brave officer has gone through enough.

STEPHANIE WALKS BACK TO THE TABLE. DEANO LOOKS UP, WIDE- EYED, TO THE JUDGE AS IF TO ASK IF HE CAN APPROACH THE WITNESS.

JUDGE

The defense can approach the witness, however, make it brief.

DEANO

(EXCITED)

Thank you, your Honor.

DEANO WALKS UP TO THE WITNESS

DEANO (CONT'D)

Officer Sanchez, we have spent some time today drawing a line between facts. And behaviors not based on facts which are ...fiction. You shared with us the process of collecting assumptions as data to create a hypothesis.

SANCHEZ NODS HIS HEAD.

DEANO (CONT'D)

Is it standard protocol to inspect the well-being of all injured persons on a crime scene, as soon as possible?

SANCHEZ

Yes.

DEANO

Tell us why you didn't check the status of my client?

SANCHEZ
Seeing him lying there kind of caught me off guard.

DEANO
To your knowledge, has a murder weapon been found?

No. SANCHEZ

DEANO
Have any witnesses come forth as to what happened that morning prior to you and your partner arriving?

SANCHEZ
(PAUSE)

No.

DEANO
Nor did you question the female that made the initial call to 911.

SANCHEZ
How did you know that?

DEANO
(PAUSE)
You would have mentioned it if you had.

STEPHANIE LOOKS AT THE JUDGE

DEANO (CONT'D)
It is pretty clear to see that the process you described "linking assumptions together" is greatly flawed. However, the bigger question is, why is my client in jail? That's all we have your Honor.

BLACK

INT.

COURT IS IN SESSION, DEANO IS AT THE DEFENSE TABLE WITH WILL. THE COURT OFFICER DELIVERS THE MORNING PAPERWORK TO THE TABLE, THEN DOES THE SAME AT THE PROSECUTION'S TABLE. DEANO LOOKS DOWN AT THE DOCUMENTS, LOOKS UP AT WILL WHO SMILES. WILL THEN REACHES OVER AND TAKES THE MORNING DOCUMENTS AND SLIDES THEM OVER TO HIS SIDE OF THE TABLE. DEANO GETS UP AND COMES AROUND TO THE FRONT OF THE TABLE FACING WILL.

WILL
(TO DEANO)

You good?

DEANO
Yes, today we will be victorious.

WILL
You believe that, or are you pretending?

DEANO
Funny. One can become very famous for pretending. It's an art. The person pretending to be Superman in a movie looks the part, delivers all of the right lines and even gets the girl.

WILL
So, you're pretending.

DEANO
The shortfall for that actor is at the end of the day he still can't fly.

DEANO LOOKS UP TO SEE STEPHANIE ENTER THE COURTROOM AND WALK DOWN TO THE PROSECUTION'S TABLE. AFTER A SHORT TALK WITH JANET SHE TURNS TO THE JUDGE.

STEPHANIE
Your Honor, if the court has no objection, I suggest we continue with the next witness per our daily documents, Thomas Carr.

JUDGE NODS.

BAILIFF
The court asks Thomas Carr to approach the bench.

A MAN OF MEDIUM BUILD, GLASSES AND DISHEVELED HAIR STANDS UP AND WALKS TO THE FRONT OF THE COURT. THE BAILIFF SWEARS HIM IN AND DIRECTS HIM TO SIT IN THE WITNESS STAND.

JUDGE

Is the defense ready to question the witness?

DEANO

Your Honor we are prepared, however, we choose to follow the prosecution.

JUDGE

(TO STEPHANIE)

Does the prosecution have any objection?

STEPHANIE

No, we are ready.

STEPHANIE APPROACHES THE WITNESS.

STEPHANIE (CONT'D)

Mr. Carr can you share with the courtroom your role in the investigation around the death of Sarah Tucker?

CARR

I lead the Forensics Team for the Denver Metro Police, and was the primary investigator on the case of Ms. Tucker.

STEPHANIE

Thank you, and we appreciate your time and insight today.

STEPHANIE PAUSES.

STEPHANIE (CONT'D)

I believe you prepared a presentation concerning your team's methods and findings?

CARR

Yes.

CARR POINTS TO THE VIDEO SCREEN BEHIND HIM MOUNTED ON THE WALL. HE TURNS HIS CHAIR SOME SO HE CAN ALSO SEE THE SCREEN. HE PICKS UP A REMOTE AND BEGINS. THE FIRST DIAGRAM IS AN OVERVIEW OF THE LAYOUT OF THE CRIME SCENE.

CARR (CONT'D)

Here is the floor plan of the deceased's apartment. You can see the front entrance where the first on the scene had to force entry. The bathroom is on the right, kitchen straight ahead, and the bedroom to the left.

THE NEXT OVERLAY SLIDE SHOWS ADDITIONAL DATA.

CARR (CONT'D)

This next slide depicts where the body was found, partially obscured by the sofa; and in the bathroom where the officers found the defendant.

THE NEXT SLIDE SHOWS A SPIRAL PATTERN ENCOMPASSING THE APARTMENT.

CARR (CONT'D)

I thought this would help everyone understand how a crime scene search is commonly done.

STEPHANIE

This was the method you used?

CARR

Yes. You see a spiral that starts at the entry point to the scene and continues around the entire location ending at the victim's location. Using this method, it is difficult to miss any items that would be entered in as evidence.

It also allows the team to see movement via the evidence discovered. For example, if one was to find a credit card, and several feet away you find the wallet, finally finding a purse in another room one could theorize that movement was from the purse to wallet to credit card.

STEPHANIE

I see.

CARR

In many cases it's the only way to piece actions together within your investigation.

STEPHANIE

Mr. Carr can you provide an example from this crime scene?

CARR

I can. The purse belonging to the victim was found in the bathroom next to the bathtub. This would point to the item being carried there by the defendant as he was found close to its location.

DEANO STANDS UP.

DEANO

Your Honor, I object. His idea is based in a huge leap of faith.

JUDGE

Mr. Traviatti understand the witness is speaking in theories...currently, that is what we have to work with. You will have your chance to ask your questions.

DEANO SLOWLY SITS DOWN.

STEPHANIE

Please continue.

CARR

The next slide shows the location of each prominent item found that was entered into evidence.

STEPHANIE

Your Honor, I would like to present for the jury to view the evidence that Mr. Carr is referring to.

THE JUDGE NODS. THE BAILIFF AND ANOTHER OFFICER CARRY OVER A TABLE THAT HAS SEVERAL ITEMS ON IT, ALL CONTAINED IN SEPARATE CLEAR PLASTIC BAGS. THEY PLACE THE TABLE IN FRONT OF THE WITNESS STAND.

STEPHANIE (CONT'D)

(*LOOKING AT CARR*) Would you please present to the room where each of these items were found on your display?

CARR

(*LOOKING AT THE SCREEN*)

First the jade necklace was found approximately two feet from the victim. It is broken. There were minor cuts on the neck of the deceased matching the gage of the necklace.

STEPHANIE PICKS UP THE BAG CONTAINING THE NECKLACE AND BRINGS IT OVER TO THE JURY.

STEPHANIE

I imagine your team believe it was broken while Sarah was wearing it?

CARR

Yes, and the close proximity to the body would make me think she wasn't standing when it broke.

STEPHANIE

Why is that?

CARR

If it was grabbed and broken during a struggle while standing up then it would usually fall further from the body. If it was broken after the deceased was lying on the ground it would likely land next to the body.

STEPHANIE

Next item.

CARR

A kitchen knife was by the front door. There didn't seem to be any blood or sign of it being used. The puncture wounds on the victim were made by an instrument with a much wider blade.

STEPHANIE TAKES THE PLASTIC BAG CONTAINING THE KNIFE TO THE JURY TO BE INSPECTED.

STEPHANIE

Mr. Carr, if this was not the knife used to injure...perhaps kill...the victim, why was it there?

CARR

It's purely speculation, maybe it was in the victim's possession for defense but lost in the struggle.

STEPHANIE

Was there a knife found that matched the impact wounds on the victim?

CARR

(PAUSE)

No.

CARR (CONT'D)

The purse. As explained earlier, was found in the bathroom.

STEPHANIE

How close to the bathtub?

CARR

Right next to it.

STEPHANIE

And the contents of the purse?

CARR

Just a few items. A wallet with a \$50 bill, chap stick, a parking stub from a lot two blocks away, dated earlier that day; and a key ring with two keys on it, one being the front door of the apartment.

STEPHANIE

Nothing more at this time your honor.

STEPHANIE RETURNS TO THE PROSECUTION TABLE. DEANO SLOWLY STANDS UP, STRAIGHTENS HIS SUIT, LEANS OVER TO WILL AND PRIVATELY SPEAKS.

DEANO

(TO WILL)

Just so you know, I can fly.

WILL GIVES DEANO A PERPLEXING STARE. DEANO WALKS UP TO THE WITNESS STAND.

DEANO (CONT'D)

Mr. Carr, your experience and dedication to this investigation is commendable, we thank you.

DEANO WALKS OVER AND PAUSES IN FRONT OF THE PROSECUTION TABLE.

DEANO (CONT'D)

We have all had access to these pieces of the puzzle for over a week, your presentation of their location is very helpful.

DEANO (CONT'D)

(TO CARR) Mr. Carr, approximately how many murder crime scenes have you and your team investigated?

CARR

(SMALL SMILE)

I Would guess over 200.

DEANO

Was there anything you discovered from this particular crime scene that confused you? Something that you couldn't just figure out?

CARR

Mr. Traviatti, it's not my job to figure out what happened. My role is to collect, document and present what was found that may or may not be of value in court.

DEANO

Perfect. You described to all of us the method your team uses to recreate movement by the placement of artifacts.

CARR NODS.

DEANO (CONT'D)

You also used the example of the purse in the bathroom most likely was carried by the defendant.

CARR NODS.

DEANO (CONT'D)

Your Honor, I would like to submit some photographs that were taken at the crime scene, all have been entered into evidence.

JUDGE

Proceed.

DEANO WALKS OVER TO THE SIDE AND PICKS UP A PLASTIC BAG CONTAINING PHOTOGRAPHS. HE TAKES ONE OUT AND HANDS IT TO THE JUDGE TO VIEW AND THEN HANDS IT DOWN TO CARR.

DEANO

Mr. Carr can you share with the court what you see in this picture?

CARR

It is a photo of the victim's purse on the floor of the bathroom.

DEANO

I presume this picture was taken prior to anyone touching or lifting the purse?

CARR

Of course.

DEANO STARES AT CARR.

CARR (CONT'D)

Yes.

DEANO

Was there any blood found on the exterior of the purse?

CARR

Yes, there was a sizeable spot on the zipper side.

DEANO TAKES THE PHOTOGRAPH TO THE JURY FOR THEM TO SEE AND PASS AROUND.

DEANO

Remind me of how you pieced the story together that my client carried that purse into the bathroom?

CARR

The fact that the owner of the purse was found in the front room and, honestly, was in no way able to take it in there.

DEANO

Were there any fingerprints found on the purse's exterior?

CARR

The victim's and a smeared print that couldn't be matched to anyone of concern.

DEANO

I see. Moments ago, you said it wasn't your job to figure out what happened, just to accurately log the evidence found. Am I quoting you accurately?

CARR

(NODS, THEN PAUSES) Yes.

DEANO

You just stated that the smeared figure print couldn't be matched to "anyone of concern." Is it your job to figure out who might be a person of concern? It would seem that in your mind you do try to figure out the puzzle pieces, which you're not trained for.

(POINTING AT THE JURY)

Would the third juror from the right be a person of concern? Maybe the first responder on the scene, or perhaps I'm a person of concern?

DEANO PAUSES.

DEANO (CONT'D)

We have all had access to the items that were entered into evidence by you and your team. Did you find a driver's license in the victim's wallet?

CARR

No.

DEANO

Do you know why Mr. Carr?

CARR

No.

DEANO

(GLANCING OVER AT THE PROSECUTION TEAM)

You didn't find one due to the fact the victim didn't drive. Did anyone else know that? Hmmm. I would think that might make the parking stub a bit more interesting...don't you think?

STEPHANIE STANDS UP.

STEPHANIE

I object your Honor; the defense is badgering the witness.

DEANO

(QUICKLY BEFORE THE JUDGE CAN SPEAK)

Your Honor there is no reason for me to badger an expert witness. I am simply demanding that we as a courtroom receive the facts accurately that will allow a fair trial. The pink elephant in the room is the history of this case, and I guarantee I will not let this end up in a mistrial for my client and the City of Denver to have to live this event again.

JUDGE

(PAUSE) Are you finished with your questioning Mr. Traviatti?

DEANO

No, your Honor. Please repeat your description of the victim's purse after viewing the photograph.

CARR

Small leather purse, with two blood markings on the zipper side. one being the finger print of the victim.

DEANO

You also shared the perception that the defendant carried the purse into the bathroom.

CARR NODS. DEANO WALKS OVER TO THE BAG OF PHOTOS AND TAKES ONE OUT.

DEANO (CONT'D)
Mr. Carr please describe what you see in this photograph.

CARR LOOKS AT IT.

CARR
It is a picture of the defendant unconscious in the bathtub.

DEANO
Can you describe his left hand.

CARR
His left forearm and hand are hanging down the outside of the tub. There looks to be blood on his hand.

DEANO
Looks?

CARR
There was blood on both of his hands, I took the picture.

DEANO TAKES THE PICTURE AND WALKS IT OVER TO THE JURY TO VIEW.

DEANO
Would you say his hands had a sizeable amount of blood on them?

CARR
(PAUSE)

Yes.

DEANO
More than sizeable?

CARR
There was a lot of blood on both of his arms and hands.

DEANO WALKS OVER TO THE DEFENSE TABLE, PICKS UP THE PAPERWORK AND BRIEFCASE OFF OF IT AND HANDS IT TO WILL. HE THEN DRAGS THE TABLE TO THE FRONT OF JURY BOX.

JUDGE
(CURIOUSLY)

Mr. Traviatti?

DEANO

I'll be right with you, your Honor.

DEANO THEN WALKS OVER TO A WOMAN IN THE SECOND ROW OF THE COURTROOM. SHE HAS A SMALL PURSE ON HER LAP.

DEANO (CONT'D)

May I borrow your purse for just a moment?

THE WOMAN LOOKS SURPRISED AND APPREHENSIVE.

DEANO (CONT'D)

It will be fine, it's a pretty safe neighborhood.

A FEW CHUCKLES ARE HEARD. THE PURSE IS HANDED OVER TO DEANO AND HE WALKS QUICKLY DOWN TO THE JURY, AND STANDS IT UP IN THE MIDDLE OF THE TABLE.

DEANO (CONT'D)

(TO THE JUDGE)

Your Honor I request the help of Mr. Carr in a short experiment. May he leave the witness stand to help me?

JUDGE

This is highly unorthodox. Mr. Carr would you please assist the defense?

CARR GETS UP AND SLOWLY WALKS DOWN TO DEANO.

DEANO

Thank you. People of the jury what we are going to attempt here is a re-enactment of something that was professed to have occurred the evening of the murder. Mr. Carr is going to play the role of the defendant. Mr. Carr, how far was the bathroom from the location of the victim?

CARR

Around 35 feet.

DEANO PACES OFF 35 FEET ACROSS THE FRONT OF THE COURTROOM, HE IS NOW IN FRONT OF WILL.

DEANO

(LOUDLY)

Mr. Carr can you hear me?

CARR NODS.

DEANO (CONT'D)

Good. Keeping in mind both of your hands are covered in blood, would you please pick up the victim's purse and bring it over to me.

STEPHANIE STANDS UP.

STEPHANIE

Your Honor, the defense is making a mockery of this courtroom.

DEANO

I disagree, your Honor. None of you were there the night of the murder, so if in fact my client carried the victim's purse to the bathroom...we all want to see how that could be done without getting a substantial amount of blood on both sides of the purse. Seeing is believing.

JUDGE

Continue.

DEANO

(TO CARR)

Could you pick up the purse in a manner in which your blood covered hands don't come in contact with both sides of the purse, and bring it to me.

CARR CAUTIOUSLY ATTEMPTS TO PICK UP THE PURSE AND EACH TIME IT FALLS TO THE TABLE. AT ONE POINT HE HAS IT BALANCED WITH ONE HAND, BUT DROPS IT IN TWO STEPS.

JUDGE

Mr. Traviatti, how long do you envision this taking?

DEANO

I think the point has been made. Mr. Carr, thank you. You can go back to the witness stand.

WILL GETS UP AND DRAGS THE TABLE BACK TO WHERE IT NORMALLY IS AND PLACES EVERYTHING BACK ON IT IN A PILE. DEANO RETURNS THE PURSE TO THE OWNER. CARR ENTERS THE STAND AND SITS DOWN.

DEANO (CONT'D)
(TO THE COURTROOM)

I believe we all just saw an example of a perception of guilt and action so far off from what actually happened in Sarah Tucker's apartment, we have to ask ourselves how can this happen? We have evidence that was collected with the mind-set that the killer was out cold in the bathtub.

(TURNING TO CARR)

Earlier you stated that there were shoe prints in one section of the blood on the floor near the kitchen.

CARR

I didn't say it was near the kitchen. But, yes, there was one shoe print.

DEANO
Did my client have blood on either of his shoes?

CARR
No

DEANO
Was the shoe print the appropriate size for Sarah Tucker?

CARR
(PAUSE)
No

STEPHANIE STANDS UP

STEPHANIE
Your Honor Deano is acting with aggression towards a state's witness, it should not be tolerated.

JUDGE
Sustained. Will the "defense"
(ALTERED DUE TO THE DEANO REFERENCE)
restrain from using combative tactics toward the witness. He is not on trial.

DEANO
Your Honor, we are all on trial. One more question.

THE JUDGE NODS.

DEANO (CONT'D)

(TO CARR)

You stated that the knife was found by the front door.

CARR

Yes.

DEANO

That is incorrect. It was located in the bedroom by the window.

CARR

(POINTING TO THE SLIDE ON THE SCREEN)

As we can all clearly see it was located and logged just inside the front door.

DEANO

(STERN VOICE)

An "x" on your slide doesn't mean anything if it's incorrect. The knife was located in the bedroom. No more questions your Honor.

(TURNING TO THE PROSECUTION)

He's all yours.

DEANO WALKS BACK SLOWLY TO THE DEFENSE TABLE WHERE WILL IS SEATED. SILENCE HAS TAKEN OVER THE COURTROOM.

JUDGE

(HITTING THE GAVEL)

We will take a 30-minute recess.

BLACK

INT.

CONFERENCE ROOM LOCATED ADJACENT TO THE COURTROOM. STEPHANIE, JANET AND TWO OTHER ATTORNEYS ARE SITTING AROUND A MEETING TABLE.

STEPHANIE

Well?

JANET

What the fuck was that?

ATTORNEY 1

That was Adrian Traviatti, also known as Deano, in all of his glory.

JANET

Absolute circus show.

STEPHANIE

Get used to it. For him control comes first, losing is not an option comes in a close second.

JANET

He can't rattle this team.

STEPHANIE

(FRUSTRATED)

He already has. For Christ's sake I referred to him as Deano! In a court of law!

ATTORNEY 2

With what we have witnessed, do we alter our course?

STEPHANIE

We have to be ready for anything. He will continue to shake up the facts and change priorities until the jury isn't really sure what to look to as important.

ATTORNEY 1

At the end, I don't see the judge or jury letting a killer walk, that's not going to happen.

JANET

That may be, but the defense just destroyed any validity in the city's best forensic expert, and using Carr to personally show how the purse couldn't have been moved by Malpas. What was that?

STEPHANIE

Brilliance.

ATTORNEY 2

We have to admit that many of the challenges the defense presented were valid. It would seem that much of the investigation and data collection on the prosecution side was done within the belief that it was going to be an open and shut case.

STEPHANIE

Understand that his next expected move will never be obvious.

JANET

Why all the time spent on the purse, we don't even have a murder weapon.

ATTORNEY 1

I think that's the point, focus and challenge the small items to create a sense of vagueness and uncertainty, the jury will naturally equate that to more substantial pieces of the trial. If 6 of the jurors are feeling a sense of confusion...that's all you need.

STEPHANIE

In this trial the defense attorney has as much on the line as the defendant. Maybe, even more.

ATTORNEY 2

I know that he hates to lose, but Malphas is facing a gas chamber.

STEPHANIE

I'm not overlooking any of that. What I say is true. He'll do anything to win this case, anything.

(PAUSE)

Anything.

STEPHANIE (CONT'D)

Every witness, every fact has to support a conviction.

JANET

No gaps.

STEPHANIE

No assumptions going forward, we need to put a killer away.

INT. SEPARATE MEETING ROOM INSIDE THE COURTHOUSE. DEANO IS STANDING, WILL AND JIMMY ARE SEATED AT THE TABLE.

DEANO

Gentlemen? Thoughts?

JIMMIE

I have to tell you, if the jury is half as confused as I am we're headed in the right direction.

WILL

Was the purse's location that important?

JIMMIE

It's not the purse.

DEANO

If we challenge the findings, we disrupt the investigation. We disrupt the investigation; we provide doubt that Malphas is guilty.

JIMMIE

Malphas was guilty 10 days before this trial started. Nothing is going to change that. No one is expecting this team to win, they want an execution.

WILL

Can't wait until it's over.

JIMMIE

It's far from over kid, your partner has truly just begun.

THERE IS A KNOCK ON THE MEETING ROOM DOOR. THE BAILIFF OPENS THE DOOR.

BAILIFF

Court is reconvening in 10 minutes.

THE DOOR CLOSES.

JIMMIE

Well, can't wait to see what's next.

DEANO

Neither can I.

INT. COURTROOM. COURT IS IN SESSION; JUDGE ENTERS AND SITS AT THE BENCH. BOTH THE DEFENSE AND OFFENSE TEAMS EXIT THEIR MEETING ROOMS AND WALK TOWARD THEIR RESPECTIVE LOCATIONS.

JUDGE
(HITS HER GAVEL)

This courtroom is now in session. As requested by Mr. Carr, I call the inspector back to the witness stand.

CARR WALKS UP THE STAND, SLOWLY LOOKS OVER AT DEANO.

JUDGE (CONT'D)
Mr. Carr, what do you have to share with the room?

CARR
Your Honor, during the recess I reached out to the first responders from the night of the murder to verify the location of all articles entered into evidence. The list and locations of items found matched my presentation slide except the knife. Their notes state it was discovered in the bedroom, it's blade was slightly obscured by the bed.

JUDGE
Any other variations from your presentation earlier?

CARR
No your Honor, that is the only correction.

STEPHANIE
Your Honor I request your presence in chambers.

STEPHANIE DOESN'T WAIT FOR AN ANSWER AND BEGINS WALKING TO THE DOOR LEADING TO THE JUDGE'S CHAMBERS. DEANO AND THE JUDGE LOOK AT EACH OTHER, AND BEGIN TO FOLLOW STEPHANIE INTO THE ROOM. THE JUDGE AND DEANO ENTER THE ROOM, STEPHANIE ENTERS LAST AND SLAMS THE DOOR.

STEPHANIE (CONT'D)
(ANGRY)

Your Honor, how many more "secret" facts should I expect to learn from the defense!

JUDGE

Why do you see them as secret, Ms. Traviatti?

STEPHANIE

For Christ's sake, it would seem that no one else knew where the knife was found! This is not the first evidence that the defense knew prior to anyone else.

JUDGE

I don't see them as secret. Perhaps you should be asking your investigation team. It looks as though the defense did a much more thorough job.

STEPHANIE

(SARCASTIC)

Have you walked through the public defender's office recently?

JUDGE

You are out of line! We are done here. There will be a 10-minute recess and we will convene then.

JUDGE TALBOT LEAVES THE ROOM FOLLOWED BY DEANO AND FINALLY BY STEPHANIE.

BAILIFF

This court is in recess for 10 minutes.

BLACK - LIGHTS UP CARR IS AGAIN ON THE STAND.

JUDGE

Does the prosecution have any further questions for the witness?

STEPHANIE PAUSES.

STEPHANIE

Yes, your Honor.

(APPROACHING THE STAND)

Mr. Carr, I once again thank you for your time and insight this afternoon, and respect your dedication to being accurate. That is why we are here.

(MORE)

STEPHANIE (CONT'D)

Were the notes from the first on the scene investigators, which you just reached out to, ever submitted into evidence?

CARR

I'm not completely sure, I transposed most of their data to my presentation, however prior to that I can't commit to them being entered in evidence. They will be submitted today.

STEPHANIE

So, what you are saying is that anyone viewing the documents prior to today would have seen your notes as to where the knife was found?

CARR

It would seem that way, but again I'm not sure. My presentation won't be logged into the database until after it is presented, that being today.

STEPHANIE

So they could have been viewed by anyone involved with this trial.

CARR

It is possible, however unlikely.

STEPHANIE

That is all I have your Honor.

(PAUSE)

Wait, your Honor I have one last question.

(LOOKING DIRECTLY AT CARR)

Mr. Carr, was the way in which the victim was killed similar to the serial killings 4 years ago here in Denver?

DEANO

(STANDS UP)

I object!

STEPHANIE

The serial killings in 1972 are a fact, investigated and documented.

(TO JUDGE)

We can't keep revisiting what we can say of the past and what we can't. I made no reference other than that 7 women were killed in a violent manner.

DEANO
(TO STEPHANIE)

You made no mention of the violent manner?

CARR
(MOCKING DEANO)

Yes, Sarah Tucker was slaughtered in a very similar and violent manner.

THE COURTROOM IS SILENT, STEPHANIE SLOWLY LOOKS OVER AT MALPHAS AND THEN AT DEANO. SHE BEGINS TO WALK BACK TO HER TABLE, STOPS AND TURNS.

STEPHANIE
Your Honor, I Would request some clarity around today's testimonies. May we meet in your chambers?

JUDGE TALBOT, LOOKS TO DEANO AND THEN TO STEPHANIE.

JUDGE
As you request. Will the defense join us in chambers?

THE JUDGE STANDS UP AND WALKS TO HER CHAMBERS, FOLLOWED BY STEPHANIE AND DEANO. ALL THREE ENTER THE ROOM AND CLOSE THE DOOR.

JUDGE (CONT'D)
Ok how can I provide clarity Ms. Traviatti?

STEPHANIE
Here's my thought process; three years ago, 6 women were murdered here in Denver, as it stands now, they are all unsolved murders. Right?

JUDGE
I'm not sure the A.C.L.U. or the defense for that matter would agree with that.

STEPHANIE
I'm not here in chambers to get anyone to agree with me. The facts are 6 women were killed and no one was convicted of the crimes. They are unsolved.
(MORE)

STEPHANIE (CONT'D)

Historically in crimes that had no resolution, and additional crimes, especially murder, occur over time that contain specific and documented similarities, the court has always allowed those two events to be seen as possibly related. In fact, prosecutors review past cold cases when they are preparing for trial of a new case, it's common practice and solid use of collected data. So now that the method of murder is very similar to the past unsolved murders, why can't we stop walking on eggshells around the past?

DEANO

Maybe my client was not in Denver at the time of those murders three years ago?

STEPHANIE

(FLIPPANT)

How the fuck would he know, he can't remember last month?

JUDGE

The prosecution presents a valid question and challenge for this trial. I will consult with the state's legal team and share their decision when I receive it. Until then this trial is at recess.

JUDGE TALBOT STANDS AND WALKS TO THE DOOR, STOPS PRIOR TO OPENING IT AND TURNS TO STEPHANIE AND DEANO.

JUDGE (CONT'D)

This conversation is not to be shared with anyone, including your teams. If word of this proposed direction leaks out prior to the answer we are awaiting, I will personally hang you both out to dry.

THE JUDGE CONTINUES THROUGH THE DOOR LEAVING IT OPEN.

BLACK

INT.

MEETING ROOM OFF OF COURTHOUSE. SGT TRAVIS IS SITTING AT THE TABLE WAITING. STEPHANIE ENTERS THROUGH THE DOOR AT A QUICK PACE.

STEPHANIE

Hello Sgt, thanks for coming on such short notice.

SGT. TRAVIS

No issue.

SGT TRAVIS SITS DOWN, STEPHANIE REMAINS STANDING.

STEPHANIE

Great. We have about 20 minutes, and a lot to cover. I know you were the lead on the investigation and evidence collection for the case I'm currently prosecuting.

SGT. TRAVIS NODS.

STEPHANIE (CONT'D)

How long did your team's investigation take?

SGT. TRAVIS

Well, there are still a few aspects being looked at. However, we are 95% complete. The team spent about nine days in the field.

STEPHANIE

(FIRMLY)

Nine days, for one of the highest profile cases in the last decade? We spent nine days asking questions, documenting people and locations, scouring the city for evidence, interviewing businesses in the area, viewing video security footage?

SGT. TRAVIS

(INTERRUPTING)

What are you looking for?

STEPHANIE

Have you been following the first 7 days of this trial?

SGT. TRAVIS

I've heard it's a bit rough for your team.

STEPHANIE

Rough? You don't know what it's like to stand in front of a judge and jury feeling like you brought a knife to a gun fight!

SGT. TRAVIS

I don't see it that way. My team can't be held responsible for you getting slaughtered by the defense!

STEPHANIE

The City of Denver also doesn't need to be the laughing stock of the country because the initial investigation by your team was treated as if a conviction was a gimme. How many suspects were questioned and investigated? How many hours of surveillance footage was viewed from local businesses near the scene of the murder? Why wasn't a murder weapon found on the premises? After all the murderer was passed out in the bathroom,

(PAUSE)

or so you believed.

SGT. TRAVIS

There were no other suspects brought in for questioning, I can't believe you are surprised by that! As far as how deep the investigation was, capture the information from the crime scene, autopsy on the victim, and lock-up the bastard that was covered in blood and had a history of killing girls.

STEPHANIE

You have 48 hours to bring me the evidence that I need to convict a murderer! I don't care how big of a team you need, that's your problem.

(MORE)

STEPHANIE (CONT'D)

I am expecting your team to do it's fucking job, and come Monday it better be impressive. This is not a request, it's an order!

SGT. TRAVIS

I don't take orders from you.

STEPHANIE

That's the wrong response. When we convene the trial on Monday morning I expect to have a thorough report in my hand, with enough facts, pictures, and documented conversations that will allow my team to wrap up this sideshow that we got ourselves into 3 years ago.

SGT. TRAVIS

You're over exaggerating.

STEPHANIE

The defense atty knows more about the crime scene than you do. In fact, he knew more than your CSI guru that documented the bloody fucking mess. I look forward to your report, a lot is riding on it...more than anyone knows.

STEPHANIE WALKS OUT OF THE ROOM QUICKLY AND LEAVES THE DOOR OPEN.

BLACK

INT.

MEETING ROOM IN THE DISTRICT ATTY OFFICE. SGT. TRAVIS AND OFFICER BETTS ARE SEATED AT THE TABLE. STEPHANIE ENTERS THROUGH THE DOOR ALONE, PAUSES A MOMENT PRIOR TO SHUTTING IT. SHE ADDRESSES THE TWO MEN.

STEPHANIE

Good morning. What did you find?

SGT. TRAVIS

A few things, that quite frankly don't really add up to anything.

STEPHANIE

An example?

SGT. TRAVIS

The parking stub found in the victim's purse. It's not necessarily from the lot near the scene of the crime. The business that runs the lot also has several others around the metro area, and all of their receipts, stubs, have the same information. We ran an extensive background check on the victim, as we already knew she had been arrested several times, for pandering in the Lodo area over the past couple of years. We couldn't find any connection with the address, the accused, or any businesses in the area. Poor girl, wrong place, wrong time.

STEPHANIE

What was discovered that has value to this case?

OFFICER BETTS

We looked into several businesses near the crime scene, and viewed any CCTV recordings from the night of the killing. There is a bar called "The Bronze Ring."

WHEN THE NAME OF THE BAR IS MENTIONED, STEPHANIE SEEMS A LITTLE TAKEN ABACK, AND LOOKS AWAY FOR A SHORT MOMENT.

OFFICER BETTS (CONT'D)

It's two blocks from Sarah Tucker's apartment.

STEPHANIE

I'm aware of the place.

OFFICER BETTS REACHES OVER AND TURNS ON A SLIDE PROJECTOR THAT IS AIMED AT THE BLANK WALL AT THE END OF THE ROOM.

OFFICER BETTS

The bar has security cameras, probably because it's been robbed several times in the past couple of years. We viewed the footage from the day of the killing. Our crime lab team were able to make transparencies from the tape for our case.

OFFICER BETTS CLICKS THE REMOTE THAT IS WIRED TO THE PROJECTOR AND A BLACK AND WHITE IMAGE APPEARS ON THE WALL.

SGT. TRAVIS

As you can see, the clarity isn't what we had hoped for, but it allows us to make some identifications. The first slide is from the camera over the front door looking back at the left side of the bar. The bartender, behind the bar is Bobby Macdonald. He's been working there for almost 15 years.

STEPHANIE

He's scheduled to testify tomorrow.

SGT TRAVIS

Nice, you're ahead of the game.

STEPHANIE

(STEPHANIE LOOKS AT SGT. TRAVIS)

No, we're not!

STEPHANIE SLOWLY NODS HER HEAD AFTER SEEING THE SLIDE. OFFICER BETTS CLICKS TO THE NEXT IMAGE.

SGT. TRAVIS

This next image is just to the right of the first one, showing the customers seated at the center of the bar.

(MORE)

SGT. TRAVIS (CONT'D)

We have identified the third man from the left as Simon Malphas.

STEPHANIE

(SOFTLY AND SLOWLY)

Holy shit!!

SGT. TRAVIS

We knew from the toxicology report on Malphas that he had alcohol in his system. So, him being there is not a surprise.

STEPHANIE

That's not what I was referring to.

OFFICER BETTS CLICKS TO THE NEXT IMAGE.

OFFICER BETTS

Here's where it gets a little interesting. This image is five minutes later than the first one and as you can see it covers the left side of the bar. There is a new customer that is talking to Bobby over the bar. It is hard to make out any type of guess as to his identity due to the hat and overcoat.

OFFICER BETTS CLICKS TO THE NEXT SLIDE.

SGT. TRAVIS

One minute later, the customer shakes Bobby's hand and places his other hand on the bartender's shoulder leading us to believe they know each other.

OFFICER BETTS CLICKS TO THE NEXT SLIDE.

OFFICER BETTS

Two minutes later the customer is gone from the location, yet there is a \$50 bill on the bar. a pretty large tip for someone that didn't order a drink.

SGT. TRAVIS

It could be a payment on a bet. The bar has been known to take wagers. The customer may also be involved with some type of loan from the bar.

STEPHANIE REMAINS SILENT AS SHE STARES AT THE IMAGE ON THE WALL.

SGT TRAVIS

The next consistent slides go back to the middle of the bar and are in somewhat real time, around 30 seconds apart.

OFFICER BETTS BEGINS TO SHOW THE NEXT SEVEN SLIDES SLOWLY AS SGT. TRAVIS NARRATES THE SCENARIO.

SGT. TRAVIS

We see Bobby walking down to the busy part of the bar. As he passes Malphas he picks up his glass and refills it before setting it back down in front of him. This next slide shows the bartender continue down the bar taking another customer's glass, and then another. After refilling them he places both glasses back in front of the proper customers.

STEPHANIE IS SILENT, ALL ARE LOOKING AT THE IMAGE ON THE WALL.

SGT. TRAVIS (CONT'D)

(TO STEPHANIE)

Did you see what just happened?

STEPH SLOWLY NODS, NOT MOVING HER EYES FROM THE SLIDE.

STEPHANIE

How the glasses were handled.

STEPH LOOKS OVER AT SGT. TRAVIS WITH A CONCERNED STARE.

SGT. TRAVIS

Exactly, Malphas' from the top, with his hand over the glass. The others from the side.

OFFICER BETTS

As we all know Rohypnol was also found in Malphas' toxicology report.

THE ROOM IS SILENT AS THEY DIGEST THE INFORMATION, THEN OFFICER BETTS ANNOUNCES THE NEXT SLIDE.

OFFICER BETTS (CONT'D)

Here are two slides from another location showing the stairs that lead to the crime scene.

THE IMAGE APPEARS ON THE WALL WITH THE VICTIM STANDING ALONE AT THE BASE OF THE STAIRS.

STEPHANIE

Where are these CCTV cameras?

OFFICER BETTS

It is the front door exit camera at the bank across the street from the apartment complex.

STEPHANIE

Approximate time?

SGT. TRAVIS

8:15 PM

The second slide appears on the wall, showing Malphas at the base of the stairs with the victim.

SGT. TRAVIS (CONT'D)

8:35 PM

STEPHANIE

Show me all of the slides you have of that angle throughout the night.

THERE IS NO IMMEDIATE RESPONSE FROM EITHER OFFICER AS THEY LOOK AT STEPHANIE.

STEPHANIE (CONT'D)

Well?

SGT. TRAVIS

Anything past what you just saw, has been erased. They start again at the opening of the bank the next morning.

DEAD SILENCE FALLS OVER THE ROOM AS ALL THREE STARE AT EACH OTHER. THE DOOR SUDDENLY AND LOUDLY FLIES OPEN STARTLING BOTH THE THREE IN THE ROOM AND THE AUDIENCE. JANET ENTERS THE ROOM QUICKLY.

JANET

Sorry to interrupt, Stephanie we have to be in court in 10 minutes.

STEPHANIE SITS UP STRAIGHT

STEPHANIE

Thank you.

BLACK

INT.

MEETING ROOM IN THE COUNTY JAIL. DEANO IS SITTING AT THE TABLE WHEN AN OFFICER BRINGS IN MALPHAS, HANDCUFFED AND SHACKLES ON HIS ANKLES. HE IS SEATED ACROSS FROM DEANO. DEANO LOOKS UP AT THE OFFICER, AND THE OFFICER RESPONDS

OFFICER

(SARCASTIC)

I know, private fraternity secrets. I'll be outside.

THE OFFICER LEAVES AND CLOSES THE DOOR

MALPHAS

(SMALL SMILE)

Wow, you put on quite a show. I even believe I'm innocent.

DEANO

Are you innocent?

MALPHAS

Yes, but then who cares what I think. I kill people.

DEANO

What was the fucking wrestling match when you were brought in the first day?

MALPHAS

(BIGGER SMILE)

You like that? Sometimes a situation needs a little kick in the pants to get everyone's attention.

DEANO

You thought that was a good move?

MALPHAS

Yes, your welcome by the way. It fell perfectly into place with the smoke and mirrors you provided with some of the top witnesses. Almost like we planned it. However, I don't believe anyone could plan this shit show. I hear you know the D.A. really well.

DEANO NODS.

MALPHAS (CONT'D)

That has to be strange, or is it some kind of power play with both of you?

DEANO

It's nothing you need to worry about. So far, I see us making progress.

MALPHAS

Towards an innocent verdict, or a mistrial due to you confusing the fuck out of everyone?

DEANO

A mistrial won't benefit either of us. I never go for second place.

You know you'll be called to the stand?

MALPHAS

I assume so, however if the prosecution gets it's shit straight, puts all that they've seen and heard together, and I mean everything, they may never need my thoughts.

DEANO SITS SILENTLY AND LOOKS AT MALPHAS.

MALPHAS (CONT'D)

That knife thing was pretty snazzy, that came out of left field.

DEANO

If the CSI guy can't even document a crime scene...

MALPHAS

(INTERRUPTS DEANO)

It's insulting. In addition to him falling for your bait with the purse, Bravo.

DEANO

Low hanging fruit.

MALPHAS

To some. One might envision this as the perfect crime. How exciting, for you.

DEANO

Nothing's perfect, we have a long way to go. Start thinking of what you'll say on the stand. We'll go over it when the time comes.

MALPHAS

How does one coach an innocent man? Lying is much more difficult, you have to make up shit. I believe we're closer to that moment than you think. The demeanor of the gal asking questions.

DEANO

Stephanie, she's the District Attorney.

MALPHAS

Right. I believe she's beginning to look at things a little differently.

DEANO

How so?

MALPHAS

You can tell in her voice.

(PAUSE)

Everyone else has their heads in the sand...if they are truly listening...it's not what they expected. Instead of taking a step back and trying to learn why the nail won't go in the coffin, they are just reaching for a bigger hammer. Won't work.

DEANO GETS UP, PICKS UP HIS BRIEFCASE AND HEADS TO THE DOOR. HE KNOCKS ON IT, THE GUARD LETS HIM OUT. MALPHAS SLOWLY TURNS HIS HEAD TO FACE THE AUDIENCE, THEN SMILES.

BLACK

INT.

DISTRICT ATTY OFFICE STEPHANIE IS ON THE PHONE.

STEPHANIE

When a bank is under scrutiny from the feds, there are notes, records and documents filed.

(LISTENING TO ANSWER)

Great, I would like you to go back ten years if you can, any major litigation and what attorneys were involved. Ok, thanks. I'll wait to hear back from you. Right, goodbye.

THE OFFICE DOOR OPENS AND JANET CALLS OUT FROM THE HALL.

JANET

Let's get going, meeting room in 3 minutes.

STEPHANIE LEAVES HER OFFICE. LIGHTS COME UP IN THE MEETING ROOM. JANET IS SEATED.

JANET (CONT'D)

On the docket today we have Toxicology, Forensics and the bartender from the nightclub where Malphas was seen the night of the murder.

STEPHANIE ENTERS THE ROOM.

STEPHANIE

We have a bit of a challenge on our hands.

STEPHANIE PUTS HER FOLDER ON THE TABLE AND SITS DOWN.

STEPHANIE (CONT'D)

The first responder's report was not entered into evidence prior to yesterday, and that was done by Carr after his testimony.

JANET

So that means the location of the kitchen knife wasn't public knowledge.

ATTY 1

It isn't surprising that the defense has some inside resources. He's been around a long time and I'm sure has made numerous contacts.

JANET

Stephanie, that's not what you're concerned about.

STEPHANIE

Did he correct the witness to let us know that he had inside information, or was it just a ploy to devalue the witness?

ATTY 1

If it's the latter, how was he sure that the knife would come up in Carr's testimony?

JANET

Jesus Christ, it's a flippin' knife..in a murder trial..where the victim was stabbed.

STEPHANIE

It's actually a valid question. When you're as confident as Deano is, and the only reason he took this case is because he knew he could win. What he feels he is allowed to do and what is legal protocol becomes a very grey area.

ATTY 2

Do we call him out? It truly makes it an unfair fight.

JANET

(FIRMLY) It will never be a fair fight.

STEPHANIE

We know it's a factor, I'm going to let him run. He knows we've looked into it, and what we've found.
(MORE)

STEPHANIE (CONT'D)

If we don't approach it, his strategy won't change. That could lead us closer to a conviction.

JANET

I don't remember interviewing the bartender, who called him as a witness?

ATTY 1

The Defense.

JANET

Hmm!

LIGHTS DOWN LIGHTS UP

INT. COURTROOM

THERE IS A WITNESS ON THE STAND BEING QUESTIONED BY JANET.

DR. WESTON

The Toxicology findings indicated that the accused didn't have a high enough blood alcohol content to cause him to pass out.

JANET

Dr. Weston what other substances did you identify in his system?

DR. WESTON

We found a small amount of a commonly used opioid, which the defendant had a prescription for. The larger concern was the presence of Rohypnol, a powerful depressant that could have caused him to become unconscious.

JANET

Is this a narcotic that is easily obtained?

DR. WESTON

No, it doesn't fall under the "Recreational Substance" category, especially if you are already taking depressants.

JANET

Based on the defendant's weight and the fact he was drinking alcohol, how long after imbibing this Rohypnol would he most likely pass out?

DR. WESTON

That's hard to know, best guess would be probably around 30 minutes. However, there's no guarantee that it would make him pass out, it's just a strong possibility.

JANET STEPS BACK FROM THE WITNESS STAND.

JANET

Your Honor, that is all for now.

JUDGE

Is the defense prepared for questioning?

DEANO

The defense reserves the right to call Dr. Weston at a later time.

JUDGE

Very well, Dr. Weston you are free to go. Mr. Traviatti you may call your next witness.

DEANO

The defense would like to call Bobby Macdonald to the stand.

BOBBY MACDONALD WALKS DOWN TO THE STAND.

BAILIFF

Please place your hand on the Bible and state your name.

BOBBY MACDONALD

Bobby Macdonald.

BAILIFF

Do you swear to tell the truth, the whole truth so help you God?

BOBBY MACDONALD

I do.

THE BAILIFF DIRECTS BOBBY TO THE WITNESS STAND AND HE SITS.

DEANO

Can you please let the court know what you do for a living?

BOBBY MACDONALD

I am the managing bartender at The Bronze Ring, a bar located in the Lodo area of Denver.

DEANO

How long have you been employed by that establishment?

BOBBY MACDONALD

Seventeen years.

DEANO

You must like your job.

BOBBY MACDONALD

It's a good job, pays well and you end up making friends with the regulars.

DEANO

Mr. Macdonald, please take a good look at the defendant seated to your right.

BOBBY LOOKS OVER AND STARES AT MALPHAS.

DEANO (CONT'D)

Have you ever seen this person in The Bronze Ring?

BOBBY CONTINUES TO STARE AT MALPHAS WHILE ANSWERING.

BOBBY MACDONALD

Yes.

DEANO

Recently?

BOBBY MACDONALD

Yes, three weeks ago, September 9th.

BOBBY RETURNS HIS DIRECTION TO DEANO.

DEANO

How do you know it was the defendant?

BOBBY MACDONALD

If you own a TV in Denver, you know what Simon Malphas looks like. That's all that was on the news that week, his picture was everywhere.

DEANO

Did you serve my client?

BOBBY MACDONALD

Ya, that's my job. He had a couple of bourbon and waters.

DEANO

Did he have too much to drink that night?

BOBBY MACDONALD

No, just a few cocktails and then he left.

DEANO

Do you remember how he behaved that night?

BOBBY MACDONALD

Ya, he was a nice guy. I was kind of surprised, you know with all that has been said about him on the news.

DEANO

He seemed in good spirits?

STEPHANIE

I object, the defense is putting words in the witness' mouth.

JUDGE

Sustained. The defense may continue and refrain from embellishing the witness' answers.

DEANO

Do you remember anything he said that night?

BOBBY MACDONALD

He was in a really good mood, I figured it was probably a while since he was in a bar having a drink.

(MORE)

BOBBY MACDONALD (CONT'D)

He laughed with other customers; he was a pleasure to wait on. I sure didn't plan on coming here and seeing him over there like that.

DEANO

Thank you, Mr. Macdonald.

JUDGE

Does the prosecution wish to question the witness.

THERE IS A PAUSE IN STEPHANIE'S ANSWER, THEN A QUICK RESPONSE.

STEPHANIE

Yes, your Honor.

STEPHANIE APPROACHES THE WITNESS.

STEPHANIE (CONT'D)

I have only two questions for you Mr. Macdonald. When did you receive notice that you were being served to be a witness in this trial?

BOBBY MACDONALD

The beginning of last week, about ten days ago.

STEPHANIE

(STEPHANIE GLANCES OVER AT DEANO, THEN BACK TO MACDONALD)

Lastly Mr. Macdonald, you mentioned that as a bartender you have made friendships with some of the regulars.

BOBBY SEEMS TO TIGHTEN UP A BIT AND SITS UP STRAIGHT.

BOBBY MACDONALD

Yes.

STEPHANIE

As you look around this courtroom, do you recognize anyone of those regulars that you would consider a friend?

BOBBY MACDONALD

(QUICKLY)

No.

STEPHANIE STANDS MOTIONLESS AND CONTINUES TO LOOK AT BOBBY.

STEPHANIE

I lied; I have one more question. Did you receive a \$50 tip that evening?

BOBBY MACDONALD

I don't remember, it was busy and I usually get tipped well.

STEPHANIE

From someone that didn't even order a drink?

BOBBY MACDONALD

(VERY ANXIOUS)

I don't remember.

STEPHANIE

That's all your Honor.

JUDGE

You are free to go Mr. Macdonald.

BOBBY GETS DOWN FROM THE STAND AND GRABS HIS COAT ON THE WAY TO THE EXIT DOOR AT THE BACK OF THE ROOM. AS HE EXITS THE DOOR A MEMBER OF THE PROSECUTING TEAM WALKS IN WITH A BROWN ENVELOPE. SHE WALKS DOWN AND HANDS IT TO STEPHANIE AND THEY HAVE A QUIET CONVERSATION. STEPHANIE OPENS UP THE ENVELOPE AND SLIDES OUT THE DOCUMENT. SHE READS IT, LOOKS UP, LOOKS DOWN.

BLACK

INT.

FIRST NATIONAL BANK OF COLORADO.

STEPHANIE IS WALKING WITH A BANK EMPLOYEE DOWN A HALLWAY; HEADED TO THE PRESIDENT'S OFFICE.

INT. OFFICE OF RICHARD MACINTOSH.

THE EMPLOYEE KNOCKS ONCE AND OPENS THE OFFICE DOOR. RICHARD IS SEATED BEHIND HIS DESK IN A SUIT.

EMPLOYEE

Mr. Macintosh, District Attorney Traviatti is here to see you.

STEPHANIE STEPS FORWARD TO BE SEEN BY MACINTOSH.

MACINTOSH

Yes, I was expecting her.

(LOOKING AT STEPHANIE)

Please come in.

STEPHANIE ENTERS THE ROOM AND WALKS TO THE DESK AS MACINTOSH STANDS UP TO SHAKE HER HAND.

MACINTOSH (CONT'D)

Hello and welcome to First National.

(NODDING TO THE EMPLOYEE TO LEAVE THEM ALONE).

STEPHANIE

Thank you for making some time for me.

MACINTOSH

Don't mention it, please sit down.

STEPHANIE SITS IN A CHAIR FACING THE DESK.

MACINTOSH (CONT'D)

What brings you in, I assume you don't want to open an account?

STEPHANIE

(SMILING)

No, I don't. There is something I believe you can help me with.

MACINTOSH NODS.

STEPHANIE (CONT'D)

Your surveillance camera that faces out the front door of the bank might have some information relative to the case I'm currently involved with.

MACINTOSH

That is quite the case. I can't imagine having to be involved with something like that. Denver loves to be in the limelight, but not like this.

STEPHANIE

It is a challenge to say the least. My team is doing all they can with what they have.

MACINTOSH

I imagine so. I spoke with a Sgt. Travis late last week about that footage. It seems that specific camera failed to record the evening he was requesting. Sometimes we have technical issues with our systems.

STEPHANIE

Yes, he let me know that the recording stopped early the night in question (*PAUSE*) and then miraculously started working around the time the bank opened the next morning.

MACINTOSH
(*SMILING*)

I wouldn't say it was a miracle; those are rare these days. The camera was restarted prior to opening, as the security team reviews all processes and rectifies any issues that may have occurred overnight.

STEPHANIE

So, the camera was turned off during the evening?

MACINTOSH

When the system fails it tries to restart itself, it was unable to execute that procedure. That is why we have to review our safety equipment daily. It's a common occurrence.

STEPHANIE

That specific camera failing is a common occurrence?

MACINTOSH

Not that camera specifically, functionality of our security system during non-open hours commonly reboots itself.

STEPHANIE LEANS BACK IN HER CHAIR AND LOOKS AT MACINTOSH.

STEPHANIE

Did any other cameras have the same issue that evening?

MACINTOSH

I am not aware of any other issues.

STEPHANIE

Am I correct in assuming all of the other interior cameras were working that evening?

MACINTOSH NODS HIS HEAD, THEN HE LEANS BACK IN HIS CHAIR.

STEPHANIE (CONT'D)

I realize that there is no way of recovering footage that was never recorded in the first place.

MACINTOSH

I'm sure you knew that prior to coming to speak with me.

STEPHANIE NODS HER HEAD, AND SLOWLY LEANS FORWARD IN HER CHAIR.

STEPHANIE

I did. I wonder if I had my team view all of the other internal recordings for that evening...if I would maybe see why that camera stopped doing it's job?

MACINTOSH

That would require a subpoena.

STEPHANIE CONTINUES TO STARE AT MACINTOSH.

STEPHANIE

I believe this bank was under investigation 6 years ago for misapplication of funds. Do you remember that?

MACINTOSH

I am not at liberty to share any information, it's not for public knowledge.

STEPHANIE

(QUICK AND FIRM)

I'm not the public, I'm the District Attorney.

MACINTOSH SITS QUIETLY.

STEPHANIE (CONT'D)

We both know your legal counsel in that case, and I believe all charges were dropped. Favors die hard in this world.

STEPHANIE GETS UP AND HEADS FOR THE DOOR.

MACINTOSH

If there's anything else you need, let me know.

STEPHANIE

Believe me, you told me all I need to know. Don't give up banking, you'd make a shitty actor.

STEPHANIE CONTINUES OUT INTO THE HALL AND LEAVES THE DOOR OPEN.

BLACK

INT.

COURTROOM. JUDGE TALBOT IS ADDRESSING THE JURY

JUDGE

It's really crucial that if you have a question, or are needing clarification that you...

MALPHAS INTERRUPTS THE JUDGE.

MALPHAS

(LOUDLY AND FIRM)

I will talk now.

THERE IS A LOW RUMBLE BEING HEARD FROM THE OBSERVERS IN THE COURTROOM, AND DEANO'S HEAD TURNS TO MALPHAS QUICKLY.

JUDGE

Excuse me?

MALPHAS

(FIRMLY)

I will talk now, it is time.

JUDGE TALBOT LOOKS TO DEANO FOR CLARIFICATION.

JUDGE

(TO DEANO)

Is the defense prepared for Simon Malphas to give testimony?

DEANO

I don't believe I'm the one he wants to talk to.

JUDGE

Is the prosecution prepared to question the accused?

STEPHANIE

Yes,

(NODS)

Yes, we are your Honor.

STEPHANIE STANDS AND ADDRESSES THE COURTROOM.

STEPHANIE (CONT'D)

Your Honor, the prosecution calls Simon Malphas to the stand.

LOW CONVERSATIONS CAN BE HEARD THROUGHOUT THE ROOM.

JUDGE

Simon Malphas, please approach the bench.

SIMON STANDS UP, LOOKS DOWN AT HIS SHACKLES AND HANDCUFFS THEN LOOKS TO THE GUARD AS TO REQUEST THEM TO BE REMOVED.

JUDGE (CONT'D)

Mr. Malphas you won't need your hands and feet to give testimony.

SIMON IS ESCORTED TO THE BENCH.

BAILIFF

Please put your right hand on the Bible and state your name.

SIMON LOOKS DOWN AT HIS HANDCUFFS, ROLLS HIS EYES, AND PUTS HIS HAND ON THE BIBLE.

MALPHAS

Simon T. Malphas.

BAILIFF

Do you promise to tell the truth, the whole truth and nothing but the truth so help you God?

MALPHAS

(FIRMLY)

Always!

THE BAILIFF LOOKS TO THE JUDGE AFTER HIS RESPONSE

JUDGE

Mr. Malphas, answer yes or no.

MALPHAS

Yes.

THE GUARD WALKS HIM UP TO THE STAND AND SITS HIM DOWN. THE GUARD LOCKS HIS LEG SHACKLES TO THE SIDE OF THE BENCH AND THEN RETURNS TO THE SIDE OF THE COURTROOM.

STEPHANIE APPROACHES THE WITNESS.

STEPHANIE

This is somewhat of a surprise!

MALPHAS

Get used to them.

STEPHANIE

I don't believe I've ever heard the accused prompt their own testimony.

MALPHAS

I'm available.

STEPHANIE

I see. Is there anything you want to say prior to me asking questions?

MALPHAS

What questions are you going to ask? "Did I kill that hooker?"

STEPHANIE

(*SLIGHTLY SARCASTIC*)

I think that's the big need to know.

MALPHAS

No, I didn't. Truly though, one less hooker in Denver really doesn't change the world in a sizeable way.

STEPHANIE

Do you value life Simon? Your own, or someone else's?

MALPHAS

(*THOUGHTFUL*)

That is probably the best question you've asked this entire trial. Value is usually connected to what humans want. One wants money if he or she values it, the same with life. If someone values something more than a life, we get into predicaments like we're in now.

STEPHANIE

Do you understand why we're here, really understand?

MALPHAS

I believe so, we are trying to solve the perfect crime.

STEPHANIE

Tell us more.

MALPHAS

No witnesses, no murder weapon and a known serial killer that you are struggling to convict. Quite unique.

STEPHANIE

Why do you believe my team is struggling to reach a conviction?

MALPHAS

When a pack of humans gather to find out what happened on a given day, they always divert to the how, the when, the who. They should only worry about the why.

MALPHAS TURNS HIS HEAD TO THE JUDGE.

MALPHAS (CONT'D)

Do you understand what I mean Judge?

JUDGE

If I feel the need to interject, I will ask the necessary questions.

MALPHAS

Well, I've only been on the stand for 2 minutes and we already know I didn't kill the hooker.

(BIG SMILE)

That's a big check mark on the list.

STEPHANIE

You believe it's that simple, just stating your innocence?

MALPHAS

(CONFIDENT, LOOKING AT STEPHANIE)

I doubt you think I'm guilty,

(PAUSE)

you're smarter than that.

STEPHANIE

Who else thinks you are innocent, your attorney?

MALPHAS

He knows I didn't kill that girl.

MALPHAS LOOKS AT THE JURY AND THEN BACK TO STEPHANIE.

MALPHAS (CONT'D)

Well then, what else do you want to know?

STEPHANIE

You seem fairly comfortable. You don't find this setting a little disturbing?

MALPHAS

Should I? I know how it's going to end, so we are merely taking up time until that moment appears. I was awake when those first officers came into the apartment, I just didn't feel like talking. I imagine the scenario was very daunting, pretty screwed up.

STEPHANIE

Do you feel responsible for that scenario?

MALPHAS

In some ways. I seem to have brought all the players, so I own a bit of it.

MALPHAS LOOKS OUT AT THE AUDIENCE, THEN AT THE JUDGE.

MALPHAS (CONT'D)

I'm done talking Judge. It's not my time anymore.

STEPHANIE

Your Honor I'm done with Mr. Malphas for the time being, however, I reserve the right to call him again later in the trial.

MALPHAS LOOKS DIRECTLY AT STEPHANIE.

MALPHAS

(DRY AND MATTER OF FACT)

You didn't call me.

MALPHAS TRIES TO STAND, HOWEVER HIS SHACKLES ARE KEEPING HIM FROM MOVING.

JUDGE

Sergeant you may loosen the shackles and take Mr. Malphas back to his seat.

THE SGT TAKES MALPHAS BACK OVER TO HIS SEAT AND SHACKLES HIS LEGS TO THE CHAIR.

BLACK

INT. DINER

STEPHANIE IS SITTING IN THE SAME BOOTH AS IN EARLIER SCENE. HER HEAD IS LOOKING DOWN, DEANO OPENS THE DOOR AND ENTERS. HE SEES STEPHANIE IN THE BOOTH LOOKING DOWN. HE SLOWLY WALKS DOWN, STEPHANIE LOOKS UP.

DEANO

I was surprised to get your note.

STEPHANIE GIVES HIM A SHORT STARE.

STEPHANIE

Hmm, these days nothing should surprise either of us.

DEANO TAKES OFF HIS COAT AND SLIDES INTO THE SEAT FACING STEPHANIE.

DEANO

So, here we are again.

STEPHANIE

I strongly suggest you excuse yourself from the case.

DEANO

(SMALL SMILE)

I'm not sure the judge would approve of this chat.

STEPHANIE

We're both into this way too deep to give a shit about that.

DEANO NODS.

STEPHANIE (CONT'D)

Look where we are. The reason you took this case is obvious, maybe only to me so far. As to how you set the stage to allow a significant advantage is why you need to step away. Now.

DEANO

I have a client that is depending on me being there.

STEPHANIE

I don't believe that, you would never let someone else's needs change your direction. Besides, I don't think he's worried.

DEANO

I see.

STEPHANIE

(CONFIDENT)

So, do I.

DEANO

Is this request based on my best interests, or the surmisable outcome of the trial?

STEPHANIE PAUSES.

STEPHANIE

Both.

DEANO

(SMILE)

I don't agree. To be fair, I see things moving in a favorable direction.

STEPHANIE

As you always will. I know you better than you know yourself. I see inside you, I've been there. You only see what you want to see.

DEANO

That's interesting. Maybe, just maybe you're not looking forward to seeing someone, that is presumed guilty, walk out of the courtroom a free man.

STEPHANIE PAUSES

STEPHANIE

(STERNLY LOOKING INTO DEANO'S EYES)

You have me wrong. I'm not looking forward to sending a guilty man to the gas chamber.

STEPHANIE STANDS UP, LOOKS AT DEANO FOR A SECOND AND WALKS OUT OF THE DINER. DEANO SITS FOR A MOMENT.

BLACK

INT.

COURTROOM

THE COURTROOM IS FULL, AND SEVERAL PEOPLE AND REPORTERS ARE STANDING AT THE BACK. JANET IS SEATED DOWN AT THE PROSECUTION'S TABLE, DEANO AND WILL ARE SEATED AT THEIR TABLE TALKING. THE DOOR OPENS AND STEPHANIE WALKS IN AND HEADS DOWN TO THE FRONT.

JANET

How did the bank go?

STEPHANIE

As expected.

THE BAILIFF IS HANDING OUT THE DAILY SCHEDULE PACKET.

BAILIFF

Here is the daily packet. There are some changes to the schedule so please review prior to the court being in session.

THE BAILIFF DROPS A PACKET ON THE PROSECUTION'S TABLE AND WALKS OVER TO DO THE SAME FOR THE DEFENSE. WILL LOOKS AT THE PACKET AND THEN TO DEANO. DEANO SHAKES HIS HEAD NO, SO WILL SLIDES THE PACKET TO HIS LEFT AND LEAVES IT THERE. MALPHAS IS SEATED AND SHACKLED TO THE LEFT OF THE ROOM WITH TWO OFFICERS STANDING GUARD.

THE JUDGE WALKS IN.

BAILIFF (CONT'D)

All rise.

EVERYONE STANDS UP.

BAILIFF (CONT'D)

Case #67999, State of Colorado vs Simon Malphas, Murder in the first degree is now in session.

JUDGE

You all may be seated.

EVERYONE SITS, AS THE JUDGE SITS DOWN.

THE JUDGE STARTS TO LOOK THROUGH THE SCHEDULE, AND SEEMS TO FREEZE FOR A MOMENT.

SHE SLOWLY LOOKS UP TO SEE STEPHANIE LOOKING BACK AT HER. THE JUDGE HAS A QUESTIONING LOOK ON HER FACE, STEPHANIE SLOWLY NODS YES. THE JUDGE THEN LOOKS OVER AT THE DEFENSE TABLE WHERE DEANO AND WILL ARE QUIETLY TALKING. AFTER LOOKING BACK AT STEPHANIE, SHE COLLECTS HER DOCUMENTS AND SLIDES THEM TO THE SIDE.

JUDGE (CONT'D)

Good morning, everyone, and I again thank you all for your dedication to this case.

THE JUDGE TURNS HER HEAD TO FACE THE JURY.

JUDGE (CONT'D)

Before we begin, I would like to touch on a few things as this trial is approaching its completion. We've all seen and heard testimonies that were intended to shed light on exactly what happened the evening of Sarah Tucker's murder. Today we will hear our last testimony unless either the defense or prosecution feel the need to recall any past participants.

(LONG PAUSE)

Will the prosecution please call your first witness.

STEPHANIE STANDS, LOOKS AT THE JURY AND THEN BACK AT MALPHAS.

STEPHANIE

Your Honor, the prosecution asks Adrian Traviatti to take the stand.

THERE IS AN INSTANT RUMBLE IN THE AUDIENCE; THE JURY BEGINS TO LOOK AT EACH OTHER.

DEANO

(STILL SITTING)

Your Honor, can you please explain what we all just heard.

JUDGE

Mr. Traviatti, you are being called to testify. In yesterday's notes and again in this morning's schedule it was stated you will be testifying today. Did you not see that?

DEANO STANDS SLOWLY.

DEANO

I did not, however calling the defense attorney to testify is so outlandish I would never expect to see such an event in the daily schedule.

JUDGE

I agree that it is not the norm, but what has been the norm in this trial? The prosecution and the defense have the right to call any person with knowledge of the crime to testify. You may refuse, if you feel that is best for your client, otherwise please approach the stand.

THE AUDIENCE CONTINUES TO SOUND RESTLESS. DEANO LOOKS AT STEPHANIE, THEN THE JUDGE AND FINALLY AT MALPHAS.

DEANO

I have no reason to refuse, let it be known that I will not respond to any questioning about my client.

STEPHANIE

I will not be discussing Simon Malphas.

DEANO NODS. HE TAKES HIS SUIT COAT OFF AND GENTLY HANGS IT ON THE BACK OF HIS CHAIR. HE THEN SLOWLY WALKS TO THE BAILIFF TO BE SWORN IN. MALPHAS BEGINS TO SLOWLY CLAP, IT GETS LOUDER. THE JUDGE LOOKS OVER AT MALPHAS WITH DISDAIN. HE STOPS.

BAILIFF

Please put your hand on the Bible and state your name.

DEANO GENTLY PUTS HIS HAND ON THE BIBLE.

DEANO

Adrian Traviatti.

BAILIFF

Do you swear to tell the truth, the whole truth so help you God?

SHORT PAUSE AS DEANO TURNS HIS HEAD TO LOOK AT STEPHANIE.

DEANO

I have no choice.

(PAUSE)

Yes.

DEANO WALKS OVER AND CLIMBS INTO THE WITNESS STAND.

JUDGE

The prosecution may begin.

STEPHANIE

Thank you, your Honor.

STEPHANIE WALKS CLOSER TO THE STAND AND BEGINS QUESTIONING DEANO.

STEPHANIE (CONT'D)

Mr. Traviatti, share with us your concerns when you first took this case.

DEANO

I didn't take this case; it was assigned to me.

STEPHANIE

I reviewed all schedule changes in the public defender's office for the past month. You cancelled your scheduled time off, allowing you to be available for this trial. For all intensive purposes, that's taking the case.

DEANO

I did not ask to be assigned.

STEPHANIE

Your initial concerns?

DEANO

I have never heard of a case such as this. The ability to defend a person who was known to the world as a serial murderer, rather daunting isn't it?

STEPHANIE

Challenging would be an understatement. What did you hope to gain from being in the spotlight of such a trial?

DEANO

Maybe to gain some attention from such a significant case.

STEPHANIE

Allowing you to get out of the Public Defender's office? An attorney that landed a verdict of innocent for a known killer would have their pick of law firms, don't you think?

DEANO

Success leads to new opportunities.

STEPHANIE

Regardless of the cost. How was it you knew the location of the knife?

DEANO

The location of the weapon was a documented fact. Mr. Carr made a substantial error in his presentation. Everyone heard Carr correct himself after speaking to the first responders. He fucked up. There is no room for errors in a case such as this.

STEPHANIE

I will repeat my question. How is it you knew the location of the knife? (PAUSE) You didn't contact the first responders? They confirmed that with me.

DEANO

(SLIGHTLY AGITATED)

I didn't say I spoke with them! I said that the location was wrong.

STEPHANIE

They knew the location, because both of them were at the crime scene.

DEANO PAUSES.

DEANO

I was there.

STEPHANIE

Excuse me?

DEANO

I was at the crime scene, it's not uncommon.

STEPHANIE

It is extremely uncommon, especially due to the fact that the apartment was sealed off and the announcement of the crime had not been made public.

DEANO

I keep track of what's going on in this city, it's my job.

STEPHANIE

When you told Officer Sanchez that he never investigated the woman who made the 911 call, was that also something you heard?

DEANO

(SMILING)

No, that was a bluff. It worked.

STEPHANIE

Why did you not just ask the officer? His testimony seemed very open and honest.

DEANO

It wouldn't have had the same effect.

DEANO TURNS TO THE JUDGE.

DEANO (CONT'D)

Your Honor, are you seeing any benefit from this line of questioning?

JUDGE

I'm not sure, it isn't over yet.

JUDGE LOOKS AT STEPHANIE.

JUDGE (CONT'D)

Ms. Traviatti, earlier you mentioned a report that listed all schedule adjustments, do you have a copy of that schedule?

STEPHANIE

I do Your Honor, it's in my office.

JUDGE

Do you remember the date that Mr. Traviatti made the schedule change?

STEPHANIE

I do.

(PAUSE, THEN SHE LOOKS AT DEANO)

It was the day before Sarah Tucker's murder.

A RUMBLE OF VOICES CAN BE HEARD IN THE COURTROOM. DEANO SLOWLY EASES BACK IN HIS CHAIR.

STEPHANIE (CONT'D)

Your client defined our goal in this trial as

(PAUSE)

solving the perfect crime.

DEANO

That was meant as sarcasm.

STEPHANIE

Was it?

DEANO SITS SILENTLY. STEPHANIE SLOWLY WALKS TO THE JURY BOX.

STEPHANIE (CONT'D)

Let's imagine what would have had to happen, for this to be a perfect crime. First, whomever is defending the accused would require inside information that only they know. This allows them to challenge witnesses in a way the prosecution can't. In turn, confusing the jury and dismantling the prosecution's impact.

WALKING BACK TO DEANO.

STEPHANIE

(TO DEANO)

Sound familiar?

STEPHANIE TURNS TO THE AUDIENCE.

STEPHANIE (CONT'D)

They would almost have to be aware of events as they happened. The planning would be crucial.

STEPHANIE TURNS TO DEANO.

STEPHANIE (CONT'D)

Why were you in The Bronze Ring the night of the murder, the same time Malphas was there?

DEANO

I assume you have some sort of evidence to make that claim?

STEPHANIE

Surveillance. More importantly, why would Bobby Macdonald lie to this court when asked if he knew you? Shall I show everyone the pictures of you shaking his hand and leaving him a \$50 tip.

DEANO (CALMLY)

That won't be necessary.

STEPHANIE

You didn't order a drink; a \$50 tip is quite generous. Deano, why would your client take Rohypnol that evening? According to Bobby, he was having a great time. It doesn't make any sense for him to take a depressant, enough to make him pass out.

DEANO (AGITATED)

This is bullshit! You have no idea what you're doing.

STEPHANIE

Maybe I don't, however someone put some extensive planning into not making a substantial error that night.

DEANO

Your Honor...

STEPHANIE

(*INTERRUPTING*)

We have video of you in the bar and of Malphas with Sarah Tucker heading up to the apartment. The surveillance camera in the First National Bank of Colorado, a block down the street, has a camera pointed through their front door. It provides us with a clear shot of those stairs. I believe you're familiar with that bank?

DEANO

Yes.

STEPHANIE

Would you please share your connection with the bank?

DEANO

Years back, my law firm represented them in a case.

STEPHANIE

Your firm?

DEANO

I was their Legal Counsel.

STEPHANIE

Please share the outcome of that case.

DEANO

Innocent

(LONG PAUSE)

on all counts.

STEPHANIE

(TURNING TO THE COURTROOM AUDIENCE)

You can all imagine how excited I was to have pictures of everyone using those stairs that night.

STEPHANIE

(TURNING BACK TO DEANO) (CONT'D)

No. Somehow the camera shut off right after Sarah and Malphas went upstairs. It didn't come back on until the bank opened the next morning.

(SARCASTICALLY)

Can you believe that?

DEANO BEGINS TO STARE AT STEPHANIE.

STEPHANIE (CONT'D)

Do you remember the President of that bank? He's the same one you represented back in the day.

DEANO SLOWLY NODS.

STEPHANIE (CONT'D)

Who is he?

DEANO

(TO THE JUDGE)

Are you going to allow this to continue?

JUDGE

It's all up to you. This is a rather precarious point to stop. You know your testimony is being recorded.

DEANO PAUSES AND THEN TURNS BACK TO STEPHANIE

DEANO

(*FORCEFUL*)

Richard Macintosh!

STEPHANIE

Correct. I met with him a few days ago. He remembers you, although he had no idea why the camera failed to record that night. I'm not sure I believed him. Perhaps a couple of subpoenas delivered to Richard and Bobby would be a good idea. Do you think favors asked would disappear?

DEANO BEGINS TO LOOK AGITATED.

STEPHANIE (CONT'D)

I will again ask you, why did you take this case?

DEANO LEANS BACK IN HIS CHAIR IN A COCKY FASHION.

DEANO

Well, the scenario itself quite frankly. A no win trial, the central players are an openly insane, bipolar serial killer and a young hooker.

DEANO TURNS TO THE JUDGE WITH AN ODD SMIRK.

DEANO (CONT'D)

You can't make this shit up your Honor.

STEPHANIE

But you can.

DEANO

In a sense, but not entirely.

STEPHANIE

Deano, how is life in the Public Defender's office?

DEANO

Nice people, simple people trying to do their best.

STEPHANIE

And you?

DEANO

When an opportunity like this comes along, a strong player takes it.

(FIRMLY)

Takes it all the way to the fence.

STEPHANIE

Recognition, fame, stature, and respect?

DEANO

A no-win trial, impossible to succeed unless you change the rules.

STEPHANIE

Change them, or break them.

DEANO (SITTING UP AND LEANING FORWARD)

The same. One cannot dwell on unimportant entities; you will lose your momentum.

STEPHANIE

Like you being at the crime scene?

DEANO (PAUSE)

Exactly.

STEPHANIE

Were you the third man?

DEANO (QUICKLY)

No.

STEPHANIE CONTINUES TO STARE AT DEANO.

DEANO (CONT'D)

He's gone.

STEPHANIE

Dead?

DEANO

The same.

STEPHANIE

Did your client kill Sarah Tucker?

DEANO PAUSES.

DEANO

Of course not.

DEANO TURNS TO THE JUDGE AND SMILES.

DEANO (CONT'D)

That's why I'm here.

STEPHANIE

As his defense, or is "here" the witness stand?

DEANO

You don't seem surprised.

STEPHANIE STEPS BACK.

STEPHANIE

The planning would be crucial, there is no room for errors in a trial such as this. The perfect crime.

STEPHANIE WALKS OVER TO MALPHAS, THEN LOOKS BACK AT DEANO.

STEPHANIE (CONT'D)

Your performance of how it was impossible to carry the purse without touching both sides was true brilliance, for another reason. It allowed me to see another aspect of that night. I knew that Malphas couldn't have killed Sarah, no blood on his shoes or smears on the floor. Someone with Rohypnol and alcohol in their bloodstream could never cross that room with agility like that.

DEANO

(*LOOKING AT MALPHAS*)

It's very challenging to infiltrate an insane person's mind. I didn't count on that.

STEPHANIE

Very few plans are perfect.

DEANO

Oh, this one was. The timing was precise.

DEANO MOTIONS TO THE JUDGE AND JURY.

DEANO (CONT'D)

This was simply a marionette show, pull the string and watch the reaction.

STEPHANIE

It would seem I was to be one of the biggest foils.

DEANO

No, not at all.

STEPHANIE WALKS BACK TO HER DESK, LEANS AGAINST IT AND FOLDS HER ARMS.

STEPHANIE

Killing Sarah Tucker?

DEANO

One more dead hooker in Denver doesn't really change the landscape.

THE COURTROOM ERUPTS IN A LOUD ROAR.

JUDGE

(*BANGING HER GAVEL*)

Order in the court! Order!

THE ROOM QUIETS DOWN A LITTLE.

JUDGE

(*AGITATED, TO STEPHANIE*) (CONT'D)

Will the prosecution explain what is transpiring here?

DEANO

(*TURNS TO THE JUDGE*)

The District Attorney is about to ask me one more question your Honor.

DEANO SLOWLY TURNS BACK TO STEPHANIE. SHE BEGINS TO WALK TOWARD THE WITNESS STAND SLOWLY. DEANO IS STARING HER DOWN.

DEANO (CONT'D)

Well?

STEPHANIE STOPS, LOOKING FORWARD.

DEANO (CONT'D)

(EXTREMELY INTENSE STARE AT STEPHANIE)

Go ahead, ask.

(LONG PAUSE)

Ask what you already know!

STEPHANIE STARES INTO DEANO'S EYES.

BLACK

THE SOUND OF A CELL DOOR CLOSING IS HEARD AS THE STAGE GOES BLACK. MALPHAS IS HEARD CLAPPING SLOWLY FOR A FEW SECONDS.

FADE TO BLACK