

The Defenders

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THE DEFENDERS

TEASER

HIGH ANGLE VIEW: A BILLBOARD under construction a few blocks up Las Vegas Boulevard from McCarren Airport. The old ad is being stripped away. A SOUTHWEST JET ROARS into view as it descends for landing.

INT. MANDALAY BAY HOTEL ROOM - DAY

PETE KACZMAREK, 36, bare chested, pulls his belt through the loops of his suit pants as he looks out the window.

                  CHRISSEY (O.S.)  
What was *that* one?

                  PETE  
Southwest.

CHRISSEY, a pretty blonde in a Delta flight attendant's skirt and blouse, comes out of the bathroom brushing her hair and moving like she's late.

                  CHRISSEY  
                  (cute southern drawl)  
Look what you've done to my face --

-- She finds her flight attendant jacket among clothes strewn at the foot of the bed --

                  CHRISSEY  
-- It's like a brillo pad when you don't shave!

                  PETE  
I *did* shave. I'm Italian.

                  CHRISSEY  
Italian? *Kazmarek?*!

                  PETE  
My mom's Sicilian.

                  CHRISSEY  
Well my face feels like raw hamburger meat.

                  PETE  
How do your thighs feel?

CHRISSEY  
 (tossing a towel)  
 You're naughty.

Just then another low flying jet ROARS on its descent.

CHRISSEY  
 Oh, Lord, I guarantee you that's my  
 plane!

She finishes buttoning her jacket and gives him a kiss.

CHRISSEY  
 See you in two weeks?

PETE  
 Sounds like a plan.

CHRISSEY  
 (smiling brightly)  
 Thanks for flying Delta!

She turns and rolls her bag out the hotel room door.

INT. MANDALAY BAY CASINO - DAY

Pete strides through in his 4000 dollar suit -- just a *little* ruffled from its night on the floor. He barely stops as he drops a token in a five dollar slot, pulls and walks away with an ear peeled for the winning DINGS...that don't come.

INT. PETE'S MERCEDES BENZ/LAS VEGAS BLVD. - DAY

Pete drives fast. He smiles as he looks up through dark shades... at that same damn unfinished BILLBOARD.

EXT. CLARK COUNTY (LAS VEGAS) DISTRICT COURT - DAY

Amidst the crowded plaza is **LISA TYLER**, 29, African-American, attractive, nervous about her first day in court.

Pete hurries across Casino Center Blvd.

PETE  
 You're late.

LISA  
*Me?*

Lisa starts walking with him. Fast.

PETE  
 I'm late, you're late. We're late.  
 (glances at his watch)  
 Where the hell's Nick? You ready?

LISA  
 For what? You haven't told me what  
 we're doing.

PETE  
 Didn't Nick?

Her worried face says, "no" as they enter --

INT. CLARK COUNTY DISTRICT COURTHOUSE/LOBBY - DAY

The courthouse lobby is a madhouse. Pete takes Lisa's arm and guides her through the deluge, into the METAL DETECTOR reading "COUNSELOR ENTRY" --

ELEVATORS -- The crowd is twenty deep.

PETE (CONT'D)  
 We'll be here all week. Come on.

He drags her to a doorway marked "DO NOT ENTER" and enters --

INT. BACK HALLWAY/COURTHOUSE - DAY (CONTINUOUS)

-- Pete leads Lisa down an empty hall, leaving the madness behind. Lisa has no idea where she is, but keeps the pace.

He arrives at an ELEVATOR and punches the UP button. Lisa notes the sign: "JUDICIAL USE ONLY."

LISA (CONT'D)  
 Is this okay?

PETE  
 Not if we see a judge.

INT. FOURTH FLOOR HALLWAY/COURTHOUSE - DAY

Pete and Lisa dash from the elevator and run right into MEREDITH CARTER, 33, attractive, a prosecutor. Saccharine sweet. They walk quickly together.

MEREDITH  
 (eyeing Pete's suit)  
 Deja vu. Could have sworn I saw  
 you in that suit and tie yesterday.

Pete frowns as Meredith extends her hand across him to Lisa.

MEREDITH  
Hi! Good morning, Meredith Carter.

LISA  
Good morning --

PETE  
-- Sorry. Meredith, this is our  
new associate Lisa Tyler.

MEREDITH  
Oh, the ex-dancer!

Lisa's raises her eyes, startled.

MEREDITH  
Welcome! Congrats on joining Mancini-  
Kaczmarek. No respectable firms  
hiring?

PETE  
Crack up, isn't she?  
(then)  
Lisa's working Ray McWhorter with me.

MEREDITH  
Great! Well, don't waste your time on  
the kidnapping -- those charges won't  
go away and *remember*...no lap dances  
for the jurors. That'd be contempt.

She winks and enters the courtroom. Lisa is ready to  
explode. Pete grabs her arm --

PETE  
Ignore that. You're gonna be  
negotiating with her -- and right  
now she holds all the cards.

INT. COURTROOM 16 - DAY

The judge is not yet on the bench, but the gallery is packed  
with lawyers, accused and family waiting for arraignments.

Pete is at the clerk's rail, quickly SIGNING IN their case.  
Lisa is angry and unnerved by all the rushing.

PETE (CONT'D)  
We're down the list.  
(checks his watch)  
Hold down the fort.

Pete hands her the case folder, pats her arm and heads off.

LISA  
Wait? You're *leaving*?

PETE  
Yeah, yeah. You're fine. Just make sure he says, "Not guilty".

LISA  
Hang on! What's his name? What are the charges? What --

PETE  
(points at the folder)  
-- All in there. Case number, everything.  
(then, reassuring her)  
Just the arraignment. Not guilty.

And Pete's off to the door. Lisa is left in the deep end.

EXT. COURTHOUSE - DAY

Pete exits, no longer rushing. He smiles at the sun, does a stretch on the steps. His PHONE RINGS. He knows the number:

PETE (INTO PHONE)  
Christ sake, Nick. Big day today!  
Where the hell are you?  
(pause)  
What?...What?  
(pause)  
Aw jeez. No. Stay. Stay there.

INT. PIERO'S STEAKHOUSE - DAY

Sinatra plays as musak in this mostly empty Italian chophouse. Pete sits with his partner NICK MANCINI, 40, in a leather booth. Nick is knee deep in a double Martini he's decided to have for breakfast.

Pete flips through a series of *fuzzy SURVEILLANCE PHOTOS*: a pretty woman chatting with a man beside a motorcycle on a rich, suburban street... woman and man laughing... woman returns his motorcycle helmet --

NICK  
(chewing an olive)  
S'awful... Twenty years... It's what a guy gets...

Pete flips more photos: *woman and man hugging... woman waving goodbye...* Pete turns to Nick, incredulous --

PETE  
Are you out of your damned mind?

NICK  
Am I?

PETE  
You had your wife *followed*? Are you nuts?

NICK  
She's cheating on me, Pete.

PETE  
Cheating? She's got a *book bag*.  
(poking the photos)  
Guy gave her a ride from school.

NICK  
(pokes photos back)  
On a motorcycle!

PETE  
You're *separated*; she can do what she wants.

NICK  
She can *cheat*? She can't *cheat*!

PETE  
(poking the photos again)  
You got a *hug*, Nick. That's it, no kiss, a *hug*.

-- Nick frowns at Pete's subtext, then snatches the sleeve of a passing WAITER, *shoves the photograph* in his face --

NICK  
Jay, what's that look like to you?

PETE  
Gimme that!

Pete nods Jay off and sweeps up the photos, stuffing them back into their manila ENVELOPE. HE grabs Nick's hand before he can lift the martini glass back to his lips.

PETE  
Crissakes, it's ten thirty in the morning! You missed Lisa's launch for this?

(MORE)

PETE (cont'd)  
 (rising)  
 Let's get out of here, you big  
 baby.

EXT. PIERO'S STEAKHOUSE/VALET STAND - DAY

As they exit the restaurant, Pete shoves the manila ENVELOPE  
 at Nick --

PETE  
 -- Lose the photos, okay? It's  
 embarrassing... And stop following  
 your wife --  
 (handing valet his ticket)  
 -- or I'll file a restraining order  
 myself.

NICK  
 I really thought things were  
 looking up. She was laughing again  
 like she used to. I was even gonna  
 ask her on a date.

Pete nods sympathetically.

NICK (CONT'D)  
 Got tickets to *Junior*. Table right  
 down front.

Pete's sympathy ebbs...just as his PHONE RINGS.

PETE  
 Wait... You got tickets to Junior?

NICK  
 Does it matter anymore?

PETE  
Yeah! I been trying for a *month!*

Pete grabs his ringing phone.

PETE  
 -- Hey Sophe, we're just heading in --  
 (then, intently)  
When?  
 (pause, then)  
 Tell him we're on our way.

He hangs up. Looks at Nick.

PETE

Better get you some coffee.  
Collect call from county. Don  
Shepard.

INT. CLARK COUNTY JAIL/RECEIVING - DAY

A county jail GUARD leads Nick and Pete into the iron bowels  
of Clark County detention. Nick carries a LARGE TAKE-OUT CUP  
OF COFFEE --

INT. HOLDING PEN/CLARK COUNTY JAIL - DAY

DONALD SHEPARD, 30, sits in his grey jail-stripes at a small  
metal table. Nick and Pete enter, concerned.

NICK

Hey, Don. You okay?

Don Shepard is worn and disheartened. A clearly broken man.

DON

I'm sorry, guys. I can't do it.

Bad news. Nick tries to talk Don down off the ledge --

NICK

It's not an easy thing, Don. The  
day before --

DON

-- It was a mistake. Just agree to  
go to prison. I can't.

PETE

Can't take the plea? You want to  
go to trial?

Nick glares at Pete who seems almost enthusiastic.

DON

(yes)

You said we were ready to go; the  
judge was ready --

NICK

Don, we informed the court  
yesterday you'd accepted the  
state's offer.

DON

But they still got a jury? Right?  
I stick with the *not guilty* and we  
just go ahead --

NICK

We can, yeah. But being willing to  
go to trial was to get a better  
*deal*. And you out in *three years*  
is a good --

Don's voice breaks --

DON

-- Four guys get to beat my *brother*  
near to death, and *I'm* the one goes  
to jail? For trying to stop it?

Nick's eyes Pete, urging support --

PETE

Look, Don, anyone could have done  
what you did. *I* would have. But  
once they *charge* you it's not about  
right anymore, it's who can *win*.

Nick nods in agreement, puts down his coffee --

NICK

And they *can* win. You know that.  
We explained --

DON

(near tears)

-- So I changed my mind! I been  
protecting that kid since he was  
eight years old! I only did what I  
promised my mother I'd do!

NICK

I know that. I do. But it's  
twenty to life if they convict. A  
bunch of strangers... You need to  
play the odds. Three years gives  
you a chance to have a life.

Don eyes Pete. Here's the point:

DON

What kind of life is that? After  
three years in prison? I'm going  
to find a nice girl; settle down?  
Tell my grandkids the good *deal* I  
got?

Nick can't argue with that. One last admonition:

NICK

We got a bad judge, Don, that hasn't changed. And we've got a medical examiner who's going to say you shot the kid in the back --

DON

-- That's not true!

NICK

(a hand on Don's arm)

I believe you. We believe you. And tomorrow, if you want to tell them forget it... we'll tell them.

(then)

Just do my one favor. Sleep on it tonight. Okay?

Don stares at his shaking hands, facing a decision few men will ever face. Finally, he meets Nick's eye --

DON

I'm sorry, Nick... I won't sleep. No deal.

Pete looks at Nick, excited. Nick looks like his head is starting to ache.

EXT. CLARK COUNTY JAIL/CASINO CENTER BLVD - DAY

Nick and Pete exit the jail on Casino Center Boulevard, the Golden Nugget Casino just down the block. Pete is excited --

PETE

We've got us a murder trial!

Nick is not enthused.

NICK

Yeah...a murder trial.

He tosses the manila ENVELOPE in a trash can and moves for the car. Watching Nick... Pete's face morphs into worry.

END OF TEASER

ACT 1

VIEW ACROSS ROOF TOPS OF: *Downtown Las Vegas, the Golden Nugget Casino, Fremont Street.*

Boom down to the modest law office building on the corner with the sign "*Mancini and Kaczmarek*" that's a bit too long for the face of the building. Pete's Benz approaches.

INT. PETE'S BENZ - DAY

Nick squeezes his eyes in pain -- like maybe he shouldn't have had Martinis for breakfast.

PETE

I'm just saying, be bold --

NICK

-- Bold my ass. He had a good deal, he's risking 40 years of his life, this is a bad decision.

PETE

(for the tenth time)  
Not if we win.

NICK

You know how dumb that sounds coming from a Vegas defense attorney?

PETE

I'm just saying --

NICK

-- Yeah I heard you, "Be bold! Bet the house on red! If ya win, hey! Great decision!" Dumb.

Nick throws open the car door --

EXT. MANCINI & KACZMAREK - DAY

Nick winces in pain as the bright sunlight hits his eyes --

NICK

-- Ah!

Pete takes off his dark shades as he steps next to Nick. "*What a pal,*" thinks Nick as he takes them --

NICK

Thanks, man.

But Pete is oblivious to Nick. He's staring at --

-- drop dead gorgeous porn star, EVA DEMOAN, 6 inch heels, tiny mini skirt. She exits Mancini & Kaczmarek with ASSOCIATE ATTORNEY, CLYDE DEWITT (65) in a Stetson cowboy hat.

CLYDE

Pete. Nick. Eva --

PETE

-- Eva DeMoan. I know. Big fan.

EVA

Thank you.

NICK

What's up, Clyde?

CLYDE

Sites are stealing and marketing Eva's videos the moment she posts new work.

PETE

(dramatic)

That is wrong. If there's anything I can do --

NICK

-- You found the best adult film lawyer in the business, Ms. DeMoan. Proud to have Clyde with us.

Clyde tips his hat and escorts Eva away.

PETE

(over his shoulder)

Loved you in *Deep, dark and ...*

NICK

(grabbing his arm)

*Pretend you're a professional.*

INT. OFFICES OF MANCINI & KACZMAREK/LOBBY

SOPHIE, young, attractive, answers phones at reception in a very low cut blouse --

SOPHIE

Mancini Kaczmarek? May I have him return? Thank you.

She hangs up as Pete and Nick enter. Nick doesn't stop --

NICK  
 -- Coffee, advil, tylenol. Hold  
 all calls --

-- he closes his office door. Sophie turns, quizzical. But  
 Pete's focussed disapprovingly on her cleavage --

SOPHIE  
 What? Still not law officey  
 enough? My mom gave me this.

PETE  
 (he can't win)  
 Messages?

She frowns then hands him his messages one by one.

SOPHIE  
 Bill Diemer from Winston-Kerner, your  
 father, twice, and some *Nina*, staying  
 at the Wynn, said you'd remember,  
 which I'm sure you don't --

-- She starts to crumple the message --

PETE  
 Gimme that.  
 (stuffs it in his pocket)  
 What about Junior? Any luck?

SOPHIE  
 Tried everywhere. It's impossible.

PETE  
 Wrong answer. Keep trying.

INT. MANCINI & KACZMAREK/PETE'S OFFICE - DAY

The office is hung with boxing gloves, family photos, a  
 poster of Ali. Pete's feet are up on the desk.

PETE (INTO PHONE)  
 Two elements to go on contingency:  
 gotta be a slam dunk and there's  
 gotta be a pot of gold at the end  
 of the rainbow. You don't have  
 either.

Lisa shows up in Pete's doorway looking steamed. Pete waves  
 her in. She doesn't move.

PETE (INTO PHONE)  
 Any time.

He hangs up and turns to Lisa.

PETE  
How'd Ray plead?

LISA  
May I close this?  
(off his nod, she slams it)  
Not guilty.

PETE  
(ignoring her fury)  
Great. Nice work. What's up?

LISA  
One -- it's none of Meredith's or  
anyone else's damn business how I  
put myself through law school.

PETE  
Agreed. Didn't get it from me.

LISA  
Two, I won't work like this. I  
don't give a rat's ass you're the  
only firm offered me a job. I'll  
go back to dancing. Ray McWhorter  
is not a case number! He's a  
sixteen year old boy whose life is  
hanging in the balance and you sent  
me in there completely unprepared --

PETE  
-- Not guilty. You entered the  
right plea --

LISA  
-- It doesn't matter! I was  
representing that boy in court  
without knowing a damn thing --

PETE  
(interrupting)  
-- What do you know now? Take me  
through it.

Lisa wants to shout "Fuck off" but instead --

LISA  
He's a kid. A mixed up teenager  
without a record who robbed his pot  
dealer. Pointed a gun, that's a  
serious crime but the kidnapping  
charge is ridiculous.

PETE

How so? You got *movement, risk* --

LISA

-- Telling the dealer to move ten feet into his own bedroom to get the pot was incidental to the robbery. Kidnapping would be dual liability.

PETE

So what would you do?

LISA

Fight the kidnapping, but --

PETE

-- Look at that! Perfect. And all I had to do was show you the judge's elevator!

LISA

That's not my point! I --

PETE

(rising)

-- I know, I know --

(comes around the desk)

Listen, when I started, Nick tossed me in the deep end. End of the first day I was in his office screaming at him: "I could'a made a mistake, these people are counting on us, you son of a -- !" I look up, the bastard's shaking his head and smiling. And before I can punch him, he says, "I'll be damned. I thought I was the only one dumb enough to care so freakin' much..."

(pause, then)

We need all hands. Shepard's going to trial.

He looks her in the eye and extends his hand. Lisa looks at his hand for a moment, shakes it. She's a part of the team.

INT. NICK'S OFFICE/MANCINI & KACZMAREK - LATER

In his office, Nick, Pete and Lisa consider strategy for Don's upcoming murder trial. Lisa reads discovery documents, while Nick paces, worried --

PETE

-- Come on, Nick. Nobody?

NICK

Nope. Their grandmother raised them when the parents died; she's gone too now... His brother Scott's the only one Don has.

PETE

No aunts or cousins or *anybody*? You can't defend a murder case with no *family* behind him.

NICK

We got Scott.

PETE

(nods, then)

Where are we on witnesses?

NICK

They've got three -- all friends of the kid who died, including his *girlfriend* -- we've got nada.

Lisa pulls a FORM her stack of discovery --

LISA

Hey? This PD interview of Don's neighbor Eunice Brown. Says she witnessed the fight.

The guys all *think* they know what Lisa's discovered --

NICK

Forget it. We've been there. Eunice Brown is two hundred years old... She's legally *blind*.

LISA

(reading from the form)

"*I could hear them yelling. We went to the window but I couldn't see very much...*"

PETE

So?

LISA

Guys. According to PD, the woman lives alone. But --

(re-reads)

(MORE)

LISA (cont'd)  
 -- "We went to the window?" Unless  
 they wrote it down wrong, who is we?

The guys wake up. Nick's intrigued. He gives Lisa props:

NICK  
 Go find out.

EXT. MANCINI & KACZMAREK - DUSK

Nick and Pete exit. Pete slaps his partner's back, offers advice --

PETE  
 Breakfast *without* the olives  
 tomorrow?

NICK  
 (still feeling it)  
 Copy that.

PETE  
 Take 'er easy tonight. Last chance  
 for a while.

INT. PETE'S BENZ/DRIVING - DUSK

Pete drives fast, plays his music loud. He ducks his head down for a better view as he passes his favorite mystery BILLBOARD. The old ad has been stripped off. It's just a big white blank...but it makes Pete smile.

A **LOUD HONK** pulls Pete's eyes to the rearview. A large truck rides his tail, headlights flashing on and off. "*What the hell?*" Pete speeds up.

The truck **HONKS AGAIN**, swerves out to swing alongside of him. Pete speeds up more. The truck speeds up. Until --

-- Red light. Pete looks over, nervous as the truck swings alongside of him.

MARCO  
 Mr. K! Mr. K!

Pete unrolls his window as the youthful 26 year old driver leans out his window.

MARCO  
 Mr. K! It's Marco! Marco Arria!

Pete double takes --

PETE  
Marco? Hey! How the hell are --  
 (suddenly suspicious)  
 -- What's in the truck, Marco?

MARCO  
 (putting up his hands)  
 No, no, no! No more! No, no!

Cars behind them HONK. The light is GREEN.

MARCO  
 (gesticulating)  
 Pull! Pull over!

SMASH CUT: TRUCK TRAILER DOORS BEING SWUNG OPEN TO REVEAL  
 PETE AND MARCO LOOKING INTO THE TRUCK.

EXT. TRUCK TRAILER/PARKED ROADSIDE- DUSK

PETE  
Much better, Marco. Much, much  
 better product you're hauling --

-- Pete's looking at a refrigerator truck full of meat.

MARCO  
 (smiling)  
 Don't pay as much.

Pete puts his big hand on the back of Marco's neck and gives  
 him a fatherly uncomfortable squeeze --

PETE  
 -- Does it pay more than they paid  
 you to clean toilets at Ely?

MARCO  
 (pulling away, smiling)  
 -- Yes! No, no, I am not  
 complaining!

PETE  
 (proud and pleased)  
 Keeping your nose clean, huh?

MARCO  
 Keep everything clean or my wife  
 say no *el sexo*.

Pete laughs. Marco waves toward the trailer full of meat --

MARCO  
You like meat?

He climbs up and offers Pete a hand --

PETE  
This legal?

EXT. LITTLE LEAGUE FIELD - NIGHT

Nine year olds battle under floodlights. KRISTEN MANCINI (37), attractive, recognizable from the surveillance photos, stands near the fence watching her son, SAMMY (9) man first base. His team jersey reads: "*E-Z Checks Red Sox*". Nick walks over quickly from the parking lot.

NICK  
Sorry I'm late, Kris. What time's your class?

KRISTEN  
I'm okay still. It's 2-2. Sammy walked in the third, scored the tying run.

NICK  
He scored?  
(calling out)  
Alright, Sammy! Way to go! Atta boy, champ!

Sammy looks over bewildered for a moment then turns away. Nick smiles awkwardly at Kris, then tries a segue --

NICK  
Hey, how about you? Score lately?

Bad segue. Kris screws up her face.

KRISTEN  
What's that supposed to mean?

NICK (CONT'D)  
No, I'm just, well... a *little bird* told me you might'a had a date last week is all and --

KRISTEN  
-- Excuse me?

NICK  
(trying to keep it light)  
Five-ten, rides a motorcycle?

KRISTEN  
A "*little bird*"? What the hell  
does that mean?

Then it dawns on her --

KRISTEN  
-- did you have me followed?

NICK  
What?

KRISTEN (CONT'D)  
Did you have Frank follow me?

NICK  
I didn't say that.

Classic lawyer non-denial denial.

KRISTEN  
You did. Son of a --

-- LOUD CHEERS for a big hit drown out an expletive-laced  
RANT. By the time we can hear again, Kris is fishing in her  
purse for car keys and Nick is working damage control --

NICK  
-- Hang on, hang on, Kris, no need  
to get all bent outta shape --

KRISTEN  
-- "A *little bird* told you." There  
better not be photos --

-- Nick grimaces, pulls out an envelope --

NICK  
-- No, Kris, I was just asking  
because --

-- he pulls tickets from the envelope --

KRISTEN  
(ignoring him)  
-- It's none of your business if  
I'm dating or not. Tell your  
little bird to fly into a wall.

She turns and wheels toward the parking lot. Nick slips the  
two tickets back in the envelope, defeated.

INT. APARTMENT HALLWAY - NIGHT

Pete, package of meat in hand, knocks on the door. After a beat, Meredith Carter opens, hair is down, she's wearing a robe and holding a glass of wine.

MEREDITH  
Anyone see you come in?

PETE  
No one I know.

She smiles, opens the door wider.

INT. MEREDITH'S APARTMENT - CONTINUOUS NIGHT

The apartment has glass walls overlooking the strip. It's an open concept living and dining space with a granite counter top island between the kitchen and living room. The light inside is low. The view of Vegas is spectacular.

PETE  
Just saw a kid you stuck in a cage  
for six years.

MEREDITH  
Six years? I hope they changed his  
litter and water bottle!

PETE  
(wincing)  
Who's writing your material,  
Meredith? Attila the Hun?

MEREDITH  
Bill O'Reilly. So who was it?

Meredith puts on music.

PETE  
Remember Marco Arria? Seventeen  
years old, got pulled over with a  
truck full of Mexican gold?

MEREDITH  
(confused)  
Gold?

Meredith goes to the counter to pour Pete a glass of wine.

PETE  
Weed. He was running it up from  
the border.

MEREDITH

Oh, right! I remember Marco.  
Sleazy kid -- long, stringy hair,  
tattoos everywhere.

(smug)

What's he back in for?

PETE

Mexican beef.

Pete drops the steaks on the kitchen counter for punctuation.

PETE

Ran into him making deliveries.  
Still got the tats but the hair's  
short -- married, twin girls.  
Turned his life around.

MEREDITH

Well, good for him. Glad I could  
help knock some sense into him.

PETE

Been up to you, he'd still be in  
prison.

Meredith just sips her wine.

PETE

Doesn't that bother you just a  
little bit?

MEREDITH

Just doing my job.

PETE

Don't go so easy on yourself. You  
throw the book at *teenagers*.  
(stares at her hard)  
You're a win junkie.

He drains half his glass of wine. Meredith steps closer, as  
she loosens the tie on her robe.

MEREDITH

You really don't like me much, do  
you?

Pete doesn't answer directly for a reason --

PETE

Why? You starting to like me?

She puts her hand lightly on his chest.

MEREDITH

Not really.

He pulls her hand over his shoulder, pulls her in and kisses her. We push past them toward the windows...and Las Vegas.

INT. COURTHOUSE HALLWAY - DAY

As Pete rushes for the Shepard courtroom, he FINDS a worried SCOTT SHEPARD, 22, pacing the hallway outside the courtroom.

PETE

Scott? You should be in --

SCOTT

-- You got to stop this. Please.

PETE

Look, Scott, your brother's going to be okay, you --

SCOTT

-- He *won't* be okay. Nick said it wasn't smart to do this. This is my fault.

Pete takes Scott's arm and looks him in the eye --

PETE

It is not your fault. Don *stood up* for you. He had that right, and we will prove it.

(nods to courtroom doors)

Now, let's just get in there. Time for us to stand up for *him*.

INT. COURTROOM 8 - DAY

The courtroom is jammed, JUDGE RODGERS on the bench. Scott Shepard is one of twelve accused men in blue jail jumpers chained together in the jury box. Only Scott STANDS.

Assistant DA COLE is the mirror opposite of Nick and Pete. Ivy league blue blood, smug, uncaring. He introduces himself from the state's table, while Nick is across defense --

ADA COLE

James Cole for the people, your honor.

NICK

Nicolas Mancini for the defense, your honor.

And just then, Pete HURRIES up the aisle and into the gate --

PETE

Good morning, judge. Pete  
Kaczmarek, for the defense.

Judge Rodgers doesn't bother to look up from his paperwork --

JUDGE RODGERS

Morning, Gentlemen. I'm informed  
we have a disposition in this case?

NICK

No, your honor.

Now Judge Rodgers looks up. *What?*

JUDGE RODGERS

No? Not *today*?

NICK

Not at *all*, judge. Mr. Shepard  
maintains his innocence --

JUDGE RODGERS

(cuts Nick off; to Don)  
-- Mr. Shepard, you were offered a  
plea? Voluntary manslaughter with  
a sentence of six years?

DON

Yes, but I changed my mind, sir.

NICK

Your honor, Mr. Shepard --

-- the judge focusses hard eyes on Don --

JUDGE RODGERS

-- *Mr. Shepard*. I can tell you  
your lawyers are very good, at  
certain things, and the deal  
they've made for you reflects that.  
But trial is an uncertain bet.

(what he could lose)

A conviction on the most serious  
charge against you may result in a  
sentence of forty years to life in  
prison. Do you understand that?

DON

Yes.

JUDGE RODGERS

And you reject the state's offer  
and maintain your original plea?

DON

Yes, your honor. Not guilty.

NICK

Your honor, in light of the late  
changing circumstances we'd request  
a continuance --

JUDGE RODGERS

-- Denied. We were scheduled for  
tomorrow eight a.m., I see no  
reason to delay Mr. Shepard's day  
in court --

NICK

-- Your honor --

JUDGE RODGERS

-- convince your client, not me.  
(glaring at Don)  
Let him know he has no idea what  
he's about to get into.

Don looks scared. Nick looks at Pete: *Be careful what you  
wish for.*

JUDGE RODGERS

(barks down at clerk)  
Call it!

END OF ACT I

ACT II

EXT. 3702 GULLIVER ST./EUNICE BROWN HOUSE - DAY

Lisa steps up onto the concrete porch of a sun-blasted stucco house. Lisa KNOCKS, hard, presuming Eunice Brown is deaf as well as blind. Finally EUNICE BROWN opens up --

EUNICE

Yes?

LISA

Eunice Brown? Lisa Tyler. I'm a lawyer for Donald Shepard.

Lisa offers her card, but wary Eunice ignores it.

EUNICE

No. I said all I'm going to say on it. I won't get anyone in trouble.

We HEAR the unmistakable WHINE of a VACUUM somewhere behind Eunice.

LISA

No. Of course not --

-- the vacuum's WHINE ends. Lisa notes the old woman's jitters and decides not to spook her further --

LISA

-- I'm sorry to have bothered you.

INT. COURTROOM 8 - DAY

An over-muscled EDWARD BENZ, 17, shifts in the WITNESS BOX --

ADA COLE

...Now the defendant, Don Shepard, is your next door neighbor, isn't that right Mr. Benz?

Benz glares at a nervous-looking Don Shepard who sits with Nick and Pete at the defense table. Behind him the gallery is empty except for his brother Scott and two reporters.

Across the aisle the benches are packed with HIGH SCHOOL KIDS in their Sunday best.

BENZ

Yeah.

ADA COLE

And you were a part of the altercation that preceded the fatal shooting of Jimmy Thompson?

BENZ

I don't even know why it happened. We didn't want any trouble.

ADA COLE

But it found you, didn't it?

NICK

Objection.

ADA COLE

Withdrawn. Let's go back to the night before; your party after the game... You spoke with the police?

BENZ

Yeah. Somebody called them, said we were too noisy.

ADA COLE

And did the police tell who it was that made the complaint?

BENZ

No. Just said a neighbor. I mean, I really didn't care, you know? It ain't something to get *killed* over.

He glares at Don Shepard, who looks pained.

LATER

Now in the witness box is ROBERT CHURCH, 17, and overfed --

CHURCH

-- a bunch of us stayed over after the party. So, we went out for breakfast. Me, Mike, Benz; Jimmy --

ADA COLE

-- That would be Jimmy Thompson, the *victim*.

(then)

And when you got back to the Benz house after breakfast, did you find his neighbor, the defendant?

CHURCH

Yeah. He was out in the street with his brother, screaming how Benz slashed his tires, for calling the police on the party.

ADA COLE

But Mr. Benz *has testified* he did not know who called the police about the party. Did you?

CHURCH

No.

ADA COLE

But Shepard hit you? Did he not?

CHURCH

Yeah. I got out of the car and he sucker punched me. That's when the fight started.

ADA COLE

Over *car tires*...

(then)

Did you slash his tires, Robert?

CHURCH

No. Why would I?

ADA COLE

Right. Why would you? Or Benz or *Jimmy* who lost his life --

NICK

Objection.

ADA COLE

-- over a *stupid* thing none of you had a motive for in the first --

NICK

-- Objection!

JUDGE RODGERS

(without muscle)

Sustained... Mr. Cole, leave the editorial to the papers.

Judge Rodgers thinks he's clever and the two local reporters laugh quietly. Nick shares a worried glance with Pete.

INT. VOLVO (PARKED) - DAY

Lisa sits in her Volvo, parked across the street from Eunice Brown's house. She juggles a take-out coffee and a lap full of law books and legal documents; even on a *stakeout* a first year associate has to get her work done. Until she SEES --

-- a young *Filipina* woman exits the house with her maid's bucket --

EXT. EUNICE BROWN HOUSE/DRIVEWAY - DAY

As the woman, ANA, stores her bucket into the hatchback --

LISA (O.S.)  
Excuse me?

Ana turns. Polite. Smiling. Yes?

LISA  
I wonder if we could talk? It's about the shooting.

Ana's smile fades. She is about to fall into the system...

INT. COURTROOM 8 - DAY

ADA COLE  
If this is too hard on you, Miss Novak, we can take a break.

In the box, KIMBERLY NOVAK, 16, dressed like a Mormon wife, dabs her eyes and nods. ADA Cole soldiers on, gently --

ADA COLE  
So, you were saying you were in the Benz house when you heard yelling and went to the window. Did you see Jimmy out the window?

NOVAK  
No, that's why I went down there, to find him. I got scared. But by the time I got there the fight had moved, over around the other house.

ADA COLE  
The defendant's house?

NOVAK  
Yes.

Novak steels herself for the horrible memory she is about to relive --

NOVAK

So I went over. They were all fighting by the back gate and I was like Jimmy! *Jimmy! Stop! Come on let's just go, okay?* And that's when it happened --

(points at Don Shepard)

-- he comes out of the house. He had a gun. I could see it and --

(turns to the jury box)

-- he shot Jimmy! Just shot him!

(glares at Don Shepard)

*You!* He was on his knees begging you and he turned away because he was *scared* then you *shot* him! In the back!

She sobs. Jurors reel. Don shakes his head, near tears. Nick and Pete keep their heads up.

INT. POLICE INTERROGATION ROOM - DUSK

We're close up on Don. Las Vegas Police Detective WEBB is off screen.

DON

I got away and ran for the house. I thought Scott was behind me. But he didn't make it.

DET. WEBB (O.S. VIDEO)

And because you *left* him, you went for the gun?

DON

He was in trouble. I could see through the window, his head was hitting the pavement. I just wanted to scare 'em off -- but when I was coming out, the guy rushed me and I just...shot. I thought I shot the ground but then I saw...Oh God --

(breaking down, sobs)

-- I didn't mean to kill anybody... but he's my *only family*. What would you do?

THE IMAGE OF DON FREEZES. Pull back to find --

INT. MANCINI & KACZMAREK/NICK'S OFFICE - DUSK

-- Nick and Pete looking at the frozen image on the TV screen in Nick's office.

PETE  
I believe him.

NICK  
Me too. Every time I watch.  
(then)  
Put Don on the stand or play the  
tape?

Pete looks up at Don's frozen video image --

PETE  
-- Doesn't get more powerful than  
that.

EXT. NICK'S CONDO - NIGHT

A few palms sway in the breeze. Nick looks out, deep in thought. Rough day in court. He turns and looks through the sliding glass doors into his living room.

INT. NICK'S CONDO - NIGHT

On TV, a BASEBALL game: the Red Sox batter SMACKS a double down New York's third base line, as --

-- On the sofa, nine year old Sammy CHEERS. Nick comes and sits down next to his son --

NICK  
How'd this happen? You ending up a  
Red Sox fan?

SAM  
I *am* a Red Sox --

-- Sam points to his little league ball cap logo: "*E-Z Checks Red Sox.*" Nick pulls the cap down over his eyes. Sam pulls it back up just in time to watch an errant pitch smack the batter square in the back.

SAM  
Ohh! He could of *killed* him!

Nick leans forward, brows furrowed thinking --

*Slow-motion instant replay:* Yankee pitcher throws a *bad pitch* that comes right at the Boston batter; the batter turns away madly *and takes the ball, WHACK, in the back --*

On Nick: a light bulb turns on.

INT. LEXUS - DAY

As Nick drives up outside an beat-up, overgrown suburban house, with a FOR SALE sign crooked in the yard, he sees --

Scott Shepard. Sad. Leaning on his car in the driveway.

EXT. SHEPARD HOUSE - DAY

Nick carries take-out coffee; meeting Scott in the drive --

NICK

Thanks for coming. You holding up?

SCOTT

(looks for reassurance)

I'm okay. I guess. Trial seems to be goin' good, right?

NICK

(wanting to give hope)

Today should be good.

Scott nods, glad of the reassurance. He hands Nick a KEY.

SCOTT

It's weird, I grew up here and I can't stand to be around anymore. Just lock up, okay? Sorry.

Nick takes the key, watching sad Scott climb into his car...

INT. SHEPARD HOUSE/KITCHEN - DAY

CLOSE ON: *a crime scene photo recording the body of Jimmy Thompson, crumpled face down on a concrete walk beside the Shepard house.*

Nick stands at the kitchen sink at the Shepard house. He sips his coffee and *looks out the kitchen window*, matching the photo of Thompson's body to a spot just outside...

EXT. SHEPARD HOUSE/SIDE WALK - DAY

Nick EXITS the kitchen door with his coffee cup and photos. He's now on the side walkway, *the scene of the crime*, when --  
-- a harried Pete ARRIVES, in French cuffs and court shoes --

PETE

All right, I'm here; what you got?

Nick eyes the homicide scene: a GATE twenty feet down the concrete walk --

NICK

(pointing toward the gate)  
Fight's at the gate --  
(turning)  
-- Don's gone inside for the gun,  
comes out the back door there --

-- he points to the KITCHEN DOOR where Don Shepard exited as he fired.

NICK

(walking)  
Figure Jimmy Thompson is somewhere in  
between...about here. Right?

He stops ten feet from the back door.

PETE

Okay.

NICK

Don tells the cops he just came out  
to scare 'em off...when Jimmy rushed  
and he fired.  
(waves Pete over)  
You're Jimmy. Start here. I'll be  
Don. When the door opens, rush me.

Pete moves *into position* as Nick walks to the house and goes inside. He waits until --

-- the door opens, Pete, rushes forward. Nick quickly raises his take-out coffee and PITCHES it at --

PETE

(re: the flying cup)  
*Hey!*

-- Pete TURNS and DUCKS, and the take-out cup THWACKS his *shoulder blade* --

PETE

What the *hell*? It's a two-hundred dollar shirt, you jerk!

Nick eyes the coffee drenching the back of Pete's shirt.

NICK

Sorry. Got another one in the car.

Nick walks off, focussed. Pete stands slack-jawed. *What was that?*

INT. COURTROOM 8 - DAY

Nick takes a sip from a styrofoam coffee cup, then --

NICK

You a baseball fan, doctor Hicks?

Clark County Medical Examiner, DR. HICKS, sits in the box --

DR. HICKS

I watch a bit, yes.

NICK

You've seen batters hit by a pitch? Before he's hit he'll *turn away*, so he won't get beaned?

DR. HICKS

It's human nature, I suppose, yes.

NICK

Yet it would *not* have been human nature for Jimmy Thompson, seeing the gun, to turn away, resulting in the shot to his upper back?

Nick moves toward Hicks, coffee cup in hand. *Will he?* --

DR. HICKS

No, I -- well yes, that would be human nature but --

-- *Not just yet*. Nick turns toward the jury. He's clearly scoring points.

NICK

-- So it would be human nature?

DR. HICKS

Yes --

Nick is in front of the jury box now --

NICK

-- To *flinch* --  
 (he flinches and turns)  
 -- to turn our back suddenly?

DR. HICKS

Yes, but it's not just the *turning*  
 away that's important here. It's  
 the angle of fire. The *trajectory*.  
 The bullet entered here --  
 (points to shoulder blade)  
 -- and exited here.  
 (points to lower stomach)  
 The bullet's path is at a severe  
 downward angle. I conclude the  
 shooter stood over the victim who  
 I'd say was on his *knees*.

The court murmurs. Even Nick seems struck --

NICK

Wow. The trajectory tells you all  
 that...

Pauses, takes a sip of coffee as if contemplating, then --

NICK

Would it have made a difference if  
 Mr. Shepard were *seven* feet tall?  
 To the trajectory?

What? The ME looks at him perplexed.

DR. HICKS

Well, yes, it would but --

NICK

-- How about if Mr. Thompson had  
 been five feet tall?

DR. HICKS

Yes but obviously --

-- Gotcha. Nick shows ADA Cole a PHOTO, offers as evidence --

NICK

-- Defense exhibit four, your honor.  
 You recognize this photo, doctor?

DR. HICKS

It appears to be the crime scene.

NICK

And *there*. Between the door frame  
and the sidewalk; that look like a  
*step* to you?

DR. HICKS

Where? I don't...

Nick takes the photo from Hicks and SHOWS it to the jury --

NICK

A step just outside the back door;  
*twelve inches* above the side-walk,  
which would make Mr. Shepard...  
*seven feet tall*.

Nick turns and marches quickly back toward Hicks, coffee cup  
in hand, as he pointedly hammers away --

NICK (CONT'D)

Doctor Hicks, if Don Shepard was  
one step above Jimmy Thompson when  
he shot, would that change the  
bullet's trajectory?

DR. HICKS

Ah... I... Yes, but --

Nick "stumbles slightly" and launches his coffee cup toward  
Hicks -- who instinctively turns his back.

ADA COLE

Objection! These antics don't  
belong in a serious courtroom --

JUDGE RODGERS

-- Mr. Mancini, I'm warning you --

NICK

-- Sorry, your honor, Dr. Hicks.  
Didn't mean to get water --

-- He makes a great display of brushing the doctor's back --

NICK

-- all over your back.  
(then, turning)  
No more questions.

MOMENTS LATER

PETE

The defense calls Ana Macalug.

He and Nick watch pleased as ADA Cole and his team swing their heads around as Lisa enters the courtroom with witness Ana Macalug (Eunice Brown's *friend*). Cole jumps to his feet.

MOMENTS LATER

In a fiercely whispered sidebar, ADA COLE tells the judge --

ADA COLE

-- She was added *today*, your honor.

NICK

We only found her yesterday.

PETE

Recess now and he'll have her in an immigration court by sun down.

ADA COLE

I resent that.

PETE

I don't care.

JUDGE RODGERS

I want this trial over, gentlemen.

MOMENTS LATER

Ana sits in the box. He is nervous, but direct.

ANA MACALUG

-- We went to the window when we heard yells and the girl screaming --

NICK

The *girl*?

ANA MACALUG

The girl watching them fight.

Nick offers a PHOTO into evidence as he approaches --

NICK

Defense exhibit five, your honor.  
Is this the girl?

Nick shows the photo to Ana and the jury: it is Thompson's girlfriend, *Kim Novak*. But in this shot she's less demure, sporting full sleeve tattoos and a cigarette.

ANA MACALUG

Yes.

NICK

And you heard her screaming at Jimmy Thompson? Screaming for him to stop fighting and come with her, as she testified here in court?

ANA MACALUG

No. She was screaming "*kill him, kill him*" to the ones kicking the man on the ground.

NICK

Kill him?

ANA MACALUG

"*Kill him; kick his head in!*" She was cheering.

NICK

Cheering? Cheering who?

ANA MACALUG

The ones kicking the man, the four of them, kicking and pounding. He was cornered like a dog.

NICK

What happened next?

ANA MACALUG

A gun shot. Then I saw a man come out of the door. It was all fast.

Big moment for the defense. Nick highlights it --

NICK

Let me be sure I've got it right, Ana. You said you heard the "shot" and you "saw a man come out," Don Shepard. That is *exactly* how you remember it? First, a gun shot, and *then* Don steps out the door?

ANA MACALUG

Yes. And then they all ran. Except for the one who didn't.

NICK

One last thing. Why not come forward *before* and tell the police what you saw?

ANA MACALUG

I was afraid.

NICK  
But when Ms. Tyler talked to you,  
you decided to take a big risk and  
testify today. Why?

ANA MACALUG  
It's the right thing.

Nick nods his gratitude.

JUDGE RODGERS  
Mr. Cole?

Cole thinks for a moment, then --

ADA COLE  
No questions.

JUDGE RODGERS  
Counselor?

Nick turns to Pete and Don. Don nods. Nick stands and sets  
his hand on Don's shoulder.

NICK  
The defense rests.

END OF ACT II

ACT III

EXT. MANCINI &amp; KACZMAREK - DAY

Pete walks up from his car as Lisa comes out of the building. She smiles and gives Pete an anticipatory eye lift.

PETE

What?

LISA

Quite the crowd today.

PETE

Yeah? Where you off to?

LISA

I get to spend my morning with Meredith Carter!

PETE

Lucky you. Ray McWhorter?  
(off her nod)  
She budging?

LISA

(shakes her head)  
Still throwing the book at him.  
She have something against teenagers or is it all of humanity?

INT. MANCINI &amp; KACZMAREK - DAY

Pete eyes the packed waiting room. Normally he'd be pleased, not today. He leans in over Sophie's reception counter.

PETE

(quietly)  
Give me the short version.

Sophie smiles tightly, points with her eyes around the room --

SOPHIE

(*the woman in the foot cast*)  
Mrs. Campbell had a statue fall on her foot at Caesar's --  
(*the twin porn stars and the guy in sunglasses*)  
-- Candy and Mandy and their "agent" are here for Clyde --  
(*the middle-aged guy, who sees them whispering*)  
(MORE)

SOPHIE (cont'd)  
 -- Mr. Wallace got married last  
 night, needs an annulment --  
 (then, looking at Pete)  
 -- still no luck on Junior.

PETE  
 Cripe, we've got summation at  
 11:00. Nick up top?

She nods.

PETE  
 Alright, call Mark, Gary, Michael --  
 any of our of counsel guys; tell 'em  
 we need a hand. And get PNC forms  
 going.

Sophie picks up the phone as Pete turns --

PETE  
 Good morning everybody! Sit tight.  
 We'll have someone with you  
 shortly. There's plenty of coffee.

Pete moves to leave but anxious Mr. Wallace gets up --

MR. WALLACE  
 (whispering, panicked)  
 I need this done fast. I already  
 got a wife back home in Cleveland.

PETE  
 We're going to take care of you,  
 just --

MR. WALLACE  
 -- Woke up with this ring on and  
 this gal telling me she's got three  
 kids, she's getting a lawyer and  
I'm paying child support. Do I  
 have to pay for 'em if I haven't  
 even met 'em?

PETE  
 (pats his back)  
 Gonna be okay. Just sit tight.

EXT. ROOFTOP - DAY

Pete finds Nick where he expects him. Pacing on the roof  
 overlooking the south strip. It's Mancini-Kaczmarek custom  
 before closing arguments.

PETE  
Up all night?

Nick nods, barely looks up as he launches into his thought process --

NICK  
I know Cole's going to hammer premeditation in his close.  
(jabbing his finger)  
"Mr. Shepard made a choice! It was a willful act! He intended harm!"  
Pete, he's got a real shot at a second degree murder conviction.

PETE  
Second? Not a chance. Nick, you were great yesterday.

Nick stops, looks at Pete --

NICK  
Don't kid yourself. Don's at risk for 20 to life. We need to hedge our bets, protect him --

-- He starts pacing again --

NICK  
So I argue for full acquittal -- but in case this is a hanging jury, wants to pin something on him?  
(levels eyes at Pete)  
I make damn sure the jury understands what involuntary means, that Don didn't intend to kill anybody.

Nick wants approval... but --

PETE  
Nick, how bout we go in bold with not guilty? That's protecting him.

NICK  
(sharp)  
Of course he's not guilty. What do you think I'm going to argue?

PETE  
Sounds like you're going to mealy mouth it.

Tempers flare, they get loud --

NICK

Wrong! No! I just said it -- argue innocent, school them on involuntary --

PETE

-- We offer the jury an easy verdict like *involuntary*, they'll take it! I would, if I saw the guy's *lawyers* lost their nerve.

NICK

You think I'm scared?!

PETE

Damn right, I think you're scared, I'm scared to death!

Silence. They look at each other. Nothing like a little honesty to deflate tension. Finally --

NICK

Yeah...me too.

Nick steps toward Pete, earnest, convincing...

NICK

I'm not losing my nerve, Pete. I think I can hedge the bet without hurting Don's shot at acquittal. It's a tightrope but I think I can walk it.

PETE

(nods)

Sounds like you got a plan. I trust your gut.

INT. COURTROOM HALLWAY - DAY

Don Shepard's brother Scott rises from a bench as he sees Pete and Nick approaching quickly.

NICK

(putting an arm on Scott's back)

Hangin' in there?

(Scott sighs)

Walk with us. Here's what's next: Pete and I to talk to the judge about jury instructions. Judge decides which charges the jury can choose from.

Nick sells Scott hard on his approach --

NICK

And just in case the jury thinks your brother made even one bad choice that day? Even if they know he didn't want to kill anyone? We make sure the judge instructs the jury on *involuntary manslaughter* --

PETE

-- Which the judge is going to do. We've established Don didn't intend to --

SCOTT

(exasperated, scared, loud)  
-- 'Course he didn't! He was defending me! For God's sake --

-- Pete steps in, argues for Nick now --

PETE

-- And that's what Nick's gonna hammer hard in close. We're going all in for "not guilty", Scott, trust me. Just buying Don some insurance.

INT. JUDGE RODGER'S CHAMBERS - DAY

Nick, Pete, and ADA Cole haggle with Rodgers in chambers --

ADA COLE

-- the people would request instructions to the jury on first, second, and voluntary.

(pulls memo from satchel)  
We have proposed language if your honor sees fit.

NICK

Your honor, there was no evidence offered for first. You can't --

ADA COLE

-- Ms. Novak testified she saw an *execution* and the ME corroborated --

PETE

-- Novak lied and the ME *embarrassed* himself --

JUDGE RODGERS

-- *Enough*. Ample evidence was presented for first. And I'll also instruct on *two* and *manslaughter*.

Nick accepts the ruling, taking a MEMO from his briefcase --

NICK

I have language for the Crawford  
and your *involuntary* instruction.

ADA COLE

The people object to instructing on  
*involuntary* --

NICK

-- What?

PETE

*Excuse me* --

ADA COLE

*Involuntary's* for *accidents*. You  
can't have an accident with a gun.

PETE

The hell you can't --

ADA COLE

This isn't a hunting mishap. He  
fired the gun with *intent* --

NICK

-- The intent to scare them away!  
He didn't intend to kill anyone.  
This is *involuntary* at the very  
worst.

JUDGE RODGERS

Pulling a trigger is a *voluntary*  
act, counselor.

NICK

*Judge?* That's not the standard --

JUDGE RODGERS

-- No evidence, no instruction, Mr.  
Mancini! There's your standard!

NICK

(loud)

You're wrong! We deserve them to  
hear the lesser charge! The jury  
should decide intent, not you. I  
want a record --

JUDGE RODGERS

You're on record! One more word  
you're in *county*!

Nick and Pete are stunned, but can't argue further. ADA Cole  
can barely hide a smirk, as the judge snatches for his robe --

JUDGE RODGERS  
I'm bringing the jury in. We'll  
finish this thing *today*.

EXT. CHAMBERS - DAY

Pete and Nick exit, steamed.

PETE  
(whispering through  
clenched teeth)  
Screw *him*. Stick to your plan.  
Instruct them yourself.

INT. COURTROOM 8 - DAY

The jury box is full, every member listening diligently --

ADA COLE  
(ending summation)  
When the defendant left that fight  
and returned to his home; he  
could've called the police. But he  
made a different *choice*; he *chose*  
to get his gun. He *chose* to bring  
a gun to a fist fight that started  
over *damaged car tires*.  
(shakes his head)  
What a reckless, horrible choice.  
Made why? Because Donald Shepard  
wanted to, intended to confront the  
boys who humiliated him.

He pauses to let it sink in. And from the looks of the jury,  
it is sinking in.

ADA COLE  
Premeditation doesn't have to be  
months, or weeks, or hours; just a  
few coldly considered *choices*. The  
defendant stood over Jimmy Thompson  
and *deliberately* fired. It was an  
execution. Miss Novak told you  
that. She witnessed that. Their  
witness did not. By his own  
admission, Mr. Stanton heard a shot  
but he did not see the shooting.  
Only Miss Novak saw it, and Dr.  
Hicks corroborated it: Donald  
Shepard made a terrible choice...  
(MORE)

ADA COLE (cont'd)  
 And Jimmy Thompson paid the  
 ultimate price. Only you can make  
 that right.

ADA Cole holds eyes on the jury... Nods... And returns to  
 his seat, as if carrying the weight of Job. Nick pays Cole  
 no mind as he begins his summation still sitting by Don --

NICK  
 Mr. Cole is wrong. He's wrong on  
 the facts, and he is wrong on the  
 law.

Nick glares at the judge as he stands to approach the jury  
 with a stack of PHOTOS --

NICK  
 (lets it sink in)  
 Donald Shepard did *choose* to run  
 into his house and did *choose* to  
 get a gun... but he did it to keep  
 four men from beating and kicking --  
 (pounds PHOTOS on jury rail)  
 -- and pounding his brother's head  
 into a concrete sidewalk.

-- Nick holds the photos up before the jury: Scott Shepard's  
 face and head after their beating; a BLOODY, SWOLLEN mess --

NICK  
 He did step outside onto a twelve  
 inch step with a gun. Yes. He  
 made that choice.

Nick meets the jury's eyes --

NICK  
 But Don Shepard didn't go out to  
 kill, he did not choose, he did not  
intend to hurt anybody; it wasn't  
 his *plan*, it wasn't something he  
 chose to do because he was  
*humiliated*, he did not voluntarily  
 take Jimmy Thompson's life --

Judge Rodgers glares, realizing what Nick is doing --

NICK  
 He just wanted to scare off the men  
 attacking his brother. You heard  
 eyewitness testimony from the only  
 unbiased, impartial witness, "I heard  
 a shot, *then* saw him come out the  
 door." Shot then the door.

(MORE)

NICK (cont'd)

Ladies and gentlemen of the jury,  
that puts Don on the step. Up above.  
(acting it out)

Jimmy Thompson rushes him; In fear,  
Don lifts the gun; Jimmy turns his  
back just like Dr. Hicks...then the  
shot -- all in an instant. As you  
heard Don thought and *hoped* he shot  
into the ground.

(lets it sink in)

Tragedy all around...but Don was  
right in his actions. He was  
legally justified in using force to  
defend himself and Scott.

(he points at Scott)

His only family was being beaten in  
front of his eyes. His only  
intention was to stop it.

(he looks at the jury)

What would you have done if it was  
your brother, your sister, someone  
you loved? And you were afraid  
you were about to lose them?

(lets that sink in)

What?

Nick walks to the defense table. Pete puts his hand on  
Nick's back, proud as hell to be his partner.

INT. NICK'S LEXUS - DUSK

Sinatra plays quietly as Nick drives slowly into the suburban  
desert. There's a calm about him. Like a matador who's just  
left it all in the ring.

INT. PETE'S BENZ - DUSK

Pete drives fast. Lights of Vegas flashing by. Music  
playing. He's got that great day in court high going. He's  
also enjoying giving Sophie a hard time --

PETE (INTO PHONE)

Why haven't you called Manny at the  
Hard Rock, Sophie? He's connected.  
Tell him he doesn't get me Junior  
tickets, I double his bill.

(then)

Yeah, I'm serious! Call him!

He hangs up, cranks up the music and -- looks up once more at  
his favorite billboard. Workers are hanging the new ad. Up  
so far: a partial photo of feet and legs. Pete grins.

EXT. KRISTEN MANCINI'S HOUSE - NIGHT

Nick pulls to a stop in front of his old house. There's a basketball hoop, a ball on the lawn.

Nick moves to open the car door, then stops as he sees Kristen through a first floor window, laughing with Sammy, urging him upstairs. Nick glances at the clock. 9:10 PM. Sammy's bedtime. As the lights turn on upstairs, Nick starts the car and pulls away.

INT. BELLAGIO CASINO/BLACK JACK TABLE - NIGHT

Pete sits at a crowded blackjack table talking to DENISE (29), red curls, flimsy cocktail dress, sitting to his right.

PETE

-- I'm telling you, they're evil.  
They're out for blood.

DENISE

Come on, prosecutors are the same  
as you guys. You're two sides of  
the same coin.

PETE

No. Wrong. They're *different*.

Pete scratches the felt for a card; the dealer deals --

PETE

(as his card hits)  
Bang!

He glances at his card then --

PETE

-- Seriously, what kind of person  
pops champagne to celebrate  
sticking someone in a cage for the  
rest of his life?

Pull back to reveal Meredith, only half amused, sitting to Pete's left.

DENISE

(glancing to Meredith)  
I'd pop champagne if I took a  
killer off the street.

MEREDITH

Amen! You go girl!

PETE

But what if you got the *wrong guy*?  
If you weren't sure but still stuck  
him behind bars?

DENISE

I wouldn't do that.

Pete smacks the table, looks to Meredith --

PETE

Well *they* do! All the time! And  
they celebrate!  
(raising his drink)  
Woo-hoo! Win's a win!

Meredith rolls her eyes as Pete twists the knife --

PETE

And their strategy for winning?  
Never go to trial. Just pile on  
charges to scare people silly.  
*"Only two years if I plead the  
jaywalking? Gee, thanks, Mr.  
Prosecutor, I'll take it!"*.

Pete glances at the dealer, passes his hand over his cards.

DENISE

They can't do that!

Pete's PHONE RINGS. He grabs it, but before answering --

PETE

Oh yes they can! They're the  
State! They can do whatever they  
want! They'll throw the book at  
teenagers to get a win. Win's a  
win!

(turning)

Tell her Meredith! Tell her about  
our "justice" system.

Denise is dealt an ace to go with her king --

DENISE

Blackjack!

She squeals and turns to her girlfriends at the table.

MEREDITH

You're starting to get really  
annoying.

Pete leans toward her, lowers his voice --

PETE

Just *once*, as an experiment -- how about charging that kid Ray McWhorter for the actual crime? See if he's another Marco Arria waiting to turn his life around.

Pete's phone RINGS.

PETE

I'm not asking you to give a crap -- just charge him for what he did.

Pete raises his eyebrows -- "*will you think about it?*" -- then grabs the phone and steps away from the table.

PETE (INTO PHONE)

(covering one ear)

Hey Sophie? What are you still doing --

(glances at his watch)

What? I can't hear...Did you say "*the Shepard jury*"? Hang on!

Pete darts off the NOISY Casino floor --

INT. BELLAGIO HOTEL/EXIT AREA - NIGHT

-- shelters in the entryway --

PETE (INTO PHONE)

Sophe, is the verdict in?

He listens, then repeats to make sure he has understood --

PETE (INTO PHONE)

"The jury has a *question*." No verdict, a question?!  
(then)

What the hell's the question?

END ACT III

ACT IV

INT. NICK'S OFFICE/MANCINI & KACZMAREK - DAY

Sophie stands beside Nick's desk, READING off a message slip:

SOPHIE

*What do we do if we think Shepard did something wrong, but we don't think he intended to kill Thompson?*

PETE

You sure you got that right?

SOPHIE

It's a jury question! I had the bailiff read it *twice*; you think I'm an idiot?

Nick remains poker-faced, but Pete is obviously thrilled with the question.

LISA

It's basically the definition of involuntary manslaughter.

PETE

-- And Nick is basically a freakin' genius.

He jumps to his feet excited, recounting for Lisa and Sophie --

PETE

His argument for acquittal was in your face, spot on, perfect! But *just in case* the jury had any doubts --  
(grabbing the slip from Sophie)  
-- he guided them right here. Genius.

He turns toward Nick.

PETE

We get the judge to revisit? Force the instruction?

LISA

Unless he wants to get *reversed*, does he even have a choice?

SOPHIE

This is all good, right?

NICK

(circumspect)

The jury is pretty much telling us they'd convict Don on *involuntary* if they had that charge.

(unsettled)

But they *don't* have it; they don't even know it exists.

LISA

So, Don does a year -- after the judge corrects himself. That's a win.

PETE

A big win.

NICK

(mostly to himself)

Yeah. That would be a big win...

Seeing Nick's wheels turn, Pete looks at him, "*what?*" --

NICK

But we got information we didn't have before. The jury is telling us they won't convict on the charges they've got. I'm don't feel like just handing them a new one. I want him out.

PETE

Wait, are you saying *now* we don't want the involuntary?

Nick nods.

LISA

But you just asked him for it yesterday; how do you tell him you *don't* want it today?

It dawns on Pete what Nick has in mind.

PETE

Oh man! Wow, Nick --

-- Nick sits poker-faced. Lisa looks perplexed.

LISA

What?

PETE

Bold.

Pete nods at Nick.

PETE  
Very, very bold.

INT. HOLDING PENS/COUNTY JAIL - DAY

It's that traditional PLEXIGLASS and black TELEPHONE set up, Nick on with Don. Pete is behind Nick.

DON  
And if the judge doesn't give the instruction it could be *not guilty*?

NICK  
Or the jury settles for voluntary and you get the ten; out in five.

It's a hell of a choice and Don is clearly confused and torn.

DON  
And you know from their *question*?

NICK  
No Don, I don't know. I *think* a solid number of jurors are saying they don't buy the charges. They want something else... If we get the judge to reconsider and offer that "something else" I can just about guarantee you --

DON  
-- they'll convict. Involuntary. I do another year?

NICK  
Which is good, Don. Considering. But if you want to go all in one more time...it's up to you.

Don is near the breaking point. These are not the kinds of choices an incarcerated man should be asked to make. Still --

DON  
I want out of here, okay? I just want out. If you can do that, do it. If you can't...

Don just shrugs, worn to a nub.

INT. JUDGE RODGERS' CHAMBERS - DAY

Judge Rodgers, ADA Cole, Pete and Nick meet to consider the jury's question. Uncharacteristically and unprofessionally, Nick slouches in his seat before Rodgers. He nearly smirks.

JUDGE RODGERS

Mr. Cole? The state's position?

ADA COLE

I don't know, judge; there doesn't seem to be a lot of ambiguity here. They're asking for a lesser charge.

Judge Rodgers seems inclined to agree, but it clearly grates. Nick's insolent slump doesn't go unnoticed as --

JUDGE RODGERS

(to Cole)

And you'd yield to a supplemental instruction?

ADA COLE

If your honor is so disposed, the state withdraws it's objection --

NICK

-- Aw jeez... Could you guys get over yourselves?

JUDGE RODGERS

*Pardon?*

NICK

*If the court is so disposed, we'll yield to a supplemental. It makes you feel better to hide behind the shoptalk knock yourselves out, but I've got a client to defend --*

JUDGE RODGERS

-- Are you mocking me, Mr. Mancini?

NICK

*Me? No, jury's mocking you, judge. Couple of grade school teachers, a dealer from the Tropicana --*

*(glances back at Pete)*

*-- there's a realtor in there too, isn't there; cripes, a real estate agent. And they all know the law better than you.*

Rodgers is stunned, glaring at Nick, slumped and disheveled.

JUDGE RODGERS  
Counselor, are you drunk?

NICK  
Quit wasting my time, judge, just  
give the jury the new instruction  
like I *told* you --

JUDGE RODGERS  
-- One more word, you're fined --

NICK  
-- Fine me. It won't make you a  
better judge --

JUDGE RODGERS  
-- One thousand dollars. Pay the  
clerk by the end of the day --

Nick nods. Whatever. He pulls himself to his feet and moves  
for the door, turning his back to the judge --

NICK  
Let's get this over with. Just  
offer the damn instruction.

Judge Rodgers stands, veins bulging --

JUDGE RODGERS  
I will not! I will reread what  
they have and advise them it is  
sufficient!

NICK  
Don't be stupid --

JUDGE RODGERS  
Two thousand, counselor! Now get  
the hell out or go to jail!

Pete takes Nick's arm and moves him for the door. ADA Cole  
looks on, gaping, not liking the outcome of this meeting --

ADA COLE  
Judge --

JUDGE RODGERS  
Get *out*!

INT. COURTROOM 8 - DAY

The jury box is full, but the courtroom is empty, save the lawyers, Don Shepard, and the judge. Judge Rodgers, still shaky from chambers, is responding to the jury question --

JUDGE RODGERS

-- unfortunately I'm unable to answer your question directly. All I can do is reread the instructions you've already received and ask you to align your concern to those --

At the defense table, Pete leans back from behind Nick and Don and looks over at ADA Cole across the well. And, when ADA Cole notices Pete staring... Pete winks.

INT. COURTHOUSE HALLWAY - DAY

Pete rounds a corner and runs right into Meredith and Lisa.

PETE

Hey!

LISA

Hey --

-- Lisa gives Pete an odd look as --

MEREDITH

(curt and formal)

-- Good timing. I was just letting Ms. Tyler know we're going to stipulate to dismiss the kidnapping charges against Ray McWhorter.

PETE

Yeah? Great.

LISA

Thank --

MEREDITH

(to Pete)

-- Call me to discuss a plea?

PETE

Will do.

Meredith smirks at Pete and turns on her heels. (*It's a smirk that tells Pete this isn't kindness -- just a desire to prove him wrong*).

LISA  
 (watching her walk)  
 What just happened?

PETE  
 You won... Ray won... We won.

LISA  
How?

PETE  
 (shrugs)  
 What'd you say to her?

LISA  
 Absolutely nothing. You?

PETE  
 Nothing.

He starts to walk.

LISA  
 What was that look?  
 (off his quizzical look)  
 She gave you a look now.

PETE  
 Didn't notice. Come on. Congrats!  
 Win's a win! We'll take it.

He puts his hand on a suspicious Lisa's back.

INT. PIERO'S - DAY

In Mancini & Kaczmarek tradition, Nick and Pete drink at the bar while they wait for a verdict. Nick is tense.

NICK  
 Heard Meredith kicked the  
 kidnapping. She growing a heart?

PETE  
 (shrugs)  
 I read they're growing oranges in  
 Alaska.

They smile, drink -

PETE  
 How you feeling?

NICK  
Like I've gone all in on a pair of  
tens.

PETE  
Hey. Pair of tens ain't bad.

NICK  
Yeah, well. Jacks are better.

Pete nods.

PETE  
So what about --

-- their BLACKBERRIES BUZZ simultaneously. They grab their  
machines from the bar and check new TEXTS. Nick slaps a \$20  
on the bar and CALLS the bartender, turning to go --

NICK  
Jackie. We got a verdict.

INT. COURTROOM 8 - DAY

The courtroom is pin drop quiet. Don stands with Nick and  
Pete at the defense table. ADA Cole stands alone at state.  
Judge Rodgers wonders of the jury --

JUDGE RODGERS  
-- Mr. forperson, could you hand  
the bailiff your verdict?

The bailiff carries the form to the judge who reads, and  
giving no hint of the verdict, he lowers it to the clerk --

CLERK  
In the matter of Donald Shepard;  
case number 47387, in the Clark  
County District court:  
(the counts:)  
As to the charge of murder in the  
first degree: Not guilty.

Don, Nick and Pete, are stoic. The scary counts are next --

CLERK  
As to the charge of murder in the  
second degree: Not guilty.

Pete nods at Lisa. Two's off the table. The money count --

CLERK

... As to the charge of voluntary  
manslaughter: Not guilty.

Nick and Pete grasp Don's rising shoulders, share a smile.  
Don turns and hugs Scott over the rail. Today was just.

EXT. COMMUNITY COLLEGE OF SOUTHERN NEVADA - DUSK

Kristen Manicini, exits a lecture hall chatting with two  
other students, a dozen years younger than her. As she waves  
good-bye she turns to find... Nick, looking sheepish.

NICK

Hey.

KRISTEN

Hey.

There is an awkward silence, Nick more like an awkward teen  
than a tough guy lawyer --

NICK

I... I came... I just wanted to  
tell you I'm sorry.

KRISTEN

Yeah? Really? For *what*?

She'd still like an answer, an admission.

NICK

I asked Frank to drive by the house  
a couple times, make sure you guys  
are okay.

(admits)

I should'a told you.

KRISTEN

He wasn't *following* me?

NICK

No. 'Course not. I just worry.

Kristen's eyes soften. She smiles a "you big jerk" smile.

KRISTEN

I still should smack you.

NICK

Why?

KRISTEN

Now you're worried? Who was checking all those nights, all those years, you were too busy to come home, you know?

NICK

I know. I'm doing my penance.

Nick reaches into his pocket --

NICK (CONT'D)

But look, I know it's none of my business if you're dating or not, but if you are --

-- Kristen's ire rises again but Nick holds out two TICKETS:

NICK (CONT'D)

-- Junior's in town. I thought maybe you'd have a date with me.

Kristen looks at him, moved. Junior is obviously important.

KRISTEN

*Junior?* Oh my god. *Where?*

NICK

The Sahara. Like old times.

Nick waits. Hopeful. But Kristen starts to shake her head --

KRISTEN

(gently)

No... Sorry. I have class and... it's not a good idea. Not yet.

She squeezes his hand, appreciatively, affectionately. She's leaving him with an extra ticket but not without hope. Nick nods as Kris prepares to go --

KRISTEN (CONT'D)

I can't believe I'm missing *Junior* for biology class! What a nerd, right?

Nick smiles, watches her go, then turns toward his car.

INT. CONGO ROOM/SAHARA HOTEL - NIGHT

The Congo Room buzzes, sold out. Nick is a lonely figure, sitting at a table for two with a Martini in this old school casino theater. But his loneliness goes as he sees... Pete squeezing through the crowd with a glass of Scotch.

NICK  
Hey. Thanks for coming.

PETE  
What, you crazy? *Junior?*

He slaps his partner on the back and takes a seat, raising his scotch just as a tuxedoed MC steps to a microphone on the theater stage --

MC  
Ladies and gentlemen, the Congo Room is proud to present a man who needs no introduction; whose vocal cords are inherited from the Almighty. Join me in welcome: Frank Sinatra Jr.!

The room thunders as the curtain rises on Frank Sinatra Jr. and his sixteen piece band.

Pete raises his glass to his partner. Nick raises back. They clink. And *Junior* sings an up-tempo, swinging tune --

FRANK SINATRA JR.  
*"That face! That face! That wonderful face. It shines, it glows, all over the place..."*

The camera pulls back from Frank Jr., further and further... pulling right out the entrance to the Congo room --

DISSOLVE TO:

EXT. SAHARA - NIGHT

-- pulling out and up into the Vegas night --

DISSOLVE TO:

EXT. BILLBOARD - NIGHT

-- then pulling back and past a 48' billboard, looming over the desert, it's mystery finally revealed:

A photo of Nick and Pete standing together 14 feet tall in power suits, uncomfortably stiff and too serious to smile.  
The copy beside their big heads reads:

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**THE DEFENDERS**  
***Mancini & Kaczmarek, Attorneys at Law***  
***Civil, Criminal, Personal Injury.***  
***IF IT HAPPENS IN VEGAS, CALL 800-555-2100.***

The desert wind blows as Frank Junior takes us out --

FRANK SINATRA JR. (O.S.)  
-- and how I love to watch it  
change expressions! That face!  
That face! It just isn't fair!

END