

**Boston Legal**  
**Schadenfreude**

Season 2, Episode 2

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Transcribed by Imamess; Thanks to Janette of JSMP for her help with some of the dialog.

**Alan Shore, Kelly Nolan, Denny Crane and Brad Chase are coming out of an elevator into a courthouse hallway crowded with reporters and photographers indistinctly shouting questions. They Brad make their way and into the courtroom. A male reporter is off to one side talking into a microphone in front of cameraman.**

**Male reporter:** Basically she looks as unemotional as ever almost calcified.

**Female new reporter:** **We see her on a large screen.** No doubt she's calcified, Bobby. I mean, come on, she's a cold-blooded killer.

**Garrett Wells:** **Garrett Wells and Sarah Holt are watching.** I'd give anything to be on this case.

**Sarah Holt:** Why don't you just show up and start objecting?

**Garrett Wells:** Funny.

**Female new reporter:** ...any man who takes Viagra, and trust me I have been with a bunch. First thing the doctor says is don't take Nitro. And these weren't Nitro tablets; by the way, they were capsules, opened up and poured into the wine to avoid detection. Does she think we all just fell off a turnip trunk?

**In Judge Harvey Cooper's courtroom,.**

**Detective Frank Richmond:** First of all when I got to the scene of the crime she was completely calm. Her expression was cold, blank, detached.

**A.D.A Todd Milken:** Did she say anything?

**Detective Frank Richmond:** She said it was his heart. And then she offered that he was having chest pains earlier. It was as if she was trying to steer us to natural causes. Perhaps to head off an autopsy.

**Brad Chase:** Objection!

**Judge Harvey Cooper:** Sustained.

**Detective Frank Richmond:** Later when we confronted her with the toxicology reports she just went silent. We asked her if anyone had a motive to kill her husband. She coldly responded that she was through answering our questions.

**Brad Chase:** How long have you been a detective sir?

**Detective Frank Richmond:** Twenty-two years.

**Brad Chase:** Ever have occasion to talk to someone whose spouse just died?

**Detective Frank Richmond:** Of course.

**Denny Crane:** Ever know such person to be in shock?

**Detective Frank Richmond:** Of course.

**Brad Chase:** Is it possible one manifestation of shock is a blank expression?

**Detective Frank Richmond:** I suppose.

**Brad Chase:** Did you investigate the possibility that anybody else killed Joel Nolan?

**Detective Frank Richmond:** We ruled everybody out but her.

**Brad Chase:** I'm sorry, maybe I missed it. Is there any reference in your notes to other suspects?

**Detective Frank Richmond:** No.

**Brad Chase:** Did you mention to anyone that you considered other suspects?

**Detective Frank Richmond:** No.

**Brad Chase:** Did you investigate suicide?

**Detective Frank Richmond:** We ruled out suicide.

**Denny Crane:** Hah. There's a cop that'll never make captain.

**Judge Harvey Cooper:** Mr Crane. Approach please. **The A.D.A, Brad, Alan and Denny approach the bench.** I have instructed Mr Shore. I will so instruct you. Not to make comments to undermine my courtroom. Mr Shore has already bought himself a jail sentence at the conclusion of this trial. I'd have no compunction about assigning him a bunkmate.

**Denny Crane:** Um. Sorry your Honor I have Mad Cow Disease. I think you do too. Look at his eye. **The camera zooms in the Judge's eyes one is twitching slightly.** Your Honor?

**On stage in a bar a black man is singing. He is accompanied by three female vocalists and a band.**

Tara Wilson: So this is your idea of a quiet little drink?

Malcolm Holmes: Did I say quiet? Maybe I was referring to the nightcap at my place later?

Tara Wilson: **She snorts.** Ha, ha. Malcolm, what are we doing here?

Malcolm Holmes: That man on stage is my client. He asked me to come here.

Tara Wilson: Why'd he ask you here?

Johnny Damon: **The scene has shifted to a backstage dressing room.** They won't let me sing War. That's why. It's my trademark song. I'm Edwin Starr. Good God you all.

Malcolm Holmes: Well technically Johnny you're not. Edwin Starr is dead.

Johnny Damon: But I'm his nephew! I've inherited the right to his lineage. What is Edwin Starr without War?

Tara Wilson: Why won't they let you sing it?

Johnny Damon: Well they consider it anti-American. And it's not just here. I'm getting it in Cleveland. In Detroit.

Bakersfield. It's startin to happen everywhere. **He opens a door and we hear the bar customers**

**singing/chanting.** D' you hear that? They're singing it themselves. They still think I'm comin out to do it as an

encore. Huh! And when I don't they're gonna go home disappointed. It's killing my act! **He opens the door again and we hear the customers singing "War! Huh!"** Good God you all!

Female TV News anchorwoman: Got her little outfit on. Hair all bleachy blond just the way she likes it! I'm telling you folks, none of this will be worth a hill of beans in the end. **Someone knocks on Denise Bauer's office door.**

Tim Bauer: Denise!

Female TV News anchorwoman: The jury is not stupid. It's smart. She is as guil...

Denise Bauer: Tim!

Tim Bauer: Hey! Listen. I think you remember Reverend Diddum. At least hearing about him.

Reverend Donald Diddum: Hello Denise.

Denise Bauer: Hi!

Tim Bauer: Well it turns out the Reverend is also a lawyer! And, well. I've decided to let him handle, ah, my divorce.

Denise Bauer: You're being represented by a minister?

Tim Bauer: I just thought in the spirit of resolving this as humanely and civilly as possible it just makes sense to... well put things you know...

Reverend Donald Diddum: As I look at the numbers, fortunately it works out rather cleanly. **He gestures to a chair.** May I?

Denise Bauer: Please!

Reverend Donald Diddum: You currently make three hundred and twenty thousand dollars per annum. Out of love and charity of heart you have graciously and steadfastly supported Tim in his quest to make the PGA tour. Statistically however... Let us pray. **He and Tim lean forward, bow their heads and fold their hands.** Dear God. Please continue to bless this man with the courage to persevere in the face of these enormous odds. Amen. Statistically a thirty-four-year-old's prospects of making the tour look bleak assuming you were to continue to pay spousal support. As you are required to do by law. I speak now of alimony, taking into account inflation, your continued job growth, successful person that you are, it would cost you over two and a half million dollars. Over the next ten years, that's a present day value of eight hundred and ninety thousand. Tim! With reciprocal charity of heart is willing to discount that to six hundred and twenty-five. Conditioned upon an upfront payout today. Although we would entertain structuring it over four months. If you prefer.

Denise Bauer: You want me to pay you six hundred and twenty-five thousand dollars?

Reverend Donald Diddum: Anyway! Think on it. Pray on it. Look to your advisors as well as your conscience. Then we can talk again.

**Alan and Shirley in the lunch room at Crane, Poole and Schmidt.**

Alan Shore: What do you mean she's co-counseling with him?

Shirley Schmidt: Evidently it's some case concerning commercial censorship. Why he needs Tara? I don't know.

Alan Shore: He doesn't need her. He wants her.

Shirley Schmidt: I beg your pardon?

**Alan walks out passing Garrett and Denise coming in.**

Garrett Wells: If you have been supporting him this entire time, there's... I'd...

Denise Bauer: I've been supporting him as a golf bum.

Garrett Wells: Even so. Under the law his alimony would be determined by...

Denise Bauer: I wanna to change the law.

Garrett Wells: You wanna change the law?

Denise Bauer: Yes! If the law says that since by financing his bumhood I am therefore required to do so in perpetuity. The law needs changing. Sarah! **She walks up to Sarah.** I need a memo challenging the constitutionality of no-fault divorce. I'll need it by the end of business. **Sarah looks past Denise at Garrett standing behind Denise.** Why are you looking to Garrett? If I thought Garrett had the answers, I would look to Garrett. Instead. I look to you. End of business. Hm? **She turns back to Garrett.** Find me a Judge who got screwed over in his divorce settlement. They're out there. Go! **She turns back to Sarah.** Memo!  
**Sarah scurries away.**

**In Judge Harvey Cooper's courtroom. Frances Stadler is on the stand being questioned by A.D.A Todd Milken.**

Frances Stadler: He threatened to leave her. And he was screaming at her, "You're out of the will. You're out of the will." Two days later she killed him.

Alan Shore and Brad Chase: Objection!

Judge Harvey Cooper: Sustained. That last remark is stricken.

A.D.A Todd Milken: Miss Stadler could you describe the defendant's relationship with the diseased?

Frances Stadler: It wasn't good. He was increasingly anger over her affair.

A.D.A Todd Milken: Calling your attention to the evening of December 13<sup>th</sup> this past year. Did you have opportunity to hear a conversation between the defendant and her boyfriend? That man seated there. Justin Murray?

Frances Stadler: It was an argument.

**Alan is puzzled. He looks back.**

A.D.A Todd Milken: Can you tell us what you heard ma'm?

Frances Stadler: Well! Mr Murray, the boyfriend, was very upset that she was still having sex with her husband.

**Alan is stunned.** And she said, "Look at the bright side. His heart isn't very good. Sex increases the chance of his having a coronary."

A.D.A Todd Milken: Thank you.

Kelly Nolan: **Kelly turns and whispers to Alan.** I said that as a joke.

Denny Crane: I'll visit you in jail. Conjugal.

A.D.A Todd Milken: Your witness.

Alan Shore: **Alan shakes his head and gets up.** Ms Stadler. When I asked you a week ago why you suspected my client of her husband's death you never mentioned this remark made to the boyfriend about sex and coronaries. Did you?

Frances Stadler: I wanted to keep that nugget for trial.

Alan Shore: You don't like Kelly Nolan?

Frances Stadler: No I don't.

Alan Shore: Of course not. You looked after Mr Nolan. She got to spend his money. Mr Nolan and his wife had an arrangement. Did they not? Where she was permitted to date other men.

Frances Stadler: All I can tell you is he wasn't happy about her and the boyfriend.

Alan Shore: **Alan reaches over his left shoulder with his right hand as his left hand cups his right elbow to stretch it forward.** Was he angry about it? **He swings his right hand around in a large circle. The Judge notices.**

Frances Stadler: Yes.

Alan Shore: Did he ever despair over it? **Again he cups his right elbow and stretches it forward, then swings his right arm in a large circle.**

Frances Stadler: Sometimes.

Alan Shore: In fact he suffered a few bouts of depression over the last couple of years didn't he? **Again he cups his right elbow and stretches it forward**

Frances Stadler: Minor.

Judge Harvey Cooper: Mr Shore. What are you doing?

**Alan stops his hand in mid-swing.**

Alan Shore: Just loosening up. Your Honor. **Suddenly he points his finger at Ms Stadler.** Did you kill Joel Nolan!!!

Frances Stadler: What!

A.D.A Todd Milken: Objection!

Alan Shore: **Still pointing his finger.** You had access to the wine!!!

Judge Harvey Cooper: Mr Shore! You'd better have a good-faith basis for this.

Alan Shore: I'd love to have a basis. But since the police didn't investigate the possibility, I'm limited. It would have been so nice if the police had actually gathered evidence for the purpose of arriving at a conclusion instead of supporting preconceived one. Don't you agree?

A.D.A Todd Milken: Objection!

Alan Shore: That is stricken. I will see counsel in chambers.

***In Judge Harvey Cooper's chamber's.***

Judge Harvey Cooper: I warned you not to make a mockery of these proceedings.

Alan Shore: It was damaging testimony. I had to do something distracting. It was either accuse somebody or drop my pants. You've got a little froth coming...

Judge Harvey Cooper: I am doubling your contempt sentence.

Alan Shore: What about his mockery? They tried this case in the press. Totally contaminated the jury pool. He kept from us the information Ms Stadler so affectionately referred to as her nugget. What about your mockery? Not shutting any of this down. You psychotic punk!

Judge Harvey Cooper: You're baiting me to say something you can use on the appeal. Your contempt sentence is tripled.

Alan Shore: I move for a mistrial.

Judge Harvey Cooper: On what grounds?

Alan Shore: On grounds of you. We're not getting a fair trial here, on grounds of you.

Judge Harvey Cooper: Denied! **He leans in toward Alan.** Your sentence is quadrupled. **Alan leans his head back and blows air contemptuously.**

***Catherine Piper and Bernard Ferrion are having dinner in Bernard's kitchen.***

TV Newsanchorman: All in all, it was considered a powerful day for the prosecution. In an unprecedented if not...

Bernard Ferrion: I must say I always fantasize about my murder trial. I was a little disappointed I didn't get one.

Catherine Piper: What? You wanna go to prison?

Bernard Ferrion: No! The excitement. Being at the center of it. I think next time I'll leave little clues like that BTK killer. Maybe little hints to make it fun.

Catherine Piper: What do you mean next time?

Bernard Ferrion: Oh. I just like to daydream. Just my little Walter Mitty self I guess. Ha.

Catherine Piper: Bernard you seriously don't think you'd ever kill again. Do you?

Bernard Ferrion: Of course not. But, I miss... It was very empowering. Taking a life? It's Godlike. **Catherine is stunned.** I wouldn't do it again, of course. Ha.

***Sarah and Garrett are walking in a hallway at Crane, Poole and Schmidt. Denise walks up to them.***

Denise Bauer: Garrett!? Who's my Judge?

Garrett Wells: Judge Hober in division three. Got divorced in July after catching his wife with a car detailer. She got the house in Nantucket.

Denise Bauer: Hm. **She points to Sarah.** What am I arguing?

Sarah Holt: The best I can come up with is public policy. Divorce law is archaic. You'll read the memo yourself?

**She hands Denise a sheet of paper. Denise takes it.** Right. **Sarah walks away**

Garrett Wells: This minister, by the way, has been sued three times for sexual harassment. I mean we could base...

Denise Bauer: That's nice. File a motion for declaratory judgment. Mark it up for tomorrow.

***Shirley and Denny walk by.***

Shirley Schmidt: You never should have taken the case Denny.

Denny Crane: When a beautiful woman says, "Get me off." You get her off Shirley. It's as simple as that.

Shirley Schmidt: Oh, it was never simple for you. Have you thought about our legacy? You're gonna go from being Mark Geragos to Mark Geragos.

***Denny walks on. Shirley walks up to Denise.***

Shirley Schmidt: Denise. You're handling your own divorce?

Denise Bauer: I have two associates helping me?

Shirley Schmidt: But you're handling it?

Denise Bauer: **She nods her head.** Hm.

Shirley Schmidt: Hire somebody else.

Denise Bauer: Shirley...

Shirley Schmidt: Denise. Hire somebody else.

***In Judge Jamie Atkinson's courtroom.***

Judge Jamie Atkinson: People come to hear you sing as Edwin Starr even though you're not the real Edwin Starr?

Johnny Damon: Yes. And mainly they want me to sing War.

Judge Jamie Atkinson: Mr Emmerich. What's the big deal?

Ronald Emmerich: Look. We get upset with the world for not joining our war efforts. But how can we build a coalition abroad if the American people at home don't seem convinced?

Judge Jamie Atkinson: So Americans have a duty to shut up and look convinced?

Ronald Emmerich: We live in different times. It's my club. I choose to support our country. This song doesn't!

Judge Jamie Atkinson: Let's hear it.

Malcolm Holmes: What?

Judge Jamie Atkinson: I wanna hear it here.

Malcolm Holmes: In court?

Judge Jamie Atkinson: Two o'clock tomorrow. Adjourned.

***Denny, Kelly and Alan make their way through throng of reporters and photographers in the courthouse hallway.***

Denny Crane: Denny Crane. She's a blond. All natural. Denny Crane.

***In Judge Harvey Cooper's courtroom.***

Kelly Nolan: We were making love. When suddenly he started to grab his chest. I was sure he was having a heart attack.

Alan Shore: What did you do?

Kelly Nolan: I called 911. But by the time they got there it was too late.

Alan Shore: At some point you learned your husband had both Viagra and Nitroglycerin in his system?

Kelly Nolan: Yes.

Alan Shore: And you learned the Nitroglycerin had been traced to the wine?

Kelly Nolan: Yes.

Alan Shore: It was determined the capsules were emptied into the wine. That certainly looks like murder Kelly.

Kelly Nolan: Which is exactly what he intended. ***There is murmuring in the courtroom.***

Alan Shore: You're saying he wanted to die?

Kelly Nolan: And frame me for his murder. Even though we had an arrangement, he became extremely angry over my affair.

Alan Shore: What about the statement you made to your boyfriend? About your husband having a heart attack?

Kelly Nolan: It was a joke. A bad one, but...

Alan Shore: Pretty big coincidence, him dying of an apparent coronary.

Kelly Nolan: If Frances Stadler overheard the joke, I have no doubt she told my husband about it. Which likely gave him the idea.

Alan Shore: How could your husband hate you so much, he was willing to die, just to frame you?

Kelly Nolan: He was willing to die perhaps because he so insanely loved me. And I was giving my love to another.

Alan Shore: You didn't kill him?

Kelly Nolan: I absolutely did not kill him.

***Alan, Kelly, Denny in a room. Brad comes in.***

Brad Chase: What the hell was that? You came off as the most unfeeling person!

Denny Crane: Take it easy Brad.

Brad Chase: Take it easy? The goal is to get the jury to sympathize with her and she's coming off like Frosty the Snowgirl. How about this question? Do you care? Do you even care if he's dead?

Alan Shore: All right!

Brad Chase: I don't get it. Is this how you try to save your life?

Kelly Nolan: What was I supposed to do? Cry?

Brad Chase: That might be a start. And let me tell you something else. If you don't come across as human in the cross-examination? You're done. If you're not done already.

Kelly Nolan: I can't pretend to be something I'm not. The jury would see through that. Wouldn't they?

Alan Shore: Look. What we're telling you is, if you don't let the jury in, if they don't see you as human being, or at least a distant cousin thereof. Read Old Yeller tonight or whatever it takes. But come in here tomorrow ready to reveal emotion. Otherwise you'll be spending the rest of your life in jail.

**Catherine is at the police station talking to Detective John Stephenson.**

Detective John Stephenson: Did he say he was gonna to kill somebody.

Catherine Piper: No! But I'm suddenly beginning to think he will. Which is why I'm here. With a heavy heart.

Detective John Stephenson: What exactly did he say about killing?

Catherine Piper: It makes him feel Godly. Which... The whole reason I introduced him to God was to go in another direction!

Detective John Stephenson: Well. Idle fantasies. That's not something we can arrest him for.

Catherine Piper: But! What about his past murders?

Detective John Stephenson: I'm gonna be honest Mrs Piper. You admittedly described him as grandiose. That means his little confessions to you could be interpreted as boasts.

Catherine Piper: But you arrested him for those murders!

Detective John Stephenson: And couldn't prosecute him because of lack of evidence.

Catherine Piper: But now I'm giving you evidence!

Detective John Stephenson: Which is problematic. Your relationship with Mr Ferrion might very well be an extension of lawyer-client privilege since that's how you first learned of these crimes. Tell you what. I'll look into this. Discuss it with the D.A. But, I'm not optimistic at this point.

**Alan is sitting alone in an office at Crane, Poole and Schmidt. He seems lost in thought. Shirley walks in.**

Shirley Schmidt: It's going that well? Huh? Why in God's name did you let her testify?

Alan Shore: Because the jury needed to hear her say, she didn't do it.

Shirley Schmidt: That bubblehead on the news is saying she came off cold to the point of psychotic.

Alan Shore: Hopefully on cross she'll warm to the temperature of a Popsicle. The case is completely circumstantial Shirley. As anemic as our defense may be, the prosecution has nothing in the end but suspicion.

Shirley Schmidt: You're forgetting something. Everybody wants her to be convicted.

**In Judge Harvey Cooper's courtroom. A.D.A Todd Milken turns on a cassette player.**

Operator: 911 Operator.

Kelly Nolan: Yes. My husband has had a heart attack. Please send an ambulance? We're a 1622 Wiggum drive in Sudbury. As soon as you can.

A.D.A Todd Milken: **He turns of the player.** That was your 911 call?

Kelly Nolan: Yes.

A.D.A Todd Milken: It didn't sound wildly distressed.

Kelly Nolan: I was trying to remain calm to communicate the information, in the hopes of saving his life.

A.D.A Todd Milken: Ah. You were trying to appear calm?

Kelly Nolan: Yes. At that time I didn't know it was a crime. Now I do.

A.D.A Todd Milken: According to Detective Richmond, you weren't crying. Your, your mascara wasn't even running.

Kelly Nolan: I suppose if I were trying to get away with something, I would have made sure there were some streaks. I might have also washed out the wine glass. Wiped it for prints. There are all sorts of things the innocent forget to do.

**In Judge Robert Hober's courtroom.**

Denise Bauer: The whole concept of alimony is gender biased, your Honor. The unstated rationale if you examine legislative intent is that women cannot provide for themselves.

Judge Robert Hober: Ms Bauer is there...

Denise Bauer: The stated intent goes to sacrifice. Women, forsaking careers to stay at home raising families.

Judge Robert Hober: Ms Bauer! I...

Denise Bauer: Certainly the framers never intended for this law to be perverted to the extreme where one day it could be applied to force a woman to work to support a deadbeat golf habit.

Judge Robert Hober: I detect emotion in your voice.

Denise Bauer: The essence of law. The role of a Judge is to accomplish fairness. Does this seem fair to you?

Judge Robert Hober: Counsel. I would love nothing more than to repeal alimony. Or at least amend it to some sort of merit based formula, and maybe someday that will happen. But come on. I certainly cannot grant a declaratory motion here and I suspect you know that. Motion denied. **He pounds his gavel and leaves.**

Reverend Donald Diddum: **He walks up to Denise.** Given your leaning toward acrimony, I feel I must advise my client to withdraw the charity of heart discount. The number goes back to eight hundred and ninety. Think on it. Pray on it. We can speak again with, with calm minds. **He and Tim walk away.**

**Denise sighs.**

Sarah Holt: What now?

Denise Bauer: I'm turning this over to the two of you. I want you to depose him, subpoena all his financial records, his family's records, hit him with interrogatories, document production. If he's got a girlfriend, depose her. Find out if she's providing any financial support. I want a paper war with the Reverend. I want you two to make their lives miserable so they both come crawling to me to settle. This is war. This is...

**Scene changes to Johnny Damon singing in Judge Jamie Atkinson's courtroom.**

Johnny Damon: **Singing.** War!! Hoo! What is it good for? Absolutely nothing!

Malcolm Holmes: This is why I went to law school. To argue the issues. Now. Are you marrying me or not?

Tara Wilson: You never asked me.

Malcolm Holmes: I didn't? Um. I guess I tipped my hand, didn't I?

**Johnny Damon continues singing. The backup singers are singing differently from what they sang earlier when they were performing in the bar.**

Tara Wilson: That isn't part of the song.

Malcolm Holmes: Getting both points of your cross. Love it. Gray area.

**Malcolm and Tara are walking in a hallway at Crane, Poole and Schmidt.**

Tara Wilson: What was with all the Good God You All's?

Malcolm Holmes: Ah. That is vintage Edwin Starr. Good God you all! Try it.

Tara Wilson: I'll pass.

Malcolm Holmes: No It feels good. Good God you all!!

**They both have a laugh at this. Tara looks up.**

Tara Wilson: Alan!? Hey! **We see Alan watching them from down the hallway.** Uhm. Alan Shore, meet Malcolm Holmes.

Malcolm Holmes: Ah. Pleasure. **They shake hands.** Tara's told me so much about you.

Alan Shore: Really? She's managed to be surprisingly discreet about you.

Malcolm Holmes: Ha, ha, ha.

Tara Wilson: Oh. Malcolm and I we..., we're...

Alan Shore: Old friends. You're the one who stole her heart.

Malcolm Holmes: And you're the one she willingly gave it to. How's your trial going?

Alan Shore: Fine. Yours?

Malcolm Holmes: Splendid.

**Alan leaves.**

Malcolm Holmes: You're right. He is funny.

**Denny is out on the balcony. Alan joins him.**

Denny Crane: Show over already? **Alan seems surprised at the question.** You look beaten.

Alan Shore: I just caught Tara laughing with another man.

Denny Crane: Are you sure they weren't just.... kissing or something?

Alan Shore: No they were laughing. I'm gonna lose the girl and the case all in the same week.

Denny Crane: You haven't lost this case yet.

Alan Shore: Did you listen to Kelly's testimony in court Denny? How can the jury see her as anything but guilty?

Denny Crane: All you need is reasonable doubt. When I was a younger man, long before Mad Cow, if I was losing in my closing I'd just keep going. I wouldn't sit until I was sure I had it. Just wear 'em down.

Alan Shore: Reasonable doubt.

Denny Crane: You just keep going till I give you the signal that you've got it. **He leans forward.** They were really laughing?

Alan Shore: She's gone.

**Sarah and Garrett are in an office at Crane, Poole and Schmidt.**

Garrett Wells: Sarah we're done! In divorce cases, all of them, the clients end up loathing the lawyers. The client here is a senior associate of the firm. There's no way we come out of this. Unless by some miracle we can make it go away which we can't. Unless...

Sarah Holt: Unless what?

Garrett Wells: Well instead of targeting the ex-husband we go after the Reverend.

Sarah Holt: The Reverend?

Garrett Wells: Three sexual harassment complaints. The man has a certain weakness.

Sarah Holt: I don't like where this is headed.

**Garrett Wells:** Sarah, when I first met you I said to myself, "Wow! Now there's a funny, intellectually acute woman who can get men to take their clothes off."

**Sarah Holt:** Ah! Should I say, "Thank you" or slap you?

**Garrett Wells:** I'm good with either actually. But look I just have an idea. If it doesn't work? It doesn't work. But right now? We have absolutely nothing to lose. Trust me.

### ***In Judge Harvey Cooper's courtroom.***

**Operator:** 911 Operator.

**Kelly Nolan:** Yes. My husband has had a heart attack. Please send an ambulance? We're a 1622 Wiggum drive in Sudbury. As soon as you can.

**A.D.A Todd Milken:** Did that sound like grief to you? How cold, calculating is this woman? Detective Richmond told you she wasn't even crying at the scene. Just a blank expression as she calmly tried to steer the police toward natural causes. And then when confronted with the toxicology evidence she says, "Gee! He killed himself to get back at me!" That is the most implausible, far-fetched, desperate theory I've ever heard in my seventeen years as a District Attorney. What kind of monster can drug her husband and then actually hang around to watch him check out. Well, you saw that monster on the stand. Flat affect, no emotion, cold, her testimony was chilling. Without conscience! You got to witness first-hand, the psyche of a murderer.

### ***A.D.A Todd Milken goes to sit down.***

**Denny Crane:** *In undertones to Alan.* Keep going until you get reasonable doubt.

**Alan Shore:** I could be up there all day.

**Judge Harvey Cooper:** Mr Shore. We're waiting.

**Alan Shore:** Yes, your Honor. **He get's up.** Why are we here? Certainly not because of evidence, there isn't any. Any witnesses see my client give her husband Viagra? Anybody see her put Nitroglycerine into his wine? No. We're being asked to assume that evil. Well! Why can't we impute the same sinister mentality to the deceased? Because people just don't take their own lives? We have over a million suicides, across the globe, every year. A million 1 Suicide is a much more common and therefore plausible thing than murder! So why are we here? Because Kelly Nolan had a blank expression on her face when the police arrived at the scene? She was in shock for God's sake. Her husband had just died right before her eyes. Fingerprints on the wineglass? It was her house! She was having wine with her husband! Is it so inconceivable that she would touch his glass? And if she were guilty? Don't you think she would have wiped the glass clean? Or washed it so the Nitro wouldn't have been detected. Why are we here? Because her husband allegedly threatened to cut her out of his will two days before? According to Kelly, that never happened! The housekeeper says it did. But this is a witness who admittedly loathed my client, who admittedly concealed information from me so she could do more damage at trial. She has a bias! And the prosecution offered nobody to corroborate her. So! Why are we here? The coronary joke. Made to the boyfriend. Suspiciously coincidental. But that was something she said! Not did. And she said it in jest! Let's remember. There is no suggestion that either the boyfriend or the housekeeper took this remark seriously for a second! If they did, why did they not contact the police? There is simply no evidence that would allow you to conclude beyond all reasonable doubt that Kelly Nolan killed her husband! So. Why are we here? **Alan looks to Denny. Denny shakes his head.** But. As long as we are. What about the police? They admittedly didn't investigate any other theory, including suicide. You heard Detective Richmond, they immediately focused on Kelly, and only Kelly. Because she's the one they wanted to get. And I don't know about you, but I certainly find it curious that the prosecution, instead of reprising evidence in his closing argument, chose to focus on my client's testimonial demeanor. What the hell is that?! He wants you to convict her of murder because she came off as cold in the witness chair. I saw cold to. But what I mainly observed was someone who was rigidly unapologetic. Well, wrongly accused people tend to be that way. How warm would any of you be if you were falsely accused of murder, if you were made sport of by the media, if your privacy was violated and naked pictures of you were posted on the Internet? People, who are unrelentingly vilified, tend to end up cold and hard. Kelly Nolan has emotionally shut down. She cannot feel. She cannot emote. And she cannot fake vulnerability for the purpose of appealing to a jury's sympathy. She's innocent! And she's not required to prove it. **Alan looks to Denny. Denny shakes his head. Alan shakes his head.** Schadenfreude. From the German words, Schaden and Freude, damage and joy. It means to take spiteful, malicious delight in the misfortune of others. We used to dismiss this as simply an ugly side of human nature, but it is much much more than that. Recently a Stanford professor actually captured Schadenfreude on a brain scan. It's a physiological medical phenomenon. When we see others fall it sometimes causes a chemical to be released in the dorsal striatum of the brain which actually causes us to feel pleasure. If you watch the news or read the papers, which of course you don't because the Judge said not to, but if you did, you would see the undeniable delicious joy of the media and the public over Kelly Nolan's plight. I have no doubt that you want Kelly Nolan to be punished. She married for money, she had an affair, she carried on naked in the pool with her boyfriend. She's cold,



materialistic, unlikable, and it might bring you all pleasure to see her go to jail. But as for evidence to establish that she committed a murder beyond all reasonable doubt? It just isn't there. The only possible route to a guilty verdict here is Schadenfreude. **Alan looks to Denny. Denny nods his head.** Thank you.

**Catherine and Bernard at his kitchen table.**

TV News anchorman: The Judge is expected to keep the jury sequestered throughout deliberations, even during weekends. In other news...

Bernard Ferrion: Can you imagine? What I wouldn't give to be a fly on the wall.

Catherine Piper: I thought you didn't like being a little bug.

Bernard Ferrion: It was figure of speech. Catherine I don't like the tone I've been hearing from you this week.

Catherine Piper: What are you going to do? Whack me on the head? I'm sorry Bernie. But that little comment you made about feeling Godly and killing people, that concerned me.

Bernard Ferrion: I said that in jest!

Catherine Piper: No you didn't! I think, maybe our friendship should take a little break.

Bernard Ferrion: You can't do that.

Catherine Piper: Why can't I. I've made a mistake. I thought you were taller. We move on.

Bernard Ferrion: You exacted certain confidences from me. Without a friendship how can I rely on our trust?

Catherine Piper: I won't betray your trust Bernie. I just need a break.

Bernard Ferrion: Now is not the time to leave me. I am still dealing with the tragic unexpected lose of my mother.

Catherine Piper: You killed her!

Bernard Ferrion: That doesn't mitigate my pain! Catherine. I need you in my life. Could we just continue to talk about this? Please!?

Catherine Piper: Sure. Sure.

**Sarah and Reverend Donald Diddum sitting across from each other.**

Reverend Donald Diddum: You don't think this constitutes abuse of process? A hundred interrogatories? Questions which go to his favorite food, his taste in clothing. Depositions of family members. It saddens me, Sarah.

Sarah Holt: Reverend. Ha. I am in a very difficult position here. **She sits down next to him.** Obviously I have a very emotional senior associate directing me to be as contentious as humanly possible. With the resources of this firm, we can make it cost you four to get your eight. Can't we just find a number that works for everybody?

Reverend Donald Diddum: My client too is emotional.

Sarah Holt: Look. **She puts her hand on top of his lying on his thigh.** Lawyer to lawyer? There's nothing worse than divorce law. Let's you and me figure this out together. **Her finger strokes his.**

Reverend Donald Diddum: **He takes a deep breath.** It won't be easy. Ahem, given all this acrimony.

Sarah Holt: Forget the acrimony. You and me together, we can do this. **Her finger continues to stroke his.**

**In Judge Jamie Atkinson's courtroom.**

Atty. Tompkins: It's a lovely song. But, I repeat, this is a private club. People can hire the kind of entertainment they want. It's called freedom.

Malcolm Holmes: Your Honor. Beware private industry. Television Networks are becoming afraid of losing their sponsors. Their parent companies fear losing government contracts, and suddenly Robin Williams can't joke about a homosexual sponge at the Oscars! Linda Ronstadt got kicked out of her hotel room in Los Vegas for making anti-war comments at one of her concerts. Bill Marr got canceled for making a political incorrect joke on a show called Politically Incorrect! Never mind the government or State Action, its private companies that are becoming the biggest predators of free expression. Censorship can certainly be no less acceptable when the motivating factor is money.

Judge Jamie Atkinson: A' right. I think the idea of squashing this song is ridiculous. The idea that an anti-war message can be deemed un-American is patently preposterous. In fact as someone who considers herself patriotic I'm offended by accusation that America is pro-war.

Malcolm Holmes: **In undertones.** Here comes the dreaded however.

Judge Jamie Atkinson: However. As much as I would like to find on your behalf Mr Damon, as much as private enterprises are more and more being subjected to civil rights actions, I'm afraid a club owner still has the right to control his entertainment content. Your motion is therefore denied.

Malcolm Holmes: Uh. Bullocks. I never win.

**In Judge Harvey Cooper's courtroom the foreman hands a security guard a piece of paper, he walks over and hands it to the Judge.**

Denny Crane: Look as this eyes. Nutcase.

Judge Harvey Cooper: **He hands the paper back to the security guard.** Mr Foreman? You've reached a unanimous verdict?

Jury Foreman: We have.

Judge Harvey Cooper: The defendant will please rise. **Alan, Kelly, Denny and Brad stand up.** Mr Foreman? What say you?

Jury Foreman: In the matter of the Commonwealth versus Kelly Nolan on the charge of murder in the first degree, we the jury find the defendant, Kelly Nolan, not guilty.

**Kelly shows no reaction. Brad and Denny share a smile.**

Alan Shore: **Alan turns to Kelly.** Down girl.

**Denny and Kelly shake hands.**

Judge Harvey Cooper: Members of the jury this concludes your service. The Commonwealth of Massachusetts thanks you. Ah, Ms Nolan you are free to go. Mr Shore you will report to lockup at nine AM tomorrow. We are adjourned.

**Denny, Brad Alan and Kelly make their way through a throng of reporters and photographers.**

Denny Crane: Hey Martha!

Martha: Mr Crane, hi.

**Brad guides Denny off to the side. Alan and Kelly enter an elevator. The door closes.**

Kelly Nolan: Thank you.

Alan Shore: **He looks at her, she stares straight ahead. He sighs and shakes his head. He reaches over to pull the Stop button. The elevator stops.** Undoubtedly you're familiar with the concept of double jeopardy.

You've been acquitted you can never again be tried for this crime, and of course anything you say to me here is protected by attorney-client privilege. Kelly? I absolutely must know. Did you kill him?

Kelly Nolan: **She smiles slightly, and then turns her head toward him.** No.

**Catherine and Bernard at his kitchen table.**

TV News Anchorman: The verdict came as a surprise to several legal analysts who were following the proceedings. The jurors interviewed said that while they did conclude that Kelly Nolan was probably guilty they just couldn't get there beyond all reasonable doubt.

Bernard Ferrion: I bet she kills again. You think she'll kill again?

Catherine Piper: I don't know dear.

Bernard Ferrion: You see the thing is, once you've gotten a taste of it it's really hard to go back to an ordinary life. That's what I struggle with I think. **Catherine hits him on the back of his head with a frying pan. Bernard flops on the table.**

Catherine Piper: Better?

Bernard Ferrion: Ugh. **He lifts his head. Catherine hits him again. He falls to the floor and is still.**

Catherine Piper: As God as my witness... **She looks around.** My only witness.

**Alan and Denny are sitting out on the balcony.**

Denny Crane: She barely reacted when the verdict was read. Did you notice that?

Alan Shore: I noticed.

Denny Crane: How could a woman be so cold and yet so hot?

Alan Shore: One of her many mysteries.

Denny Crane: Never had my sex with her.

Alan Shore: There's no justice.

Denny Crane: Did we get justice today Alan?

Alan Shore: I don't know.

Denny Crane: I think she did it. Now maybe I wanna think that cause like you say, it could be shutterbug?

Alan Shore: Shadenfreude.

Denny Crane: Murder cases are fun. I'll tell you that. Let's get another one.

Alan Shore: I'm with you.

Denny Crane: I like the pathological. It's sexy. Let's get another one like her.

Alan Shore: My eyes are peeled.

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