

Rev. 07/17/89 (Pink)
Rev. 08/07/89 (Blue)
Rev. 08/09/89 (Yellow)
Rev. 08/11/89 (Green)
Rev. 08/21/89 (Gold)

PRESUMED INNOCENT

SECOND DRAFT

WARNER BROS. INC.
4000 Warner Boulevard
Burbank, California 91522

May 26, 1989
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FADE IN:

1

INT. COURTROOM - VERY EARLY MORNING

1

A high-ceilinged room of marble, oak, high windows, the legacy of Victorian-Gothic.

The night shift is cleaning up.

We begin to hear the voice of Rusty Sabich O.S. As his speech goes on, they bring the room to readiness.

RUSTY (O.S.)

This is how I start.

The CAMERA FOCUSES ON the defense table.

RUSTY (O.S.)

I am here to present the evidence of a crime. There was a victim. There was pain. This man has been accused. He turns away. Or blinks. Or shows nothing at all. I can smell his fear. I feel his loneliness. I am a bureaucrat of good and evil.

CAMERA MOVES to show the jury box.

RUSTY (O.S.)

I turn back to face the jury.

(louder)

Your job is to find the truth. And memories will fail; evidence will point in differing directions. If you were at home, at work, you could quit, say it's too confusing, too hard. You do not have to tell us why this crime happened. People's motives may be forever locked inside them. But you must try to determine what really happened. If you cannot, we will not know if this man...

CAMERA is BACK ON the defendant's chair...

RUSTY (O.S.)

... deserves to be freed -- or should be punished. We will have no idea who to blame. And, if you cannot find the truth, what is your hope of justice?

The CAMERA RISES.

2 OMIT 2 *

3 EXT. SABICH HOUSE - EARLY MORNING 3

The same pale light floods across. A HIGH PANORAMA of it and the peaceful, orderly suburb....

4 INT. SABICH HOUSE - KITCHEN - MORNING 4

RUSTY comes into the kitchen. He is dressed for work. BARBARA, his wife, is placing a soft-boiled egg on the table.

RUSTY
Where is Nat?

BARBARA
Burying a goldfish.

RUSTY
That he forgot to feed. He's not responsible.

BARBARA
He's eight. I know, when you were eight you fed all the animals on the block, made dinner for the family, did everybody's homework and in your spare time practiced law.

RUSTY
I didn't practice law.
(beat)
'Til I was nine.

NAT enters from outside. He walks over to the breakfast table and lathers an English muffin with butter.

RUSTY
You don't eat standing up.

NAT
The food goes down easier that way. It has the help of gravity.

Barbara laughs.

RUSTY
Oh, God. We've got another lawyer.

5 EXT./INT. STATION WAGON (MOVING SHOTS) - DAY 5 *

The Sabich family draws up in front of Nat's school.

(CONTINUED)

5 CONTINUED:

5

NAT
(hopping out of
the car)
I have a game after school. I
won't be home 'til late.

6 INT. CAR - DAY

6

*

As they drive off.

BARBARA
Just like his father. Doesn't
come home until he has to.

*

RUSTY
I could be home a lot. If Raymond
loses the election.

*

*

BARBARA
Maybe you'd be better off.
After all, aren't you a little
old to still be Raymond's boy?

Rusty turns away.

7 EXT. FERRY STATION - DAY

7

Barbara stops the car.

BARBARA
Truce.

RUSTY
There wasn't any war.

He kisses her goodbye.

8 EXT. FERRY SLIP (CITY) - DAY 8

Rusty getting off the ferry. Facing the disembarking passengers is a large poster with the burly face of Raymond Horgan, the words: FOR PROSECUTING ATTORNEY THE MAN YOU'VE LEARNED TO TRUST, RAYMOND HORGAN.

A few steps farther back, another poster, with the image of a man with a sleek and edgy face; over it the words: FOR PROSECUTING ATTORNEY, NICO DELLA GUARDIA. JUSTICE NEEDS NEW VISION.

9 INT. COUNTY BUILDING - DAY 9

Old grandeur, new rot. Rusty walks up the stair past the second floor branch courts. The hallway teems with the refuse of society.

10 INT. RUSTY'S OUTER OFFICE - DAY 10

EUGENIA, Rusty's secretary, sits guard; petty bureaucracy incarnate.

EUGENIA

You're expected at the charging conference at 9:00. And Stew Dubinsky called from The Trib. Said it was important.

RUSTY

Get him for me.

EUGENIA

Someone must have left this envelope under the door last night. I found it when I came in.

She hands him an envelope. He takes it into his office.

11 INT. RUSTY'S OFFICE 11

Rusty puts his briefcase on his desk and opens the envelope.

He seems disturbed by what he reads.

Eugenia appears at the door, curious.

Rusty looks up and puts the piece of paper back in the envelope and puts the envelope in his breast pocket.

EUGENIA

Oh, and Mister Big Cheese wants you in his office now.

RUSTY

Tell him I'll be along...

(CONTINUED)

11 CONTINUED:

11

EUGENIA
He said 'now' now.

12 INT. RAYMOND HORGAN'S OFFICE

12

As Rusty enters. Next to RAYMOND HORGAN stands HAROLD GREER, a black detective.

RUSTY
(looking at Raymond's
expression)
What's wrong?

RAYMOND
A lot.
(beat)
They found Carolyn Polhemus this morning, some creep came in her place and strangled her.

CAMERA FAVORS Rusty: stunned.

GREER
She was raped, he tied her up, he beat her with some kind of instrument, and strangled her. Sometime last night. No weapon. No sign of forced entry.
(beat)
Unless you want me here, I'm supposed to meet the coroner.

Greer exits.

RAYMOND
I can hear Della Guardia now! 'If Raymond Horgan can't protect his own P.A.s, how can he protect the average man!'
(beat)
Tommy Molto's secretary said he wasn't coming in today. Some fucking Acting Head of Homicide he's turned out to be. We should have fired him when we fired Nico, instead of handing him his job. If I had any balls, I'd do it now.
(beat)
I want you handling the case.

RUSTY
And who takes care of the department? I'll assign it --

(CONTINUED)

12 CONTINUED:

12

RAYMOND

To homicide? And let Molto tip
off Nico on everything we get?
Wouldn't that make Nico happy.
They're so close you can see
Molto's nose sticking out of
Nico's navel!

He turns around and faces a wall of photographs. His eye
goes to a photograph of a beautiful blonde woman standing
in between Raymond and Rusty and several other men.

RAYMOND,

Christ, a smart, sexy gal. A
helluva lawyer. And that's how
she ends up, that's her au
revoir? And the first thing we
have to think about is what the
public is going to think in the
middle of an election.

(to Rusty)

Take charge. Pal. If you care
about my health.

RUSTY

Howard Greer's a good cop, but
on this I'd rather have Lippranzer,
somebody I'm used to working with.

RAYMOND

Just catch me a bad buy.

13 INT. SUPPORT OFFICE - DAY

13

Rusty passes Carolyn Polhemus's office. The word is
out. Her secretary is clustered with other secretaries,
weeping.

14 INT. RUSTY'S OUTER OFFICE - DAY

14

EUGENIA

(on the phone)

With the kind of life she led,
it could be anybody.

She hangs up as she sees Rusty.

EUGENIA

Terrible. Just terrible. Someone
heard it on T.V.

(in awe)

They interrupted 'Oprah Winfrey.'

(CONTINUED)

14

CONTINUED:

14

RUSTY
I'll be in the Charging
Conference.

EUGENIA
Stewart Dubinsky called again.

(CONTINUED)

14

CONTINUED:

14

RUSTY

Tell him I'll see him at Gil's
Lunch. One o'clock.

EUGENIA

And you got messages from all
three channels, they want to
talk to you because Mister Big
Cheese won't say nothin'.

RUSTY

Tell them we'll have a statement
later. And tell Detective
Lipranzer to get over to the
Polhemus apartment and then report
to me. I'll need a computer
rundown on all the open cases
Ms. Polhemus was handling.

EUGENIA

(as he starts
to leave)

What was that third one?

RUSTY

Never mind. I'll get Mac to
handle it.

15

INT. CONFERENCE ROOM - DAY

15

Rusty walks in and is faced with the heads of the various
departments of his prosecuting staff, stunned.

16

OMITTED

16

thru
19

thru
19

20

INT. CONFERENCE ROOM - DAY (PRESENT)

20

Rusty, as he moves to the head of the table.

RUSTY

(sitting)

We think we're used to all the
violence until it hits one of
ours. We're going to do everything
we can to find the killer and
bring him to justice. That's our
job. But crime in this county
won't observe a mourning period.
So it's business here as usual.

(MORE)

(CONTINUED)

20 CONTINUED:

20

RUSTY (CONT'D)
(turning to a
woman in a
wheelchair)
Mac, we're going to have to
reassign all the cases Carolyn
was working on immediately.

CUT TO:

21 INT. GIL'S BAR AND RESTAURANT

21

Rusty at a table with STEW DUBINSKY, of The Tribune.

STEW
I called Molto's office to see
what was going on with the
investigation.

RUSTY
He's not in today.

STEW
A nice coincidence.

He waits for Rusty to comment, but he doesn't...

STEW
Then I called Della Guardia to get
a statement about the murder.

RUSTY
And in his usual demagogic way he
turned it into a campaign issue.
If he was prosecutor, by God, this
never would have happened.

STEW
Exactly. Then on a hunch, I asked
if he knew where I could reach
Molto. He said: 'I have no idea
where Molto is.' But in the
background I thought I heard a
laugh that sounded a lot like
Little Tommy.

RUSTY
Molto's learned to laugh?
Unlikely.

STEW
Why would Molto be meeting with
Nico on the morning Carolyn was
murdered?

(MORE)

(CONTINUED)

21

CONTINUED:

21

STEW (CONT'D)

(beat)

Because Nico's asked him to
investigate the case for him.
Della Guardia Catches The Killer.
A headline like that could win
Delay the election. And Tommy
Molto your job as Deputy.

RUSTY

Or that incriminating giggle came
from Nico's secretary and Tommy's
home in bed, the phone turned off
while he nurses a chronic bout of
hypochondria.

STEW

What he may be nursing is Della
Guardia's ambitions.

22

INT. COUNTY BUILDING - CORRIDOR

22

Rusty walks on down the corridor and stops at an office
with a sign outside saying CAROLYN POLHEMUS. He opens
the door.

23

INT. CAROLYN'S OFFICE - DAY

23

An island of good taste and comfort. Rusty steps into
the office. He sits down at her desk and flicks on the
computer.

24

INSERT - COMPUTER SCREEN

24

As he brings up a file of the cases Carolyn was handling.
He goes down the list with a cursor and stops at some-
thing that says B-File B32709.

25

BACK TO SCENE

25

He looks bewildered for a moment and then writes down
the number in a little notebook that he carries.

He goes over to her file cabinet and starts going through
her files.

LIPRANZER enters. He hands Rusty an envelope.

RUSTY

What do we have here, Lip?

LIP (LIPRANZER)

Bunch of pictures of a dead lady,
naked.

(CONTINUED)

25

CONTINUED: (A1)

25

RUSTY

What would she be doing with a bribery file? B-files are strictly for bribery of elected officials. I never assigned a case like that to her. What makes it stranger is the case number is listed on her computer but the case itself isn't filed among her papers. Why? Unless she took it out.

LIP

Or it was taken.

(CONTINUED)

RUSTY
(removing Polaroids
from the envelope)
No weapon found?

LIP
Nada. This is a weird one.

Rusty looks at the Polaroids.

LIP
She was strangled by the ropes.
Look at the way he tied her, it's
like he put himself between her
legs and when he pumped, they all
tighten up, like he was tryin'
to let his weight strangle her.
It's all slipknotted. I mean,
that he was sort of tryin' to
fuck her to death. Look at the
next one.

RUSTY
Find out if any of the creeps
she put away has made parole.
And check the state computer
run of sex offenders and see if
we can cross-match there on
Carolyn's name, or the stunt with
the ropes.

LIP
I never understood why you put a
broad like that in charge of rape
and all that sicko crap.

RUSTY
She wanted it. And she was good.

LIP
Too good maybe. I'm just not
grabbin' it yet. You worked with
this broad, she's not gonna leave
her fuckin' door, the windows,
wide open. She was drinkin' with
him, she gave him a glass of beer.
Like she was entertaining.

RUSTY
Any fingerprints on the glass?

LIP
Yeah. Greer sent it to the lab.

(CONTINUED)

25

CONTINUED: (2)

25

RUSTY

So what do you figure? Somebody opened the windows to make it look like a break-in? Somebody she let in, in the first place?

LIP

She's not gonna let some sex maniac she sent to jail in for a beer.

RUSTY

On the other hand, we're talking Carolyn.

26

OMITTED

26

27

INT. VAULTED COURTROOM - DAY

27

As Rusty enters. A trial is in progress. Rusty goes over to Mac who is observing and motions to her.

RUSTY

Tell me what Carolyn Polhemus was doing with a bribery file.

MAC

I had no idea that Carolyn was interested in crimes above the waist.

RUSTY

It's listed on her computer printout but it's not on mine or the department's.

MAC

It doesn't figure. Why don't you ask Raymond?

(beat)

I have a little news for you. Molto's secretary is making noises for another assignment. She came back from lunch and found his desk cleaned out.

RUSTY

Chalk one up for Stew.

MAC

What?

- 28 INT. RUSTY'S OFFICE - EVENING 28
- Rusty is writing in his notebook.
- 29 INSERT - NOTEBOOK 29
- "SOMEONE SHE PROSECUTED? SOMEONE SHE KNEW WELL? A SEX PLAYMATE? S & M THAT GOT OUT OF HAND?" And then, "B-FILE B32709 - POLHEMUS? WHY?"
- 30 MEDIUM SHOT - RUSTY 30
- He closes the notebook and puts it in his briefcase. He is about to leave when he reaches into his breast pocket and takes out the envelope Eugenia had given him that morning. He opens it and removes the piece of paper inside.
- 31 INSERT - PIECE OF PAPER 31
- It is on the stationery of Carolyn Polhemus. In big, nervous, scribbled letters it says: "Stop it. I know it's you."
- 32 BACK TO SCENE 32
- He takes a match, lights it and watches the paper burn.
- 33 INT. COUNTY BUILDING - GRAND STAIRCASE 33
- As Rusty walks down surrounded by the empty vastness.
- The sound of CAROLYN'S THEME, sensual, haunting, FADES UP. He stops.
- 34 OMITTED 34
- 35 FLASHBACK - INT. COUNTY BUILDING - RUSTY'S POV - CAROLYN 35
- walking slowly TOWARD him, never taking her eyes from him. She comes up TO him and takes his hand.
- She looks AT him seductively.
- CAROLYN
(a whisper)
It's going to be so good.
- A36 INT. CORRIDOR - PRESENT A36
- Rusty standing there. The THEME has FADED INTO SILENCE. He continues walking.
- 36 INT. SABICH HOUSE - NIGHT 36
- As Rusty opens the front door and enters.

37

INT. SABICH HOUSE - BEDROOM - NIGHT

37

Rusty enters. Barbara lies face down on the bed, largely unclothed. The tight muscles of her narrow back lustrous with sweat. The VCR HUMS in rewind. On the set, the news has just begun.

RUSTY

Exercise?

BARBARA

Masturbation. The refuge of the lonely housewife.

RUSTY

I called from the bus station when I missed the 8:35. You weren't here. I left a message on the tape.

BARBARA

Nat stayed for dinner at his friend's house and I was at the university. I tired to get in some extra time on the mainframe.

RUSTY

Productive?

BARBARA

Who am I kidding? At my age, still working on my dissertation.

She rolls over and back.

RUSTY

(a familiar answer
to a familiar
statement)

You were the best mathematician in your class.

BARBARA

The second best just made full professor at M.I.T. All I've made are beds.

She gets up. They both start to undress. He stops as he sees a picture of Carolyn on the news. Barbara reaches for her remote control.

*

BARBARA

(as she turns up
the sound)

Eugenia was thrilled to be the messenger of the bad tidings.

*
*
*
*
*

(MORE)

(CONTINUED)

37

CONTINUED: (1A)

37

BARBARA (CONT'D)

She put on this phoney, funereal
tone of voice. She really takes
the cake.

*
*
*

NEWSCASTER (V.O.)

Ms. Polhemus was seen only two
Sundays ago on 'The Newsmakers
Conference' of this station.

The T.V. cuts to Carolyn being interviewed.

CAROLYN (V.O.)

From top to bottom we are riddled
with cruelty, cruelty and greed.
Until human nature changes we must
expose and punish it, especially
when it is inflicted upon the
invisible, the impotent and the
ignored.

MODERATOR (V.O.)

You sound like a woman with a
mission.

CAROLYN (V.O.)

I am.

(CONTINUED)

37 CONTINUED: (2)

37

Barbara laughs.

NEWSCASTER (V.O.)

The murder of Ms Polhemus brought a strong statement from Raymond Horgan's opponent in the upcoming election, Nico Della Guardia...

DELLA GUARDIA (V.O.)

The prosecuting attorney's lax approach to law enforcement for the last twelve years --

Barbara turns OFF the sound.

BARBARA

This could be the end of Raymond Horgan.

RUSTY

Hopefully we'll catch the killer and he'll ride into Election Day with all the media murmuring his name.

BARBARA

Do they have a suspect?

RUSTY

We have shit.

BARBARA

So?

RUSTY

So Dan Lipranzer and Rusty Sabich will work day and night for the next two weeks and catch Raymond a killer. At least that's the strategy.

BARBARA

You're in charge of this investigation?

He nods.

BARBARA

There are 150 lawyers down there; can't they find one that didn't sleep with her to put in charge?

Silence.

(CONTINUED)

37 CONTINUED: (3)

37

BARBARA

Did you tell Raymond? Isn't this
a conflict of interest or
something? Is that professional?

RUSTY

Barbara, I am Raymond's Chief
Deputy...

BARBARA

You are so predictable. It's your
way of reliving the whole thing,
isn't it? You want to do it,
isn't that the truth? She's dead.
And you're still obsessing.

Rusty gets into bed and turns off the light. Barbara
rolls with her back to him. He looks toward Barbara
but for a flash it is...

38 FLASHBACK: CAROLYN'S BEDROOM - NIGHT

38 *

Carolyn Polhemus lies there naked on the bed. She looks
at him with appetite. She moves towards him, sliding
down across the screen.

39 CLOSE SHOT - RUSTY

39

BARBARA (O.S.)

Tell me something. Why did she
stop seeing you?

40 SABICH BEDROOM - NIGHT (PRESENT)

40 *

Barbara. Turning to look at him.

RUSTY

I don't know. I tend to think I
wasn't very important to her.

41 OMITTED

41 *

42 INT. CHURCH - DAY

42

It is already jammed.

Carolyn's flower-draped coffin is on the altar.

*

Rusty enters. He finds himself next to Mac, whose wheel-
chair is in the aisle.

(CONTINUED)

42

CONTINUED:

42

MAC

From the turnout you'd think she
was a Kennedy!

(beat)

Maybe she was, for all we really
know about her.

DELLA GUARDIA, who has been working the crowd, backs into
Rusty.

DELLA GUARDIA

Rusty!

RUSTY

Nico!

DELLA GUARDIA

I imagine Raymond's pressing
pretty hard on that case.

RUSTY

Raymond Horgan presses hard on
every case.

*

DELLA GUARDIA

(as Rusty starts to
move away)

You know who would have been hard
to beat? You. You'd've been
tough, very tough.

RUSTY

You're somthin' else. By the way,
Delay, I don't see Tommy Molto.

*

DELLA GUARDIA

Molto?

RUSTY

Wouldn't you think he'd show up
for his favorite colleague's
funeral? You must really have him
scrambling.

*

*

*

The minister is ascending to the pulpit. Rusty goes over
to Lip who is standing on the side in front, examining
the crowd.

RUSTY

Anything?

(CONTINUED)

42 CONTINUED: (2)

42

LIP

Just a lot of guys who are upset
because they had her and a lot of
guys who are upset because they
hadn't; a lot of broads relieved
she's not around to make them
jealous -- and a lot of pols who
might have taken bribes.

RUSTY

(looking at a middle-
aged man who is
sitting closest to
the bier)

Who's that next to Horgan?

LIP

I'm told it's her ex-husband.

RUSTY

I didn't know she had one.

LIP

She sure did get around.

Raymond begins the eulogy as Rusty slides onto the end of
the nearest pew.

43 RUSTY'S POV - RAYMOND

43

on the pulpit.

RAYMOND

Carolyn Polhemus worked for me. I
hired her over the objections of
many of our prosecutors who didn't
think she had the stuff. I see
those prosecutors here today and I
see the judges here that she
defied. Why are they all here?
Because she stood for something.
She stood for justice.

44 CLOSEUP - RUSTY

44

as he watches. Raymond's VOICE FADES UNDER.

45 FLASHBACK: RUSTY'S POV - CLOSEUP - CAROLYN

45

46 INT. CAROLYN'S APARTMENT

46

Carolyn staring straight ahead with animal intensity. In
the act of making love.

(CONTINUED)

46

CONTINUED:

46

The CAMERA PULLS BACK to reveal Rusty's face in back of hers, his hands clutching her breasts.

The moment of orgasm. Rusty closes his eyes. Carolyn stares straight ahead.

The CAMERA PULLS BACK further revealing it is over Rusty's shoulder and we have been looking into a wall of mirror, as has Carolyn.

Carolyn turns to Rusty. Her actual face is to us, her back now to the mirror.

CAROLYN

Does Barbara do that for you?
Does Barbara?

CUT TO:

47
thru
49

OMITTED

47
thru
49

49A

INT. HOTEL SUITE ATOP CITY - DAY (PRESENT)

49A

Raymond Horgan is speaking to a prosperous-looking group who stand around him, drinks in hand. Behind him is the panorama of the city.

Rusty stands on the side next to MIKE DUKE, Raymond's campaign manager, younger than Rusty.

MIKE DUKE

His heart's not in it.

RUSTY

In the old days he had a rule:
Don't go near a campaign
solicitation. You'll compromise
your independence.

MIKE DUKE

Times have changed.

RAYMOND

(to crowd)

Delay calls you knee-jerk
liberals. I think of you as
checkbook liberals, because you
put your money where you ideals
and our hopes are.

(MORE)

(CONTINUED)

49A CONTINUED:

49A

RAYMOND (CONT'D)
(motioning Rusty
over)

I'd like you all to meet my rod
and staff, Rusty Sabich. Rusty's
gonna drag me out of here. I
still have a relentless job to do.
And with your help I'll be here
to do it for four more years.

Applause. Raymond and Rusty walk out. As they pass
Mike, Raymond slaps him on the back.

RAYMOND
Okay, Mike. Now squeeze 'em.

*

49B INT. GLASS ELEVATOR (DESCENDING) - DAY

49B *

The city rises up to meet them.

*

RAYMOND
Where are we on Carolyn?

*

*

RUSTY
Everything is in the works. This
afternoon I've got to deal with
all the stuff Molto left behind.

RAYMOND
Damn it, Rusty! I told you:
'Give this investigation top
priority.' Della Guardia is
eating me alive with this thing.
And we owe Carolyn as much. Let
Mac run the office.

RUSTY
There's only so much she can
supervise.

RAYMOND
You stay on this. I want you to
run out every ground ball, and do
it in a goddamn orderly fashion.
Do it!

Rusty is surprised by Raymond's vehemence. He restrains
his anger.

*

CUT TO:

*

A50 INT. RAYMOND'S OUTER OFFICE - DAY

A50 *

LORETTA, Raymond's secretary, is at her desk.

*

(CONTINUED)

A50 CONTINUED:

A50

LORETTA
(as Rusty and
Raymond go by
her)
You're ten minutes late for the
bar meeting on criminal procedure.

50 INT. RAYMOND'S OFFICE - DAY

50

Rusty and Raymond enter. Rusty shuts the door behind
them and turns to Raymond.

RUSTY
Did you assign a bribery case to
Carolyn? There's a case missing.

RAYMOND
(going over papers
on his desk)
God what a fucking disaster this
is. You know we haven't taken a
poll in two weeks? We don't
know where we are.

RUSTY
She had a case we can't account
for on her computer logged in as
a B-File. Nobody knows where it
came from. Nobody knows where
it went.

RAYMOND
Loretta. Loretta! Where the hell
is the driver?

RUSTY
Raymond, you're turning me around
on this. Give me a straight
answer, will you?

CODY, the driver, comes in the door with Raymond's coat
and helps him with it.

RAYMOND
Loretta! Where's my speech?

CODY
Loretta gave it to me, it's right
here, boss.

(CONTINUED)

50

CONTINUED:

50

Raymond makes a false start for the door, about-faces and goes to his desk. He opens a drawer and hands Rusty a folder on his way out again.

RAYMOND

That's the B-File. We'll talk.

He goes running down the hall.

Rusty opens the file and sees a crudely typed letter.

CUT TO:

51

EXT. STREET - MOVING SHOT - DAY

51

Lip's battered old gold Aries driving on a grubby side of town. Lip is driving and Rusty is sitting by his side reading from the letter.

52

INT. LIP'S CAR - INSERT - LETTER - DAY

52

RUSTY (O.S.)

'Dear Mr. Horgan: This is about a deputy prosecuting attorney who was taking bribes. Five years ago this summer a person I will call Noel got arrested. I gave him \$1,500 to pay somebody off. We went out to the North Branch. A secretary who seemed to know Noel took him into the P.A.'s office where a man talked behind him. Ten days later Noel went to court and the lawyer from the prosecuting attorney's office told the judge that the case was dismissed. I can't remember the lawyer's name. I hope you get him and I hope you get Noel, too. He has let me down.'

53

BACK TO SCENE

53

LIP

Unsigned.

RUSTY

What else.

LIP

Five years! That guy must write real slow.

54 INSERT - LETTER

54

As Rusty puts the letter back we see notated on the file the name, NOEL. A little farther down the note: NOEL = LEON ? And then the name KENNEALLY and a phone number.

*

RUSTY (O.S.)

It looks like she went over to the North Branch to see Kenneally.

A55 EXT. STREET - DAY

A55 *

Lip parks the car next to a boarded-up building that at first look seems abandoned. They get out of the car and walk across the street.

*
*
*

55 INT. FUNKY BAR-RESTAURANT IN THE SEEMINGLY CLOSED-UP BUILDING - DAY

55

It is a place that cops hang out. Lip and Rusty are eating in a little room off by themselves.

LIP

You're gonna like what I got from Painless. There's this guy's semen inside her vagina, but nothing outside, so Painless figures she didn't spend much time on her feet after sexual contact. Painless says normally he'd see some of the guy's little thingies swimmin' upstream in the womb, when he looked under the microscope. Instead, this guy's was all dead. Nothing went nowhere. Painless figures this guy is sterile. He's got a blood type, A.

RUSTY

Ah, my very own.

LIP

I know, but you got a kid.

RUSTY

Hair and Fiber give us anything?

LIP

No hair or skin fragments under her nails.

RUSTY

She would have fought back.

*

(CONTINUED)

55

CONTINUED:

55

LIP

Maybe we're both right. She's playing sex games with the wrong guy. The rope is K-Mart, Sears, Walgreen's, name it. They found carpet fibers from some other location: Zorak V, the biggest seller. You call the fingerprint lab on the bar glass?

RUSTY

Shit. I knew I forgot something.

LIP

They ain't gonna expedite it for me.

(beat)

I got the phone company printout.

RUSTY

And?

LIP

I noticed as I'm going through there, that one of the numbers that comes up there is yours, a number of times.

RUSTY

My office number. We were working on cases together.

LIP

She was calling your home.

RUSTY

(pause)

Not her. Me. 'I'm gonna be late, we've got to go over tomorrow's testimony, the trial's a bitch. I'll catch dinner in town.'

(beat)

I'd just as soon you let it go. I gave Barbara enough pain. You know?

*

LIP

Polhemus was bad news.

KENNEALLY (V.O.)

You you wha' they're callin' you and your partner, downtown?

CUT TO:

56

OMITTED

56

*

57 CLOSE SHOT - LIONEL KENNEALLY 57
58 INT. NORTHSIDE POLICE STATION - DAY 58

He is speaking from behind the bulletproof glass wall that separates the front desk from the entrance. LIONEL KENNEALLY, a tough, mean cop, pulls Rusty round the barrier into his office.

RUSTY
Spare me, Kenneally.

KENNEALLY
Mission impossible.

Kenneally BUZZES an INTERCOM.

KENNEALLY
Guerasch? You wanna bring that
shit in here?
(to Rusty)
Latest thing I'm hearing from
downtown is they're saying it's not
really rape. So you're figurin'
what? The guy she's having cocktails
with is the one who done her?

RUSTY
That seems obvious. But I keep
wondering. Didn't we have a peeping
tom, a few years back, who'd watch
couples and then go in later and take
a piece of the lady himself at
gunpoint?

KENNEALLY
She had any boyfriend who was with
her that night, and left her alive,
you'd have heard from him by now.
He'd want to help.

RUSTY
If he doesn't have a wife to explain
things to.

Kenneally gives a shrug, as if Rusty might be right.

KENNEALLY
I figure it was somebody who knew
what he wanted to make it look like
when he cooled her.

RUSTY
A law enforcement type.

(CONTINUED)

58

CONTINUED:

58

KENNEALLY

Yeah. A cop, a P.A., a private
dick.

GUERASCH enters, carrying two large file storage boxes.

KENNEALLY

(opening file boxes)

You remember this lady P.A. was
out here maybe four months ago.

GUERASCH

Nice set of lungs.

KENNEALLY

See, this kid's gonna make a
copper. Never forgets a bra size.
Rusty wants to know what she was
lookin' for.

They examine the files in the boxes.

GUERASCH

It must have took me a week to
even find this old crap. From
five years back. They'd book a
hundred and hundred and fifty a
day. She was looking for a 'Noel.'

(CONTINUED)

KENNEALLY

Public indecency. They were sweeping the parks, cleaning out the faggots, back when Raymond got some balls for about a day and a half.

RUSTY

Did she find anything?

GUERASCH

(looking at the
files which
are scrambled)

These records were in nice order when I gave them to her. Look, now none of 'em's complete. All the fuckin' work that went into 'em and the bitch just trashed 'em.

KENNEALLY

She didn't give a shit. Never did.

RUSTY

Tommy Molto hasn't been looking at these records?

KENNEALLY

Molto? What the fuck does Molto have to do with this?

RUSTY

One's completely missing.

GUERASCH

Yeah, see here, it skips a number between these two...

Rusty looks at the numbers and writes down what the missing number might be.

RUSTY

There would still be a court file under this number?

KENNEALLY

That far back; it'd have to be in storage on microfilm by now.

Kenneally gives Guerasch a high sign to leave. He does.

(CONTINUED)

58

CONTINUED: (3)

58

KENNEALLY

You don't want to say what this is
about maybe?

RUSTY

I can't, Lionel.

KENNEALLY

Five -- six years ago. That's
when she worked out here as a
probation officer.

(beat)

You know, she used to ask about
you.

*
*

RUSTY

Five years ago? I didn't know
her.

KENNEALLY

Oh, sure you did. The night you
brought the Night Saints in. You
were real hot stuff. A fuckin'
hero, breakin' the meanest gang
this side of Watts. There was a
lot of talk that you'd end up in
Horgan's job. She wanted to know
what you were like. I told her
you didn't fuck around.

*
*
*
*
*

59

INT. RUSTY'S OFFICE - DAY

59

Rusty going through some of Carolyn's cases. Bizarre
photographs and case histories of people that she put
away. He leans back into his chair.

KENNEALLY (V.O.)

(from the past)

For Christ's sake, Carolyn. Move
it!

60

FLASHBACK - INT. NORTHSIDE STATION - NIGHT (FIVE YEARS
AGO) 60

Carolyn Polhemus is coming TOWARDS us. She passes Rusty
and Kenneally, who are surrounded by a long line of young
ARRESTEES, wrists tied together with plastic ties. A
chorus line from hell. The Arrestees whistle and howl at
Carolyn, yelling:

ARRESTEES

Move it, Carolyn! (etc.)

RUSTY

Who is that?

(CONTINUED)

60 CONTINUED:

60

KENNEALLY

Carolyn Polhemus? The new
probation officer. You like that,
too?

PRISONER

(now seeing her
from behind)

Hogs fighting under sheets...

Carolyn looks back at Rusty and laughs.

61 EXT. FERRY - NIGHT (PRESENT)

61

Rusty is getting off the ferry. He sees Barbara there
with Nat.

NAT

Hey, Dad. Look who's here!

RUSTY

How did you know I'd be on this
ferry?

BARBARA

I thought I'd take a chance.
Maybe it's time we took a few
more chances.

They get in the car, Nat climbing into the back seat.
They drive off.

RUSTY

How was your day?

BARBARA

Another shit day on the mainframe.
I figured out today I've been
working on that dissertation for
fifteen years. So in celebration
I'm taking us to dinner.

NAT

Mom's in a really good mood.

RUSTY

(treading lightly)
Any special reason?

BARBARA

It came to me that it might be
time to count my blessings.

CUT TO:

62 INT. HOUSE OF PANCAKES - NIGHT

62

Rusty, Barbara, and Nat are sitting at a table.

NAT
Why don't you give up on the
dissertation? It makes you
miserable.

RUSTY
Your mother's not a giver-upper.

BARBARA
Maybe that's her problem.

NAT
Boy, I sure wouldn't do
arithmetic unless I had to.

RUSTY
Unfortunately, you got my genes
in that department. Without
your mother, I'd still be taking
calculus.

BARBARA
I had to be good at something.

RUSTY
You were good at everything.

BARBARA
In school.

NAT
Did you ever cheat? I mean --
like borrow someone else's
homework?

RUSTY
And copy it and say it was my
own?

NAT
Yeah. That kind of thing.

RUSTY
Why do I think that question has
some personal relevance?

NAT
I didn't say I did.

RUSTY
It's okay. Nothing you say here
tonight will be used to incriminate
you.

(CONTINUED)

62 CONTINUED:

62

BARBARA

That's the first time I've heard
your father plead for leniency.

NAT

It's good to see you guys happy.

63 INT. SABICH HOUSE - BEDROOM - NIGHT

63

Rusty in his pajamas opening up the window. He turns
around. Barbara has come out of the bathroom in her
nightgown.

BARBARA

(referring to the
nightgown)

It's new.

RUSTY

Very pretty.

BARBARA

I'm glad. You know how I hate
shopping.

She comes over to him, awkward, vulnerable.

BARBARA

I also figured it was time the
statute of limitations for your
crimes ran out.

64 CLOSEUP - RUSTY

64

as he puts his hands on her shoulders.

CAROLYN (V.O.)

(from the past)

Has it ever been like this for
you?

65 FLASHBACK - INT. CAROLYN'S APARTMENT - BEDROOM

65

Carolyn looking up at him.

He pulls her up to kiss her. He kisses her neck, her
breasts, and slides down her body. Now he's looking up
at her.

CAROLAYN

Has it ever been like this?

66 INT. SABICH HOUSE - BEDROOM - NIGHT (PRESENT)

66

As Barbara kisses him. He takes her in his arms.

67 INT. BALESTRIERI'S OFFICE - DAY

67

LOU BALESTRIERI looks up as Rusty enters. At the sight of Rusty he instantly reaches for his phone and punches buttons.

LOU

I'm sorry, Rusty, I got on those guys' asses the minute you called.

RUSTY

Lou, that was days ago.

LOU

I know, I know. The fuckers didn't get back.

(into phone)

Morris, this is Balestrieri. On this Polhemus thing. What the fuck is happening with the fingerprints report? Don't give me the computer crap, I don't understand that shit anyway. You got three good prints there, right? So get what you need and run them through the computer and let's figure out if they're anyone we know. Murphy?

RUSTY

Which one? Leo or Henry?

LOU

Leo or Henry, he wants to know. Because Henry is a horse's ass.

(to Rusty)

They want to know how big a field you want to run against. We can do convicted felons or everybody who's ever been fingerprinted. County employees. Shit like that.

RUSTY

Felons is probably enough. I can do the rest later if we ever need it.

*
*

LOU

(making a face)

Do it all. God knows if I can get back on.

(into phone before

Rusty can stop him.)

Do everybody. How soon? What the fuck is gonna take a week?

(MORE)

(CONTINUED)

67 CONTINUED:

67

LOU (CONT'D)

The man's runnin' the biggest
murder investigation in the city
and he's got to kiss your ring?
I know, I know, the computer's not
under our jurisdiction.

(hangs up the
phone)

A week, probably ten days.

RUSTY

Come on, Lou. I need 'em
yesterday.

LOU

I'll push, but I doubt you'll
see it any sooner.

(as Rusty leaves)

And have your copper get the glass
back out of evidence and bring it
to the lab, case they need it for
anything.

CUT TO:

68 INT. MORGUE - CLOSE ON PAINLESS KUMAGAI - DAY 68

SOUND OVER: It is a SURGICAL SAW being used to cut bones
of a cadaver. He smiles blandly at us. He cuts OFF the
SAW and puts it down, wiping his hands. He leads Rusty
into his office.

*

69 INT. PAINLESS OFFICE 69

PAINLESS

Mister Savage! Real important
stuff, we got chief deputy with
us.

Painless's desk is a mess. BASEBALL ON a small TV.

RUSTY

Actually, I just came in to pick
up a report.

PAINLESS

Oh yeah. Oh yeah. Right here
somewhere. So you won't be chief
deputy too much longer, huh?
Della Guardia, I think, is gonna
kick Raymond Horgan in the ass.
This is the thing.

*

*

He tosses a file in Rusty's direction and turns to the
TV.

(CONTINUED)

69

CONTINUED:

69

PAINLESS

That fuckin' Dave Parker. Now he
only got dope in one nostril,
really hittin' the goddamn ball.

RUSTY

On your preliminary report, Lip
and I were wondering why he needed
to bash her if she was already
strangled by the ropes...

PAINLESS

Read the fuckin' report.

RUSTY

This report?

PAINLESS

Not that report. My report.
Autopsy. You see anything with
bruises on wrists? Bruises on
ankles? Bruises on knees?

RUSTY

Meaning?

PAINLESS

(looking at the
TV)

First and third.

RUSTY

Are you telling me you think she
was raped and then tied up?

PAINLESS

Tied up last, yeah. She'd already
died from multiple head injuries.
Raped? No I'm thinkin' no.

*
*
*

RUSTY

Why?

*
*

PAINLESS

Read this fuckin' report. From
chemist. She's got two percent
solution nonoxyl 9 in her vagina.
From spermicidal jelly, used with
a diaphragm. That's why the guy's
sperm's all dead.

*
*
*
*

RUSTY

Diaphragm? You missed a diaphragm
during an autopsy?

(CONTINUED)

69

CONTINUED: (2)

69

PAINLESS

Fuckin' no! You've seen an autopsy,
slice her wide open. No diaphragm
in that lady.

*

RUSTY

Well, where did it go?

PAINLESS

Somebody took it.

RUSTY

Jesus.

He looks at the folder. Painless relents a little.

PAINLESS

You want to know what I think?
I think it's a setup. This man
who kills her is her lover. He
comes over. Has drinks. This
lady has intercourse with the man,
okay? Real nice. But he's angry
guy. Picks up somethin', kills
her, tries to make it look like
rape. Ties her up. Pulls out
diaphragm. That's what I think.

*

Rusty has found something on a page.

RUSTY

What does Tommy Molto think?

(shows page)

'Molto 762-2225.' Don't you want
to copy this down, make sure you
can reach Molto when you need him?

PAINLESS

Oh, Tommy. Good guy. Good guy.

Rusty is out the door. Painless reaches for the phone
and begins dialing. Rusty steps back in.

RUSTY

Painless, tell 'Tommy,' and tell
him to tell Della Guardia: God
better help them and help you,
too, that I can't make a case for
tampering and interference with a
criminal investigation.

*

CUT TO:

70

INT. COUNTY BUILDING - NIGHT

70

As Rusty enters the rotunda. He is stopped by Stew Dubinsky.

STEW

The man I've been looking for. Our new poll shows Della Guardia's leading Horgan. By four percent. With only eight days left.

RUSTY

I'm glad it's made someone happy. *

STEW

You think I want to see you out of here? *

RUSTY

Come on, Stew. New is news. Old is not.

STEW

I'd really miss you, Rusty. After all, who else can talk morality and ethics and not break me up? *

(beat)

But face it, pal. The voters smell an exhausted man who's lost sight of the important issues. *

RUSTY

What do issues have to do with anything when you don't have the jails to hold the crooks you catch, the courts to try them in, or judges who are more than loyal party hacks. *

(beat)

But there'll be one big difference if Della Guardia gets in. Raymond Horgan respects the law and Nico Della Guardia will fuck the law for politics? *

STEW

What's got you so riled up?

RUSTY

Off the record?

STEW

Off the record.

RUSTY

I just came from an appointment with an asshole.

(CONTINUED)

70 CONTINUED:

70

STEW
Some official of our beloved
county?

Rusty doesn't answer.

STEW
Whose name is -- off the record?

RUSTY
Off the record?

STEW
I know. Go fuck myself.

CUT TO:

71 INT. PROSECUTING ATTORNEY SUPPORT STAFF OFFICE - NIGHT 71

As Rusty enters. The room is empty. He sees the light under Raymond's partially-opened door. Raymond beckons Rusty to come in.

72 INT. RAYMOND'S OFFICE - NIGHT 72

Rusty steps inside. Raymond is in shirtsleeves, a drink in front of him.

RAYMOND
Did Dubinsky get a hold of you?

Rusty nods.

RAYMOND
(pointing to
the bar)
Be my guest.
(as Rusty makes
a drink)
You know what Delay is gonna
learn? You run for office because
you think you can make people do
things to make things better, but
you can't. Maybe you get some
potholes filled, you keep the lid
on the best way you can. In the
end all you do is try to hang on.

RUSTY
There's no question he's got Tommy
Molto out there shadowing our
investigation. He may have even
slowed the lab work down.

(CONTINUED)

72

CONTINUED:

72

RAYMOND

When this poll hits tomorrow, we'll be done commanding loyalty in the police department. Any cop who ever called Nico by his first name will be feeding him information, investing in the future.

RUSTY

(looking at his
drink)

When I started here, I didn't drink.

RAYMOND

When you started here, you still believed that you could make a difference.

RUSTY

The funny thing is a part of me still does.

RAYMOND

It beats me. A guy as tough as you still hanging on to the shreds of his ideals.

RUSTY

Those shreds are all I've got.

RAYMOND

How is Barbara? Seems like I never see her anymore. Did she ever finish that dissertation?

*
*

RUSTY

I'm not sure she never will.

*
*

RAYMOND

She's too fucking bright to be holed up in suburban life. That can't be enough for her.

Raymond gets up to go. Rusty gets up, too. They start turning off lights.

RAYMOND

So who's our bad guy?

RUSTY

Maybe it's a boyfriend, maybe it's a guy she picked up.

*
*

(MORE)

(CONTINUED)

72

CONTINUED: (2)

72

RUSTY (CONT'D)

Seems like it's somebody who knew
enough about her to realize what
to make it look like.

(beat)

It could be a law enforcement
type.

*
*
*
*
*
*

RAYMOND

Jesus, one of us.

*
*
*

Beat. Rusty, about to turn out the lights on the Wall of
Respect, is confronted by the picture of Carolyn and
Raymond.

RUSTY

Did you and Carolyn have a thing?

RAYMOND

(beat)

Let's say that the decedent and I
were both single and both adults.

The office goes dark as the door closes behind them.

CUT TO:

73

INT. COUNTY BUILDING - CORRIDORS AND LOBBY

73

As Rusty and Raymond walk through.

RAYMOND

She figured like everybody else,
that I wasn't running, that I
could hand the mantle to anyone I
chose. So why not a broad?

RUSTY

One more question?

RAYMOND

I gave her the B-File because she
asked and I was sleeping with her.
She looked at it, went over to
the Northside and shoveled through
the records. There was nothing
there. That's what she told me.

(beat)

What are you gonna do, Rusty? Once
the party's over?

RUSTY

I don't know.

(CONTINUED)

73 CONTINUED:

73

RAYMOND

Can we get you on the bench? I
should still have the swag to pull
off that.

Rusty looks at Raymond, a little disconcerted by the
juxtaposition of the offer of a judgeship to the
discussion of the B-File.

RUSTY

Let's see what the future holds.

RAYMOND

I wonder if that would have
satisfied her?

RUSTY

What?

RAYMOND

A judgeship. I wonder if that
would have been enough for Carolyn.

74 INT. PEOPLEMOVER - NIGHT

74

Rusty sits there as the city seems to circle in back of
him.

CAMERA MOVES INTO CLOSEUP of Rusty.

CAROLYN (V.O.)

(the past)

I heard on good authority that
Raymond definitely won't run.

75 FLASHBACK - INT. CAROLYN'S APARTMENT - NIGHT

75

Carolyn in a robe. She is undressing Rusty.

CAROLYN

Rusty?

She kneels in front of him.

CAROLYN

(looking up at
him)

You're the one who should be
running.

CUT TO:

76

INT. SABICH HOUSE - LIVING ROOM - MIDDLE OF NIGHT
(PRESENT)

76

Rusty, in his pajamas and a robe, sits in the living room writing in his notebook.

BARBARA
(coming down
the stairs)
Want a cup of hot milk? It
sometimes works for me.

RUSTY
Go back to bed. No use two of us
not sleeping.

BARBARA
What's happening on the case?

RUSTY
In a few months it'll be Nico's
case. And probably wind up in
our biggest file, the one of
unsolved crimes. And that will
be the end of that.

For the first time he seems about to break.

RUSTY
I'm flying out on election day
to see her former husband. It
could be someone from her past.

Rusty turns away from her as he feels tears fall down
his face.

BARBARA
You're still in love with her.

RUSTY
It wasn't love.

BARBARA
What did she have to make you feel
so much?

RUSTY
It wasn't love.

BARBARA
(as she leaves)
What was it then?

CAMERA MOVES IN ON Rusty's face.

(CONTINUED)

76

CONTINUED:

76

RAYMOND (V.O.)
(the past)
Rusty. I want you to meet Carolyn
Polhemus.

77

FLASHBACK - INT. RAYMOND HORGAN'S OFFICE - DAY

77

CAROLYN
I've seen Rusty.

RAYMOND
I want to bring Carolyn on board
as a prosecuting attorney. She's
been working probation Northside,
and she just got her law degree.
Let's find the right spot for her.

CAROLYN
I want the Index division.

RAYMOND
That's not a job, that's a
sentence. Rape, sex crimes,
sexual assaults, child molestation,
torture. Give her a break, Rusty.

RUSTY
It's hard to get a conviction in
a rape. It's a dead end for
anybody with ambition.

CAROLYN
So what do you do? Send the hacks
and no-good nephews down there so
you get the worst attorneys trying
the hardest cases?

RAYMOND
My God, we've got an idealist on
our hands.

CUT TO:

78

INT. RUSTY'S OFFICE - EARLY EVENING (PAST)

78

*

As Carolyn comes in and slides a file onto his desk. It
is a year after the previous flashback scene in Raymond's
office and Carolyn looks more elegant, more professional,
less obvious in her effects.

*
*
*
*

EUGENIA
(appearing at door,
her coat on)
Your wife called.

*
*
*
*

(CONTINUED)

78

CONTINUED:

78

She gives Carolyn a hostile look, as if to say, "I know your game" and leaves.

CAROLYN

Why don't you fire her?

RUSTY

(examining the file)

I can't. She's a civil servant. Raymond, you and me, we come and go, but they're here forever.

CAROLYN

(referring to file pix)

He's five years old. The doctors found 23 healed fractures from old wounds. The perpetrator? His own beloved mother. This case needs your help.

RUSTY

(studying file)

Give the case to Nancy. You haven't had that much experience yet with kids.

CAROLYN

Nancy's not available. And besides, I want to try this case, myself. With your help.

He looks at her. Trying to read her motives.

RUSTY

Give me the outlines of the case.

CAROLYN

A month ago she brought him into the West End Pavilion Hospital emergency room. The boy was unconscious from severe head injuries. She said he fell. The emergency room physician remembered treating him twice before, for a broken collarbone and for a broken arm. The doctor says the head wounds were too symmetrical to be the result of a fall. After she figured it all out, she called Nancy. Nancy wasn't there so I took the call. She told me she was treating a child whose mother fractured his skull when she crushed his head in a vice.

(CONTINUED)

78

CONTINUED: (2)

78

RUSTY

Do you have any proof it was the mother?

CAROLYN

Just the testimony of the child.

RUSTY

The psychiatrists. What do they say?

CAROLYN

They're inconclusive. She gives a damned good imitation of a loving mother.

RUSTY

And when he sees the mother in the courtroom he may recant. You've got a very iffy case.

CAROLYN

I've examined him several times and I think he has begun to trust me. But still, he keeps changing his story. I know it's out of fear. The father says he saw the kid fall. The mother denies everything. Says he's accident prone.

RUSTY

Look, how many child abuse cases does this office handle a year?

CAROLYN

It's in six figures.

RUSTY

And they're all terrible. They're all heartbreaking. But I can't stop every thing else in this office for them. You'll have to get some one else to help you.

CAROLYN

You don't like me. Do you?

RUSTY

I think you've turned out to be a damned good prosecutor.

(CONTINUED)

78 CONTINUED: (3)

78

CAROLYN

You were pissed off when Raymond hired me because I didn't go through channels like everybody else.

Rusty smiles.

RUSTY

Clearly, you're not like everybody else.

CAROLYN

You think I got this job because I fucked some fat cat friend of Raymond's.

RUSTY

Look. It's late.

CAROLYN

Come on. I'll drive you to your ferry.

CUT TO:

79 INT./EXT. CAROLYN'S CAR - MOVING SHOTS - LATE DAY

79

Rusty is looking through the file as she drives.

RUSTY

You've got everything, you've got signed statements, medical and physical proof.

CAROLYN

The father says he saw the kid fall. He's mafia, he's got money, he's got clout.

Rusty slips a look at a piece of paper in the file.

80 INSERT - PAPER

80

Wendell's childish handwriting. It says, "Please, God, somebody help me."

81 BACK TO SCENE

81

RUSTY

This isn't the way to the ferry.

CAROLYN

I want you to meet somebody.

She's parked the car in front of a building that looks like a clinic.

82 INT. CHILDREN'S HALL - LATE DAY

82

WENDELL McGAFFNEY, a depressed child of six or seven, is sitting in the middle of a room.

CAROLYN

Hi, Wendell.

Wendell looks up, then goes back to his drawing.

CAROLYN

This is Rusty Sabich. Rusty is a very important man in our office and he is going to help me when we go to court. Do you remember what I told you about court?

WENDELL

Yes.

CAROLYN

Tell me.

WENDELL

There is a judge and some nice people --

CAROLYN

They're called a jury.

WENDELL

And you're gonna ask me questions.

CAROLYN

About what?

Silence.

CAROLYN

What am I going to ask you about?

WENDELL

About -- you know.

(CONTINUED)

82

CONTINUED:

82

CAROLYN

But we have to pretend I don't know.

WENDELL

About what happened.

CAROLYN

When?

WENDELL

When I got hurt.

CAROLYN

When your head was hurt.

He nods assent.

CAROLYN

What else did I tell you?

WENDELL

You said if I told what Mommy did the judge and the nice people would protect me and Mommy wouldn't hurt me any more.

CAROLYN

Do you think you can do that? Answer my questions in court and tell what Mommy did to you?

WENDELL

Mommy will be there.

CAROLYN

She can't hurt you. She can't even talk to you. You'll be completely safe.

WENDELL

Yes. You promised.

CUT TO:

83

INT. CAR - NIGHT

83

RUSTY

What the poor kid doesn't know is that even if we win, he'll wind up in foster homes.

(CONTINUED)

83

CONTINUED:

83

CAROLYN

And if we lose? He could wind up
with his mother.

84

OMITTED

84

85

INT. COURTROOM - DAY

85

Court is just being brought into session. Carolyn comes
down to the prosecutor's table and sits next to Rusty.
She looks concerned and nervous.

CAROLYN

His father got to him last night.
He told him God would put him in
hell if he testified against his
mother. He's terrified.

RUSTY

If you're not ready to go ahead,
let's ask the judge for a couple
of days.

CAROLYN

No. We have to do it now or
we're going to lose him for good.

86

INT. COURTROOM - DAY

86

Wendell is on the stand. Carolyn is examining him.

Wendell starts to look towards his parents and Carolyn
moves closer to him so that she blocks his view of them.

87

CAROLYN'S POV - RUSTY

87

He stands by Wendell.

RUSTY

This little boy lived desperate and
fearful every second of his life.
All he wanted from his mother was
love, and he was tortured; he
wanted affection and he was beaten;
he wanted compassion and his bones
were broken...

88 CLOSEUP - CAROLYN

88

She never takes her eyes away from him.

RUSTY (O.S.)

... he wanted to be embraced and protected and he was burned, and then he was told to be silent. I am his voice. I will not be silent. I speak for Wendell. When Wendell sends a note to God for someone to help him, who will answer?

CUT TO:

89 OMITTED

89

A90 FLASHBACK: INT. CORRIDOR OUTSIDE RUSTY'S OFFICE - NIGHT

A90

Rusty is pacing up and down. He looks up.

90 RUSTY'S POV - CAROLYN

90

she walks towards him down the long corridor, never taking her eyes from him. It is the same image Rusty remembered earlier.

91 BACK TO SCENE

91

RUSTY

This is always the worst of it.
Waiting for the jury.

She takes his hand.

A92 INT. CAROLYN'S OFFICE

A92

As Rusty and Carolyn enter. She locks the door behind her. She takes off her jacket and steps out of her skirt and goes to Rusty and hands him the bow of her blouse. He pulls the bow 'til it unknots and her blouse is free. She removes the now open blouse and turns her back to him so he can unfasten her bra. Her performance in it's own way is as skilled as her performance in the courtroom.

CAROLYN

(whispering in
his ear)

It's going to be so good. So good.

92 INT. SABICH HOUSE - LIVING ROOM - NIGHT (PRESENT) 92

Rusty sitting on the couch. He looks down at the file of her case before him on the table. A piece of one of the Polaroids of her body peeks out from underneath some papers.

93 EXT. COLLEGE CAMPUS - POLHEMUS HOUSE - DAY 93

Rusty pulls up in front, driving a rental car.

94 EXT./INT. POLHEMUS HOUSE - ENTRANCE - DAY 94

A middle-aged MAN opens the door for Rusty.

RUSTY

Mr. Polhemus? I'm Rusty Sabich.

POLHEMUS (MAN)

Come in. There's a message for you.

(handing him
a piece of paper)

To call a Mr. Lipranzer.

95 INT. POLHEMUS HOUSE - KITCHEN - DAY 95

Phone in kitchen -- a nice middle-aged woman, a typical faculty wife, is making tea and putting cakes on a tray in the b.g. Rusty is on the phone.

LIP (V.O.)

They come down here today to get all my reports. Everything I had on the case. For the Chief. They were real serious. Like someone shot the President.

*
*

RUSTY

That's odd.

LIP (V.O.)

I'm goin' over to the North Branch Courthouse. They promised they'd finally have the microfilm from the warehouse.

(as he hangs up)

I tell ya, Rusty, somethin's goin' on.

96 INT. POLHEMUS HOUSE - STUDY - DAY 96

An academic place. The tray of tea and cakes is on a table beside them. Polhemus and Rusty sit across from each other.

(CONTINUED)

POLHEMUS

It seems so strange to be talking
about her. After all these years.

RUSTY

You've had very little contact
with her.

POLHEMUS

None. Since she left. She felt
our son would be better off with
me. Of course, she was right.
She didn't know how to be a
mother. She barely knew her own,
from what she said. Which wasn't
much.

(CONTINUED)

RUSTY

What about her family?

POLHEMUS

I think she had some older brothers. And I think she was abused and that there was bad blood between them. She avoided talking about her past and I didn't pursue it. Perhaps I didn't want the mystery of her broken.

(pause)

A strange thing to say. But there was always something strange in our relationship. At first, she was the pursuer. I thought it was the usual student crush on the professor. I was amused and flattered to begin with and then -- she consumed my life. I'm grateful it happened years ago and that my present wife came after. If it had been the other way around, I -- well, happily, it wasn't.

RUSTY

Do you know where I can find her brothers or her father?

POLHEMUS

Mr. Sabich, I have no idea where she came from. She admitted that she lied her way into the university, made up a background. She was very good at playing roles. Her speech, I felt, was not quite natural. As if she'd developed some accent to hide the one that she grew up with. She had the capacity to be what I wanted her to be. Until she didn't want me. Then I saw the toughness. But underneath the toughness, I always saw the pain.

(seeing Rusty's
face)

You saw that, too.

RUSTY

Yes.

(CONTINUED)

POLHEMUS

When she left me I lost all pride.
I begged her not to leave. The
last time she looked at me it was
with disgust; disgust that someone
she'd looked up to could be so
weak. And at that moment, I
remember, I felt the most
desperate wish that she were dead.
Perhaps she made some man feel
like that who actually acted on
his fantasy.

(beat)

Well, this kind of speculation is
not exactly in my field. Would
you like to see what she looked
like at that time?

Rusty nods. Polhemus rummages in his desk and produces
photographs. He hands the photographs to Rusty.

POLHEMUS

These were taken about the time
we married.

Polhemus looks at Rusty studying the pictures.

POLHEMUS

(gently)
This isn't just work.

RUSTY

(a beat)
No.

POLHEMUS

Had it ended?

RUSTY

Yes, it had ended. Badly.

97 EXT./INT. CAR - DAY

97

As Rusty leaves the campus.

CAROLYN (V.O.)

(the past)
A lot of people think that
Raymond's tired. A lot of people
think he shouldn't run again.

98 FLASHBACK - INT. CAROLYN'S APARTMENT - NIGHT

98

Rusty and Carolyn in bed.

(CONTINUED)

98

CONTINUED:

98

In the f.g. Rusty is opening a bottle of wine. In the b.g. Carolyn is getting dressed. It is clearly after lovemaking. She dresses as she undressed. She makes dressing an erotic act.

CAROLYN

Does Raymond talk about it?

RUSTY

Not to me.

CAROLYN

If he agrees to step aside, the party would probably let him decide who should be slated. Who would he choose?

(beat)

Rusty, if you let him know you want it, it'll be you. Without Raymond, Nico doesn't have an issue. You would walk into the P.A.'s office. Look at all the good that you could do.

RUSTY

And you'd be my deputy P.A.

CAROLYN

Why not? You said that I could be the best...

RUSTY

Maybe I don't want it.

CAROLYN

Why?

RUSTY

You didn't know Raymond when he started here. He was the best. Ethics, quality of mind, a sense of justice, he had it all. Now he just can't bear the thought of stepping down. I've watched a lot of them climbing to the top. They start out -- even probably Delay -- convinced they want it because they'll do a better job. Then they start making deals, selling out, saying, doing anything that gets them where they want to go. By the end they're like horses in a race; all that matters is to win, there's nothing else in life. That's not for me.

(CONTINUED)

98 CONTINUED: (2)

98

CAROLYN

That is life, Rusty. Everybody
rubbing everybody else because
there's something that they want.
I love wanting something and going
for it. It's human, it's alive.

*
*
*
*
*

CUT TO:

99 INT. CAROLYN'S OFFICE - DAY

99

Carolyn is at work. Rusty has just entered... She goes
to the door, closes it.

CAROLYN

I like you, Rusty. But I think
it's over.

RUSTY

Why?

CAROLYN

It's not right for me now. It's
over.

RUSTY

I don't accept that.

CAROLYN

You don't? Do I have a say?
Come on, I don't want to end up
enemies.

CAROLYN'S LAUGHTER V.O.

100 INT. GIL'S BAR - NIGHT

100

Carolyn is at the bar with Chet, the TV guy from Channel
3. She is laughing. Rusty approaches. He takes a seat
in the corner facing her... Carolyn whispers in Chet's
ear. Chet pays the bar bill.

CAROLYN

(as they leave)
Rusty...

CUT TO:

101 EXT. CAROLYN'S APARTMENT - FULL SHOT - NIGHT

101

The door opens and silhouetted against the lights from
inside, Carolyn kisses someone. It is Chet who skips
out down the steps and crosses to his car. The CAR
STARTS and pulls away.

102 NEW ANGLE - RUSTY

102

who has been watching, gets out of his car.

Carolyn is standing in the doorway looking at him. Rusty goes up the steps to her.

CAROLYN

How long have you been sitting there?

RUSTY

What do I have to do? What...

CAROLYN

Don't beg. For my sake, don't beg.

RUSTY

I'm shaking. My heart is hammering. That's not very cool, is it?

CAROLYN

Were you the hang-up, last night? Jesus. Rusty Sabich, the man that nailed the Night Saints!

She tries to close the door, he holds it open. Over his shoulder; the living room with the glasses and ashtrays, and beyond, the bedroom, with the bedclothes tumbled onto the floor.

CAROLYN

Stay off my street. I'm scared of you.

She slams the door in his face; we can hear LOCKS and CHAINS SNAPPING INTO PLACE. He stands before the door, frozen.

CUT TO:

103 INT. RAYMOND'S HEADQUARTERS - HOTEL SUITE - NIGHT
(PRESENT)

103

Trays of cold cuts, and liquor bottles. Ten phones, all busy. LARREN LYTTLE, a black judge, an imposing figure, comes over to Rusty.

LARREN

Well, Rusty, maybe I'll be seeing you in my court arguing for the defense. Though somehow I can't see you on that side. Damned exit polls.

(MORE)

(CONTINUED)

103 CONTINUED:

103

LARREN (CONT'D)

First time I heard a body
pronounced dead before it hits
the floor. Raymond wants to see
you...

Raymond walks in from the other room.

RUSTY

How are you?

RAYMOND

(to Larren, who stands
next to Rusty)

I feel like I should apologize to
Rusty. I never should have run
again. I should have given him
the shot.

LARREN

Shit, pretty soon you'll have me
believing it.

They all laugh.

LARREN

I talked to Tommy Molto.

(to Rusty)

Who has emerged tonight as Nico's
aide-de-camp.

(to Raymond)

I said you'd call Nico to make a
formal concession. When you're
ready.

RAYMOND

(taking a belt
from Larren's
bourbon)

I'm ready.

LARREN

Nico and Tommy want to see you in
the morning. Ten o'clock. Alone.
He told me, didn't ask.

104 INT. HOTEL BALLROOM - NIGHT

104

Rusty watches as Raymond climbs on the podium and is
given the usual tearful final cheer.

Somebody grabs Rusty's arm from behind. He whirls
around. It is Lipranzer, who motions him outside.

105 EXT. ALLEY OUTSIDE HOTEL - NIGHT

105

LIP

This is too strange. Something's
fucked-up over in the hall. It's
way wrong.

RUSTY

Why?

LIP

I got a message I'm supposed to
be in the chief's office 8:00
tomorrow morning to be interviewed.
By Molto. Not discuss. Interview.
Like they're after me. And here's
another one. When I come back in
tonight they tell me that they
took all the receipts for the
evidence I've inventoried on
Polhemus. No questions asked.

RUSTY

Sounds to me like you're off
the case.

LIP

Sure. Fine. But figure this in.
I'm out in the north branch before
5:00 going through that microfilm.
All of this hits by 6:00, 6:30.
And look at what I picked up out
there.

He reaches inside his Windbreaker. He hands Rusty five
sheets of foolscap, Xeroxes of court documents.

LIP

The case number matches the
complaint number that was missing
when you went down to see
Kenneally.

106 RUSTY'S POV - FIRST SHEET

106

A copy of the case jacket. PEOPLE VERSUS LEON WELLS.

CUT BACK TO:

107 RUSTY AND LIP

107

RUSTY

(reading)

People versus Leon Wells. Public
indecent complaint. Dismissed by
court order July 26...

(MORE)

(CONTINUED)

107 CONTINUED:

107

RUSTY (CONT'D)
(looking up at Lip)
Five years ago. Bingo!

*

LIP
Look who's listed as Leon's
probation officer on the bond slip.

*

*

*

RUSTY
Carolyn Polhemus.

LIP
(pulling the last
sheet out)
Wait. Here's the best.
(looking up to
Rusty)
Who do you think was the deputy
handling the case?

He hands Rusty the sheet.

RUSTY
(reading, looking
up to Lip)
Molto.

LIP
(handing Rusty the
file)
You take this. 'Cause I don't
know what the fuck is happening
with me.

108 INT. COUNTY BUILDING - OFFICE CORRIDOR - DAY

108

Nico and MAN we have not seen before, stand talking
together in low voices outside Raymond's office door.
Rusty appears.

RUSTY
(cheerful)
Tommy Molto!

Delay and TOMMY MOLTO turn to look at him...

RUSTY
We once had a guy of that name who
worked here, but we think he
might be dead.

*

Now, as Rusty amiably offers his hand, Molto appears to
recoil. Rusty turns to Della, who is cool.

(CONTINUED)

108 CONTINUED

108

DELLA GUARDIA

Raymond's inside, we were waiting
for you.

109 INT. RAYMOND'S OFFICE - DAY

109 *

They move into the office. Mac is by the window, looking out. Raymond is restlessly moving about.

RAYMOND

Rusty. Della and Molto have raised
some question with me about the
Polhemus investigation.

MAC

(wheeling her chair
around)

This discussion should take place
somewhere else, with somebody
else.

RUSTY

What is this about?

MOLTO (MAN)

It's about the fact that you were
in Carolyn's apartment the night
she was killed.

RUSTY

Bullshit. What was that? A
Tuesday night? Barbara was at the
U. And I was babysitting.

RAYMOND

Rusty, my advice to you is to shut
your fucking mouth.

MOLTO

We've got the fingerprint results.
The ones you never could remember
to ask for. And they're your
prints on the bar glass. Yours,
Rozat K. Sabich. Five feet from
where the woman was found dead.
Maybe you didn't remember at first
that all county employees get
printed.

RUSTY

This is absurd.

*

(CONTINUED)

109 CONTINUED:

109

MOLTO

And the phone records you told
Lipranzer not to get? We had the
phone company pull them this
morning. You were calling her all
month. There's a call from your
house to hers that night.

RUSTY

My God. You're serious.

Silence. Rusty starts to go. Molto follows...

MOLTO

Sabich!

DELAY

Tommy, for Christ's sake...

MOLTO

I want you to know one thing,
Sabich. I know.

RUSTY

Sure you do.

MOLTO

Go ahead, play cool. I know. You
killed her. You're the guy.

Rusty leans toward Molto.

RUSTY

Yeah, you're right. You're always
right.

And he walks away.

110 INT. COUNTY BUILDING - HALLWAY - DAY

110

Rusty is walking fast. Lip is leaning against the wall,
waiting for a chance to waylay Rusty.

RUSTY

They're going to charge me, Lip.
They think I did it. Get out.
Go on, no way you can be seen with
me, they're going to bury you.

CUT TO:

111 EXT. SABICH HOUSE - DAY 111

Rusty puts his key in the door.

112 INT. SABICH HOUSE - FRONT HALL - DAY 112

Rusty puts his briefcase down. The usual ritual upon coming home. He looks at it, aware that from now on the usual rituals may be no more.

He goes upstairs.

113 INT. SABICH HOUSE - BEDROOM - DAY 113

Barbara is working on her computer at her desk. Her back is to him. She whirls around.

(CONTINUED)

113 CONTINUED:

113

RUSTY

I'm sorry. I didn't mean to scare you.

BARBARA

Are you sick?

RUSTY

Nico and Molto are going to charge me with Carolyn's murder.

She looks incredulous.

RUSTY

It seems they've found my fingerprints on the glass of beer in her apartment.

BARBARA

But you weren't there. You were babysitting Nat.

RUSTY

That may be hard to prove. Nat went to sleep at nine o'clock.

BARBARA

What does that mean?

RUSTY

A grand jury investigation I would think and then they will or won't indict me. If they do, well, there will be a trial.

BARBARA

But surely it will never go that far.

RUSTY

I'm going to need a lawyer. A very, very good, expensive lawyer. Financially it could break us.

BARBARA

We'll mortgage the house. Sell it if we have to.

RUSTY

What time will Nat be home?

BARBARA

Nat. Oh, Rusty.

He goes to her and holds her.

(CONTINUED)

113 CONTINUED: (2) 113

The DOORBELL RINGS.

114 INT. SABICH HOUSE - FRONT HALL - DAY 114

Barbara opens the door. A MAN stands there, a man we've seen around one of the police departments or prosecutors' offices. In back of him are three state troopers.

MAN
Rusty Sabich?

RUSTY
Tom...

TOM (MAN)
I don't like to be here.
(handing him two
subpoenas)
A search warrant for these
premises.

RUSTY
(as if this is an
everyday occurrence)
Of course. Come in.

115 INT. SABICH HOUSE - DINING ROOM - DAY 115

Rusty sits at the table, waiting, his hands folded in front of him. He is totally still, contained. THROUGH the archway to the living room we see a man with a vacuum cleaner, taking samples of the carpet, while another man walks from room to room with a plastic bag and scissors.

BARBARA
(coming from upstairs)
One of them is cutting swatches
from your clothes. I tried to
stop him.

RUSTY
They'll try to match up threads
of fabric and fluff from our
carpet with any they find in her
apartment. I am going to have
to give a blood specimen.

BARBARA
Can't you refuse?

RUSTY
They have a warrant. It's routine.
It's all routine.

(CONTINUED)

115 CONTINUED:

115

BARBARA
You're so in control.

RUSTY
I have to be. I'm going to ask
Sandy Stern if he'll take my case.

BARBARA
He is the best?

RUSTY
He is the lawyer we prosecutors
are most afraid of.

CUT TO:

116 INT. CLUB DINING ROOM

116

Rusty is sitting at the table by himself.

117 RUSTY'S POV

117

We see a distinguished MAN come TOWARDS him, a bit Old
World in the precision of his appearance, an elegance
that is out of time and place.

118 BACK TO SCENE

118

He shakes Rusty's hand.

SANDY STERN (MAN)
I realize that you would like to
avoid public places at a time
like this but I do not think it
is wise for you to go into hiding.
(sitting down)
I am flattered that you want me to
represent you in this matter. You
have been my toughest adversary.

*

*

Rusty smiles.

RUSTY
Shall we discuss the grand jury
proceedings? They have issued a
subpoena for me to testify.

SANDY
Clearly, we will not let you.

RUSTY
You expect me to take the Fifth
Amendment?

(CONTINUED)

118 CONTINUED:

118

SANDY

Of course.

RUSTY

That I will not do.

SANDY

Rusty, you will be making a serious mistake if you testify before the grand jury. You know that the accused accomplishes nothing by pre-trial statements except to prepare the prosecutor for the defense should we come to trial.

RUSTY

I don't believe this case will ever go to trial. If I take five and refuse to testify to the grand jury it could destroy my reputation.

SANDY

The results of your blood test have come back and they have identified you as a secreter -- that is, someone who produces A-type antibodies, just like the man who had last been with Ms. Polhemus. The chances of this being a coincidence is one in ten. Therefore, I believe you will be charged. That you indeed will go to trial.

119 INT. GRAND JURY INVESTIGATION

119

Rusty testifying. In answer to each question he's asked he says:

RUSTY

On the advice of my attorney, I will decline to answer because it may tend to incriminate me.

CAMERA INTO his face as, after each question he repeats the line. Underneath the control, we see his humiliation.

120 EXT. SABICH HOUSE - MORNING

120

Newspaper in front of the door.

121 INSERT - HEADLINE 121
CHIEF PROSECUTOR CHARGED WITH MURDER - HAD AFFAIR WITH
VICTIM.

122 RUSTY 122
picks up the paper and goes back into the house.

123 INT. SABICH HOUSE - KITCHEN - DAY 123
Rusty walks in. Barbara is putting breakfast on the
table. *

 RUSTY
Well, at least Stew Dubinsky got
a front page lead.

 BARBARA
I thought he liked you.

 RUSTY
He does. He just likes the
front page more.

Nat enters. Rusty quickly folds the paper and puts it
in the garbage can. But not before Nat has seen the
headline about his father.

Nat sits down at the table and carefully takes the napkin
and puts it on his lap, his new manners an offering for
his father.

The DOORBELL RINGS.

 NAT
 (jumping up)
I'll get it.

 RUSTY
 (quickly getting out
 ahead of him)
Stay here. I think that it's
for me.

124 INT./EXT. SABICH HOUSE - FRONT DOOR - DAY 124
As Rusty opens it, he is faced with NYSLENSKI. In back
of him some cops and a police car. And worst of all,
getting out of other cars, the press. Some cameramen,
etc. Among them is Stew Dubinsky.

 NYSLENSKI
You are under arrest... I don't
want to read the rest of this
shit...

(CONTINUED)

124 CONTINUED: 124

RUSTY
It's the law, Jim.

125 INSERT - HANDCUFFS 125

being snapped over Rusty's wrists behind his back.
While OVER we hear:

NYSLENSKI (O.S.)
You have the right to remain
silent...

And etc., the Miranda warning.

126 BACK TO SCENE 126

There is no way to stop Nat from seeing this.

RUSTY
(as the cops take
him to the car)
Call Sandy to set bail.
(as the cameras
click)
Molto, that little bastard,
tipped off the press.

127 EXT. SABICH HOUSE 127

Rusty is dragged past the press. He looks at Stew
Dubinsky. Stew looks away.

128 COP CAR 128

driving away.

129 FLASH - POLICE PHOTO 129

Front view (Rusty).

130 FLASH - POLICE PHOTO 130

Side view (Rusty).

131 INT. POLICE STATION 131

Police sergeant at computer.

132 INSERT - HIS HANDS 132

from fingerprinting.

133	OMITTED	133	*
&		&	
134		134	*
135	INT. COURTHOUSE HOLDING CELLS - JAIL CORRIDOR NIGHT	135	*

Rusty follows turnkey, who stops at a holding cell door.

The door slams on Rusty, locked inside a tiny holding cell.

CUT TO:

136	INT. CONFERENCE ROOM - SANDY STERN'S OFFICE - INSERT - ENORMOUS CARTON FULL OF PAPERS - DAY	136
-----	--	-----

as it is slammed down on a table. On top of it the label, PEOPLE VS. ROZAT K. SABICH.

137	WIDER ANGLE	137
-----	-------------	-----

REVEALS a young man, JAMIE KEMP, who has just put down the box. Rusty and Barbara are in back of him.

JAMIE

One thing we know: their case
has weight.

(as he leaves)

I'll be back in a couple of hours
with Sandy.

BARBARA

(as Rusty pulls
a stack of papers
out)

I can't believe there can be any
more surprises.

RUSTY

That's when they come. That's
why they're called surprises.

(going over sheaf
of papers)

Well, Nico has not added an
obstruction charge. He may want
to make a deal.

BARBARA

What kind of deal?

(CONTINUED)

137

CONTINUED:

137

RUSTY

If I plead guilty to obstructing justice, say I lied when I said I was not at Carolyn's that night, but that she was alive when I left, he might drop the murder charge.

BARBARA

What's the sentence for obstruction?

RUSTY

Three years tops, but I'd be out in eighteen months.

BARBARA

Why would Nico want to make a deal like that?

RUSTY

Because it's a high profile case that could be difficult to win. Any kind of admission of guilt from me is a victory for the prosecutor. And it would accomplish what may be his central purpose. It would discredit me for life.

BARBARA

Rusty? Maybe you should make that deal.

RUSTY

I want my life back. Unstained. No deals. No pleas.

Rusty takes out a pen and a notebook from his briefcase. Barbara watches him, fascinated. Once again he is the professional, in command, mobilized for work.

138

SANDY'S OFFICE - CONFERENCE ROOM - INSERT - BOX - DAY

138

All of the papers have been removed by now. The CAMERA PULLS BACK to reveal Rusty surrounded by papers, his notebook filled with notes.

SANDY (O.S.)

Well, do we now understand Della Guardia's case?

RUSTY

(looking up from
the papers)

I think I do.

(CONTINUED)

138 CONTINUED:

138

SANDY

Fine, then. Let me hear it.
Thirty second summation, if you
please, of Nico's opening
statement.

RUSTY

Sabich is obsessed with Polhemus.
She ditches him for another man.
Sabich is enraged and incensed;
he can't let go. One night,
knowing that his wife will be
going out, he calls up, begs to
see her, and Carolyn finally
agrees. She rolls around with
him for auld lang syne, but then
something goes wrong. Sabich is
jealous. Sabich wants more than
she will give. He blows a
gasket. He gives her what-for
with some heavy instrument. And
decides to make it look like
rape. Sabich is a prosecutor.
He knows that this way there will
be dozens of other suspects. So
he ties her up, opens the latches
to make it look like somebody
slipped in, and then -- this is
the diabolical part -- pulls her
diaphragm out of her, so it looks
like rape. In his haste and
confusion, he makes mistakes.
He forgets the glass he drank
from. And he does not think
that the forensic chemist will be
able to I.D. the spermicide. We
know he did evil to this woman,
because he lied about his presence
on the night of the murder. His
fingerprints on the glass, his
blood type A, identified from
semen, fibers from carpet in his
home, tell us he was there.

SANDY

Very plausible.

RUSTY

But their evidence of motive is
weak.

(CONTINUED)

138 CONTINUED: (2)

138

SANDY

That is where we must attack. Is there any proof of prior amorous relationship between the defendant and the decedent?

RUSTY

A few telephone calls.

SANDY

That can be accounted for by business needs. Any diary?

RUSTY

No.

SANDY

No note that came with flowers? No lover's correspondence?

RUSTY

No.

SANDY

Good. Gossip will not be admitted.

RUSTY

There are phone calls from my home to Carolyn's all through October, last year.

SANDY

I believe you were trying the case of Wendell McGaffney during that period. Reason enough for calling her.

*
*
*

RUSTY

Why did I tell Lipranzer not to get my home phone records?

SANDY

I take it for granted that a person of an innocent state of mind would rule himself out as suspect, and save a busy detective from wasting time. Clearly they hope to win the case on the strength of their physical evidence.

(CONTINUED)

138 CONTINUED: (3)

138

RUSTY

I would like to look at that
glass. It might help me figure
some things out.

SANDY

(to Kemp)

List a motion for production of
physical evidence.

RUSTY

Also we want them to produce
all the fingerprint reports.

(MORE)

(CONTINUED)

RUSTY (CONT'D)

They dusted everything in the apartment. We must motion for production of all scientific examinations: all underlying reports, spectographs, charts, chemical analyses, et cetera. And I'd like to get a complete inventory of everything in that apartment.

KEMP

Where's the contraceptive jelly or whatever it is that this chemist is saying he finds present? Wouldn't it be in her medicine cabinet?

RUSTY

(looking to Barbara)

I don't know.

Silence as they all become aware of Barbara's presence.

BARBARA

I'm going to hear worse in court. I might as well get used to it.

RUSTY

I never asked her what she was doing.

SANDY

One word of caution. We do not want to lead Della Guardia to evidence he has not thought to obtain. Best we conduct the search ourselves without disclosing our intentions.

RUSTY

Another motion, then for an inventory of all items seized from the apartment of the decedent and for an opportunity to conduct a view and inspection of our own.

SANDY

Also, your mention of Carolyn's personal habits leads to this thought. We should subpoena her doctors. No privileges survive her death. Who knows what we might discover? Drugs?

(CONTINUED)

138 CONTINUED: (4)

138

KEMP

Rope burns in the past.

He suppresses a grisly giggle.

SANDY

One thing you haven't mentioned,
Rusty. Is there a section five
notice in their presentation?

RUSTY

No. That's the first thing that
I looked for.

(to Barbara)

He means, Delay is not asking for
the death penalty.

BARBARA

(a shiver)

It never occurred to me he would.

RUSTY

We do have one big surprise.
Raymond Horgan is on their witness
list. Why?

CUT TO:

139 INT. RAYMOND'S NEW OFFICE - HALL - DAY

139

Corner office, high up, grand views, etc., modern art.

RAYMOND

This's a hell of a way to start
out private practice. I'm here
three days and I get a grand
jury subpoena.

SANDY

I was wondering what we might
expect in terms of your testimony.

RAYMOND

I'm going to testify about
Rusty's conduct of the
investigation. How he volunteered
to handle it.

RUSTY

Just a second. Raymond, you asked
me to take the case.

RAYMOND

I don't remember that, Rusty.

(CONTINUED)

139 CONTINUED:

139

RUSTY

Raymond -- What are you trying to do to me, Raymond?

RAYMOND

What am I trying to do to you? What were you trying to do to me, Rusty? I thought I had your loyalty. You should have told me about you and Carolyn.

SANDY

Under the circumstances, I am advising my client to make no response. Clearly he would like to.

RAYMOND

What the hell are his fingerprints doing all over that goddamn glass? So that's what I'm going to testify to. That he wanted the case. That I had to chew his ass repeatedly to move it. That he was more interested in finding out when, if, and how I was fucking Carolyn than he was in his own investigation, and that when push finally came to shove, he sat in my office and gave us all a bunch of happy horseshit that he'd been nowhere near Carolyn's apartment that night. That's what I'll testify to. And I'll be goddamned pleased to do it.

RUSTY

How could you believe I could do a thing like this?

RAYMOND

You were always a man with the cork in too tight. We've all seen that. When you blew, you blew.

Sandy draws Rusty out of the office... on the move:

140 INT. OFFICE BUILDING - ELEVATOR - DAY

140

SANDY

When was it that this relationship took place between Raymond and Carolyn?

(CONTINUED)

140 CONTINUED:

140

RUSTY

Just after she stopped seeing me.

The elevator hits the bottom floor.

RUSTY

Delay's got his motive.

They step out through the flow of people getting on.

CUT TO:

141 EXT./INT. SANDY'S CAR - MOVING SHOTS - RUSTY AND SANDY

141

RUSTY

What would you say if I told you that Raymond secretly handed Carolyn a bribery complaint? Some poor bastard up on a public indecency charge paid off a P.A. to get his case dismissed. It turns out Carolyn was the guy's probation officer and Tommy Molto was the deputy handling the case. The day after I found that out I was charged with murthering Carolyn.

*
*
*
*
*
*
*
*

SANDY

Before we venture down the road to actual accusation, we must consider the matter very carefully.

RUSTY

It can't be a coincidence it lays out this way. I mean, Sandy, I'm innocent.

Sandy reaches over and pats him on the hand. He has a look of deep, if practiced, sadness.

142 EXT. SABICH HOUSE - BACK YARD - DAY

142

We hear the sounds of Nat and a friend playing ball. Rusty is warming coals on the barbecue. Barbara comes out with the hamburgers, etc.

BARBARA

Nat insisted on having his friend stay for dinner.

(CONTINUED)

142 CONTINUED: (A1)

142

RUSTY

It's his way of showing he's not
ashamed of me.

(beat)

I made a fool of myself today.
With Sandy.

BARBARA

How?

(CONTINUED)

142 CONTINUED:

142

RUSTY

I told him I was innocent.

BARBARA

I thought he would have asked you that at the beginning.

RUSTY

It's an axiom, as certain as the laws of gravity, that defendants rarely tell the truth. Cops and prosecutors, defense lawyers and judges -- everybody knows they lie. It is the defendant's credo. Lie to the cops. Lie to your lawyer. Lie to the jury that tries your case. Trumpet your innocence. Leave the dirty bastards out there with a grain of doubt.

(beat)

Your hamburger well done?

She nods.

RUSTY

You've never asked.

BARBARA

What? If you're innocent?

He nods.

BARBARA

Do you want me to?

CUT TO:

143 INT. SABICH HOUSE - NAT'S BEDROOM - NIGHT

143

Rusty is putting Nat to bed.

NAT

You go to court tomorrow?

RUSTY

They have what they call the arraignment.

NAT

What's that?

(CONTINUED)

143 CONTINUED:

143

RUSTY

First the defendant's lawyer enters his plea, guilty or not guilty. I will plead not guilty.

NAT

Of course.

RUSTY

And then they decide what judge will be in charge of the trial. You know how? It's just like in a gambling casino. Wooden plaques, each bearing the name of a judge, are spun inside a closed cage, borrowed from a bingo game.

NAT

A bingo game?

RUSTY

The clerk spins the cage and pulls one out. The name of the judge on that plaque is the judge who's going to try my case.

NAT

Hunh.

He gets up from the bed and turns out the light.

RUSTY

Good night, son.

144 INT. SABICH HOUSE - KITCHEN - DAY

144

Barbara is cleaning up after dinner. Rusty enters.

RUSTY

I told Nat how they're going to pick the judge tomorrow. Fortunately, he doesn't know how much is at stake.

145 INT. ARRAIGNMENT COURT - DAY

145

Rusty, Sandy, Delay and Molto stand in front of JUDGE MUMPHREY'S bench.

MUMPHREY

Please draw a name...

The CLERK goes over to a lottery cage full of wooden plaques with names and gives it a hard spin.

146 CLOSEUP - LOTTERY CAGE

146

As it spins noisily.

*

CLERK
Judge Larren Lyttle.

147 OMITTED

147 *

148 EXT. ARRAIGNMENT COURT - DAY

148

Sandy, Barbara and Rusty exiting from the building.

RUSTY
My only hesitation about Larren
is his relationship with Raymond.
The presence of the judge's best
friend as a hostile witness is
bound to have some impact.

SANDY
I will request an immediate
trial from Larren. To avoid
interminable strain on you.

RUSTY
You're afraid that time's against
us. A witness from the scene
could appear. And there may be
some account of what happened to
the murder weapon.

SANDY
I'm glad of one thing, Rusty.
That you are not the prosecutor.

CUT TO:

149 INT. JUDGE LYTTLE'S COURTROOM - CLOSEUP - LARREN LYTTLE 149

LARREN
Now I have some motions from the
defense -- Mister Stern, you want
to examine the scene of the crime.

SANDY
As part of examining physical
evidence to see if it actually
proves what the prosecution
claims it proves.

LARREN
Mr. Della Guardia.

DELAY
With proviso nothing to be
removed, nothing disturbed.

(CONTINUED)

LARREN

Granted. Mister Stern?

SANDY

Your Honor, we noticed that Mr. Molto is listed as both a prosecutor and a potential witness for the prosecution. We object to that...

LARREN

Well, look now, Mr. Delay Guardia. We've been doing business in our courts the same way for about four hundred years now. And I do not intend to change it for this trial. Now, I take it, you are speaking of where Mr. Sabich responds to Mr. Molto's accusation of murder by saying, 'You're right.'

DELLA GUARDIA

'Yeah, you're right.' Your Honor, the man admitted the crime.

LARREN

Oh, Mr. Delay Guardia. Really! You see, that is my point. You tell a man he's engaged in wrongdoing and he says, 'Yeah, you're right.' Everyone recognizes that's facetious. We all are familiar with that. Now, in my neighborhood, had Mr. Sabich come from those parts, he would have said, 'Yo, mamma.' But, in Mr. Sabich's part of town, I would think people say, 'Yeah, you're right,' and what they mean is 'You are wrong.' To be polite.

DELAY

Your Honor, isn't that a question for the jury?

LARREN

On the contrary, Mr. Delay Guardia, that is first a question for the court. I have to be convinced that it is relevant.

(MORE)

(CONTINUED)

149 CONTINUED: (2)

149

LARREN (CONT'D)

So if you want to use Mister Sabich's statement, and risk my ruling it out of order, I will bar Mister Molto from prosecuting. If he is a prosecutor, the statement may not be offered. We'll see you in court in three weeks. Ernestine, call in the next bunch...

CUT TO:

150 INT. CAROLYN POLHEMUS'S APARTMENT BUILDING - DAY

150

A big phosphorescent-orange notice overlaps the door and the doorjamb, so no one can open it without breaking the seal. It reads: CRIME SCENE/Sealed by order of the Supreme Court of Kindle County/ENTRY FORBIDDEN.

GLENDENNING, a big argumentative cop, cuts the seal and unblocks the locks. Jamie Kemp and Rusty stand waiting ... Glendenning turns and frisks Kemp and Rusty.

KEMP

We're not exactly going to try to plant anything if that's what you're afraid of.

GLENDENNING

The law's the law.

RUSTY

I know, Glendenning.

Glendenning turns the key in the lock. The door swings open...

Kemp hands Rusty a pair of plastic gloves, loose ones like Baggies with fingers.

GLENDENNING

What the fuck are you gonna do with those?

RUSTY

(as they put
them on)

Protect myself from Little Tommy Molto. He could say that fingerprints I leave here today were left before the murder

*
*
*
*

151 INT. CAROLYN'S APARTMENT - DAY

151

The place where her body was found is chalked on the carpet; bloodstains flow out from it.

KEMP

Where's the john?

RUSTY

In there.

Rusty goes into the bedroom. He begins to search in table and bureau drawers. On the bedside table where the telephone sits he leafs through her phone directory. Kemp enters.

KEMP

Nothing.

RUSTY

(showing the book)

Her phone book. You better talk to her doctor about the diaphragm stuff. I don't remember Carolyn ever worrying about it.

KEMP

(making notes)

She's got them under 'D,' Jesus, she's got a lot of doctors. Well, if the chemist says spermicidal cream is present, and it's not seized from the apartment, you tell me where it's at.

They move back into the living area.

RUSTY

I guess I took it, when I grabbed the diaphragm.

(beat)

We have to remember I wasn't thinking clearly. If I had been, I wouldn't have left the glass on the bar.

*
*
*

They've reached the door.

GLEDENNING

About fuckin' time.

CUT TO:

152 INT. COURTROOM - DAY

152

ERNESTINE, Judge Lyttle's docket clerk, enters into the courtroom.

ERNESTINE
People versus Rozat K. Sabich!
For trial!

Larren enters and the room comes to its feet.

ERNESTINE
Oyez, oyez. The Superior Court
for the County of Kindle is now in
session, the Honorable Larren L.
Lyttle, Judge presiding. Draw
near and give your attention...

153 ON RUSTY

153

standing, looking at Larren.

ERNESTINE (O.S.)
... And you shall be heard. God
save the United States and this
honorable court.

Ernestine BANGS her GAVEL. Everyone begins to sit...

LARREN
Will the clerk please call the
first panel of jurors?

Door opens and the prospective jurors file in.

LARREN
First off, let me tell you the law
of the United States of America.
The defendant is presumed innocent.
I'm sorry, sir. In the first row,
what is your name?

(CONTINUED)

153 CONTINUED:

153

MAHALOVICH

Mahalovich.

LARREN

Mr. Mahalovich. Did Mr. Sabich commit the crime that he is charged with?

MAHALOVICH

I wouldn't know, Judge.

LARREN

Mr. Sabich is innocent. I am the judge. I am tellin' the rest of you: when you sit there, I want you to look over and say to yourself, there sits an innocent man. Mr. Mahalovich. You may go home.

154 INT. COURTROOM - LATER

154

Time has passed. There is quite a different set of faces in the jury box. Barbara, Sandy, Molto, stare intently at them. Larren is now addressing a thin, gray-haired LADY in a shirtwaist dress, who sits where Mahalovich sat.

LARREN

Now don't you think, ma'am, that an innocent person oughta get up there and tell you he didn't do it?

LADY

I would think so.

LARREN

Of course you would. And you have to presume that Mr. Sabich thinks the same thing, since we're presumin' that he's innocent. But he doesn't have to do that. The folks who wrote the Constitution of the United States said, God bless you, Mr. Sabich, you don't have to explain. The State's got to...

Meanwhile: Molto and Delay at their desk, and Sandy, Rusty and Kemp at theirs, are examining lists and files and looking at her.

(CONTINUED)

154 CONTINUED:

154

RUSTY

(sotto voce)

Delay will want her -- he's keeping the older Catholics. He's going to play heavy on your extra-marital thing...

Sandy nods...

LARREN

... to prove you guilty. He doesn't have to get up in court and beg or explain or argue. The prosecutor has got to convince you beyond a reasonable doubt.

155 INT. SANDY'S CONFERENCE ROOM - NIGHT

155

Sandy, Rusty and Kemp are going over lists of jurors and their qualifications. Barbara is there.

RUSTY

(to Sandy)

Clearly you want to try a reasonable doubt case.

SANDY

Why do you say that?

RUSTY

From the way you're picking the jury. At the end, the state will have failed to meet its burden of proof and I should be acquitted without your presenting a defense. With that goal, we need jurors bright enough to appreciate the legal standard and strong enough to forthrightly apply it -- people who will not convict merely because they are suspicious. And you think younger jurors will be better overall than old. They may be more willing to believe that co-workers adjourn to a woman's apartment for reasons other than sex.

SANDY

(leaning over
to Barbara)

At various times today I'm going to invite you over to join us in consultation.

(CONTINUED)

155 CONTINUED:

155

BARBARA
(to Rusty, as
Sandy goes over
some things
with Kemp)
Is he ever courteous.

RUSTY
He wants all the jurors to see at
the outset that my wife is still
on my side and that we defer
to the opinions of women.

CUT TO:

156 INT. COURTROOM - DAY

156

At the defense table, Rusty and all study the panel of
jurors and talk.

Barbara indeed has been called from the spectators' bench
into a position of consultation with Rusty and Sandy.

SANDY
I think all in all this is as good
as we can get. Rusty? I must
leave this decision to you; it is
your life they will be deciding...

Rusty studies the faces of the jury and nods his assent.

SANDY
Your Honor, the defense is
satisfied with this panel of
jurors.

*
*

DELLA GUARDIA
As is the prosecution.

*
*

CUT TO:

157 DELLA GUARDIA

157

is in place.

DELLA GUARDIA
May it please the court... we
shall show that under cover of
his position as the chief
investigator of the murder of
Carolyn Polhemus, Mister Sabich
used his official powers to
conceal his carnal relationship
with Carolyn Polhemus.

(MORE)

(CONTINUED)

157 CONTINUED:

157

DELLA GUARDIA (CONT'D)

He concealed his presence in her apartment on the night she was murdered. As the evidence will show, murdered in a grotesque, savage and perverted way. The evidence will show that his relationship with Ms. Polhemus was troubled. Mr. Sabich was intensely jealous.

Sandy starts to rise to object, but Rusty restrains him.

RUSTY (V.O.)

Let him make a fool of himself -- he is saying things he will not be able to prove.

DELLA GUARDIA

(meanwhile)

He was jealous because Ms. Polhemus had formed a new relationship, one that especially infuriated Mr. Sabich because she had taken as her new lover, the Chief Prosecuting Attorney Raymond Horgan, Mr. Sabich's close personal friend, and...

LARREN

Mr. Delay Guardia! You were warned, sir. You will confine yourself to a sterile recitation of the facts or your opening will be over.

Delay prepares to continue... but the effect remains...

CUT TO:

158 CLOSE - SANDY

158

He is on his feet, exactly where Delay stood...

SANDY

How are we to answer this, Rusty Sabich and I? Mr. Della Guardia told you many things about the relationship of Mr. Sabich and Ms. Polhemus. He did not tell you, as the evidence will show, that they were co-workers, that they worked as trial lawyers not as lovers, on a case of tremendous importance.

(MORE)

(CONTINUED)

*

158 CONTINUED:

158

SANDY (CONT'D)

He left that for me to tell you.
All right, then, I have, and the
evidence will show that to you.
You see, Mr. Della Guardia's case
will not involve facts, but rather
supposition upon supposition,
guess upon guess --

LARREN

Mr. Stern, you seem to be falling
into the same trap as Mr. Della
Guardia.

SANDY

I am sorry, Your Honor, but he
seems to have inspired me.

(laughter)

Well, one cannot help asking why.
As you listen to the evidence, ask
why. Not why Carolyn Polhemus was
murdered. That regrettably is
something no one will be learning
from this evidence. But why Rusty
Sabich, a man who devoted his life
to justice and law, sits here as
the accused.

(beat)

Why?

CUT TO:

159 DETECTIVE HOWARD GREER

159

rises and begins to walk toward the stand.

DELLA GUARDIA

The State calls Detective Howard
Greer.

Sandy is on his feet.

SANDY

Your Honor. May we have a word
at the bar...

Larren signals them to come forward...

SANDY

Judge, this witness will testify
about a bar glass. There is no
bar glass.

(CONTINUED)

159 CONTINUED:

159

LARREN

What about this, Mr. Delay Guardia?

DELLA GUARDIA

Your Honor, I learned the first
time last night from Tommy --

LARREN

(as he rises, fury
incarnate)

Just a minute.

CUT TO:

160 INT. LARREN'S CHAMBERS - DAY

160

LARREN

... Molto. Where is the glass?

MOLTO

The police evidence room was where
it was supposed to be, but they
haven't been able to locate it.

LARREN

We're not gonna be talkin' about
evidence that nobody can find.
Not in my courtroom.

Rusty leans to Sandy.

RUSTY

The glass is in the photographs
of the crime scene, we can't keep
that out.

SANDY

No, but if they can't find the
glass I will object to any further
testimony regarding it; they will
not be able to mention your
fingerprints, which are the only
evidence that places you at the
scene of the crime.

(to Larren)

We have no objection to the
photographs; any testimony as to
fingerprints we will object to.

161 INT. COURTROOM - DAY

161

As Sandy, Kemp and Rusty enter from the judge's chambers.

(CONTINUED)

161 CONTINUED:

161

SANDY

A little stroke of luck. Their disorganization will help us with this jury.

RUSTY

They'll find the glass. They always do.

CUT TO:

162 INT. COURTROOM - DAY

162

Molto takes a sheaf of photographs to Howard Greer who is testifying.

MOLTO

These are the photographs the police photographer took at the scene?

GREER

They are.

MOLTO

They show everything as it was at that time? The position and condition of Ms. Polhemus's body? Including the bar glass on the bar.

GREER

Yes, sir.

Molto passes the photos to Larren for his inspection.

MOLTO

Offered as State's evidence, exhibits numbered as on each photograph...

Larren inspects the photos. Larren takes a couple out.

LARREN

Ladies and gentlemen, these photographs depict horrors you may be expected to react to with disgust, fear, anger... but in themselves they are proof of nothing except the nature of the crime.

Passes the photos to the jury.

CUT TO:

163

SANDY

163

questions Greer.

SANDY
(friendly)
Just a few matters. You mentioned
a glass, Detective. Where is that?

Stern starts to look among the exhibits Greer identified.

GREER
It's not here.

SANDY
Where is it then?

*

GREER
I don't know.

*

SANDY
Oh. You do not have it.

*

GREER
No, sir.

SANDY
Have you tried to find it?

GREER
Yes, sir.

SANDY
And who would have had it last?

GREER
I don't know. Mr. Molto over
there signed the receipts for it
when it was taken in as evidence.

SANDY
So Mr. Molto has the receipts but
not the glass?

GREER
That's right.

SANDY
Thank you, Officer. No more
questions, Your Honor.

DELLA GUARDIA
State calls Eugenia Martinez.

(CONTINUED)

163 CONTINUED:

163

Eugenia struggles to her feet, in her best Easter outfit.

CUT TO:

164 EUGENIA - LATER

164

EUGENIA

One day last September or October,
I don' know, I answer the phone,
and accidentally I pick up the
wrong line.

DELLA GUARDIA

And you heard Mister Sabich and
Ms. Polhemus on the line.

EUGENIA

He say 'my angel.'

DELLA GUARDIAN

What?

EUGENIA

That's what he say. Okay? He
say he be comin' at eight o'clock
and call her 'my angel.'

DELLA GUARDIAN

Thank you, that's all.

SANDY

For whom do you work now in the
prosecuting attorney's office,
Ms. Martinez?

EUGENIA

Work?

SANDY

Whose typing do you do? Mr.
Molto's? This gentleman? The
prosecutor at the table?

EUGENIA

Yes.

SANDY

And Mr. Molto was in charge of
the investigation that brought
him Mr. Sabich's job?

DELLA GUARDIA

Objection!

(CONTINUED)

164

CONTINUED:

164

SANDY

Your Honor, I am entitled to develop bias. The woman is testifying before her employer. Her perception of his motives is important.

Larren dismisses the objection with a wave of the hand.

EUGENIA

Okay, yes.

SANDY

Now in the course of investigating Mr. Sabich, did Mr. Molto ask you to speak to Officer Nyslenski -- over there -- about what you remembered of Mr. Sabich's relationship with Ms. Polhemus?

*

EUGENIA

Yes, sir.

SANDY

And yet, madam, when you were asked about Mr. Sabich's relationship with Ms. Polhemus, you never told Officer Nyslenski -- right there, Officer, would you...

*

Nyslenski half-rises.

SANDY

... you never told him that you heard Mr. Sabich call Ms. Polhemus 'my angel,' did you?

He has Nyslenki's report in his hand. Eugenia suddenly recognizes that she is trapped.

EUGENIA

I don't know.

SANDY

You didn't tell Officer Nyslenski that you recalled Mr. Sabich using any term of endearment, did you, madam?

*

EUGENIA

No, sir. I never said anythin' like that.

(CONTINUED)

164 CONTINUED: (2)

164

SANDY

Didn't you testify five minutes ago, madam, that Mr. Sabich called Ms. Polhemus 'my angel'?

Sandy waits. Eugenia squirms, looks around to Molto, Delay, the judge. No help...

EUGENIA

All I know is what they were doin' wasn't just work.

LARREN

Mrs. Martinez! Open your mouth again and you go to jail! Ladies and gentlemen you are to disregard this witness's remark...

But the damage is done.

CUT TO:

A165 INT. NAT'S BEDROOM - INSERT - TRUNK - NIGHT

A165

filled with a little boy's clothes and equipment for camp. It is covered with camp labels.

B165 EXT. SABICH HOUSE - MEDIUM SHOT - CAR OUTSIDE HOUSE - DAY

B165

as Rusty and Nat put the trunk into the car. Rusty slams the trunk of the car closed.

He looks over to Nat, who seems concerned.

RUSTY

If you hate it you can come home.

NAT

I want to go. All my friends'll be there.

RUSTY

You know, everything's going to be fine with me.

NAT

Of course.

RUSTY

Look, son. I've been accused of doing something I didn't do. Now I have the chance to clear the whole thing up in court.

(MORE)

(CONTINUED)

B165 CONTINUED:

B165

RUSTY (CONT'D)

Courts give innocent people a chance to clear themselves of false accusations. And that's what's going to happen now.

NAT

(keeping up a front)

Sure.

RUSTY

When you come back it'll all be behind us and we'll have a big celebration. Okay?

165 EXT. SUBURBAN SCHOOL - DAY

165

Busses, station wagons, kids being sent off to summer camp. Rusty, Barbara and Nat in the crowd of parents saying goodbye to their kids.

When they turn towards the crowd, some people turn away, as if caught staring at a cripple.

Barbara kisses Nat goodbye.

BARBARA

And W-R-I-T-E.

RUSTY

Don't worry, Mom. They make you.

Nat turns to Rusty. There is an awkward moment and then they do a high five.

Rusty watches his son as he runs over to the bus and climbs on.

RUSTY

He's got a lot of guts.

CUT TO:

166 INT. SABICH HOUSE - DAY

166

They enter. The PHONE is RINGING. Rusty picks it up.

LIP (V.O.)

How you doin'?

RUSTY

How tough are they making it on you?

LIP (V.O.)

Those cupcakes? Come on. Anything you need?

RUSTY

I've got to find this guy Leon. Leon Wells. You know, the guy who's supposed to have paid off the P.A. in the north branch? Stern hired some skip tracer. He came up with zilch.

(beat)

I wouldn't ask. But it might really matter.

LIP (V.O.)

How? You thinkin' Tommy's kinky on this? Set you up to keep you from lookin'?

RUSTY

You want to hear me say I think it's possible? I do.

LIP (V.O.)

After I testify. You know, those guys have got their eye on me. When I get off the stand, they'll ease up. I'll work on it then. Hard. Okay?

RUSTY

You're a pal.

LIP (V.O.)

I figure you'll be runnin' the joint again soon. I'm just coverin' my bets.

He hangs up.

BARBARA

He's going to help?

(CONTINUED)

166 CONTINUED:

166

RUSTY

Not till after he testifies. By then it could be too late.

BARBARA

I think it's going well. Sandy's absolutely brilliant.

RUSTY

In the end the jury is going to remember pictures of Carolyn tortured to death. They're going to want somebody punished for what they saw. Tomorrow, Raymond my friend, my mentor and teacher, is going to testify that he thinks I'm guilty. And then comes the physical proof, fingerprints, fiber, body fluids, and they all point to me.

*

CUT TO:

167 INT. COURT - RAYMOND - DAY

167

on stand.

DELLA GUARDIA

And do you know the defendant, Rozat Sabich?

**

RAYMOND

I know Rusty, I've known him since he was a law student. He was my second in command.

DELLA GUARDIA

Would you identify him?

Rusty stands up and meets Raymond's look. Seeming cool, unafraid.

RAYMOND

That's him.

DELLA GUARDIA

You assigned Mister Sabich to supervise the investigation in this case?

RAYMOND

He volunteered, and I accepted. He promised to pursue it vigorously.

(CONTINUED)

167

CONTINUED:

167

DELLA GUARDIA

Did he?

RAYMOND

Not to my way of thinking. I had to remonstrate him for stalling. He brought in his own detective to replace Howard Greer, but he gave his new partner instructions to ignore evidence about telephone records of calls between his house and Carolyn's. He tried to limit the scope of the fingerprint search so as to exclude his own. He seemed more interested in whether I had been intimate with Carolyn than in the facts of the case.

DELLA GUARDIA

And what did you tell him?

RAYMOND

The truth. She and I went together for about three months, this was after I had been divorced.

DELLA GUARDIA

And at that time or any other time did Mr. Sabich inform you that he had had a personal relationship with Ms. Polhemus?

SANDY

Objection, there is no proof of record of any relationship between the defendant and Ms. Polhemus.

LARREN

I'm gonna let the question stand, but ladies and gentlemen, Mister Della Guardia is askin' a question based on his assumption that there was something going on between Mister Sabich and Ms. Polhemus. Just because he thinks it's so doesn't make it so. Proceed.

RAYMOND

I never would have let him handle this case if I had thought he had an intimate relationship with the victim.

(CONTINUED)

167 CONTINUED: (2)

167

DELLA GUARDIA

I call your attention to a meeting in your office on May 3rd, the day after the election. Who was present at that meeting?

RAYMOND

You were present, Mr. Molto, Lydia MacDougall, Rusty Sabich.

DELLA GUARDIA

Can you recall the purpose of the meeting?

RAYMOND

You had informed me of your findings of fingerprints...

SANDY

Objection. This is...

LARREN

Right. The question is the purpose of the meeting, not evidence which at present is not in this court.

RAYMOND

You said there was indication Rusty had been in Ms. Polhemus's apartment on the night she was murdered. I said I thought he should have a chance to explain the situation.

DELLA GUARDIA

And did Mr. Sabich do so?

RAYMOND

He denied having been in Carolyn's apartment on the night she was murdered.

DELLA GUARDIA

Did you hear Mr. Molto say anything at this time?

RAYMOND

Mister Molto addressed Rusty and said 'You did it. You're the one.'

(CONTINUED)

167 CONTINUED: (3)

167

DELLA GUARDIA
And did you hear Mister Sabich
say anything further?

RAYMOND
He said 'Yeah. You're right.
You're always right.'

CUT TO:

168 SANDY'S CROSS-EXAMINATION

168

SANDY
Have you any personal knowledge,
Mr. Horgan, that there was ever a
relationship between Mr. Sabich
and Ms. Polhemus?

RAYMOND
That's the point, he never told
'me.

SANDY
Please answer the question I
asked you. Do you remember it?

RAYMOND
I do.

SANDY
But you chose not to answer it?

RAYMOND
I apologize, Mr. Stern. I have no
personal knowledge of such a
relationship.

SANDY
But assuming there was something
to disclose you believe he, as
an honest official, should
inform anyone in a responsible
position?

RAYMOND
I do.

(CONTINUED)

SANDY

Certainly you would give any information you had relevant to a case to a member of your staff who was investigating the case?

RAYMOND

Certainly.

SANDY

Mr. Horgan, you personally removed a file, a so-called B-file from Ms. Polhemus's office after the investigation of her murder began, didn't you?

LARREN

What's the relevance of this, Counsel?

Larren's reaction is sharp. Sandy is surprised.

SANDY

The witness has testified on direct examination that Mr. Sabich did not bring to his attention information that Mr. Horgan regarded as pertinent. The defendant is entitled to explore Mr. Horgan's standards in this regard.

LARREN

Well, maybe.

SANDY

And you gave the B-file to Mr. Sabich only when he informed you that the file was missing from Ms. Polhemus's office, is that not true?

RAYMOND

True.

SANDY

You have told us that you and Carolyn were lovers.

RAYMOND

For a short time, yes.

(CONTINUED)

168 CONTINUED: (2)

168

SANDY

B-file cases -- cases involving bribery and official misconduct -- are normally assigned to the chief deputy -- at the time, Mister Sabich, were they not?

RAYMOND

That was the usual practice, yes sir.

SANDY

You assigned this highly sensitive matter in this B file to Carolyn Polhemus while you were sleeping with her?

RAYMOND

That appears to be when it happened.

Sandy stares at him.

RAYMOND

The answer is yes.

SANDY

And you were not concerned, Mr. Horgan, in the midst of a nip and tuck election campaign, about word leaking out that you had secretly given a case that was in Mr. Sabich's area of authority, to an assistant with no experience in such matters, with whom you were sleeping at the time?

RAYMOND

Maybe it crossed my mind. Who knows, Mr. Stern? It was not an ideal situation.

SANDY

Far from it. And, sir, you come to this courtroom where the life of a man who served you faithfully for a dozen years now hangs in the balance, and you tell us that you held evidence from him that might have assisted in his investigation?

(MORE)

(CONTINUED)

168 CONTINUED: (3)

168

SANDY (CONT'D)

(beat)

All right. Is it fair to say that the chief deputy is the person in the office in whose judgment you place the greatest confidence?

RAYMOND

I regarded him as the best lawyer for the job.

SANDY

And you gave Mr. Sabich the authority to decide where and when to fire Mr. Della Guardia?

LARREN

Gentlemen. Let's stop right here.

He rises.

CUT TO:

169 EXT. COURTROOM HALL - JUDGE'S EXIT

169

Delay, Molto, Sandy, Rusty and the court reporter all follow the Judge out the back door to the courtroom behind his bench.

LARREN

Now what is the relevance of who fired who?

Sandy places a cautionary hand on Rusty's arm...

SANDY

Your Honor, it is the theory of the defense that Mr. Sabich has been framed in this case.

DELLA GUARDIA

I don't believe this!

MOLTO

Beneath contempt.

LARREN

Your denial is noted for the record. If Mr. Stern is truly going to endeavor to prove that the case against Mr. Sabich has been manufactured, then I suppose this history of antagonism is relevant for those purposes. Now, what about this missing B-file?

(CONTINUED)

169 CONTINUED:

169

SANDY

It is our belief that it is being withheld because it contains evidence pertinent and necessary to the defense. We intend to pursue this matter until we have a full understanding of how it bears on the truth.

LARREN

(to Rusty and Sandy)

I don't know where this is gonna lead us. But I'll tell you two things. You had better be prepared for the prosecution's response. Because he will be entitled to quite a bit of latitude in answering. I'm going to give him that.

CUT TO:

170 INT. COURTROOM - DAY

170

SANDY

We spoke about a B-file you assigned to Ms. Polhemus. Do you recall that part of the examination?

RAYMOND

I believe I'll remember it for quite some time.

SANDY

Did Mr. Molto ever tell you that he was involved in the case described in that missing file?

Uproar; Delay objecting...

LARREN

Objection sustained. Mr. Stern, you are playin' with fire.

SANDY

Do you know what investigation, if any, he took on the allegations contained in the B-file?

DELLA GUARDIA

I'll answer that. He took no action. He wasn't going to chase Rusty Sabich's red herrings.

(CONTINUED)

170 CONTINUED:

170

LARREN

Mister Delay Guardia, you will remember you are the prosecutor, not a witness...

SANDY

(looking at Raymond)
Perhaps we will all learn something about red herrings. And scapegoats. That's all.

LARREN

This court is adjourned for the weekend.

RUSTY

(to Sandy)

What are you doing? You're alienating the judge, who was the only friend we've got... When I suggested Molto and Delay were manufacturing a case, you didn't want to pursue it...

SANDY

Clearly, I changed my mind.

RUSTY

On the basis of what?

SANDY

Instinct.

RUSTY

But what evidence are we going to offer?

SANDY

For the time being, I will have to leave that concern to you.

CUT TO:

171 INT. SIX BROTHERS BAR - NIGHT

171

A working-class bar. Rusty sits with Kenneally.

KENNEALLY

You are one fuckin' strange son of a bitch.

RUSTY

And all these years I thought I was fucking Beaver Cleaver.
(MORE)

(CONTINUED)

RUSTY (CONT'D)

Lionel, the only thing I've gotten out of this experience is hearing you tell me I am one strange son of a bitch, and listening to that little harp string that sounds in my chest when I hear something that is really right. So I thank you.

KENNEALLY

What did you come here for?

RUSTY

Can you give me some answers about what Molto was doing when he worked out here?

KENNEALLY

There's guys I owe. You ain't one. Ask me, maybe I'll answer, maybe not. But somebody's fuckin' callin' me to testify. That happens, world's gonna think you confessed right here tonight.

RUSTY

Start with Tommy Molto. Was he on the take when he was working on the Northside?

KENNEALLY

Molto, never. He's from the fuckin' seminary.

RUSTY

Did Carolyn have a personal relationship with Molto?

KENNEALLY

Be serious, you seen what Molto looks like. I gotta get outta here. It wasn't him she was bangin'.

RUSTY

Who?

KENNEALLY

No chance.

RUSTY

This isn't gossip, Lionel. This is my life.

(CONTINUED)

171 CONTINUED: (2)

171

KENNEALLY

Your old buddy there, Judge
Motherfucker. Larren Lyttle. The
cops call him Judge Motherfucker.
It was him she was ballin'.

CUT TO:

172 INT. SANDY STERN'S OFFICE - DAY

172

Kemp, Sandy, and Rusty are working at files and books...

SANDY

There are two pivotal cross-
examinations in this trial, Rusty.
One we have completed. But there
is still a most important one to
go.

RUSTY

Lipranzer. He will be so biased
in my favor, the jury will believe
I put him on the case to make sure
the investigation wouldn't lead to
me.

SANDY

Unfortunately, true. But I was
thinking of Dr. Kumagai. In order
to fully utilize the physical
evidence, the very center of their
case, Nico must call a scientific
expert. So he will call Kumagai.
If we make Kumagai look dubious,
the physical evidence suffers as
well.

RUSTY

It is common knowledge that
Kumagai is an unpleasant hack.

SANDY

Among the legal community, perhaps.
But not among the public. Or the
jury.

RUSTY

There have been complaints about
his work for years. They should
be in his police department
personnel file.

(CONTINUED)

172 CONTINUED:

172

STERN

Excellent. How wonderful to have a prosecutor on our side.

(to Jamie)

Draft a trial subpoena for the file, and another for records of the pathology lab, so we can see what else Painless was up to in April.

KEMP

Okay. We got subpoenas. For Carolyn's doctors. From her phone book? Subpoena for phone company records to check for errors...

RUSTY

Don't bother with that.

KEMP

I don't get it. You said there was something wrong with those phone records. That you had never called Polhemus the night of the murder.

SANDY

Jamie. I'd like a moment alone with my client.

KEMP

Sure.

He exits, and as Sandy closes the door behind him...

RUSTY

I used to call Carolyn's house. After it was over. I'd call, just to hear her voice, and then hang up. Like a God damn kid. Maybe I did that night, and don't remember.

SANDY

You said originally that you thought my strategy was to plan a reasonable doubt case that, if successful, would preclude the need for a defense. But as the prosecution's case goes on I feel it more necessary to address the problem of presenting our defense. My instinct is to begin with Barbara on the...

(CONTINUED)

172 CONTINUED:

172

RUSTY

No.

SANDY

She is an attractive woman, Rusty,
and there are five men on the jury.
She can support your alibi quite
effectively. Can we ask her to
come in, and...

RUSTY

That is not negotiable, Sandy.

(beat)

When I was a prosecutor I knew I
had a winner when the defendant
wouldn't testify. The jury wants
to hear me say I didn't do it.
All I want to do is tell the
truth.

SANDY

And that you will do very well.
But with every word you will
confirm what the prosecution is
saying: that you were overwhelmed
by a sexual obsession that they
will go on to argue took a wrong
turn into rage when she ended the
affair. And you will have gone a
long way to eliminate the jury's
reasonable doubts. Tomorrow, we
face Lipranzer. I will do what
I can...

CUT TO:

173 INT. COURTROOM - DAY

173

Lipranzer on the stand.

(CONTINUED)

MOLTO

Referring to the telephone company records of phone calls from Mister Sabich's home. Did Mister Sabich at any time order you not to get those records from the phone company?

LIP

He didn't order me, no, sir. He asked me.

MOLTO

He asked you not to get those records. And did you oblige him?

LIP

I was taken off the case before I could get to those records.

MOLTO

You did or you did not get those records?

LIP

No, sir. I didn't. We had a lot of higher-priority items on our minds.

MOLTO

One of the high-priority items was getting fingerprint analysis from fingerprints found in her apartment. Who was communicating with the fingerprint lab?

LIP

Mister Sabich.

MOLTO

Did you ask him to expedite the reports?

LIP

Yes, sir.

MOLTO

And what did he say, if anything?

LIP

He said he forgot.

(CONTINUED)

173 CONTINUED: (2)

173

MOLTO

He forgot. Rusty forgot. Would it be fair to say that the two of you, by working together, have formed a personal friendship?

LIP

I suppose so. Yes.

MOLTO

Were you assigned to the case initially?

LIP

No, sir. Harold Greer initially handled the case.

MOLTO

Has Mr. Sabich ever expressed to you any reservations about Harold Greer's abilities?

LIP

Everybody I know thinks of Harold Greer as a top-grade cop.

MOLTO

And who, to your knowledge, decided to replace Detective Greer and bring you on this case?

LIP

Mr. Sabich.

MOLTO

To your knowledge, does the defendant have a closer personal relationship with anyone on the police force?

LIP

Not that he's mentioned.

MOLTO

So it's fair to say, Detective, is it not, that you are the person on the city police force least likely to suspect Mr. Sabich of murder?

LIP

I would never believe that. Never.

(CONTINUED)

173 CONTINUED: (3)

173

MOLTO

Thank you for your cooperation in answering what must have been painful and difficult questions for you, considering your relationship to the defendant. That's all.

Sandy rises for the cross-examination, with a document, and hands it to Lip for identification.

SANDY

I show you the original subpoena to the telephone company for the records. Now, what prosecutor issued that subpoena?

LIP

Mr. Sabich. His signature is on it.

SANDY

And so Mr. Sabich stands on trial here on the basis of evidence that he, himself, subpoenaed, correct?

(beat)

You made reference to a theory you were investigating, that Ms. Polhemus may have been the victim of a revenge killer, someone she had once sent to jail.

LIP

Yes, sir. We considered that the most likely case.

SANDY

And to identify possible suspects, you reviewed the files of cases Ms. Polhemus had prosecuted and was currently prosecuting going back several years, is that correct?

LIP

Yes, sir.

SANDY

Were you able to find all of those files?

LIP

No, sir. There was a file missing.

(CONTINUED)

173 CONTINUED: (4)

173

SANDY

This was the so-called B-file that was withheld from you and Mister Sabich until Mister Sabich personally requested it from Mister Horgan, is that correct?

LIP

Yes, sir.

SANDY

It involved allegations --

LARREN

Let us move on. I warned counsel about this, ridin' off in all directions.

SANDY

No further questions, Detective.

MOLTO

State offers in evidence telephone company records of calls between the defendant and the deceased...

KEMP

Defense stipulates, as agreed, to introduction of the files...

MOLTO

I will read them for the record... Seven fourteen P.M., January first, 1986, from defendant's telephone 458-9620 to Polhemus home phone 567-3471, 28 minutes. Eleven twelve P.M., January third, Polhemus to Defendant, 12 minutes...

CUT TO:

174 MONTAGE

174

NOTE: The following is actually a montage, the cumulative effect of which is the piling on of the physical evidence, the blood, the cloth, the dirt, the hair, etc., hammer blow after hammer blow.

(CONTINUED)

174 CONTINUED:

174

A) INSERT - BAGGY

MOLTO (V.O.)
From suit coat in bedroom closet
in defendant's home, a hair
identified by police crime lab as
that of the deceased...

CUT TO:

B) INSERT - BLOODY SKIRT

MOLTO (V.O.)
The skirt of the deceased,
contaminated with fiber identified
as Zorak V, a carpet fabric used
in the home of the defendant...

CUT TO:

C) INSERT - REPORT

MOLTO (V.O.)
Report of forensic chemist
identifying blood type of semen
from the vagina of the deceased as
Type A.

D) INSERT - ANOTHER REPORT

MOLTO (V.O.)
Report of results of a blood test
of Rozat Sabich, identifying him
as blood type A.

175 NEW ANGLE

175

MOLTO
Your Honor, the state will now
resume with testimony, from our
fingerprint expert, Detective
Morris Dickerman.

The court stirs back into new life. Sandy leaps up...

SANDY
Your Honor, this relates to the
missing evidence...

LARREN
Enough...

He signals: The judge and lawyers leave.

CUT TO:

176 INT. JUDGE LYTTLE'S CHAMBERS - DAY

176

DELLA GUARDIA

*

Judge, whether the glass can be found or not, the testimony of Greer, Lipranzer, and this witness, who actually made the fingerprint study of the glass, establishes that the glass existed, and that fingerprints identified as Rusty's were found on it the day after the murder.

LARREN

Are you telling me that you have completed your search and this object absolutely cannot be found?

MOLTO

Judge --

DELLA GUARDIA

*

(catching Tommy's
arm)

We would like to take one more night.

LARREN

That's fine, then. Do I take it that you're moving for an adjournment for the day?

DELLA GUARDIA

*

Yes.

SANDY

Your Honor, I hope the court has not decided to let the prosecution proceed with the fingerprint evidence in the absence of the glass. Certainly, if Your Honor please, we would ask to be heard on that question.

LARREN

I quite understand. You may want to do some research on this issue, Mr. Stern. So you look in the books tonight and I'll listen to you.

(to Della Guardia)

And if I were you, I'd roll up my shirtsleeves, get over to that evidence room myself and find that glass...

177 EXT. PARKING LOT ACROSS FROM THE COURTHOUSE - DAY

177 *

As Rusty puts Barbara in her car.

BARBARA

You won't get any sleep again.

RUSTY

This could be the turning point.
If we can find solid precedents
for Larren to keep out the
fingerprints, then I think their
case will fail. Those prints are
the strongest evidence they have
that I was there.

BARBARA

(as she starts the
car)

Eat something. And don't drink
too much coffee.

RUSTY

Thanks.

BARBARA

For what?

RUSTY

For hanging in.

BARBARA

What did you expect?

CUT TO:

178 INT. SANDY STERN'S OFFICES - MIDDLE OF THE NIGHT

178 *

An exhausted Rusty and Kemp going through endless law
books. Notes referring to cases piled before them.
Kemp puts his head down, exhausted.

KEMP

(exhausted)

All this and they may have found
the glass.

RUSTY

(handing him another
book)

This could be the most important
moment of the trial.

The PHONE RINGS. Kemp picks it up.

*

(CONTINUED)

178 CONTINUED:

178

KEMP

Hello?
(to Rusty)
It's your uncle.

RUSTY

My uncle?
(picking up his
phone)
Hello?

LIP (V.O.)

I think we got somethin. On that
matter, that very important matter.

RUSTY

What?

LIP (V.O.)

I'm downstairs. I'm in the lobby.

RUSTY

We're working to keep the glass
out of evidence.

LIP (V.O.)

Fuck the glass.

CUT TO:

179 OMITTED
thru
188

179
thru
188

189 EXT. SANDY STERN'S BUILDING - NIGHT

189

Rusty exits. Lip is standing there, waiting for him.

LIP

I found Leon.

190 INT./EXT. LIPS' OLD AIRES - VARIOUS MOVING SHOTS -
NIGHT

190

LIP

You're gonna love this! He knows
you. He was a Night Saint.
In the can, he got religion, and
a whole new name. Harukan.
Harukan is real ashamed of Leon.
He's not going to be real glad to
see friends of Leon comin' to
call...

CUT TO:

191 INT. PROJECTS - HALLWAY - NIGHT

191

Lip is feeling a door to see what it's made of: steel. His gun is in his other hand. His hand moves down the sides, across the middle. He hammers on the door.

LIP

Leon? It's your fairy godmother.
Answer the door.

Down the hall a door opens a crack, someone dimly seen looking out; Lip rolls with his gun ready:

RUSTY

Police business. Get inside, and
stay there.

The door closes. Silence spins out for a moment.

LIP

Open up, Leon! Wake up! It's
the police.

RUSTY

We just need to talk.

Silence. Nothing to look at but this wasteland of a hall. Lipranzer shakes his head. No way to kick the door in. And at that moment the door suddenly, silently, swings open. Inside, the room is totally black, no sign of light.

Slightest METALLIC sound: a GUN BEING COCKED.

Lipranzer, in the act of diving flat to one side of the door, kicks Rusty's feet out from under him so Rusty falls flat, sliding away from that black hole of a doorway. Then -- silence again.

RUSTY

Make it easy on yourself, Leon.

(CONTINUED)

191 CONTINUED:

191

LIP

If your piece is not out here in
ten seconds, I am calling this
in, they are blasting your ass
away before you can say shit.
I'm gonna start countin'!

Lip gets to his knees and presses his back to the wall.
He motions with his chin for Rusty to do the same thing.

RUSTY

One, Leon!

Beat. Then:

LEON

Don't call me Leon, ain' no Leon
here.

RUSTY

Harukan! Well, is Harukan home
and receiving company?

LEON

Man, if you are the po-lice, how
am I gon' know you ain' some rip-
off artists.

Lip draws his credits -- the star and his picture I.D.
He inches toward the doorway, then allows only his hand
to cross its plane as he pitches them in.

LIP

Two!

He is backing away. He points up at the lit exit sign.
They are going to run for it soon.

RUSTY

Three!

LEON

I'm puttin' on the lights now.
Okay? Okay? But I'm keepin' my
piece.

LIP

Four!

LEON

Okay, okay, okay.

The gun scatters out of the black and over the tiles and
lands against the molding of the hallway with a thump.

(CONTINUED)

191 CONTINUED: (2)

191

A heavy black item. Light from the apartment angles out of the threshold.

LIP

Out here, Le -- Harukan. Real slow, hands and knees.

LEON

Oh, man.

RUSTY

Come on, Harukan. Don't make him say five.

He comes knee-walking right out the doorway, his arms extended before him. Lip pats him down. Then he nods. Everyone breathes easy and they get up.

Leon has on a black sleeveless T-shirt and a red headband. On the bottom, he is wearing only his jockey shorts. A smooth-skinned, powerfully-built man.

LIP

I'm Detective Lipranzer...

LEON

Yeah, yeah, I know you. And your buddy, he's in deep deep shit...

(to Rusty)

Hey, Mister Sabich!? How's it feel, the man's fist three feet up your ass an' you got nothin' on your side, 'cept lawyers linin' up to get their hands in your pocket?

LIP

Get inside.

192 INT. LEON'S ROOMS - NIGHT

192

As they enter. His apartment is a galley kitchen and a couple of rooms. There is no sound of anyone else.

LIP

Sit the fuck down.

Leon kicks Lip's I.D. across the floor to him and sits down on the bare mattress that occupies the room. Lip searches out the rest of the place.

LEON

Since I'm entertaining, can I put my fuckin' pants on?

(CONTINUED)

RUSTY

We want to ask you a couple of questions. If you're straight, we're gone in five minutes. About five, six years ago you gave fifteen hundred bucks to a deputy P.A. to make some problems you had go away.

LEON

Five five seven three four six nine. Jack Friedman you ask for.

Lipranzer hits him in the face with his fist, hard...
Leon's head bounces off the wall. Looking to Rusty.

LEON

What the fuck he do that for?

RUSTY

He wants your full attention.

LIP

Rusty Sabich is gonna get on the phone tellin' your present associates that you paid off a P.A. to get off a rap of molesting an officer of the peace, to wit trying to get paid five bucks to suck his cock in a public place, back when you were Leon Wells. Do we have five minutes of your time?

LEON

This blonde bitch, my probation officer, set it up. In the P.A.'s office. Man is standin' behind me. You got it? She be tellin' me when I come in. Don't turn 'round, just do what the man say. He says, just leave the money in the top drawer. Fifteen hundred dollars, man.

LIP

You never saw him.

RUSTY

But he knows who it was.

LEON

Judge Motherfucker. That's what we all call him.

CUT TO:

A193 EXT. PRODUCE MARKETS - DAWN

A193 *

Rusty and Lip lean against the car, eating sandwiches.
Across the street is a market restaurant.

*
*

LIP
Larren's porkin' her an takin' the
money to keep her in style?
(beat)
God. Sometimes I hate bein a cop.

*
*
*
*
*

RUSTY
He never mentioned Molto.

LIP
No Molto, no conspiracy.

RUSTY
Too bad.

LIP
You think Larren will throw the
case out if he knows what you know?

RUSTY
I don't know.
(beat)
And I'm not willing to find out.

LIP
You're still counting on the
system.

RUSTY
I always have.

LIP
I wonder what I would do if I were
in your shoes.

RUSTY
Probably the same.

B193 INT. COURTROOM - DAY

B193 *

Sandy Stern sweeps into court looking perfectly fit.
Molto and Delay look as beat up as Kemp and Rusty.
Barbara slips into her seat in the spectator seats.
Kemp nods off. As Larren is about to enter, Sandy
leans to Kemp...

SANDY
Jamie. We've got the files from
the medical examiner, and the
reports from her doctors. Will
you get into them, now. We're
going to need them later...

(CONTINUED)

B193 CONTINUED:

B193 *

ERNESTINE (O.S.)
(as Kemp leaves)
All rise. This court is now in
session, Judge Larren Lyttle
presiding...

SANDY
(to Rusty)
I believe we may have a surprise
in the medical testimony...

LARREN
Mister Molto?

MOLTO
Your Honor, the police have not
been able to locate the glass.

LARREN
(beat)
All right. Mr. Stern, I've
studied your arguments.
(turns to jury)
Ladies and gentlemen, you are
about to hear the testimony of a
fingerprint expert, concerning
evidence he claims to have
identified on a certain glass.
The defense has had no opportunity
to see what scientific explanation
there may be for the prosecution's
evidence. They haven't had a
chance to see if there's some
mistake. An innocent mistake, or
some chicanery. I am instructing
you as a matter of law, ladies and
gentlemen, that you are entitled
to consider the failure of the
prosecution to make the glass
available to the defense. I'm
not telling you what to do, but
it is permissible for that one
fact alone to raise a reasonable
doubt in your mind which would
require Mr. Sabich's acquittal.
Mr. Stern's objection is noted
but overruled. Proceed.

C193 SANDY AND RUSTY

C193 *

SANDY
I am sorry.

RUSTY
He's right. Under the law.

D193 INSERT

D193 *

The FRAME is FULL of the whorls of a single fingerprint.

MOLTO (O.S.)

The fingerprint you are showing us is an enlargement you found on the glass on the bar in Ms. Polhemus's apartment?

E193 ON STAND - MORRIE DICKERMAN

E193 *

DICKERMAN

Yes, sir. A good clear print.

MOLTO

I show you state's exhibit 124c. Will you tell us what it is?

DICKERMAN

It is the identification file of Rozat Sabich, made at the time of his employment as a county employee, including his fingerprints.

MOLTO

Have you compared these fingerprints to those on the glass in Ms. Polhemus's apartment?

F193 INSERT

F193 *

PROJECTED IMAGE again: new. Two fingerprints, marked with red arrows, etc., are shown side by side and then moved so they are superimposed.

DICKERMAN (O.S.)

As you see, the print from Mr. Sabich's employment record, of his left index finger, matches the print on the glass. Next to it, is the print of his left ring finger...

CUT TO:

G193 SANDY

G193 *

cross-examining.

SANDY

What time on April first was that fingerprint made, Mr. Dickerman?

DICKERMAN

I would have no idea.

(CONTINUED)

G193 CONTINUED:

G193 *

SANDY

But you're certain it was made on April first?

DICKERMAN

No way to tell that, either.

SANDY

Well, how long can fingerprints last?

DICKERMAN

Years. It can be years before the oils break down.

SANDY

Well, at least we know that no one else handled the glass, because there were no other fingerprints on it.

DICKERMAN

There's one other print.

SANDY

This is the fingerprint of someone, but not Mr. Sabich?

DICKERMAN

Yes.

SANDY

Sir, how many other prints were there of a third person, not Mr. Sabich, not Ms. Polhemus in other places in the apartment?

DICKERMAN

Five, I think. One on the door latch. One on the window. A couple on the liquor bottles. One on a cocktail table.

SANDY

And are any of those made by the same person?

DICKERMAN

I wouldn't know.

SANDY

I'm sorry.

(CONTINUED)

G193 CONTINUED: (2)

G193 *

DICKERMAN

No way to tell. I can tell you whoever it is doesn't have a criminal record, and they haven't worked for the county.

SANDY

Which prosecutor supervised your activities after Mr. Sabich?

DICKERMAN

Molto.

SANDY

Well, certainly he asked you to compare these six unidentified prints to see if two of them might be from the same finger?

DICKERMAN

No, sir, he did not.

SANDY

Just so. Just so. That's all Your Honor...

DELLA GUARDIA

We are going to call Doctor Kumagai, the county coroner... Your Honor, we'd like ten minutes to set up our charts and exhibits...

Bailiffs are removing the projector and screen; an easel and various displays are being carried in... Kemp is conferring with Sandy, his face flushed with excitement. He leans over to Rusty.

KEMP

We just might get this sucker -- watch Sandy...

H193 WITNESS BOX - PAINLESS

H193 *

Sandy is cross-examining...

PAINLESS

There are three depression fractures, like from a heavy blunt instrument, maybe a hammer.

(MORE)

(CONTINUED)

H193 CONTINUED:

H193 *

PAINLESS (CONT'D)
(indicates on chart
of schematic drawing
of a woman's head)
Here, here, here. This, and this
place over here, are sharp deep
penetrations of skull and brain,
like with a hatchet, or maybe meat
cleaver. These wounds, where skin
is bruised, show flat heavy
instrument with notch, like a crow
bar or nail puller.

The effect is ghastly.

SANDY
If you had such an instrument what
would it look like?

PAINLESS
I don't know. Hammer, hatchet,
crowbar.

*

SANDY
Now, Doctor, I call your attention
to results of the forensic
chemists's anaylsis.

PAINLESS
Yes. Okay.

SANDY
And that report concerned the
specimen of semen taken from Ms.
Polhemus's body, which has been
identified as being of Mr.
Sabich's blood type and as
containing chemicals consistent
with the use by Ms. Polhemus of
a birth-control device -- a
diaphragm. Am I correct?

PAINLESS
You are correct.

SANDY
Your opinion is that this was a
staged rape. And that the way it
was done suggests some knowledge
of investigative techniques.

PAINLESS
That's what I say to Mr. Molto.

(CONTINUED)

H193 CONTINUED: (2)

H193 *

SANDY

And all of those deductions depend in the end on the presence of spermicidal jelly in the specimen you sent to the forensic chemist, do they not?

PAINLESS

Yes, sir.

SANDY

How many autopsies do you do in a week, Dr. Kumagai?

PAINLESS

One, two. Sometime ten. Depends.

SANDY

Would you be surprised to know that you performed eighteen autopsies in the two weeks surrounding Carolyn Polhemus's death?

PAINLESS

No, sir. Sound about right.

SANDY

And with that number, it is obvious, is it not, that the specifics of any one examination may slip your mind?

PAINLESS

I make notes while I do the autopsy. Notes.

*

SANDY

Well, those notes led you to tell Detective Lipranzer that the murderer was sterile. Looking back, you must think you were a fool to have missed something so obvious as the use of a contraceptive spermicide?

PAINLESS

All the sperm were dead. I didn't have the forensic chemist report about spermicide jelly. In absence of any other explanation I thought the guy is sterile...

(CONTINUED)

H193 CONTINUED: (3)

H193 *

Sandy picks up a report from the defense table and drops a copy for Delay, on his way to show it to Painless.

SANDY

Do you recognize the notes of your autopsy of Ms. Polhemus, Dr. Kumagai?

PAINLESS

Yes, sir. My signature.

SANDY

Would you please read aloud the short passage marked by the paper clip?

(turns to Delay)

Page two, Counsel.

Painless changes glasses.

PAINLESS

(reading)

'The fallopian tubes are ligated and separated. The fimbriated ends appear normal.'

Kumagai looks down at the sheet he has read from. He pages again to the end. He is frowning, deeply now. Finally he shakes his head. He keeps leafing through it as if he can't believe it. Sandy waits him out.

PAINLESS

Not right.

SANDY

Your own autopsy notes? You dictate them as you are conducting the procedure, do you not?

PAINLESS

Not right.

SANDY

I hand you the records of Doctor Lubin, a gynecologist, and of the hospital where he performed this procedure on Ms. Polhemus some six-and-a-half years ago. Would you explain them to the jury, Doctor?

Painless looks at them, and looks at Delay and Molto.

(CONTINUED)

H193 CONTINUED: (4)

H193 *

SANDY

Would you explain in layman's language what this says?

PAINLESS

She had her tubes tied.

SANDY

Can a woman with this procedure conceive a baby?

PAINLESS

No way.

SANDY

Can you think of a reason for a woman who had her tubes tied to use a spermicide?

PAINLESS

No reason. No medical reason. I think of nothin'.

SANDY

Is it not clear, given these facts, that the specimen you sent to the chemist was not taken from the body of Carolyn Polhemus?

PAINLESS

I can't account for it.

SANDY

So you don't know what happened?
(no answer)

Wherever you got that specimen from, Doctor, you sent it to the chemist while you were having secret communications with Mr. Molto behind Mister Sabich's back, am I right?

PAINLESS

Do you accuse me, Mr. Stern?

SANDY

(looking at Molto)
Oh, I think we have had enough unsupported accusations for one case. Doc-tor Kumagai.

There is some LAUGHTER, quickly MUFFLED in the court.

(CONTINUED)

H193 CONTINUED: (5)

H193

The judge looks disgustedly at Nico and Tommy as Kumagai leaves the stand.

LARREN

Do I take it, Mr. Delay LaGuardia,
that the state rests?

DELLA GUARDIA

Yes. Judge. On behalf of the
people of Kindle County, the
state rests.

CUT TO:

I-193 INT. SANDY STERN'S OFFICE - NIGHT

I-193

Sandy, Rusty, Barbara and Kemp are there.

RUSTY

You should savor today, Sandy.
No lawyer gets many crosses like
that, especially of the state's
expert.

SANDY

(not displeased)

That is so. What a colossal
blunder. But this is past now.
We must assess the case as it is.
There is not a piece of evidence
that stands untarnished. And this
afternoon we have dealt a blow
from which the state is not likely
to recover. Tomorrow I will make
the motion for a dismissal. But
we must plan for the worst, not
the best. If the dismissal is
not granted, we have no choice but
to go ahead with the defense.
Rusty, by tomorrow I must know if
you still insist on testifying.
Of course you know my strong
objections.

CUT TO:

J193 INT. SABICH HOUSE - KITCHEN - NIGHT

J193

Rusty and Barbara are having dinner.

BARBARA

Why is Sandy so against your
testifying?

(CONTINUED)

J193 CONTINUED:

J193

RUSTY

He's afraid I'll tell the truth.
About my relationship with
Carolyn. And that will give the
prosecution the motive they've
been lacking.

(beat)

What do you think?

BARBARA

I think you will tell the truth.
About the affair.

RUSTY

One could argue that if the jury
senses how truthful I'm being
about such painful things they may
conclude they should believe me
when I say I did not commit the
murder.

He waits for a comment from her that doesn't come.

RUSTY

What would you conclude?

BARBARA

If I was a member of the jury?

RUSTY

Yes.

BARBARA

If I had you admit how much she
meant to you, how your feelings
for her seemed to twist your
personality into someone you
yourself found unrecognizable, I
think I would conclude that you
are guilty.

Silence.

BARBARA

I want to testify.

RUSTY

What would you say?

BARBARA

I would say, you are the only man
I ever loved. And I still do.

CUT TO:

193 INT. JUDGE LYTTLE'S COURTROOM - RUSTY'S POV - LARREN ON 193
BENCH - DAY

As always a face of strong character and intellectual curiosity; of a man who loves his work... He is listening to Sandy...

SANDY

Your Honor, before beginning our presentation, I would like to --

LARREN

(smiling)

Make a motion for dismissal.

SANDY

Yes, Your Honor, I...

LARREN

(waving him to be quiet)

Ladies and gentlemen, ordinarily I would ask you to leave the courtroom at this point in time. But I am not going to do that. I have reflected on this case at length. At this time, normally a defense lawyer makes a motion for a judgement of acquittal. And most often a judge decides to let the case proceed. Usually there is enough evidence so that a reasonable jury might find a defendant guilty. I think it's fair to say that there ought to be. No man ought to be brought to trial without sufficient evidence that some fair people might conclude beyond a reasonable doubt that he is guilty. I think justice requires that. And I think that in this case justice has not been done. I understand the prosecutors have suspicions. Before yesterday, I might even have said that there were reasonable grounds for suspicion. Now I'm not so sure of that. But I cannot let you deliberate on evidence like this, which is so clearly inadequate. It would be unfair to you and -- most importantly -- to Mr. Sabich.

(MORE)

(CONTINUED)

193

CONTINUED:

193

LARREN (CONT'D)

No person should be held on trial on evidence such as this. I have no doubt that your verdict would be a ringing not guilty. But Mr. Sabich should not have to live with this specter a moment longer. There is no proof of motive here, no concrete evidence that there was ever an intimate relationship. There is no effective proof, so far as I am concerned, after yesterday, to give any reasonable person grounds to believe that Mr. Sabich had carnal relations with Ms. Polhemus on the night of her death. And, as we have just seen, there is not a shred of direct proof that he murdered Ms. Polhemus. Perhaps he was there that night. The state might be entitled to that inference. If the prosecutors had ever found that glass, I might be more confident. But under the circumstances, I cannot let the case proceed.

DELLA GUARDIA

(jumping to his
feet)

Your Honor --

LARREN

Mr. Della Guardia, I understand you are despairing at this time, but I am speaking and I would like you to hear me out.

DELLA GUARDIA

Judge, I want to move to dismiss.

Larren starts, actually draws back. In the courtroom, there is a larger stir. Reporters are fleeing for their phones. Larren bangs his gavel, demanding order. Then he indicates that Nico may proceed.

DELLA GUARDIA

Judge, I just wanted to say a couple of things. First, it seems like a lot of people have started to think that this case is some kind of frame-up or sham. I deny that.

(MORE)

(CONTINUED)

193

CONTINUED: (2)

193

DELLA GUARDIA (CONT'D)

On behalf of all members of
the prosecution. I think we were
right to bring this case --

LARREN

You had a motion, Mr. Della
Guardia.

DELLA GUARDIA

Yes, Judge. I disagree with you.
But I don't think you're outside
the law. And I certainly don't
want anyone thinking I'm looking
for excuses. So I would like to
accept your judgement and move to
dismiss this case.

LARREN

That motion is allowed.
(standing)

Mr. Sabich, you are discharged. I
cannot tell you how sorry I am
that any of this has taken place.
Not even the pleasure of seeing
you free can make up for this
disgrace to the cause of justice.
I wish you God speed.

He bangs his gavel.

LARREN

Case dismissed.

Chaos swirls around Rusty. Embraces with Sandy; Delay
and Molto swiftly scoop up papers; the media and others,
jurymen, etc., move like a tide of public feeling toward
Rusty. He turns to Barbara...

194

RUSTY AND BARBARA

194

She comes to him. The tears pour down her face.

KEMP

Party, by God!

BARBARA

I can't. You understand? I think
I'll go home. I'll call Nat, I'll
tell him.

Media, well-wishers, etc., swarm around before they can
embrace or express more of their feelings. They are
still numb.

CUT TO:

195 CLOSEUP - KEMP 195

uncorks champagne.

196 INT. SANDY STERN'S OFFICE - NIGHT 196

Staff, cops, hangers on, lawyers, even some press drink,
talk, a mood of quiet celebration.

MAC

Rusty! That was one hell of a
hard way to go about getting rid
of Painless Kumagai!

Laughter.

Stew Dubinsky comes up to him.

*

STEW

Well, I hear Horgan's so upset by
how they led him down the garden
path, he's speaking to the mayor
about a recall ballot for Delay.
You could wind up as prosecutor
after all.

*

*

*

*

*

*

*

Rusty moves off through the crowd.

197 INT. HALL 197

He looks down the hall: Sandy's office is there, lights
are on.

(CONTINUED)

197 CONTINUED:

197

Rusty walks down to the door where he stands watching Sandy, already working on another case. Sandy looks up.

RUSTY

Well, I wanted to say thanks. You are the very best.

SANDY

Thank you, Rusty.

(beat)

You should be happier.

RUSTY

How did you know what was behind Larren's fear of the B-file?

SANDY

Ah. You worry about the judge's integrity.

RUSTY

With cause, wouldn't you say? You knew it didn't have a damn thing to do with my case, but you took every chance you could to let Larren know you'd drag it in and it would come out that he had taken bribes, and Carolyn was the courier. You blackmailed him.

SANDY

I believe whatever he did in the past he would die rather than compromise his court. We speak now tonight and these things are never spoken of again by either of us. Agreed?

RUSTY

Agreed.

SANDY

Larren's divorce left him in a state of disorder. He was drinking much too heavily. He had fallen into this relationship with a beautiful and self-seeking woman. He found himself confined as an act of political vengeance, in a judicial dumping zone. Larren is a powerful mind, and he heard for years about nothing but traffic tickets, tavern brawls, sexual interludes in the forest.

(MORE)

(CONTINUED)

197 CONTINUED: (2)

197

SANDY (CONT'D)

The northside was a beehive of illicit dealing.

RUSTY

You can't be apologizing for him.

SANDY

I do not for a moment condone what we speak of. Our public institutions crumble from such conduct. The fact is, Larren himself grew suicidally depressed. He resigned from the bench. Raymond Horgan talked him out of it.

RUSTY

Raymond knew he had been taking bribes?

SANDY

Larren had told him. Raymond cleaned up the northside mess, as you recall. He also rescued a distinguished mind and a career that honors the bench. Today, I believe Larren did what he thought was just: you tell me, Rusty, was justice done?

Rusty is silent.

CUT TO:

198 EXT. FERRY - DUSK

198

Rusty leans over the back of the ferry railing, as it pulls away -- watching the city recede. Thoughtful. A voice speaks in his ear --

LIPRANZER

Christmas present... a little early.

He hands Rusty a manila envelope; inside, with a police ID tag is a plastic Baggy; inside it is the missing glass, shining iridescent blue from fingerprint powder. Rusty holds it up to the light: we can see the smudges that are the prints.

RUSTY

It's a felony in this state to secrete evidence of a crime.

(MORE)

*
*

(CONTINUED)

198

CONTINUED:

198

RUSTY (CONT'D)

You hung your ass out a good long way on this one, Lipper.

LIP

It was them that fucked up. Remember they came around and grabbed all the evidence? The glass wasn't there. I'd took the thing down to Dickerman. Next day I get a call from the lab, the test is done, I can come pick up my glass. When I get down there somebody's signed the receipt 'Returned to Evidence.' You know, the idea is that I'll put it back in. Only I don't got any way to put it anywhere, since it's not my goddamned case anymore. So I tossed it in a drawer. Figured sooner or later somebody's gotta ask me. Nobody did.

RUSTY

You thought I killed her.

LIP

Lady was bad news.

RUSTY

Which makes it okay if I killed her?

LIP

Did you?

Rusty looks at him a moment, then smiles.

RUSTY

Come on, Lip. We both know killers don't admit it.

Rusty drops the glass in the water. They watch it float away, bobbing, bobbing, bobbing, before it sinks out of sight.

DISSOLVE TO:

199
thru
205

OMITTED

199
thru
205

206 EXT. SABICH HOUSE - AUTUMN - DAY

206

It is an October day. Dead leaves swirl through the streets.

A newsboy rides by on his bike, throwing his papers at the houses as he passes. His aim, towards Rusty's front door, is perfect, the paper landing right on the stoop in front of the house.

CLOSE SHOT: NEWSPAPER HEADLINE

P.A. RECALL ELECTION SET.

207 INT. SABICH HOUSE - KITCHEN - DAY

207

Rusty is getting breakfast on the table. Nat enters.

NAT

Where's Mom?

RUSTY

The last time I saw her she was in the bathroom throwing up. Her interview's today. At the university.

NAT

What's the big deal?

Nat nibbles at his food, standing up.

RUSTY

Hey!

NAT

(sitting down
begrudgingly)

Okay. Okay.

Barbara enters.

BARBARA

(bringing in the
paper)

No. I don't want breakfast.
Thank you very much.

NAT

Mom, that dumb old college would be lucky to have you teaching there.

RUSTY

You tell her, kid.

(CONTINUED)

207 CONTINUED:

207

BARBARA

I'm too old to be starting
something new.

(looking at the
paper)

They're going ahead with the
recall vote. Delay's finally
getting his.

RUSTY

Poor bastard.

BARBARA

What?

RUSTY

He was doing what he thought was
right, bringing me to trial.

BARBARA

Everyone else in town thinks it
was a political vendetta.

RUSTY

Since when has conventional wisdom
been the truth?

CUT TO:

208 EXT. NAT'S SCHOOL - DAY

208

Rusty's car drives up. Rusty is driving. Barbara sits
next to him. Nat hops out of the car.

RUSTY

(from inside the
car)

Maybe you'll help me fix the fence
when you get home today.

NAT

I can't. I've got a game.
(waving goodbye)
Good luck, Mom.

The car drives off.

209 INT. CAR - DAY

209

RUSTY

I thought it was about time I got
the house in shape. While I still
have the time.

(CONTINUED)

209 CONTINUED:

209

BARBARA

To think I've lived to see the
day.

210 EXT. FERRY LANDING - DAY

210

as the car drives up.

211 INT. CAR - DAY

211

Barbara kisses Rusty goodbye.

BARBARA

I know why I've never finished the
dissertation. I've been afraid to
face the world. I still am.

She gets out of the car. Rusty watches as she joins the
group consisting mostly of men, as they board the ferry.
He looks at the cars around him. With his exception, all
the drivers left behind are women.

212 EXT. SABICH HOUSE - YARD - NIGHT

212

Rusty is fixing the fence -- removing the posts, sinking
new ones in cement. He reaches into the toolbox by his
side. He takes out a box of nails and opens it in
preparation to nailing on the beeftail. He removes the
shelf on the top part of the container, revealing the
larger tools below. He removes a monkey wrench and a
screwdriver and pulls out a tool made out of black iron
that is a cross between a hammer's claw and a crowbar.
He studies it a moment.

A crust of blood and one blonde hair clings to the edge
of one of the two teeth.

He stands up and goes into the house.

213 INT. SABICH HOUSE - CELLAR - DAY

213

as he comes down the stairs and goes over to the laundry
tub. He turns on the hot water, and washes the tool in
the tub. He turns around and reaches for a towel. With
slow, methodical strokes, he rubs the instrument dry.

The CAMERA STARTS TO PULL BACK AND UP, a classic CRANE
SHOT that so often signals the end of the film.

BARBARA (V.O.)

I did it.

The CAMERA STOPS.

(CONTINUED)

213

CONTINUED:

213

Rusty looks up, startled.

BARBARA (V.O.)

I fooled them all.

RUSTY'S POV

Barbara at the top of the stairs.

BARBARA

The interview. They think I'm
qualified.

She looks down at Rusty drying the instrument.

Rusty puts down the towel and walks up the stairs. The
CAMERA PANS DOWN the side of his body REVEALING the
weapon clutched in his hand. Barbara watches him,
hypnotized by his strange, deliberate pace.

When he gets to the stair beneath her he stops and looks
up at her. CAMERA...

CUT TO:

CLOSEUP - WEAPON

in Rusty's hand.

BACK TO SCENE

After a beat, he slowly raises it, never taking his eyes
off of Barbara. She looks back, frightened now.

He holds the weapon in front of her. The moment seems
frozen in time.

She turns away and walks into the kitchen.

214

INT. SABICH HOUSE - KITCHEN - DAY

214

She sits down on a kitchen chair.

BARBARA'S POV

Rusty entering the kitchen. He sits opposite her, still
holding the weapon.

BARBARA

You understand, what happened had
to happen. It could not have
turned out any other way.

(MORE)

(CONTINUED)

214

CONTINUED:

214

BARBARA (CONT'D)

A woman is depressed; with herself, with life, with her husband, who had made life possible for her -- until he was bewitched by another woman, a destroyer. Abandoned, like someone left for dead, she plans her suicide. Death instead of death in life. Until the dream begins. In the dream the destroyer is destroyed. That is a dream worth living for. And now, with such simplicity, such clarity, everything falls into place. It must be a crime her husband can declare unsolved and be believed by all the world. She must make it look like a rape, but she must leave her husband clues. One he discovers who it was he'll put the case into the file of unsolved murders: Another break-in by some sex-crazed man. But all his life he'll know that it was her. She remembers the set of glasses she had bought for the woman years before, a housewarming present from her husband and his office. She buys another set. Her husband drinks a glass of beer one night. He doesn't even comment on the glass. Now she has his fingerprints. And then on a few mornings she saves the fluid that comes out when she removes her diaphragm, puts it in a plastic bag and puts the bag in the basement freezer. And waits. 'Til April first, April Fool, another clue. She calls the woman and asks to see her. She stops first at the U. and logs into the computer. Now she has her alibi. She goes to the woman. The woman lets her in. When she turns her head she removes the instrument from her bag and strikes. The destroyer is destroyed. She gets out the cord she's brought along and ties her body in ways her husband had described that perverts do.

(MORE)

(CONTINUED)

214

CONTINUED: (2)

214

BARBARA (CONT'D)

She feels a power, a control, a sense that she is guided by a force beyond herself. She takes a syringe and injects the contents of the ziplock bag, leaves the glass on the bar, unlocks the door and windows and goes home. And life begins again. Until the trial, when she sees her husband suffer in ways she never had intended. She is prepared to tell the truth, right up to the very end, when, magically, the charges are dismissed, the suffering is over, and they are saved.

RUSTY

Saved?

The CAMERA now is...

RUSTY'S POV OF BARBARA

defining the space between them. Gradually, it moves closer and closer to her face until it moves into her eyes, as if, like Rusty, it is trying to penetrate the mystery of this woman.

The CAMERA KEEPS MOVING, deeper and deeper into her eyes as we...

FADE TO BLACK.

We HOLD ON the black emptiness for a moment.

THE END

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