

Boston Legal

An Innocent Man

Season 4, Episode 2

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It's evening in Boston. In an empty courtroom, Katie Lloyd is practicing her opening in front of Alan Shore and Jerry Espenson.

Katie Lloyd: We have what is called a presumption of innocence in this country but I doubt many of you presume Joseph Washington is innocent. I mean, when you think about it, he was arrested, brought to trial because the police and the district attorney are quite convinced he is guilty. And because the prosecution gets to go first, the twelve of you might be equally predisposed, if you're not already, long before the defense gets to present its side.

Alan Shore: Stop. *Leans forward.* Why make that concession?

Katie Lloyd: Well, I thought better to share with them the idea it's OK to think he's guilty--

Alan Shore: *Shakes his head firmly.* Never concede that your client looks guilty and NEVER give the jury permission to think so. The police are serving up Joseph Washington, because they've got nobody else. That's why we're here--a rich doctor's wife was killed in a safe neighborhood. Somebody's gotta go to jail, whether it's the right person or not.

Katie Lloyd: But wouldn't it help our credibility if we admit, OK, he looks guilty—

Alan Shore: But guilt is a legal term, Katie. It suggests that the prosecution has met its burden.

Katie Lloyd: Really, you should do this.

Alan Shore: I would, but the client insists on you.

Katie Lloyd: Or--or Jerry?

Alan Shore: No. You. *Looks at watch.* This thing starts in 10 hours. Are you a lawyer or not?

Jerry raises his eyebrows and nods in the affirmative.

Katie Lloyd: I'm a lawyer.

Alan Shore: *Nods approvingly.* Yes. You are. The twelve people sitting in this box need to trust you when you say 'Let my client go.' That will never happen if you don't trust yourself. *Katie nods knowingly, as does Jerry.*

Alan Shore: Shall we listen to it from the top?

Katie Lloyd: OK. *Takes a deep breath.* Good morning, ladies and gentlemen. *Steps toward jury box.* We have what is called a presumption of innocence in this country--

Katie looks faint and collapses to the floor; Alan leans over the rail, reaching his hand toward hers.

Jerry stands up, hands pressed to his thighs as Alan helps Katie to her feet.

Katie Lloyd: *Taking a breath.* I'm OK.

Alan Shore: *Glancing at Jerry.* Oh dear.

Jerry, flustered, begins to purr loudly.

Opening theme begins.



Shirley and Alan stride through the hallways of Crane, Poole & Schmidt.

Shirley Schmidt: What do you mean, she fainted?

Alan Shore: *Shakes his head disbelievingly.* She didn't completely lose consciousness, but—

Shirley Schmidt: Where is she now?

Alan Shore: At the courthouse. She went in early to get comfortable with the room and--

Shirley Schmidt: And Jerry?

Alan Shore: Purring away. He'll take the first witness, and give Katie time to find her sea legs and then he'll do the closing.

Shirley Schmidt: Alan, do, do they have any chance here?

Alan Shore: If they can establish that the client and the victim were lovers, it may allow them to point suspicion at the husband.

Shirley Schmidt: Can...they establish that?

Alan Shore: **Sighs, unsure.** So far all they have is the client's word. Katie is going to see the victim's therapist today, maybe he can confirm it. **Checks his watch.** I need to get to court. **Walks faster.**

Shirley Schmidt: Uh, Alan. **Grabs his arm to stop him.** Wait a second. I just have to talk to you about something first.

Alan stops and looks at her.

Alan Shore: Who's suing you now?

Shirley Schmidt: Uh, nobody, it's just, uh, with Denise on extended maternity-- **Alan nodding.** Things being busier here, I've hired another associate.

Alan Shore: Great. A woman, I hope.

Shirley Schmidt: **Looking guilty.** Yes.

Alan Shore: One who likes to be teased and tempted. **He presses the call button for the elevator.**

Shirley Schmidt: **Raising eyebrows, smirking.** Loves it.

Alan Shore: Then I can't wait to meet her.

Shirley Schmidt: See, you HAVE met her.

Alan looks back as if to question her as the elevator doors open, and Lorraine Weller emerges.

Shirley Schmidt: Ah, Alan - Lorraine, Lorraine—ah, Alan.

Alan turns around to see Lorraine carrying her briefcase with some files under her arm.

Lorraine Weller: **Smiling.** Hello Alan, still looking well. **Alan is caught short, then realizes she's the new hire. Doing a double take, he looks back at Shirley, pointing at Lorraine.**

Alan Shore: Is this a joke?

Shirley Schmidt: **Avoiding Alan's stare.** Uh, it's not a joke, she's, a, er, great attorney. Perhaps it's a little



funny. **Rolling eyes.** But it's not a joke.

Alan Shore: But funny? To whom?

Alan glares at her, turning back to Lorraine who seems amused.

Shirley Schmidt: To me. And maybe Lorraine sees the humor in it. Do you, Lorraine?

Lorraine Weller: **Still smiling.** Ha, ha.

Alan swallows, still gazing at her, then looks away, adjusting his tie.



Inside Judge Gloria Weldon's courtroom, Brad Chase is interrogating a physician witness. We see a photo of a female strangulation victim.

Doctor Okubo: Strangulation actually crushes the larynx, the wind pipe. It forces pressure into the eye sockets. Sometimes the eyes have been known to pop out. **Alan shakes his head as he checks the jury's reaction.** Death can take up to two minutes. To me, I've always thought it takes a particular kind of sociopath to kill this way.

Katie Lloyd: **To Jerry** Shouldn't we be objecting?

Jerry Espenson: I'd rather not.

Doctor Okubo: When you think of it, you look at your victim, staring into her eyes, as you're squeezing the life out of her. You watch her profound suffering. It's the essence of depravity.



Brad Chase: Thank you, Doctor.

As Brad goes back to his seat, Alan waves jovially and Brad returns a very subtle wave. Jerry grabs his wooden cigarette, takes several puffs before getting up and then walks in precise, measured steps, hands on thighs, toward the witness stand. His questions are rapid-fire.

Jerry Espenson: Your testimony



smacked of psychology. Are you a psychologist, Doctor?

Doctor Okubo: *Smiling slightly.* No.

Jerry Espenson: Are you a behavioral scientist?

Doctor Okubo: *Scratches his chin.* No.

Jerry Espenson: I'm curious as to why you didn't just stick to medical findings. Do you have any medical findings that point to my client as the killer?

Doctor Okubo: His semen was in the woman.

Jerry Espenson: That's evidence of sex, not murder.

Doctor Okubo: Evidence of rape.

Jerry Espenson: Did your findings conclude that a rape had occurred doctor?

Doctor Okubo: There was vaginal bruising.

Jerry Espenson: Minimal vaginal bruising according to your report, which could be consistent with consensual intercourse, am I correct?

Judge Weldon looks from Jerry to the witness.

Doctor Okubo: I suppose.

Jerry Espenson: *Nods, satisfied.* Nothing further.

The doctor looks a bit dismayed as Jerry returns to his seat, retracing the precise route previously taken, adding a hop and a squeal. Katie looks unsure, Alan restrains a grin.



Judge Weldon opens the door to her chambers, followed by Alan.

Judge Weldon: What are you doing sitting back there?

Alan Shore: I'm monitoring.

Gloria sits on the edge of her desk, in her robe, looking at Alan.

Judge Weldon: Do you have an answer yet?

Alan Shore: To what?

Judge Weldon: Our baby. *Smiling.* Are we having one?

Alan Shore: *There is a pregnant pause as Alan looks at Gloria for a moment.* Gloria, I suspect that the decision to have a child falls into the life-changing category. **Gloria nods.** Do you really mean to rush me, given the

fact that it's ... me?

Judge Weldon: Yes. We've been together long enough. Are you in or out? **She looks inquisitive. Alan looks a bit surprised by what she just said.**

Alan is looking out his office window, speaking to Denny who is seated in front of Alan's desk.

Alan Shore: *Shakes head in dismay.* Can you imagine, putting it to me like that?

Denny Crane: Here's the thing about women, Alan. Their eggs and their brain cells dry up all at the same time.

Alan cringes. And here's the thing about that woman—she's a psycho.

Alan Shore: Gloria?

Denny Crane: She's a total nut-job, trust me on this. *Shrugs casually.* Of course, you happen to go for total nut-jobs.

Alan is nonplussed now. The door opens and Lorraine Weller walks in.

Lorraine Weller: Excuse me. Free for dinner?

Alan stands and buttons his jacket.

Denny Crane: I am. *Standing quickly.*

Alan Shore: Denny, would you excuse us please...?

Denny Crane: I know this wonderful restaurant, we could leave right now. We can take the elevator.

Lorraine gives Denny no reaction, but looks over to Alan.



Alan Shore: Denny, please...

Denny Crane: *Takes Lorraine's hand, raising it to his lips.* Welcome to the firm. *Kisses her hand.* Denny Crane.

Lorraine Weller: Enchanté. *Unflustered.*

Alan, in the background, rolls his eyes and mutters.

Alan Shore: Oh, God...

Denny Crane: Me too.

Denny starts to leave, turns back to give Alan a "WOW!" look. Alan scowls. The office is dimly lit. Lorraine still stands by the door facing Alan across the room. Neither speaks for a moment.

Lorraine Weller: I'm not stalking you, if that's your concern.

Alan Shore: Why are you here, with that ... neck, and those...eyes, and, all the rest. **He moves toward her.**

Lorraine Weller: I came here to practice law, Alan. **Stepping toward him.** No need to worry about me. **She stands directly in front of him, looking down into his eyes; he moans ever so slightly.** Need we worry about you?

Alan's takes her face in his hands and pulls her toward his lips. His hand slides over her hair, then on her back, holding her as he leans to kiss her, her hands in his hair, but he pulls himself away, moaning. They turn away from each other to try to avoid temptation.

Alan Shore: **Walks away, then walks toward her again.** We can't do this. **Breathlessly.**

Lorraine Weller: **Shaking her head unconvincingly.** Never. **She walks toward him again, and Alan takes her in his arms, wrapping an arm around her waist, his fingers in her hair as they kiss passionately, tumbling into one another, then into a chair, still kissing fervently.**



Inside the office of Dr. Wood, psychiatrist to Ann Rivers, the murder victim.

Katie Lloyd: I really appreciate you seeing me, doctor.

Dr. Wood: I'm not sure it will do you any good.

Katie Lloyd: I understand you treated Mrs. Rivers for about three years?

Dr. Wood: **Standing behind his desk, leaning on the back of his chair.** I did.

Katie Lloyd: And during that time did she ever mention a romantic relationship with Joseph Washington?

Dr. Wood: Miss Lloyd, anything a client tells me is privileged. Certainly you must know that.

Katie Lloyd: Of course. **He gestures as if to say, 'and?'** Doctor, I have enormous respect for your desire to maintain confidentiality, but I have a client I believe is being falsely accused of murder. If I cannot establish this affair--and right now I cannot--he may very well be convicted. I'm a bit desperate.

Dr. Wood: **Sighs.** I'm sorry.

Katie Lloyd: If you were subpoenaed and called to the stand, can I at least count on you to tell the truth?

Dr. Wood: **Lightly chuckles.** Counselor, you have no idea what the truth is. **Stares at Katie, who stares back, then looks down.**



Alone in the Crane, Poole & Schmidt kitchen, Lorraine opens a sugar substitute packet.

Denny Crane: That stuff'll kill ya. **Steps up beside her.** There is a great Espresso cafe across the street. Le-lemme take you. **Smiles innocently.** We could go down in the elevator, come back up—**Bobs his head, smiling.**

Lorraine Weller: **Unfazed, smiles.** Alan told you about our little encounter?

Denny Crane: **Nods.** Mmm. Out of guilt, he needed the comfort of a friend. He's in a very SERIOUS relationship, you know this. **Steps closer, looking at Lorraine's chest.**

Lorraine Weller: Your hand is on my hip.

Denny Crane: Incidental contact. **Removes his hand rapidly and holds it up, clear of her.** Listen, Alan has trouble with fidelity. Oh he can be loyal to his friend, he would never betray me for example, but ... women—**looks into her eyes momentarily then returns to her cleavage** I try to help him as best I can.

Lorraine Weller: He's lucky to have you.

Denny Crane: Bottom line, er, he'd never be able to resist you for Gloria, **blustering, hands poised to hold her breasts** mmm the only way he'd be able to keep his hands off you would be if, er, you became involved with a close friend.

Lorraine continues to listen, placating him.

Denny Crane: Say, his best friend. **Steps forward again.** Say, me.

Lorraine Weller: **Calmly.** You're standing awfully close, Denny.

Denny Crane: **Softer, urging.** Sleep with me. For Alan.

Inside Judge Gloria Weldon's courtroom, we see a crime scene photo of a murdered woman. Brad Chase is questioning Detective Berenson.

Brad Chase: So the victim was in this position and condition when you arrived on the scene, Detective?

Detective: Yes, we immediately recognized it as a strangulation.

Brad Chase: Did you have any immediate leads, sir?

Detective: **Nods in Washington's direction.** The neighbors saw the custodian, Joseph Washington, entering the premises around five p.m. Upon searching his locker, we found traces of blood that ultimately matched that of the victim. Upon questioning the defendant, he admitted to raping and murdering Mrs. Rivers. DNA analysis eventually positively identified the semen as being his.

Brad Chase: Thank you, sir. **Nods and turns to go back to his seat, sees Alan grinning and waving at him again from the row behind the defense table; Brad pauses, then returns to his seat, without a change in his serious expression.**



Jerry Espenson: **To Katie.** Are you OK?

Katie Lloyd: **She nods.** Yes.

Judge Gloria Weldon seems to study the girl, now taking a deep breath, getting up to cross the witness. Jerry looks back toward Alan, who watches Katie as she walks to the stand, her hands folded in front of her, prim and proper.

Katie Lloyd: If I may ask, was the blood found on the inside or outside of Mr. Washington's locker?

Detective: The outside.

Katie Lloyd: So if someone had endeavored to make it look like Joseph

Washington had killed her, they could have spattered a droplet or two.

Detective: He also confessed.

Katie Lloyd: Yes, as I understand it, he protested his innocence for 36 hours, while being sleep deprived, after which he voluntarily confessed. The extent of his confession was, 'Ok, I did it. Whatever.'

Detective: It was voluntary and genuine.

Katie Lloyd: Did you consider anybody else?

Detective: No, he was seen entering her apartment around the time of the murder. The immediate focus was on him. And when the semen was determined to be his, and the blood on his locker determined to be hers, he became our only suspect. And he confessed.

Katie Lloyd: So he was the only one you really investigated?

Back at CP&S, Alan accompanies Shirley into her office.

Alan Shore: Where'd you find this Katie?

Shirley Schmidt: Not every great young lawyer comes out of Harvard, Alan. **Shirley smirks as she sits on her sofa, putting her feet on the table.**

Alan Shore: **Sits.** Where did this one come from?

Shirley Schmidt: Harvard.

Alan chuckles.

Shirley Schmidt: So, are we having a baby? **Alan raises his eyebrows in feigned surprise.** Denny talks.

Alan rolls his eyes, shaking his head amused, but becomes serious as he responds.

Alan Shore: Did you ever struggle with the question of having children, Shirley?

Shirley Schmidt: **Smiles, assessing the nature of his question.** Is it that you don't WANT kids, Alan, or the idea of having them with Gloria?

Alan Shore: **Laughs nervously, swallows hard.** I come from a long line of dreadful fathers. **Shirley offers a half smile in response to his half-hearted attempt at levity.** My great grandfather, my grandfather, my father-- With each generation they got worse. **He begins to look pained.** And me, well—**He glances upward, attempting to make light of pain.**

Shirley Schmidt: **Gently shaking her head.** You don't think you'd make a good father?

Alan looks at her again, fingers subtly rubbing the fabric on the chair arm. Jerry approaches the doorway.

Alan Shore: I think a child might get a little lost with me leading the way. **He now looks at Shirley with amused resignation. She takes in his words before looking toward Jerry.**

Shirley Schmidt: Jerry?

Jerry Espenson: **Apologetically.** I'm very sorry to intrude. Alan, we need to go.

Alan Shore: Right.

Alan sighs, nods to Shirley before turning to go. Shirley watches him, considering his words.

In Judge Gloria Weldon's courtroom, Dr. Rivers, the victim's husband, is on the stand for direct by Brad Chase.

Dr. Rivers: I entered our apartment just before six o'clock. I called out to Ann but there was no response, which was odd because we had planned to have an early dinner. I went into the living room, and there she was. Her eyes were bulging and open ... she was dead.

Brad Chase: Sir, did you have any thoughts about who could have possibly done this?

Dr Rivers: I knew who did it. Joseph Washington.

Katie and Jerry exchange looks of surprise at the doctor's statement.

Brad Chase: Why, Doctor?

Dr Rivers: My wife had recently complained to me that he had been paying her an unusual and untoward interest. She felt he was becoming obsessed, and she was becoming frightened of him.

In the courthouse conference room, Jerry is pacing anxiously.

Katie Lloyd: Turns to Jerry, shrill and outraged. Why would he lie like that? I specifically asked him before 'Do you have any reason to suspect Joseph' and he said 'No.' You heard him Jerry.

Jerry Espenson: Nods, quickens pace. I did. Liar! Liar!

Alan Shore: OK, you two need to take a breath.

Jerry Espenson: Liar!

Alan Shore: Jerry, stay! **Alan raises his hand to halt Jerry, and Jerry stops.** Witnesses lie, this one did. Either he is the real killer or the prosecution told him they wobble on motive and he decided to bolster their case. Husbands have been known to be biased against their wives' killers. **He looks directly at Joseph.**

Joseph Washington: Can barely restrain his frustration. I didn't kill her.

Katie Lloyd: So what do I do?

Alan Shore: Well, you can call Jerry to establish a lie, but in doing so he becomes a witness and would be disqualified as a lawyer. I would simply accuse the doctor of lying, try to make him squirm. I would also ask him if he knew his wife was having an affair with Joseph. It's a fact not in evidence, but so what? The question itself will score. Then cross him on the timeline.

Katie Lloyd: Should I accuse him of being the killer?

Alan Shore: That I wouldn't do. You can't prove it and we can't have you coming off as the bad guy, since Joseph seems to have that well in hand. **He gestures to their client; Katie rolls her eyes.**

Katie Lloyd: It doesn't sound like much.

Alan Shore: You haven't GOT much. All you can play for here is reasonable doubt, and you have GOT to stay calm.

Katie hangs her head; Jerry sighs.



Alan guides Katie through the gauntlet of clamoring press in the courthouse corridor. Then, back in the courtroom, Katie begins her cross of Dr. Rivers.

Katie Lloyd: When I spoke to you, Doctor, you said nothing about your wife feeling frightened. In fact, you stated that she had made no complaints about my client.

Dr Rivers: I had made a decision not to cooperate with someone who was trying to secure the freedom of the man who had raped and murdered my wife.

Katie Lloyd: Swallows. Doctor, did you know that your wife and Joseph

Washington were having an affair?

Jerry inhales deeply, the spectators murmur, and Brad stands to object, but refrains as the witness replies. Jerry exhales with relief.

Dr Rivers: I had no such knowledge.

Katie Lloyd: You said that you went into your apartment just before six o'clock.

Dr Rivers: Yes.

Katie Lloyd: Video surveillance in the parking garage showed you in the parking lot at 5:20. What were you doing for forty minutes, Doctor?

Dr Rivers: Finishing up a phone call with a colleague on an oncology consult. I spent the duration dictating my notes and conclusions.

Katie Lloyd: Looks intense, as Jerry looks worried. Doctor, did you kill your wife and attempt to frame my client?

Brad Chase: Instantly rises. Your Honor?

Judge Weldon: Overruled.

Dr Rivers: **Disdainfully.** I did not kill my wife.

Katie Lloyd: The question didn't seem to offend you.

Dr Rivers: **Bitterly.** The question doesn't shock me because you tipped your hand when you came to my office. You revealed who and what you are then.

Jerry looks flustered while Katie, looking like a deer in headlights, stares back at the doctor. Alan leans back, checking to see how that last bit played with the jury, seeing some appear uneasy.

Katie Lloyd: I have nothing further.

Brad Chase: No redirect, your honor.

Judge Weldon: You may step down, Doctor. Mr. Chase?

Brad Chase: Defense rests, your honor.



In a courthouse conference room, Katie appears flustered, afraid she's blown it.

Katie Lloyd: I'm so sorry. I felt the cross was so utterly anemic and I remembered your advice about how a question alone could be effective, and I just suddenly got the idea to accuse him.

Alan Shore: You didn't remember the advice about not looking like the bad guy?

Jerry, leaning against the window sill, stomps his foot with a sour look, which Alan notices.

Alan Shore: OK. **Takes a seat, looks over at their client.** Joseph, look at me.

Joseph reluctantly meets his gaze. My guess is second degree is still on the table. Now would be the time-

Joseph Washington: **Cuts him off.** No. I can take the stand.

Alan Shore: In which case all of your prior felonies will be introduced.

Joseph Washington: Well I'm not gonna plead. I didn't kill her. I won't say I did. I'd rather spend the rest of my life in jail than...

Katie looks down, then back at Joseph.

Joseph Washington: I won't say it.

Alan Shore: **Pauses.** What about the victim's therapist?

Katie Lloyd: I subpoenaed him. I have no idea what he'd say.

Alan Shore: Do you have an instinct?

Katie Lloyd: I think he'd tell the truth.

Alan Shore: The truth being...that they were lovers...

Katie Lloyd: Yes.

Alan Shore: **Groans, shakes his head.** Never, ever call a witness if you don't know what he or she are going to say.

Katie Lloyd: But--

Alan Shore: But I don't think you have any other choice here.

Everyone looks resigned.

Back in the courtroom, Dr. Wood is sworn in.

Bailiff: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Dr Wood: I do.

Bailiff: Be seated.

Katie Lloyd: Good afternoon, Dr. Wood. It should be pointed out that you are here today courtesy of a subpoena, is that correct?

Dr Wood: It is.

Katie Lloyd: In the course of your practice, did you treat Ann Harris Rivers?

Dr Wood: I did.

Katie Lloyd: Without revealing content, did she discuss her marriage?

Dr Wood: She did. **He shifts slightly in his seat.** Perhaps you want to stop there.

Katie Lloyd: I could, but you struck me as a very principled man, and the idea of an innocent man going to prison -

Brad Chase: Objection!

Judge Weldon: Sustained. **Judge Weldon glances toward Alan who glanced at her.**

Katie Lloyd: Doctor, did Mrs. Rivers ever discuss my client, Joseph Washington?

Dr Wood: She did.

Katie Lloyd: **Swallows hard, voice cracking.** What did she say?

Brad Chase: Your Honor, she's asking the witness to break privilege.

Katie Lloyd: The patient is dead, privilege can be waived.

Judge Weldon: I'll allow the question.

Katie Lloyd: What did Mrs. Rivers tell you about my client, Joseph Washington?

Dr. Wood hesitates.

Judge Weldon: Please answer the question, Doctor.

Dr Wood: She said that she and Mr. Washington were lovers.

A rumble passes through the courtroom.

Katie Lloyd: I have no further questions.

She returns to her seat; Jerry nods.

In Alan's office, he and Denny face one another.

Denny Crane: I didn't proposition her, I merely asked her to sleep with me.

Alan Shore: Denny, how would you feel if I asked Shirley to sleep with me?

Denny Crane: Well, Shirley's the great love of my life-- **Alan glaring.** Lorraine is just somebody you rode in an elevator--

Alan Shore: No! no! no! no! She's MUCH - **He cuts himself off.** I don't want YOU coming on to her!

Denny Crane: Oh, great. **Shrugs, turns to look out the window.** How's Gloria?

Alan Shore: I'm not talking about Gloria.

Denny Crane: I am. When are you going to tell her that you really love Lorraine?

Alan Shore: Lorraine was an affair. **Gestures emphatically.** There's a big difference between that and a committed relationship.

Denny Crane: Yes, affairs usually last longer.

Alan Shore: Oh, now who's the cynic?

Denny Crane: I am, you're the romantic -- you love Lorraine.

Alan Shore: **Flustered.** I do not love--

He is interrupted by a knock on his door.

Katie Lloyd: Excuse me. You said you wanted to see me.

Alan Shore: **Regains composure.** Yes. Denny was just leaving.

Denny Crane: No I wasn't.

Alan Shore: **Glaring.** Yes, you were. **Denny recovers quickly, flashes a confident grin, and gestures to himself.**

Denny Crane: Big Kahuna. Name on the door.

Alan sighs as Denny leaves, gestures for Katie to take a seat.

Alan Shore: Katie, on the heels of the therapist's testimony, I think you may have enough for reasonable doubt.

Katie Lloyd: Really?

Alan Shore: You may. The question is, obviously, whether to call Joseph to the stand.

Katie Lloyd: He's the only one who can explain the confession.

Alan Shore: True, but once he gets in the chair, the floodgates open on his priors, which is why my gut says don't call him.

Katie Lloyd: My gut says otherwise. I beg your pardon.

Alan Shore: Katie, he doesn't have the most pleasant demeanor.

Katie Lloyd: When I first laid eyes on him, I saw a beast. That may very well be what the jury saw. **Alan takes in her words.** And--and perhaps still sees. But when I listened to him, when I talked to him, I got a glimpse of his humanity, and believe it or not, his gentility. I'd like to afford the jury that glimpse--to see how deeply, deeply human this man is.

Alan Shore: You really think you've got an innocent man here?

Katie Lloyd: I know I do.

Alan Shore: Then call him to the stand.

Inside Judge Gloria Weldon's courtroom. Joseph Washington is on the stand for direct from Katie Lloyd.

Joseph Washington: The affair had to be very secret. She didn't want anybody to find out. We always met at her apartment.

Katie Lloyd: On the evening of her death, you were there?

Joseph Washington: I arrived just before five and left a little before six.

Katie Lloyd: What happened whilst you were there?

Joseph Washington: We were intimate.

Katie Lloyd: You made love.

Joseph Washington: Yes.

Katie Lloyd: Mr. Washington, after her death, the police arrested you... you confessed to this crime. Can you tell us why?

Joseph Washington: The police kicked in my door, told me I did it, put me in a room, then after keeping me awake for two days, making me drink coffee, not letting me sleep --

Katie Lloyd: Did you tell them that you and the victim were lovers?

Joseph Washington: They didn't want to hear none of that. They kept saying that they were not going to let me out of that room, until I said I did it. Finally ... I ... I just gave up. You know they had their minds all made up and I just wanted them to leave me alone, so I said whatever.

Alan leans back, surveying the jury.

Joseph Washington: Then they gave me a lawyer and he didn't want to hear the truth either. He just wanted me to plead guilty so he could be done with it. The same with the lawyer after him, and the lawyer after him!

Katie Lloyd: So you confessed to something you did not do

Joseph Washington: I confessed to something *I did not do*.

Brad steps up for cross examination.

Brad Chase: Mr. Washington you were convicted of rape in 1985.

Joseph Washington: Date rape, and I was innocent--

Brad Chase: You were convicted. Yes or no?

Joseph Washington: **Frustrated, looks to the judge.** I'd like to explain--

Judge Weldon: Go ahead.

Joseph Washington: She was sixteen, I was seventeen. She was my girlfriend and she was white. Her father walked in on us, while we—**Hesitates**. She--she claimed that I raped her. I did not.

Alan looks again to the jury, again seeing no reaction.

Brad Chase: So you were convicted of rape in 1985. You were convicted of armed robbery in 1989?

Joseph Washington: I was a drug addict back then.

Brad Chase: You were convicted of armed robbery, yes or no?

Joseph Washington: Yes.

Brad Chase: You were convicted of aggravated assault in 1991?

Katie and Jerry exchange worried glances.

Joseph Washington: I was attacked in prison, I fought back.

Brad Chase: So you were not at fault in any of these arrests?

Joseph doesn't respond, but simply looks over at Katie.

Brad Chase: How did Mrs. Rivers' blood get on your locker?

Joseph Washington: Someone put it there. I was framed.

Brad Chase: It was only microscopic traces; if someone had wanted to frame you, shouldn't it be visible to the naked eye?

Joseph Washington: Whoever did it was smart.

Brad Chase: **Nods dubiously.** Got it. So ... in review, you didn't do this one--you were framed. You didn't commit the rape--the victim made it up. As for the robbery, you were on drugs. Aggravated assault--self defense--

Joseph Washington: I loved Ann Rivers --

Brad Chase: Move to strike.

Joseph Washington: Oh, you don't wanna hear that.

Brad Chase: Your Honor -

Joseph Washington: The *police* didn't want to hear that--

Judge Weldon: Mr. Washington--

Joseph Washington: **Shouting angrily.** All anyone wants to hear is that I killer her! Well, I did *not* kill her. And I don't care if everybody's mind is made up. I did *not* take this woman's life!

Katie Lloyd: **Calmly, to get his attention.** Joseph.

Joseph Washington: **Takes a deep breath, looks at Katie, sees the jury watching him closely.** I am innocent of this crime.

All eyes are on him; Katie sighs disappointedly.

At Crane, Poole & Schmidt. Carl Sack is walking down the hall, sees Lorraine Weller in her new office unpacking her books, and steps in to speak with her.

Carl Sack: Lorraine. **She turns toward him.** Getting settled okay?

Lorraine Weller: I am, thank you. **Turns back to her boxes.**

Carl Sack: Finding everything okay? Finding... Denny okay?

Lorraine Weller: Denny seems to keep finding me.

Carl Sack: I'll speak to him.

Lorraine Weller: Sure. **She returns again to unpacking.**

Sack starts to turn and leave, but turns back, eyeing Lorraine and her long taut legs in her tight black skirt. Lorraine senses him still there, looking at her.

Lorraine Weller: **Without turning around.** Anything else? **Sack seems surprised that she knew he was still there. He turns and leaves without a word. Lorraine cocks her head slightly as he goes, continuing with her unpacking.**



Jerry is in his office, in near darkness, mouthing silent words. Alan walks past and sees him standing there.

Alan Shore: Jerry. It's almost midnight.

Jerry Espenson: I'm visualizing my closing.

Alan Shore: Ah. You ready?

Jerry Espenson: I'm thinking of using the wooden cigarette. I'm not sure without it.

Alan Shore: **Sits.** You're very good with the cigarette prop. But I think you are ... at your best ... when you speak as yourself. **Jerry listens.** You need to be at your best tomorrow, Jerry. You're not going to win this with razzle dazzle. **Jerry takes in his friend's words.** Speak to them from your heart. Do you believe in your client?

Jerry Espenson: **Nods.** I do. I really do.

Alan Shore: Well, then tomorrow you simply need to ... believe in yourself.

Jerry nods appreciatively, and watches Alan pick up his briefcase and start to leave. Jerry realizes he has to speak.

Jerry Espenson: You were wrong with Shirley.

Alan Shore: Sorry?

Jerry Espenson: I think you would make a wonderful father. **Alan looks at his friend, who seems at a loss for words.** I can't imagine a better parent to lead the way.

Alan Shore: Thank you, Jerry.

Alan leaves as Jerry resumes visualizing his closing.

Inside Judge Gloria Weldon's courtroom as Brad begins his closing.

Brad Chase: I guess if we were to accept Mr. Washington at his word, he would be the most unlucky guy I know. Dating a girl in his high school, she accuses him of rape so she wouldn't get in trouble with her dad—that's unlucky. Becomes a drug addict—can't feed his habit unless he robs someone. Bad break there. In prison, he's forced to split a man's head open ... another unfortunate bounce. Then the woman committing adultery with him just happens to turn up dead, *and* she gets killed at the same time he's in the apartment with her having either consensual or nonconsensual sex with her. Could he be any more cursed? Well, actually ... I guess so. Traces of her blood were found on his locker. Now what are the odds of that? Now with all this bad luck, this sure would be the wrong time to confess to something he didn't really do, wouldn't it? Now, how pathetic ... how desperate that they stoop to accusing the victim's grieving widower-- but I guess that falls in line with the rest of their logic, doesn't it? I mean, it's not the man with the violent criminal past who was last seen with her--no, it's the man with no criminal record--the one with no motive, the one who cures cancer for a living. We just arrested Joseph Washington because we're evil. Now you need to go into that room and decide who is evil. Mr. Washington isn't here today because he's a little down on his luck. He committed murder.

Jerry walks slowly to the jury box, hands on thighs, his voice calm and confident.

Jerry Espenson: The fact is, while the police and the prosecution were maintaining rape, they summarily dismissed the notion of my client and the victim being lovers. They were. Ms. Rivers' therapist confirmed what Joseph Washington had been saying all along--what the police refused to so much as consider. The fact is my client was not the only person there at the time of the murder. Dr. Rivers was there. The fact is he entered the building 40 minutes prior to my client leaving. He said he remained in his car dictating some notes. Perhaps he was biding his time for the man he knew to be having an affair with his wife, to leave.

Mr. Chase maintains that Dr. Rivers had no motive. That simply is not true. If he knew his wife was being unfaithful, that's motive. The fact is Dr. Rivers never told the police he'd been waiting inside the building for almost 40 minutes. He never told anybody. We discovered that by looking at security tapes. The fact is ... he lied. He admitted lying to us when we questioned him about Joseph Washington. The fact is the prosecution cannot rule him out as the killer. The fact is, as Detective Berenson testified, they never investigated anybody other than my client because they simply presumed Joseph Washington guilty.

The police, the prosecution ... they're human and they make mistakes. They made one here. Now, in order to gain a conviction, the prosecution must prove guilt beyond a reasonable doubt. That's a very high standard, one we hold dear. **Gloria looks over at Alan.** One we set because we know that once we start allowing people to be convicted with less, it doesn't simply make prison more likely for the guilty, but the innocent as well. And the idea of an innocent man losing his life for something he did not do--We have such an innocent man here today. **Jerry turns toward Joseph.**

Many of us went to law school for this very privilege--to at least once, stand up in court for the innocent man. It is my heartfelt privilege to be representing Joseph Washington today. And even if you are so inclined as to presume his guilt, as does the prosecution, you must admit reasonable doubt exists. Another man was there at the time. A man who had motive, a man who wasn't totally forthcoming with the police, a man who admittedly lied to us, a man who waited in his car until Joseph Washington left. You simply cannot deny reasonable doubt exists. **Alan looks at Jerry with admiration and pride, as Jerry returns to his seat.**

Judge Weldon is at her desk in chambers, when there is a knock on the door. Alan enters.

Judge Weldon: Hello.

Alan Shore: Hello.

Judge Weldon: Some closing from your friend.

Alan Shore: Yes. **He nods and takes a seat, avoiding Gloria's gaze for a moment, as she looks at him.**

Both sigh.

Alan Shore: I can't have a child with you, Gloria.

Judge Weldon: **Looks down, away.** Oh.... OK. **Looks back at him.**

Alan Shore: Every woman I have ever loved, I have stopped loving. But with a child I think I would probably endeavor to stay, and with each ensuing day, I would become less and less--myself.

Gloria looks down, nodding, then looks back up at him, Alan looks away from her eyes.

Judge Weldon: Goodbye, Alan.

Alan Shore: Goodbye.

Both nod in acceptance before he gets up and leaves her office. Gloria leans back in her chair, disappointment on her face.

In a courthouse waiting room, Jerry, Katie and Joseph all sit quietly.

Joseph Washington: So how long does it usually take?

Jerry Espenson: It can vary.

Joseph Washington: Whatever happens ... I want to thank you, the both of you. Not long ago, I had given up on the idea of anybody believing me, believing *in* me.

Noise of crowd in the hall, as the door opens.

Alan Shore: They've reached a verdict.

Jerry Espenson: What?

Katie Lloyd: It's only been 30 minutes.

Alan Shore: Let's go.

Back in the courtroom, Judge Weldon has looked at the verdict and handed it back to the bailiff.

Judge Weldon: Let me warn everyone in this room, I will tolerate no disruption following the reading of the verdict. **She turns to the jury.** This verdict is unanimous?

Foreman: It is.

Bailiff: The defendant will please rise.

Jerry, Katie and Joseph stand.

Judge Weldon: I shall remind everybody there are two counts. **Alan looks at Gloria. She looks directly at Alan.** Until the foreman renders the verdict on both counts, let neither side celebrate prematurely. Mr. Foreman, what say you?

Foreman: In the matter of the Commonwealth of Massachusetts versus Joseph Washington on the charge of murder in the first degree, we the jury find the defendant--not guilty.

There is soft rumbling in the room.

Foreman: In the matter of the Commonwealth of Massachusetts versus Joseph Washington on the charge of murder in the second degree, we find the defendant--not guilty.

Jerry begins hopping happily; Katie looks stunned, then turns to hug Jerry. Joseph sits, also stunned.

Judge Weldon: Members of the jury this concludes your service. The defendant is free to go. We're adjourned. **Slams gavel.**



Alan walks toward the defense table, watching Gloria.

Alan Shore: Congratulations Katie. **Alan shakes her hand.** Well done, Jerry. **Shakes his hand, turning his attention back to Gloria as she leaves the stand, then back to his colleagues.**

Katie Lloyd: Joseph, did you hear the last part? You're free to go.

Joseph Washington: It's over?

Katie Lloyd: Just in time, because I'm just about to vomit.

Joseph Washington: **He stands and puts his arms around her.** Thank you. Oh, thank you so much.

Jerry addresses the media, wooden cigarette in his mouth, with smarmy voice and attitude.

Jerry Espenson: Give us a moment...what is it with you leeches? You crowd Scooter like that?

Brad blocks Dr. Rivers as he is about to leave.

Brad Chase: I'm sorry. I'd appreciate it if you didn't leave the jurisdiction, OK?

Jerry Espenson: **to media** Haven't we been through enough?

Brad Chase: **to Dr. Rivers** Is that a problem?

Dr. Rivers glares over Jerry, who removes his prop and looks back unflinchingly as the reporters continue to question him.

Dr. Rivers: No.



On Denny Crane's balcony.

Denny Crane: I can't believe they won.

Alan Shore: Denny, you should have seen Jerry, he was brilliant. So was the new girl.

Denny sighs, raising his cigar to his lips.

Denny Crane: You and Gloria leave it as friends?

Alan Shore: **Pregnant pause.** No.

Denny Crane: It's sad how you go from intimacy to nothing, cold turkey. I mean, how many people along the way, have true meaning in your life?

Alan's jaw flexes as he looks down into his scotch.

Denny Crane: And to suddenly have no contact, after ... it's sad.

Alan stares back out at Boston. Denny looks over at him.

Denny Crane: Alan... maybe Lorraine is here for a reason.

Alan Shore: I'm not going there, not a chance.

Denny Crane: I was thinking I was the reason.

Alan sighs and continues staring ahead at the skyline. Denny sighs yet again.

Denny Crane: I don't like this dibs thing. There's gotta be a statute of limitation on--

Alan Shore: There isn't. **Alan turns toward him. Denny pouts.** You have my word, I'll never frolic with Bev or Bethany.

Denny Crane: Or Shirley.

Alan raises his eyebrows.

Alan Shore: **without hesitation** Shirley's involved.

Denny turns to him, as Alan swallows his scotch.

Denny Crane: What are you talking about?

Alan Shore: Don't you ever wonder what Carl Sack's reason for being here is?

Denny reacts instantly, sitting up and fixing him with an incredulous look.

Denny Crane: Shirley ... and Carl Sack?

Alan Shore: I'd put money on it.



Denny Crane: **Looks away.** I'd shoot him..... You really think?

Alan Shore: I do. **He looks back at the Boston nightscape. Denny is dumbstruck.**

Denny Crane: I don't think I can handle that...**Alan doesn't respond, swallows, taking a deep breath.** I still love her.

Alan looks toward Denny and sees his friend's pain.

Denny Crane: In my heart I--I still believe that she's the one.



Alan Shore: After five or six wives, whatever the ... count-- you still believe in "the one"?

Denny Crane: That's the only belief that really matters.Shirley ... **He looks down in dismay.** And Carl Sack. Maybe she's using Carl Sack to get back at me?

Alan Shore: Must be that.

Denny Crane: Love is an ugly business my friend, ugly business-- And yet we live for it.

Alan Shore: Well, as you say, maybe it's the only thing that really matters.

Denny Crane: Ugly business.