

The Practice
Victims' Rights
Season 8, Episode 9
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Alan Shore is sitting in the back of a courtroom, writing on a tablet of paper. A girl comes up to him.

Anna Viorka: Excuse me. I'm sorry to bother you—are you a lawyer?

Alan Shore: I am.

Anna Viorka: My name is Anna Viorka, and I need a lawyer.

Alan Shore: I see. Do you have any money?

Anna Viorka: Um—some—twelve dollars.

Alan Shore: *(laughs softly)* I see. You know twelve dollars barely covers the time it would take me to say, "I can't help you." And since I've already said it, give me the twelve bucks.

Anna Viorka: I'm from Romania.

Alan Shore: That's a nice country. Beautiful castles.

Anna Viorka: I *don't* want to go back. Can you *please* help me?

Mr. Viorka: Anna. *(He sees Anna grip Alan's arm.)* What are you doing?

Anna Viorka: I'm not going back, dad.

Mr. Viorka: What do you mean, you're not?

Anna Viorka: I'm *not* going. *(to Alan)* Can you *please* help me?

Mr. Viorka: Anna!

Alan Shore: What's going on here?

Anna Viorka: If I go back to Romania, they'll force me to get married.

Mr. Viorka: Anna, let's go.

Alan Shore: *(grasps Mr. Viorka's arm, rises from his chair.)* One second, sir. *(to Anna)* What do you mean they're going to force you to get married?

Anna Viorka: They will, like they did with my sister.

Mr. Viorka: This is a family matter, let go of me.

Alan Shore: Mr Viorka your daughter is represented by counsel.

Mr. Viorka: *(jerks his arm from Alan's grip)* Sir, I'm sure you don't mean to make trouble.

Alan Shore: Oh, but I do. You're a foreigner. Take your hand off the girl, or I'll get you declared a person of interest, which means you'll be locked up forever without so much as a trial. Don't think I kid you. This is the United States of America.

Mr. Viorka: I'm about to call for the police.

Alan Shore: *(turning and calling across the courtroom to Judge Wilbur Stuckey, who is conferring with someone else at his bench)* Excuse me. I hate to interrupt, but this one's urgent, Your Honor. Alan Shore representing... *(he bends down to Anna)* Is it Anya?

Anna Viorka: Anna. Viorka.

Alan Shore: *(straightens, turns back to the judge)* Anna Viorka. Petition for political asylum. *Res ipsa duce.*

Alan is walking down the hallway with Eugene, towards the YF&B office.

Eugene Young: Where's the girl now?

Alan Shore: Custody in the INS. We have a hearing scheduled for two o'clock.

Eugene Young: Why were you even there?

Alan Shore: I was filing an appeal on a household matter, and stumbled across the girl and her father. **Opens the door to YF&B and enters.** Jamie, could you do some political asylum research for me? I need it quickly, and also dig up whatever you can on the Roma faith.

Jamie Stringer: Roma?

Alan Shore: **Taking off his coat.** R-O-M-A, yes. **Looking up.** Jimmy. Looking well.

Jimmy Berluti: Meaning what? **Alan walks past him, and Jimmy turns to Eugene.** He's always meaning something with his little comments. Enough with the comments!

Tara Wilson: **To Eugene.** Oh, you have a walk in. Lawrence Gilbert. He's in your office. He seems in need. **Eugene favors Tara with an exasperated look.**

Interior, Eugene's office.

Lawrence Gilbert: Nine months ago, my wife was murdered.

Eugene Young: I'm sorry.

Lawrence Gilbert: She had been stalked, and the police were unable to deter him, and eventually... She was stabbed in our home. I've just come from the district attorney's office. The trial is set to begin tomorrow, and I've just been informed by the district attorney that she intends to offer fifteen years. I'm here, wondering whether as the husband of the victim, I have any rights to enjoin this.

Eugene Young: Actually, you don't. Clearly, if you were to pursue the defendant civilly, you'd have rights, but in a criminal proceeding...

Lawrence Gilbert: What about—could we get it removed to a federal court? I know the federal government sometimes claims jurisdiction for murder cases so that they can impose the death penalty, which this man

deserves.

Eugene Young: Again, you would have no standing to try to influence a criminal prosecution.

Lawrence Gilbert: Do you think you could speak to this district attorney? **Hands Eugene a manilla envelope.** This is what he did to her. You can't do that to somebody, and only get fifteen years. Could you talk to this D.A.?

Eugene Young: Sure.

Lawrence Gilbert: Thank you.

Mr. Gilbert leaves and Eugene opens the envelope. He looks at the pictures, sitting down in his chair with a horrified look. The pictures are of a woman, dead and covered in blood.

Interior of a private room.

Alan Shore: **Sitting across from Anna at a table.** So. Let's talk about your sister. How old is she?

Anna Viorka: She was thirteen when she got married. Now she is sixteen.

Alan Shore: A-After she was married, um, did she and...her new husband...uh....?

Anna Viorka: Yes. My father waved the sheets with blood on them. **Alan looks shocked.** That's tradition, to show that the marriage was consummated.

Alan Shore: "Consummated" is a big word for a twelve-year-old to use.

Anna Viorka: There's some words I look up. That's one of them.

Alan Shore: Why is your English so good? You have no accent.

Anna Viorka: We lived with relatives in the United States for six years. My mother was a visiting professor at Amherst. And then we moved back two years ago, and we've been on vacation here for the last two weeks.

Alan Shore: Where does your mother stand in all this?

Anna Viorka: With my father.

Interior of the A.D.A.'s office.

A.D.A. Susan Alexander: You think I want to give him murder two? Look at my office. I'm obsessed with getting this guy. I am just facing the possibility that I won't. Walk with me.

Eugene Young: Why wouldn't you get him?

A.D.A. Susan Alexander: It's all circumstantial. **She grabs a file and she Eugene leave her office, and she closes the door behind herself.** No witnesses or forensics putting him in that house. **They start walking down the hall.** Worse case scenario is, he walks. I don't think Mr. Gilbert wants that to happen.

Eugene Young: Does this guy got any priors?

A.D.A. Susan Alexander: A ton. But if he doesn't testify, they don't come in, Eugene. **She stops and turns to face him.** Look. I am not saying that we're not going to get him. I'm just saying it's a risk. I've explained this to

your client. He's just too emotional to hear it. And by the way, the defendant turned down the fifteen. What does that tell you? ***She walks away from Eugene.***

Interior hallway of the courthouse. Alan and the Judge are walking.

Alan Shore: I notified the attorney general's office. They don't oppose.

Judge Wilbur Stuckey: ***Stops walking.*** Well, I do.

Alan Shore: ***Stops and turns to face the judge.*** Your Honor, all I'm asking is that the girl be questioned in chambers instead of a big, intimidating theatre. Come on.

Judge Wilbur Stuckey: The courtroom is where we conduct all our legal business, openly and notoriously, in keeping with the Constitution, and the intent of our founding fathers. I do all my business openly and notoriously, Counsel. All of it.

Alan Shore: How 'bout sex, Your Honor?

Judge Wilbur Stuckey: ***Unfazed by Alan's remark.*** You've brought before me a motion for political asylum, Counsel. That is a very serious piece of legal business. It will be tried and adjudicated in the courtroom. ***Walks away from Alan, who watches him go.***

Interior of YF&B conference room. Eugene and Gilbert are standing around the table.

Eugene Young: It's not that she won't get him; she very well may.

Lawrence Gilbert: On murder one?

Eugene Young: Well, that could be tough. More likely murder two, or....

Lawrence Gilbert: Thirty-one times he stabbed her. What could be more heinous than that?

Eugene Young: Wi-with that many wounds....clearly, he kept stabbing her after she was dead. Now, that suggests a rage or mental state that goes more to murder two—

Lawrence Gilbert: So he could get parole? This man deserves to get a bullet right between his eyes.

Eugene Young: Look, she trying for murder one. She *is* a good D.A.

Lawrence Gilbert: You mentioned going after him civilly. I'd like to do that.

Eugene Young: Mr. Gilbert—

Lawrence Gilbert: I'd like to do that. He comes from money. I know he has a house.

Eugene Young: Mr. Gilbert. People sometimes get consumed by hatred. Don't let this man make you more of a victim than you already are.

Lawrence Gilbert: I think it would empower me to sue him civilly. Would you represent me?

Eugene Young: Let me monitor the criminal trial for a day or two, and I'll let you know. Assuming you are going to sue this man civilly, let me give you some advice. It's illegal to use a criminal case for the purpose of advancing a civil one. Now, I know you're not doing that, but... Ms. Alexander tells me you've been to the U.S. Attorney's office, pressuring them.

Lawrence Gilbert: In federal courts, they have the death penalty. That's what he deserves: death.

Eugene Young: Well, if you hope to have a civil claim at all, you need to lay off the prosecutors.

Interior of YF&B offices. Alan and Jamie are walking through. Alan is obviously in a hurry, heading for the door.

Jamie Stringer: A Chinese girl was granted asylum three years ago.

Alan Shore: A forced marriage?

Jamie Stringer: That's the good news, but it's not precedent. And, Ashcroft has since recalled for further review all cases involving gender as a basis for asylum, including forced marriages.

Alan Shore: Great. **Opens the door and comes face-to-face with Jimmy.** Jimmy! Continuing to look well.

Jimmy Berluti: As are you, Alan.

Alan Shore: I'm afraid it's against the law for you specifically to stand there. Fire code....no egress.

Jimmy Berluti: Another "fat" comment, Al?

Alan Shore: Alright, Jimmy, I must warn you, in addition to my knowing jujitsu, I'm also a direct descendant of Johnny Quest. **He moves his lips as if he were speaking. Jamie tries to hide a smile.** See how the lips move while very few words come out?

Jimmy Berluti: Keep it up, Shore. Keep it up.

Ellenor Frutt: **From behind, having observed the tete-a-tete.** Hey! **Everyone turns to look at her.**

Interior of a courtroom. A trial is taking place.

Detective: The next-door neighbor had noticed a car parked several nights on their street, with a man sitting inside, looking at a laptop computer.

A.D.A. Susan Alexander: Did she get a look at the driver?

Eugene slips inside and takes a seat in the galley.

Detective: No, but she took down the plate number, then called us after the murder. The car was registered to Jake Spooner, the defendant. We secured a search warrant for Mr. Spooner's home in Cambridge and executed it.

A.D.A. Susan Alexander: And what did you find, Detective?

Detective: On the defendant's computer we found hours of video footage of the Gilbert's nursery.

A.D.A. Susan Alexander: Did you determine the source?

Detective: Yes. The Giberts had a camera in the room. They used it as a baby monitor. It was over their daughter's crib.

A.D.A. Susan Alexander: Okay, but how did these images end up on the defendant's computer?

Detective: He's the one who installed the camera, as well as the other electronics in the victim's house. And he also set up a system to intercept their videos.

A.D.A. Susan Alexander: And, Detective, can you tell us what these videos on the defendant's computer showed?

Detective: On one file, well, it was mostly the baby sleeping. Sometimes Tracy Gilbert came in the room and played with her baby. And twice she breast fed her child. Mr. Gilbert was on it, too, feeding her a bottle. But there was another file, where he had edited together scenes and digitally manipulated them, giving them some special effects that he added.

A.D.A presses a button on a remote control, and a tv turns on. The video plays, images of Tracy Gilbert preparing to breast feed her baby. In the courtroom, sounds of gasping can be heard as digital "blood" flows down over the face of the Tracy Gilbert, from beneath her hairline.

Attorney Willow: So basically, he made a movie.

Detective: A graphic, disturbing movie.

Attorney Willow: Detective, Tracy Gilbert had been stabbed thirty times?

Detective: Over thirty.

Attorney Willow: Would it be fair to say whoever killed her would likely be soaked in her blood?

Detective: Yes.

Attorney Willow: And, yet, you found none of Mrs. Gilbert's blood on any of my client's clothes, did you?

Detective: No.

Attorney Willow: What about his house?

Detective: Not blood, but his prints were all over the victim's house.

Attorney Willow: But he'd been in the house fixing some equipment a week before, right?

Detective: That's correct.

Attorney Willow: Thank you. No further questions, Detective.

Judge John Kirkland: Ms. Alexander?

A.D.A. Susan Alexander: Nothing, Your Honor.

Judge John Kirkland: We'll recess, resume with our next witness after lunch.

Gavel slams down, and the courtroom begins to clear. As the defendant turns, he and Eugene see each other. There is a look of recognition on Eugene's face.

Interior of a courtroom. A hearing is taking place. Anna is on the stand.

Anna Viorka: I don't even like him.

Alan Shore: Like who, Anna?

Anna Viorka: The boy that I'm supposed to marry. I don't think he's nice, I don't think he's cute, I don't think he's anything.

Alan Shore: Now, Anna, in Romania, the legal age for marriage is eighteen, am I right?

Anna Viorka: Yes, but we are Roma. That's our religious faith. Tradition is that they arrange child weddings all the time. My sister got married at thirteen. **Turns to face the judge.** And she had to have sex. I don't want to have sex.

Alan is back at his table, and the A.A. Bennett is questioning Anna.

Asst. U.S. Atty. Bennett: You say these arranged marriages happen a lot?

Anna Viorka: Yes.

Asst. U.S. Atty. Bennett: Some of your friends get married in this way?

Anna Viorka: Yes.

Asst. U.S. Atty. Bennett: Are they okay with it?

Anna Viorka: Maybe they are, but I'm not.

Asst. U.S. Atty. Bennett: Are you afraid of this boy?

Anna Viorka: No, I just don't want to marry him. Or anybody else.

Asst. U.S. Atty. Bennett: Now let's talk about your mom and dad. Do you love them?

Anna Viorka: I do, but that doesn't mean that I have to follow all their ancient rules, especially the ones that are barbaric.

Asst. U.S. Atty. Bennett: Barbaric? Did your lawyer tell you to use that word?

Alan Shore: Objection. I told her to use "reprehensible," "repugnant," and "criminal." She came up with "barbaric" all on her own.

Judge Wilbur Stuckey: **With a stern, unamused glare at Alan.** Continue.

Asst. U.S. Atty. Bennett: What do you think of America, Anna?

Anna Viorka: I love it.

Asst. U.S. Atty. Bennett: Tell me....excluding this marriage business, if you could choose which country you'd rather live in, what would it be?

Anna Viorka: America.

Asst. U.S. Atty. Bennett: I see. Is it possible this might be more about your wanting to stay here than it is your fearing going back there?

Anna Viorka: It's about me not wanting to get married. It's about me not wanting to have to be raped by some fifteen-year-old boy I don't even like. **Focus on Alan, who appears disturbed, and then Anna's parents, who appear frustrated.**

Exterior of the courthouse, in a brick courtyard.

Lawrence Gilbert: A client?

Eugene Young: A former client. I—I represented him ten, twelve years ago—I mean, his name didn't ring a bell, but when I saw his face—

Lawrence Gilbert: When you represented him, what was he charged with?

Eugene Young: Murder.

Lawrence Gilbert: You got him off.

Eugene Young: Look, Mr. Gilbert, I was doing my job. It—it's not like I liked the guy. Listen, obviously, I would have a conflict representing you against him, bu—but let me do this: I'll monitor the trial a little bit more, I'll assess your case. That much I can do.

Interior of a courtroom. Hearing is continuing. Mr. Viorka is on the stand.

Mr. Viorka: If she is this opposed, I won't make her go through with it.

Alan Shore: Well, according to Anna, her sister was opposed. She was crying and screaming when they brought her into the church. She had to go through with it.

Mr. Viorka: The ceremony was halted, and continued only after she agreed.

Alan Shore: Under duress?

Mr. Viorka: Mr. Shore, my daughter is afraid she'll miss her friends here. That's what this is about. I'm sure there are many kids coming out of Disneyland and seeking asylum, too—

Alan Shore: You are forcing your twelve-year-old daughter to be married, sir. Please don't equate that with—

Mr. Viorka: There are Mormon families who do that in this country—

Alan Shore: The Mormon church does not sanction marriage—

Mr. Viorka: But it happens. It goes on, and the police don't always enforce the law against it, do they, Mr. Shore?

Alan Shore: How 'bout we strike a deal, then? You leave your daughter here, we'll raise her in Utah.

Asst. U.S. Atty. Bennett: Objection!

Mr. Viorka: Our marital success rate far surpasses the divorce numbers in this country.

Alan Shore: It just goes to show what a little servitude'll get you, right, Mr. Viorka?

Judge Wilbur Stuckey: Mr. Shore—!

Once again, Alan and Anna are sitting across from each other at a table in a private room.

Anna Viorka: What happens now?

Alan Shore: Well, tomorrow morning, we hear from your mother. Tell me about her.

Anna Viorka: She's very nice. Smart. A professor. If you had trouble with my dad, you'll be NO match for her.

Alan Shore: **Smiles.** You don't think I'm any match for YOU, do you? **Anna smiles back.**

Anna Viorka: How are we doing?

Alan Shore: Political asylum is tough, Anna. Though the whole world apparently *hates* us right now, we still seem to be the destination of choice.

Anna Viorka: Do you think you could take me away from here? Just for an hour or two? It's so depressing here.

Alan Shore: I'll tell you what. I'll try to persuade the judge to let me take you out for breakfast.

They exchange another smile.

Anna Viorka: May I ask, do *you* have children?

Alan Shore: I'm sure I must. **Another smile.**

Anna Viorka: I know you're gonna win.

Alan Shore: **(makes a noncommittal noise and rolls his eyes)**

Anna Viorka: When I was looking around the courtroom yesterday, deciding what lawyer to run up to, I saw your face, and I knew—you would be the one to save me.

Alan says nothing, but has grown serious.

Interior of courtroom. Trial has resumed.

Witness: The victim was stabbed thirty-one times, over her face, neck, torso, hands. The blows were of such a force, her head was almost separated from her body.

A.D.A. Susan Alexander: What can you tell us about the weapon?

Witness: It was a knife, with a 6 1/4 inch blade, serrated edges.

A.D.A. Susan Alexander: Do you know if the knife was ever located?

Witness: It was not; however, we found this knife set **(points to a visual exhibit of photographs on a stand next to him)** in the defendant's kitchen. The set is always sold with five knives of varying lengths. The defendant had only four knives. The one with the serrated 6 1/4 inch blade was missing. Tests showed that the wounds to Mrs. Gilbert's body were consistent with the missing knife.

A.D.A. Susan Alexander: And did the wounds tell you anything about the killer?

Witness: From the angles of penetration, we determined that the killer was over six feet, and left handed.

Attorney Willow: **Walking up to the stand.** The knife you're referring to, would it surprise you to learn that five thousand identical knives were sold in the last three years in the Boston area?

Witness: No.

Attorney Willow: And to confirm, you never found the murder weapon.

Witness: No, we did not.

Exterior of downtown Boston at night. Then, interior of Eugene's office at YF&B. Eugene is sitting behind his desk and Gilbert is sitting in a chair opposite him.

Eugene Young: Yes, it's circumstantial, but from where I sit, he's going away.

Lawrence Gilbert: Murder One?

Eugene Young: Well, that I don't know.

Lawrence Gilbert: I have here an article. **Flips through pages in an open file folder on his lap.** It says where the federal government can also bring civil rights charges, and it doesn't amount to double jeopardy. Does the death penalty ever apply to these civil rights cases?

Eugene Young: **Rising from his chair and moving around to the side of his desk to perch on the edge near Gilbert.** Mr. Gilbert, I would never presume to know what you're going through, but, um....are you getting counseling? See I—I took the liberty of looking at some of those videos, and there was one in particular. You were sitting in a chair, feeding your daughter, and what I saw was a father, a man full of love, somebody tender. What I see sitting across from me now is a man dominated by hate. Now while your rage is certainly understandable, I would think that what your wife would want for your daughter is for you to try to be the man that I saw in that video.

Lawrence Gilbert: I, uh, I don't really know how to do anything else right now, besides hate him. And, to be honest, I hate you a little as well, for getting him off ten years ago....for putting....**(sigh)** I'm sorry. **(Clears throat)** Well, my testimony is first up. I suppose I should get some rest. **Rises and walks out of the office.**

Eugene, upset, goes back to sit behind his desk.

Ellenor Frutt: **Having observed/heard the conversation from an outer room, comes inside Eugene's office as he sits, his face in his hands.** Should I give you the big "defense attorney" speech?

Eugene Young: **Breath of laughter.** I gave that speech to my wife at the time. I gave her the line, you know, uh, we represent the guilty, thus, ultimately, protecting the innocent. **Holds up a picture of the bloody Tracy Gilbert.** This is one of the innocents I was protecting.

Daytime, exterior of the courthouse. Then, interior of the courtroom. The trial has resumed. Gilbert is on the stand.

Lawrence Gilbert: After he had worked for us, he kept coming around, presumably to check the equipment he installed.

A.D.A. Susan Alexander: Did this strike you as strange?

Lawrence Gilbert: Perhaps a little, but we weren't alarmed, until Tracy started to notice him at the market, the gym, her art class. He was everywhere she went. We soon realized, he was stalking her.

A.D.A. Susan Alexander: Did you go to the police?

Lawrence Gilbert: We did. They said since these were all public places, there was nothing they could really do.

A.D.A. Susan Alexander: And, Mr. Gilbert, at some point, you confronted the defendant, did you not?

Lawrence Gilbert: Yes. Two days before the murder, I asked him to refrain from following my wife. I told him he

was scaring her, and my family, and I stated I was afraid for her safety.

A.D.A. Susan Alexander: And how did he respond?

Lawrence Gilbert: He said if he wanted to harm her, he wouldn't just follow her around.

Cross-examination.

Attorney Willow: My client had been in your house many times.

Lawrence Gilbert: Yes, doing electrical work.

Attorney Willow: Even as recent as a week before the murder, he was in your house.

Lawrence Gilbert: Yes.

Attorney Willow: So, you didn't regard him as a threat.

Lawrence Gilbert: We were getting nervous, but we attributed it to our own paranoia. Then, about a week before, he entered the house without knocking, and it jolted my wife. That's when I went to the police. Two days after that, I confronted him.

Attorney Willow: I assume you loved your wife very much.

Lawrence Gilbert: You assume correctly.

Attorney Willow: Love anyone else as well?

Lawrence Gilbert: I beg your pardon?

Attorney Willow: Were you having an affair at the time of your wife's death? **Shocked looks on the faces of Gilbert, A.D.A., and Eugene.** Did you kill your wife, Mr. Gilbert?

A.D.A. Susan Alexander: **Standing.** Objection!

Judge John Kirkland: Miss Willow, you'd better have a good faith basis for that question.

Attorney Willow: Sidebar, Your Honor.

Judge gestures for her to approach. She is joined at the bench by A.D.A. Alexander.

A.D.A. Susan Alexander: What's this about?

Attorney Willow: Your Honor, last night, I received an anonymous message. I submit a copy for your review. It may be completely bogus, but since it alleges that Mr. Gilbert was having an affair, and that *he* is the killer of his wife, Tracy, bogus or not, it's enough to give me good faith for asking the question.

Judge John Kirkland: I'll allow it.

A.D.A. Susan Alexander: Your Honor, I really—

Judge John Kirkland: *But* you're on a short leash. Now step back.

Attorney Willow: Let's start with the affair, Mr. Gilbert. Were you in love with another woman at the time of your wife's murder?

Lawrence Gilbert: I'd like to exercise my Fifth Amendment right not to answer.

Interior of a private room. Eugene and Gilbert are sitting across from each other at a table.

Lawrence Gilbert: It had *nothing* to do with this case.

Eugene Young: Mr. Gilbert, it may be irrelevant, but we—

Lawrence Gilbert: She's married. She has a family. I ca—I can't. I can't do this to them.

A.D.A. Alexander burst in and slams the door.

A.D.A. Susan Alexander: What the hell is going on?

Eugene Young: Am I free to say what you've told me?

Lawrence Gilbert: No.

A.D.A. Susan Alexander: Let me tell you something. If you plead the Fifth, you gift wrap reasonable doubt with a big, red bow. Do you understand me? **No reply, so she sits down at the end of the table.** The fact of the matter is, Mr. Gilbert, you have no alibi for the night of the murder. Nobody can verify that they saw you working late. The reason we dismissed you as a suspect is we had no motive. Now, we do.

Eugene Young: Hold on a second!

A.D.A. Susan Alexander: **Holds her hand up to forestall Eugene's protest, but continues to address Gilbert.** I'm not trying to threaten you. I'm just making you aware. This is what the defense attorney will play like a trombone. Our only chance now is to explore this affair, rule you out as a suspect.

Lawrence Gilbert: I'm not talking about the affair.

A.D.A. Susan Alexander: Well, then, we're done, Mr. Gilbert. I'll certainly keep prosecuting, but we're done. **Gets up and stalks out, slamming the door behind herself.**

Interior of a courtroom. Hearing has resumed. Mrs. Viorka has taken the stand.

Mrs. Viorka: I was married when I was twelve. My mother was married when she was fourteen. My grandmother was married when she was thirteen.

Asst. U.S. Atty. Bennett: All arraigned marriages?

Mrs. Viorka: Yes. All successful as well, I might add.

Asst. U.S. Atty. Bennett: But, Mrs. Viorka, now you *do* appreciate that the idea is a little offensive to Americans.

Mrs. Viorka: I do. But Americans have trouble comprehending non-romantic unions.

Asst. U.S. Atty. Bennett: Well, marriage without love—

Mrs. Viorka: Marriage is about family; partnerships for parenting. In *our* faith, it's also about preserving ethnic identity. And by the way, arraigned marriages still go on in the United States, however quietly, for this very reason.

Asst. U.S. Atty. Bennett: In the United States?

Mrs. Viorka: Yes. And I don't mean simply in the Mormon faith. It happens with Orthodox Jews, the Greeks, Muslims, Hindus. There are thousands of such marriages every year in this country. **The judge looks thoughtful.**

Cross-examination.

Alan Shore: You see nothing wrong with forcing Anna to be married? Or to be raped?

Mrs. Viorka: If she doesn't consent to consummating the marriage, Mr. Shore, then sex shouldn't happen.

Alan Shore: But, Mrs. Viorka, come on, if her fifteen-year-old husband overpowers her, in the name of religious consummation, he's not going to be prosecuted, is he?

Mrs. Viorka: First of all, how dare you presume Roma boys to be rapists?

Alan Shore: Because consummating the marriage is part of Roma tradition.

Mrs. Viorka: Consummation is traditional in America as well. But if the bride says, "no," we don't assume rape.

Alan Shore: We assume capacity to give consent. We can't *do* that with a twelve-year-old.

Mrs. Viorka: You don't know our culture.

Alan Shore: I know this is an archaic practice that has *no* place in *this* child's life *today*. I know persecution, Mrs. Viorka. I know crime. I—

Mrs. Viorka: In this country, you take newborn babies and snip off the ends of their penises. I imagine some other cultures would object to that. The United States believes in executing human beings, while every other westernized country finds that barbaric.

Alan Shore: Yes. I'm sure we could exchange cultural barbs *ad nauseam*. It wouldn't change the fact you're this girl's mother, and—

Mrs. Viorka: And I love her deeply. And perhaps you would entertain the radical idea that a mother might know what's best for her daughter.

Alan Shore: **Getting angry.** And perhaps *you* could allow for the not-so-radical reality *this* girl is a *child*.

Mrs. Viorka: Whose parents deserve the right to raise her according to *their* culture, even should it have the audacity to vary from the United States of America.

Interior of private room. Again, Alan and Anna are sitting at a table.

Anna Viorka: Told ya she'd be tough.

Alan Shore: Yes, you did. Anna, should we win here, are you going to be happy being raised by your relatives?

Anna Viorka: Maybe I'll marry *you*. **Alan is speechless. Anna laughs.** Gotcha!! **Alan laughs back.** My relatives understand. They'll look after me.

Alan Shore: Won't you miss your parents?

Anna Viorka: Of course I will. I'll probably cry forever. But it's not right that I should be forced to marry somebody I do not love, or even *like*. That is not right.

Alan takes Anna's hand in his. There is nothing to say.

Interior of the A.D.A's office. Susan is sitting at her desk, drinking a beer. There is a knock on her open door. It's Eugene.

Eugene Young: Jury's out?

A.D.A. Susan Alexander: Who knows for how long. With your friend taking the Fifth—who are we kidding?

Eugene Young: **Comes inside and stands before her desk.** Do you think it's possible he could have done it?

A.D.A. Susan Alexander: I don't know. **Eugene takes a seat, and she leans towards him.** You know, we always go to the spouse first, because he had no alibi. We interviewed every person in this guy's life. *All* of them said he was devoted to his wife and family. "Hopelessly in love with her," were the words most often used. I don't see him stabbing her thirty-one times. **Shakes her head.** No. I don't think he could have done it, to answer your question.

Interior of the courtroom. Hearing has resumed. Closing arguments.

Asst. U.S. Atty. Bennett: We are here, representing Mr. and Mrs. Viorka, and representing the United States, a country being condemned, worldwide at the moment, for imposing its views beyond its own borders. Do I favor arraigned marriages? Absolutely not. When children are involved, I find it abhorrent, as I'm sure you do, Your Honor. But, it is simply not our right to dictate our notion of morality to foreign countries. Anna Viorka is a wonderful little girl, but, by her own testimony, she's not really afraid of getting married, she just doesn't want to do it. That simply fails to rise to the legal threshold of persecution that warrants asylum. This girl has a loving family, eager to safeguard her future according to their culture and their tradition. As much as we might reject that tradition, *it is not our right to substitute our own.*

Alan is standing before the judge.

Alan Shore: Your Honor, these are not particularly proud times for Americans. Around the world, we're increasingly perceived as imperialists. Where they get that, I haven't a clue. But, I think we can *all* agree, the last thing we need to do right now, is to continue to police *more* foreign cultures. The truth is, I agree with almost everything Mr. Bennett just said. But this is a *child*, facing an enforced marriage she does not want. Facing enforced sex she does not want. This isn't tantamount to rape, it *is* rape. Rape. It may surprise you, but I happen to be a very proud American. And where I remain most proud of our nation is in the belief that its people remain strongly committed to human rights. At our noblest, the United States serves to protect the weak, the oppressed. A *twelve-year-old child* is asking you today to spare her from an unimaginable atrocity. I fully understand, we can't be policemen for the world, but how about for one, innocent, vulnerable child?

Interior of the courtroom. The bailiff is at the bench, delivering the verdict to the judge, who reads it, and then hands it back to be delivered to the foreman.

Eugene Young: You sure you want to be here?

Lawrence Gilbert: They *know* he killed her. They have to know it.

Judge John Kirkland: Mr. Foreman, have you reached a verdict?

Foreman: **Standing.** We have, Your Honor.

Judge John Kirkland: The defendant will please rise. **Spooner rises. Judge turns to the foreman.** What say you?

Foreman: In the matter of Commonwealth versus Jake Spooner, on the charge of murder in the first degree, we

find the defendant, Jake Spooner, not guilty.

There are murmurs in the courtroom, and the A.D.A. looks defeated.

Judge John Kirkland: Thank you. This completes your service. Mr. Spooner, you are free to go. We are adjourned.

Exterior of courthouse. Eugene and Gilbert are descending the steps.

Eugene Young: You okay? Mr. Gilbert—?

Lawrence Gilbert: I can still pursue him civilly, right?

Eugene Young: Well, that affair business would come up in a civil trial, too. Mr. Gilbert, I—I—I don't mean to sound like a broken record here, but you really need to let it go now. I mean, you have a little girl. You—you have your entire life ahead of you. Otherwise—

Reporter: ***From behind Eugene, near the top of the steps.*** There he is!

Reporters: Mr. Spooner! Mr. Spooner! (A flurry of questions all at once)

Jake Spooner: I keep saying, I got nothing to say other than, uh, this was justice. I'm innocent. I didn't stab anybody, and I'm grateful the jury saw it my way. Now I'm just going to try to get back on with my life—

A shot rings out, hits Spooner between the eyes. He drops.

Anon: Shots fired!! (mass chaos...screaming, people dropping)

Reporter: I'm up here on the steps of the courthouse....

Anon: Stay where you are!

Spooner is dead. Everyone has dropped, except for Gilbert. Eugene turns to look at him and finds him standing, still looking at where Spooner was. A puzzled expression crosses Eugene's face.

Interior of YF&B. A tv news station is on. Everyone but Alan is there, watching.

TV Reporter: Witnesses reported a blue pickup fleeing the scene. There has been no description of any of the occupants.

Ellenor Frutt: Did he order it? Gilbert?

Eugene Young: I don't know.

Jamie Stringer: Well, who else would have done it?

Eugene Young: I don't know.

Ellenor Frutt: Where is he?

Eugene Young: Police got him for questioning.

Ellenor Frutt: Is...there a reason you're not with him?

Eugene Young: ***Looks at Ellenor.*** I'm done with the man.

Interior of the courtroom. Judge is entering to take his seat.

Judge Wilbur Stuckey: People from all over the world appear before me every day, begging, “Please let me stay in this country.” Some facing unimaginable poverty, oppression, or cultural hatred. We typically, uniformly, say no. Here, we have a young girl who, quite justifiably, doesn’t want to have her hand forced in marriage at the age of twelve. Mr. and Mrs. Viorka, I find this Roma tradition to be repugnant, even sick. But I realize that could be my own cultural bias talking. And I am mindful that the legal test for persecution is not how I feel, or even what *Anna* feels, but what the reasonable person in *Anna’s* predicament, in *Anna’s* country, would feel. The testimony and evidence seem to clearly establish that these forced marriages typically happen in the Roma faith, that it’s a cultural norm, and that the reasonable Roma twelve-year-old girl does *not* feel persecuted by them. Looking at this through *their* lens, which I am required by law to do, I cannot find the level of persecution that would authorize me to grant asylum. Mr. and Mrs. Viorka, I would love nothing more than to impose my American culture and my American values upon you. But I *can’t*. All I *can* do is hope, even pray, that you abide by your daughter’s wishes. **Glances at Alan.** The plaintiff’s petition is denied, the minor should be immediately released to her parents. **Slams gavel down.**

Alan looks deeply troubled. Anna’s parents take each other’s hand with a sigh of relief.

Anna Viorka: **Turns to Alan.** Can we appeal?

Alan Shore: **Looks down at the table.** No.

Anna Viorka: What do you mean? There’s *always* appeals.

Alan Shore: **Turns to her.** Not on this.

Anna Viorka: That’s not right. **Her voice breaks with tears.** Why can’t—

Mr. Viorka: Anna? You need to come with us now.

Anna Viorka: **Crying.** I can’t. I won’t!

Alan is distressed.

Mrs. Viorka: Anna.

Mr. Viorka: You need to come with us.

Alan Shore: **Close to tears himself, reaches out to touch her. Whispering.** I’m sorry.

Anna Viorka: **A pause as she pulls herself together.** Thank you very much. Goodbye, Mr. Shore.

Alan Shore: Goodbye, Anna.

She stands and moves behind the table, but they keep their eyes on each other until she turns and walks away with her parents. Alan then stares at the table.

Exterior of Boston skyline at night, then interior of YF&B.

Tara Wilson: What do I do with this wrongful death research?

Eugene Young: Put it in the file. We may send off an opinion letter if he ever asks. And make sure we bill him. **The door opens and Gilbert walks in.** Well, well, well. What have we here? Grieving husband? Murderer? Devil? All of the above?

Lawrence Gilbert: The police just questioned me for five hours, and released me.

Eugene Young: Yes, well, I'm sure there was no evidence. I'm sure the job was immaculate.

Lawrence Gilbert: You stood beside me, Mr. Young. You, of all people, know *I* didn't kill Mr. Spooner.

Eugene Young: **Steps towards him.** I don't know you didn't order the hit, but I'll tell you this: standing beside you, I had the opportunity to see your face when your wife's killer went down. You *didn't* look surprised, Mr. Gilbert. One could *almost* conclude you expected him to get shot.

Lawrence Gilbert: Is that what you think?

Eugene Young: Here's what I know: you were desperate for the death penalty. You said to me, "He deserves a bullet right between the eyes." Those were your exact words, Mr. Gilbert. Quite a coincidence, don't you think? I mean, considering where he got shot? **Steps in even closer.** You never had any affair. You sent that anonymous note to the defense counsel. You set yourself up with the question, then you pled the Fifth, knowing *full* well your wife's killer would be set free. Then *you* had him executed, because that's what he deserved.

Lawrence Gilbert: Mr. Young, I'm *sure* Mr. Spooner had *many* enemies who wanted him dead. After all, we know he killed before, right? He was only freed on a technicality, because *you* were able to suppress most of the evidence.

Eugene Young: That's why you chose me. You knew all the time I'd gotten him off.

Lawrence Gilbert: I wish you well, Mr. Young. **Goes over to the door, opens it, then turns around, and with a smile, he forms a gun with his thumb and forefinger and points it at Eugene, making a clicking sound, then turns and leaves. Focus on Eugene and Tara, who are just standing there, then fade to black.**