

Boston Legal
Trick or Treat
Season 3, Episode 7

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Transcribed by Imameess Thanks to SueB for transcribing Alan's closing, and to Olucy for her help with some of the wording.

At Crane, Poole and Schmidt, in the corridor, half of the people seen are in Halloween costumes. Paul Lewiston and Shirley Schmidt are walking together.

Paul Lewiston: I don't think wearing costumes during business hours is such a good idea.

Shirley Schmidt: Ha. Oh, it's good for moral. We end up getting a better turnout for the party.

Down the corridor Jerry Espenson is coming toward Paul and Shirley. When Jerry sees them he squeals then gives short hop as he quickly makes a right turn and hurries off.

Shirley Schmidt: I wonder what he's done now.

In Alan Shore's office, he is sitting behind his desk while Jerry is pacing the floor. As always, Jerry has his hands on his thighs.

Alan Shore: Perjury? **Jerry squeals.** Jerry, I can't keep up. One day it's the doll, the next Scientologists, now perjury. **As Jerry is pacing he gives a short hop.** Add to that a little hop. Okay. Deep breath. And start from... the middle.

Jerry Espenson: I was on a jury over the summer, a Federal capital case. In order to be on such a jury you must declare in your questionnaire that you're not again the death penalty. **He gives a short hop.**

Alan Shore: What's with the hop?

Jerry Espenson: It's a nervous tic. When I try to control my voice sometimes my legs hop. Okay? Would you prefer that I squeal?

Alan Shore: Well... **Jerry squeals.** You didn't let me answer.

Jerry Espenson: Anyway! We found the man guilty, imposed a life sentence! Cut to weeks later I'm doing an interview in furtherance of my new firm, I'm being profiled, if you can imagine, and somehow the issue of the death penalty comes up. I said that I've always been categorically opposed! And the prosecutor from the capital case must have read it and he had me arrested for committing perjury against the Federal Court! And now I'm about to go on trial! **He squeals.**

Alan Shore: I'm confused.

Jerry Espenson: Oh. I was on a jury over the summer, a Federal capital case...

Alan Shore: No. I know what happened. I'm confused as to why you lied about your views on capital punishment!

Jerry Espenson: Because it's wrong.

Alan Shore: Okay, it's wrong. So why lie?

Jerry Espenson: It's not just the death penalty. It's the issue that only pro-death people should get to sit on death cases! It's stacking the deck, Alan! It's wrong! That's why I lied! To unstack a stacked deck!

Alan Shore: And now you're being charged with perjury.

Jerry Espenson: And the horrible prosecutor man wants me to serve three years. **He squeals, and then hops.**

In Shirley's office, she is sitting behind her desk wearing the 'Grim Reaper' mask. Jeffrey Coho is with her.

Jeffrey Coho: The 'Grim Reaper'?

Shirley Schmidt: I thought I could use it throughout the year. You know, when I fire people. It's a nice touch.

Shirley Schmidt: **She starts to take off her mask.** You gotta see me in full costume. **As she shakes out her hair she looks up to see Lincoln Meyer who has come in.** Hello!

Lincoln Meyer: Hello. Lovely outfit, but I'm not surprised.

Jeffrey Coho: Lincoln.

Lincoln Meyer: Did someone speak? I heard a noise. It sounded a bit Godless, but I heard it all the same. May I have a word with you, Shirley Schmidt?

Jeffrey Coho: What are you doing here?

Lincoln Meyer: Well, I'm certainly having nothing to do with you, Mr Dirtymouth. I came to talk to Shirley because she is a name partner in Crane, Poole and Schmidt. **He hands over a paper.** This is for you, Shirley.

Shirley Schmidt: **She looks at the paper.** It's a summons.

Lincoln Meyer: Yes, and I am sorry, because I sense you and I could be friends, but I have been wronged by your firm, Shirley. Specifically by Mr Dirtymouth here. He slandered my good name.

Jeffrey Coho: Lincoln, not to ruin your plans, but I have immunity for what I say in court.

Lincoln Meyer: You have qualified immunity which you ran viciously amok of. No, you had your fun running over me, didn't you, Mr Dirtymouth? Well, now it's my turn to run over you. **He gets up to leave.** And again, I am sorry, Shirley, I feel you and I could have forged a special bond. **He blows her a kiss and then leaves.**

Shirley Schmidt: What? Exactly? Did you say about him?

Jeffrey Coho: Oh, you know. That he might have been the killer.

In Alan's office, he peeks around his office door to see what is going on out in the corridor. A Mariachi band is singing an old Sonny and Cher tune written by Sonny Bono. Alan chuckles as he comes out to listen. Denise Bauer also comes out of her office.

Sing C'est La Vie

I once knew a man who owned a butcher shop (ah!)
He also had apartments to rent up on top
But he didn't include on the sign that he painted "No pets"
And the tenant who rented had six hungry dogs, he regrets
But he said...

CHORUS:

When things go wrong, just sing a song
The birds in the trees will sing harmony
Sing c'est la vie & soon you will see
Your cares will be free; just sing c'est la vie

When Denise hears the words 'c'est la vie' her smiling face suddenly turns sad. She drops the cup she is holding.

Alan Shore: Denise? What's wrong?

Denise Bauer: Daniel!

Alan Shore: What? Daniel Post?

Denise Bauer: He's dead. **She shakes her head.** He's dead.

In Denise's office, she is sitting behind her desk talking on the telephone.

Denise Bauer: Uh hm... Yeah. **A pause.** Yeah... Uh huh... Okay. Goodbye. **She hangs up the phone.** Uhm, Daniel died during a lung transplant surgery in Brazil.

Alan Shore: And you get the news through a Mariachi band?

Denise Bauer: You had to know Daniel. He always said that when his time came, hm, c'est la vie.

Alan Shore: There gonna be a service?

Denise Bauer: We had one while he was alive.

Alan Shore: Sorry?

Denise Bauer: Again, you had to know Daniel.

Alan Shore: I wish I had.

Denise Bauer: His remains are at Mass General. So I think I'll go and pay my respects there and ah... Yeah.

Alan Shore: Would you like me to go with you?

Denise Bauer: No thank you. I'm... I'm fine. I've been braced for this for a long time. I think, I think I'm actually okay.

Shirley Schmidt: **She comes to the door wearing her 'Grim Reaper' costume.** Trick or treat! **Denise starts to cry.** Maybe not.

Out in the corridor, Paul and Shirley are walking.

Paul Lewiston: Dead?

Shirley Schmidt: Evidently during a lung transplant operation.

Paul Lewiston: My God! Well, do we cancel the Halloween party?

Shirley Schmidt: I certainly have to cancel my costume. But, no, we're a big firm; I say we go forward with the party. **She closes the door to Denny Crane's office to hide the view of Denny and Bethany Horowitz kissing.** Uhm, on another matter, we're being sued for slander by one of Jeffery's red herrings in the Scott Little trial.

Paul Lewiston: Which one? There were so many.
Shirley Schmidt: The neighbor, Lincoln Meyer.
Paul Lewiston: Great! Do we need to get outside counsel?
Jeffrey Coho: **He comes up.** We do not. I can defend this myself.
Paul Lewiston: Very bad idea.
Jeffrey Coho: I'm full of 'em.
Paul Lewiston: At a minimum we use somebody not involved in this trial.
Shirley Schmidt: Well that leaves, Alan, me and...
Paul Lewiston: Brad! **He motions Brad over.**
Jeffrey Coho: No, no, no, no. Not him.
Paul Lewiston: Yes, him. This will be opportunity for the two of you to bond.
Brad Chase: **To Jeffery.** Get yourself in a bit of trouble, there? Sport?
Jeffery gives Brad a look. They stare at each other.

In Assistant United States Attorney Carl Newell's office, Alan sits before Carl, Jerry Espenson paces behind.

Alan Shore: **To Carl.** I'm certainly not defending his deceit. **Jerry squeals.** But Mr. Espenson never meant to truly defraud the court, there's no real proof he lied, he could've simply been lying in the subsequent interview where he was pretending to be against the death penalty.

ASUA Carl Newell: Is this how you intend to play it? That he was truthful with us and lied during his magazine interview?

Alan Shore: **Humbly.** No. I intend to play it by asking for an exercise of your discretion.

ASUA Carl Newell: Mr. Shore, this case started in State court. It was specifically removed to Federal jurisdiction at the direction of Alberto Gonzales. Why? Because Massachusetts doesn't have a death penalty. So, his perjury is a big deal. My marching orders are to prosecute him to the full extent. Now, if he wants to plea, I'll give him eighteen months.

Jerry is gape-jawed.

Alan Shore: My client is not going to prison for eighteen months.

ASUA Carl Newell: Well, it's either that or three years as far as I can see.

Alan Shore: C'mon, Jerry.

And as they exit, Jerry does another little hop.

At the morgue, Poi, the Coroner, opens a small door on the wall, reaches in and pulls out a small box. He places it on the table in front of Alan and Denise.

Poi: Here we go.

A beat.

Denise Bauer: What's that?

Poi: The remains of Daniel Post.

Denise Bauer: Okay. He wasn't a large man. But he was taller than that.

Poi: Oh, I'm sorry. Mr. Post donated his body parts to either research, science or organ transplant facilities, all that remains is a foot.

Denise Bauer: A foot?

Alan Shore: Just the one?

Poi: Yes.

Denise Bauer: Oh. **She looks to Alan questioningly.**

Alan Shore: Well... we're here.

Denise considers. It seems ridiculous but...

Poi: Yes?

Denise Bauer: Please.

And Poi opens the box. Denise looks, her face totally neutral.

Alan Shore: **Can't help himself.** He looks so peaceful.

Denise Bauer: **She just stares.** That's not Daniel Post.

Poi: I beg your pardon?

Denise Bauer: Daniel Post was five seven, white and a size eight, max. That is a black foot, and it is the size of a small boat.

Poi: There must be some mistake.

Denise Bauer: Yes. A big one, and you made it, that is an African-American foot.

POI: It looks darker in the box, if we see it in the light—

Denise Bauer: No, no. I do not need to see it in— **Too late, Poi has pulled the foot out and placed it on the slab. It's black and big.** Where is Daniel Post?

As Luke Kenneally arrives—

Luke Kenneally: Is everything alright?

Denise Bauer: No, everything is not alright! For God's sakes!

Denise tries to hold it together.

Alan Shore: Please. Could you find my friend something lighter, possibly in a size eight?

At Crane, Poole and Schmidt, Alan and Shirley are there.

Shirley Schmidt: A big foot?

As Brad approaches—

Alan Shore: She's meeting with the facility manager in an hour, I'd have stayed with her but I'm in court with Jerry.

Shirley Schmidt: Give me the address, I'll go. Brad? How we doing with Lincoln Meyer?

Brad Chase: I have a motion to dismiss marked up for this afternoon, in the meantime he's noticed a depo for Judge Hooper.

Shirley Schmidt: Great. And who's representing this – **Sees him coming** – charming man.

Lincoln Meyer: That's the most fun part of all. I'm representing myself, Shirley. Like Gideon. I hope you'll all join me for Judge Hooper's deposition; refreshments will of course be served. Oh, it's all too delicious for words, don't you think? **Alan gets a good long look at Lincoln as Lincoln talks to the receptionist.** I've got a caterer coming in in twenty minutes and I want the conference room clean, and I mean clean.

At Federal Court, Alan and Jerry are at the defense table; Carl is up and questioning Attorney Ron White on direct. Judge Raymond Hanney presides.

ASUA Carl Newell: Mr Jones, would you explain what a 'death qualified' jury is?

Attorney Ron Jones: During voir dire, jurors are asked the so-called 'Witherspoon questions' named for the Supreme Court decision that determined the process for jury selection in a capital case. According to Witherspoon, jurors who simply have a general objection to the death penalty cannot be kept off but anyone who would always vote against the death penalty under any circumstances can be.

ASUA Carl Newell: And Mr. Espenson was on this jury?

Attorney Ron Jones: Yes. He declared in his questionnaire that he had no objection to the death penalty under any circumstances. We learned later that this was a lie.

Alan is now up.

Alan Shore: I'm curious. When you're trying someone accused of larceny, do you ask potential jurors if they oppose jail time?

Attorney Ron Jones: No.

Alan Shore: Do you ask them if they oppose fines? Or community service? Or giving the victims restitution?

Attorney Ron Jones: No.

Alan Shore: So! There is no such thing as a 'Jail Qualified Jury' or a "Fine-Him-A-Thousand-Dollars-Qualified-Jury' or 'Make-Him-Pick-Up-Trash-On-the-Highway Qualified Jury'?

Attorney Ron White: No, there's not.

Alan Shore: And yet there's a 'Death Qualified Jury.' I wonder why that is. Could it be that a jury made up of people favoring the death penalty is more prone to convict in the first place?

Attorney Ron White: There's no evidence of that.

Alan Shore: Oh, come on. I have many prosecutor friends, they tell me once you have your 'Death Qualified Jury' your work is pretty much done.

ASUA Carl Newell: Objection!

Judge Raymond Hanney: Sustained.

Alan Shore: **Quickly.** You have twelve people who you know are are ready to kill somebody, I bet that 'presumed innocent' idea is far less problematic.

ASUA Carl Newell: Objection!

Judge Raymond Hanney: Sustained!

Jerry squeals.

In Luke's office, he is with Shirley and Denise.

Luke Kenneally: Ah.. it seems that... **Swallows.** None of... ah, Daniel... ended up where... I assure you we're investigating.

Shirley Schmidt: What do you mean 'none' of him?

Luke Kenneally: Mr Post's cadaver... has apparently been stolen. We suspect his... parts have found their way into the black market.

Denise Bauer: The black market?

Shirley Schmidt: The very place Daniel did his shopping. **Denise shoots a look at Shirley.** Sorry.

Luke Kenneally: We think we have a lead as to who... stole him.

At Crane, Poole and Schmidt, in Denny's office, he and Bethany are there.

Denny Crane: Your mother?

Bethany Horowitz: Yes. It seems we're getting serious; I want you to meet her.

Denny Crane: I'm not good with mothers.

Bethany Horowitz: **Strict.** You'll make the effort with mine.

Denny Crane: Is she... a little person?

Bethany Horowitz: Does that matter?

Denny Crane: Of course not. You know how I love them so. **Bethany glares.** Bethany, I'm not the kind of guy that girls take home to their mothers. I tend to... you know... hit on them.

Bethany Horowitz: You'll meet my mother, Denny. You'll be nice to her. And dignified.

At Crane, Poole and Schmidt, in the conference room Lincoln is sitting at the head of the table behind an elaborate bouquet of flowers. To his right is Judge Payton Cooke. Also present are Jeffery, Brad and a court stenographer taking notes.

Lincoln Meyer: Did your wife ever say to you that I was pedophile?

Judge Brian Hooper: No.

Lincoln Meyer: Did she ever indicate that she believed me to be a pedophile?

Judge Brian Hooper: No.

Lincoln Meyer: Hm. Do you find it odd that your beautiful wife, may she rest in peace, would tell Scott Little that she thought I was a pedophile, and never say that to you?

Judge Brian Hooper: My suspicion is she never said that to Scott Little. Just a theory, but my bet is, his lawyer's convinced him to drop the pedophile tag to better set you up as a red herring as my wife's killer.

Lincoln Meyer: Did you ever say anything to these despicable lawyer people that could lead them to think I killed your wife? God rest her soul.

Judge Brian Hooper: There's nothing I told them in support of their theory that you were the killer.

Lincoln looks smugly at Jeffery.

At Crane, Poole and Schmidt, just outside the conference room, Brad and Jeffery are walking in the corridor.

Jeffrey Coho: Well, that seemed worthless.

Brad Chase: Maybe. What basis did you have for suggesting him as the killer?

Jeffrey Coho: What basis?

Brad Chase: Yes.

Jeffrey Coho: She got a restraining order against him. He's certifiable.

Brad Chase: Was there any evidence at all that he could have done it? Or that he was a pedophile?

Jeffrey Coho: Are you representing him or me in this, Brad?

Brad Chase: I'm just asking you the questions that he'll be asking you if this ever goes to trial, Jeff!

Jeffrey Coho: If this goes to trial, one of us is a pretty terrible lawyer.

They walk away. Alan and Jerry come around the corner.

Alan Shore: Our only defense is civil disobedience, Jerry, and it's not a particularly legal one at that. You need to be sincere up there and passionate. **They walk into Alan's office.** Melissa? I wrote a memorandum on civil disobedience last year, I need... **He notices that Melissa has two boxes on top of her desk and is packing her belongings.** What's happening here?

Melissa Hughes: I've been reassigned to a different lawyer, Alan. I'm no longer your assistant.

Alan Shore: What are you talking about?

Melissa Hughes: I'll still be at the firm. I've just been reassigned.

Alan Shore: Reassigned to whom?

Melissa Hughes: Jeffrey Coho. **Alan stares as she smiles at him smugly.**

Alan Shore: Melissa what's going on?

Melissa Hughes: What's going on, Alan, is I'm not comfortable discovering you in closets photography buffing, or walking into your office finding some sex doctor measuring your pants, or smelling the waft of maple syrup after you've tried cases against old girlfriends. What's going on is I've had enough.

Alan Shore: I see. And how did you happen to end up with this Jeffrey Coho?

Melissa Hughes: Oh! Hm. We clicked. **She picks up one of the boxes and marches off.**

Jerry Espenson: This is where a crisp little squeal works particularly well for me.

Alan squeals. Jerry hops.

At Crane, Poole and Schmidt, out in the corridor Luke is waiting, he looks to see Shirley and Denise walking by.

Luke Kenneally: Ms Bauer?

Denise Bauer: Yeah?

Luke Kenneally: I am pleased to report we have recovered Mr Post.

Denise Bauer: Really?

Luke Kenneally: Not all of him, but, you know, if you'd like to pay your respects.

Denise Bauer: Uh, wh, what have you got?

Luke Kenneally: Well! Ah... so far, and, and the search is by no means complete, of course, but, so far we, we have his spleen.

Denise Bauer: That's it. His spleen?

Luke Kenneally: Uh huh. But! We're positive it's him!

Denise looks to Shirley then back to Luke. She is undecided.

At Federal Court, all parties present. Jerry is on the stand, Alan is directing him.

Jerry Espenson: More than half of the world's countries have outlawed capital punishment. Virtually all of the industrialized democracies have eliminated it. The five countries that execute the most people are in order: China, Iran, Saudi Arabia, the United States and Pakistan. Is that the company we want to keep?

Alan Shore: So. To be clear. You are completely opposed to the death penalty.

Jerry Espenson: I am.

Alan Shore: And, yet, when you were given the juror questionnaire to fill out, you said you weren't?

Jerry Espenson: Yes.

Alan Shore: Why? Jerry?

Jerry Espenson: Because I know how the system works. If you admit you oppose capital punishment, they keep you off the jury. Having only pro-death-penalty people on the jury is completely unfair to the defendant. Which is why I committed an act of civil disobedience. To call attention to the gross unfairness of my sexual surrogate.

Alan is startled. So is Jerry. Hm! Ah! I mean the jury selection process!! **Alan makes a calming motion with his hands as Jerry half-groans and half-squeals in embarrassment.**

At the courthouse, in a witness room, Alan and Jerry are sitting in silence.

Jerry Espenson: **He takes a deep breath.** It just came out.

Alan Shore: **He nods.** Jerry. I know you know that perjury in Federal Court is serious. What I'm not sure you appreciate, this case you were a juror on, it was of enormous importance to the government. It was an opportunity to bring the death penalty to a State that doesn't have it. And as far as they're concerned you ruined some very big plans.

Jerry Espenson: This sounds like a preamble to a very bad prognosis.

Alan Shore: I've talked to Denny, Shirley, Paul Lewiston, I've had a lot of people trying to pull strings behind the scenes. This case is not going away. But I expect that... you are. We have no defense, Jerry. You flat-out committed perjury.

A beat, as Jerry starts to cry. He shakes his head trying to compose himself. Alan put his hand on Jerry's shoulder.

Jerry Espenson: **He takes a deep breath and then sighs.** Okay. **He gets emotional.** Can I say goodbye to my mother?

Alan Shore: You're not going away this minute. **Jerry slumps in relief.** I'll give the closing and... I guess... beg the jury to ignore the law. And... we'll see.

Jerry sighs.

In a classy restaurant, Denny and Bethany are seated at a small table. Denny is tucking a napkin into his collar.

Bethany Horowitz: Do not tuck your napkin into your collar! I will be mortified. Do not smoke your cigar. Do not make any Clintonian jokes as to where the cigar has been.

Denny Crane: What can I do?

Bethany Horowitz: Just be nice! And get through it!

Denny Crane: You seem on edge.

Bethany Horowitz: Of course I'm on edge! It's my mother. **She looks up to see her mother coming over to their table.** Oh God, and here she comes.

Bella Horowitz: Hi, Honey! Oh. **She bends over to kiss Bethany.** Sorry I'm late.

Denny gets up to greet Bella. She straightens, and puts out her hand in greeting. They both freeze in shock.

Denny Crane: Bella?

Bella Horowitz: Denny?

Bethany Horowitz: You two know each other?

A beat as Denny and Bella stare at each other in shock>

Bella Horowitz: You're dating Denny Crane. Why didn't you tell me?

Bethany Horowitz: I wanted it to be a surprise.

Bella Horowitz: Hm!

Bethany Horowitz: What's going on?

Bella Horowitz: Well. Denny and I were once...

Denny Crane: Engaged. **Bethany stares at Denny in shock.** Surprise. **She is.**

Bethany looks up at her mother, her mother cannot face her and looks away.

In Judge Gilbert Potts's courtroom, all parties are present.

Brad Chase: He had no alibi the night of the murder. Fresh flowers from his garden were found on her night stand. It would have been legal malpractice for Jeffrey Coho not to focus the jury on Lincoln Meyer as a possible suspect.

Judge Gilbert Potts: **Bored.** Mr Meyer?

Lincoln Meyer: Well. **He gets up smugly.** He implied I was a pedophile. A freak who should be registered as a sex offender when I've committed no such offense! And even if I had, which I most certainly have not, to suggest that I'm a killer! A murderer? That Gracie Jane woman reported it in front of millions of people and I was damaged.

Judge Gilbert Potts: What about this Peeping Tom crap?

Lincoln Meyer: I am an open and notorious Peepy. Why, when I would send her flowers I would write, "With love, from your little Peepy." And she liked having a Peepy. And even if she didn't, it doesn't give these lawyer people a right to infer that I'm a killer! I mean, look at me, Judge! I'm damaged.

At the morgue, Poi opens the lid of a tray as Denise and Shirley watch. They look for a moment.

Shirley Schmidt: That, that's a spleen?

Poi nods.

Denise Bauer: Are you sure it's him?

Poi: Positive. We did a tissue match.

Denise sighs. Poi nods.

Shirley Schmidt: I'll give you a moment alone. **She steps back.**

Denise Bauer: **She looks. She tries to say something to the spleen. She gives up.** I can't get closure with a spleen, this is not working.

Shirley Schmidt: Look. Denise. I, I think what you need to do is go sit somewhere in a quiet place. Maybe a church. And grieve for the man you loved.

A beat. Denise doesn't reply. Upon which, Luke enters, carrying a small box.

Luke Kenneally: More good news. The FBI made an arrest. Harold Pines, he's been arrested before for the commercialization of body parts, he's in custody. What's more, the very lead that led to his arrest has also led to the recovery of most of your fiancé. He's got a kidney in LA, his liver in on a plane as we speak; coming back from Topeka, his small intestine is waiting to clear customs in Ottawa, and here in my hands... his heart.

A beat.

Denise Bauer: That's Daniel's heart?

Luke Kenneally: It is.

Denise Bauer: What about his head?

Luke Kenneally: The head is still at large.

At Crane, Poole and Schmidt, in the corridor, Alan and Denny are there.

Alan Shore: Her mother?

Denny Crane: It was a hundred years ago. It shouldn't count.

Alan Shore: How did Bethany take it?

Denny Crane: Not well. She bit me.

Jerry Espenson: **He squeals as he comes running up.** Should I flee? Should I move to Canada?

Alan Shore: Jerry...

Jerry Espenson: I can't take prison, Alan, it wouldn't be an hospitable place for me.

Alan Shore: Jerry, I cannot maintain we'll win this trial, but I give you my word, I'll do everything I can to keep you out of prison. **Jerry nods and then walks away.** I don't know what I'm gonna do.

Reveal Jeffery approaching Brad.

Jeffrey Coho: Brad! Clerk just called. Judge Potts has his ruling.

Brad Chase: Let's go.

As Jeffery is about to head off, Alan is suddenly in front of him, glaring.

Alan Shore: I'm informed you and my assistant have clicked.

Jeffrey Coho: I'm sorry, you are again?

Alan Shore: I don't like having my assistant poached. Like a cow or an egg. And I especially don't like learning that you and she are clicking behind my back.

Jeffrey Coho: You know. I'm really not feeling the love here.

At the jailhouse in the cell area, Harold Pines is sitting in a cell as Denise Bauer approaches with the guard.

Denise Bauer: **To the guard.** Would you give us some privacy?

Guard: Sure. I'll be right down the hall.

Denise Bauer: Thank you.

The guard lets Denise in. She enters.

Harold Pines: You a cop?

Denise Bauer: No, Mr Pines, I'm a lawyer. **She sits.** I was engaged to a man named Daniel Post, whose body was stolen either by you or an accomplice—

Harold Pines: Uhm... I don't know anything.

Denise Bauer: That's not true, Mr Pines. You've been arrested in the past for the commercialization of body parts, and you run a million-dollar skin-harvesting ring—

Harold Pines: Look. Lady, I'm not going to talk, okay?

Denise Bauer: I just wanna know where he head is. **A beat.** I need to say goodbye. I'm not here looking for evidence so much as for my lover's head.

Harold offers nothing but he's clearly sympathetic. Finally—

Harold Pines: I'd like to help. Okay? Obviously I got my own problems.

Denise Bauer: How about... you retain me as counsel?

Harold Pines: Sorry?

Denise Bauer: So anything you say is privileged. I can't repeat it. Please.

Harold Pines: You would my lawyer?

Denise Bauer: For the purpose of this discussion, I'm your lawyer.

Harold Pines: **He leans forward. So does Denise.** I, I don't know for sure. Okay? There's this house in Salem, it's famous in an underground kind of way. For Halloween... ah... they like to do it up for real, y'know. Like a haunted house. They like to get themselves some real heads. I don't know if your fiancé's is there but...

At Federal Court, all parties present. Carl is up and giving his closing.

ASUA Carl Newell: If you're against the death penalty, you can call your congressman, protest in the street, start a blog, publish a book, there are countless ways to get your point across. Committing perjury isn't one of them. Obstructing justice isn't one of them. Mr Espenson lied. He defrauded the court; his actions were an insult to that court as well as everyone who believes in our system of justice. You! Are now part of that system. Do your duty. Send Mr Espenson to jail.

A beat. Alan rises.

Alan Shore: Let's forget all about capital punishment for a minute, and look at this another way. Say, a small town is having a community meeting to vote on whether or not to build a big incinerator. But before the selectmen let you into the meeting, they ask you how you feel about incinerators, and if you're opposed to them, you don't get to go to the meeting. Does that seem fair to any of you? Don't we want all sides represented at a community meeting? Jury selection is supposed to work the same way. All of you, in theory, should represent a cross-section of the community. Well, here we are, in Massachusetts, a state with no death penalty. One would assume, therefore, that the majority of the community is opposed to capital punishment. But anyone who holds that view cannot be a juror in a federal death penalty case. This isn't just weeding out people with idiosyncratic opinions; this is weeding out the majority. It's strategic. We all know, intuitively, if you start talking about

punishment before a trial even begins, you're putting the idea of guilt in the forefront of everyone's mind. Yet, presumption of innocence is the foundation of our whole justice system. Without that, we're no better than totalitarian states who imprison and execute people on the whim of an all-powerful leader. Jerry Espenson... Jerry Espenson is my friend. I care for him... dearly. And I know him to be fundamentally, a law-abiding man, who simply saw an injustice and tried to do something about it. If he's guilty of anything, it's of appealing to his sense of fairness. Now, I suppose, he's appealing to yours. **Alan goes to sit down. Jerry pats him on the back.**

At the courthouse, far down the hall Lincoln is sitting alone on a bench. Brad and Jeffery come off an elevator. Jeffery sees Lincoln.

Jeffrey Coho: **He puts his hand out to stop Brad.** Hey! Give me second. **Brad nods and walks away. Jeffery looks at Lincoln for a moment then walks over to him.** Lincoln?

Lincoln Meyer: Hello, Mr Dirtymouth. Come to make me an offer of settlement before the Judge rules against you? I'm not surprised.

Jeffrey Coho: I've been watching you for a bit, Lincoln. **He sits down next to Lincoln.** Sitting here.

Lincoln Meyer: Really? Are you a bit of a peepo?

Jeffrey Coho: You seemed sad. You seemed alone, I guess.

Lincoln Meyer: Did I? You must have misread me.

Jeffrey Coho: **He sighs.** What's going on, Lincoln? This lawsuit. What are you doing? Is this just about attention?

Lincoln Meyer: You don't think I have feelings. Those things you said about me in court. I have feelings, Mr Coho.

Jeffrey Coho: I'm sorry, I was just doing whatever I could to defend my client. It wasn't personal

Lincoln Meyer: It was very personal.

At Crane, Poole and Schmidt, in Denny's office, he is watching the news.

TV announcer: **Bush is seen coming off the Air Force One.** President Bush is back in the White House today after a two-and-a-half week vacation at his ranch in Crawford, Texas. The President traveled via Air Force One arriving in Washington early this morning. The President has a full schedule in the coming days...

Denny sees Bella coming in to this office. He points the remote and turns off the television.

Bella Horowitz: I used to tell her about the great Denny Crane. It's one reason I think she ended up going to law school. She had no idea that I used to sleep with you. Just as I had no idea that you now sleep with... **A beat.** How is she? I can't get her to talk to me.

Denny Crane: She's pretty upset.

Bella Horowitz: She bite you? **Denny pats his posterior.** She bites. I know this.

Denny Crane: Hm!

Bella Horowitz: I don't want you to see my daughter anymore, Denny.

Denny Crane: Come on, Bella. I can't see someone because she turns out to be your daughter?

Bella Horowitz: See, it also turns out, she's yours.

At Crane, Poole and Schmidt, in the corridor, Denny and Alan are there.

Alan Shore: Is she sure?

Denny Crane: No. I'm gonna have to have a paternity test. Can two full-sized people have a midget?

Alan Shore: Does Bethany know?

Denny Crane: I dunno. God. It's one thing to date a dwarf but... to have fathered one! Oh!

Alan Shore: Denny, I bet Bethany knows now. **He cringes.**

Denny Crane: **His mouth is agape.** Oh... God?

Alan Shore: Afraid so.

Denny Crane: **He looks down. Bethany looks up at him.** Hi, Honey. Who's your daddy?

In Judge Gilbert Potts's courtroom, all parties are present. The Judge is giving his ruling.

Judge Gilbert Potts: Statements made by my lawyers in court are immune from defamation liability. This is a long-standing exception. Statements made outside of court however, are afforded no such protection. Mr. Coho, you repeated these things to the press! You enjoyed no privilege there! However, again, it is my view you were only commenting to the media on matters that occurred inside the courtroom. And because the privilege does extend to that situation, I'm going to grant the defendant's motion to dismiss. Mr Lincoln, before you go decide to sue anybody else, you might consider that truth is also a defense to defamation. For my money you appear to be a seriously disturbed man.

At Crane, Poole and Schmidt, in Denise's office.

Shirley Schmidt: **She comes to the doorway. She is dressed as witch, fake crooked nose and all.** Boo.

Denise Bauer: **She looks up.** It's perfect. I have to go to Salem later today. Maybe you should come with me.

Shirley Schmidt: What's in Salem?

Denise Bauer: Possibly... ah, Daniel's head. In some ghoulish haunted house. Evidently, they ah... they use real cadavers.

Shirley Schmidt: Daniel's head is in a haunted house?

Denise Bauer: Maybe.

Shirley Schmidt: Ah.

Denise Bauer: You have plans later?

At Federal Court, all parties present. The clerk takes a piece of paper from the foreperson of the jury and walks over to give it to the Judge. Alan looks at Jerry who is emitting a buzzing/vibrating kind of noise.

Jerry Espenson: Don't ask. Okay?

Judge Raymond Hanney: The defendant will please rise. **Jerry gets up, so does Alan.** Madame Foreperson? The jury has reached a unanimous verdict?

Madame Foreperson: We have, Your Honor.

Judge Raymond Hanney: What say you?

Madame Foreperson: On the matter of the United States versus Jerry Espenson, on one count of perjury, we the jury find the defendant, Jerald Espenson, not guilty.

Jerry Espenson: What!!! Oh! **He starts hopping.**

Alan Shore: Oh, my God.

Judge Raymond Hanney: Members of the jury this concludes your service. You are dismissed. **Jerry tries to stop hopping. He is almost successful.** This court stands adjourned.

Jerry Espenson: Thank you. **He throws his arms around Alan in a bear hug.** Thank you, thank you, thank you. **Alan smiles as he pats Jerry.**

At Crane, Poole and Schmidt, a Halloween party is in full swing. Coho is dressed as a WWI aviator; Paul is Cardinal Richelieu and Brad is wearing the uniform of General George Patton. Denny, Alan and Claire are dressed as The Lennon Sisters.

Denny Crane: **Stunned.** You won?

Alan Shore: Don't ask me how. The jury must've just...

Denny Crane: Ignored the law like total Commies.

Alan Shore: Exactly.

Claire Simms: Maybe they had reservations about the death penalty in general.

Denny Crane: See? That's why we're perceived as soft on terror. We can't even kill our own people.

Alan Shore: Where's your daughter?

Denny Crane: The paternity test is still pending.

Claire Simms: Who's your daughter?

Denny Crane: Never mind.

Alan Shore: My stomach feels bloated. I hope I'm not getting my period. **He notices Melissa dancing with Brad.** Oh

Claire Simms: What?

Alan Shore: Sally's gone. Melissa's gone.

Alan looks to Claire.

Claire Simms: Forget it, horny toad.

Outside a haunted house lightning flashes and wolves howl. A door creaks as Denise and Shirley go inside and through fog on the floor, they start moving from room to room.

Shirley Schmidt: Oh, brother. This is one of the most ridiculous things I've ever done in my life.

Denise Bauer: Let's go down here.

Thunder is heard outside, something screeches, and the image of a ghost is projected behind them for a moment.

Denise Bauer: What was that?

Shirley Schmidt: What kind of cult gets off on something like this?

Denise Bauer: I don't know. **They see a skeleton sitting at a table.** You suppose that's real? **She strokes the boney hand on the table.**

Shirley Schmidt: **Uncomfortable.** I don't know. Why aren't we letting the police do this?

They see a mannequin on the wall. They are startled when the mannequin's head turns to toward them and gasps.

Shirley Schmidt: None of them look like Daniel. There's gotta be better way to get closure than this.

Denise Bauer: Well, we're here now, so let's just get through it.

Shirley Schmidt: Shouldn't you be grieving for this man instead of out looking for his head?

Denise Bauer: Whoa! Oh! **She looks closely at two heads displayed in built-in case in the wall.** Uh... I thought for a minute it was him.

They walk further. Shirley sees a frame on the wall. Something flashes.

Shirley Schmidt: Oh!

Denise Bauer: What?

Shirley Schmidt: No, I've...

Denise Bauer: What?

Shirley Schmidt: Nothing. Just for a second... in that box I thought I saw a head that resembled... just my imagination. **There's another flash.** Oh my God.

They both bend down closer to the frame on the wall. Everything is black. The view changes so that now from inside the hole in the wall, we see them looking in. There is another flash; we see the back of the head that is facing Denise and Shirley. They both scream long and loud. They stand up, look at one another and scream again.

At the courthouse car park, in the underground car park, as Judge Gilbert Potts is walking toward his car, a beep is heard as the door is unlocked, he opens the door, throws in his briefcase and just when he is ready to sit into his car he is hit on the head with shovel. He falls to the ground and is motionless.

Lincoln Meyer: Oops. I didn't see you there, Judge. **He turns away smugly.**

At Crane, Poole and Schmidt, out on the balcony having a drink and cigar.

Denny Crane: I have long fanaticized getting in one of the Lennon Sisters' dresses.

Alan Shore: Me too. **A beat.** Ever wonder how you'd be as a woman, Denny?

Denny Crane: I'd be a lesbian.

Alan Shore: Yes. Do you think we'd look at the world differently? I mean, it is a man's world still. I would imagine, at a minimum we'd be more vulnerable. And physically...

Denny Crane: We'd have our own breasts to fondle.

A beat.

Alan Shore: I bet you'd feel differently about capital punishment.

Denny Crane: Why?

Alan Shore: Denny! **He chuckles.** You get emotional over the odd bowl movement. Suppose you gave birth? I would think your appreciation for human life...

Denny Crane: Franz Kafka said, "The meaning of life is that it ends." One day you're here, and the next...

They both look up as lightening flashes and is followed by rolling thunder.

Alan Shore: **He lifts his glass in a toast.** To Daniel Post. My loss.

Denny Crane: I didn't know you even knew him.

Alan Shore: I didn't. From what I gather, my loss.

Denny nods. Then sighs. A beat. He slowly turns his head to look over at Alan. Alan looks at Denny, Denny smiles.

Alan Shore: You're not getting in this dress.