



The Practice

Season 8, Episode 11

Police State

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Written by David E Kelley

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Officer Annie Carrol: *Getting into police cruiser* Officer down. Officer down. Officer down. **Another officer sitting behind the wheel, two bullets holes in windshield, obviously he has been hit. Another police cruiser pulls in behind.**

Officer in Background: Get on the ground! Come on get down!

Joe Moran: Oh God. Get off of me. I didn't do anything.

Police Officer: Who is he? I need his name.

Joe Moran: Get off me. I didn't do anything.

Officer Annie Carrol: Corner of Columbus and Temple.

Police Officer: I said, who is he? Where is your buddy?

Joe Moran: Get the hell off me! I didn't do anything man! I swear to God I didn't do anything.

Police Officer: Shut up!

Todd Beck is seen running down street, police sirens heard in background.

Police Officer: Stop!

Two policemen are running after Todd Beck.

Police officer: I said stop!

The two officers and a cruiser chase Todd Beck into an alley.

Police Officers: Halt! Don't move! Stop! Stop running! Freeze! Freeze! **Todd turns around, up against fence, he raises his arms to surrender.**

Police Officer: Put your.... **Police fires gun twice.**

Police officer: Call it in. **Police are handcuffing Todd who is now on the ground from being shot.**

Police officer: 32. Suspects down. Got one in custody. One in the alley off 93rd street.

Police officer: To Todd Beck: Where is the gun?

Todd Beck: I don't have a gun.

Police Officer: Where's the gun?

Todd Beck: I ain't gotta gun!

Police Officer: Where's the gun?!

Todd Beck: I ain't gotta gun!

The police all look at each other realizing there is no gun.

Police Officer: Go look for it!

Police Officer: Allright. You guys heard him. Split up. Martinez you and Davis take the alley. Let's go. Look everywhere.

Back at the office of Young, Frutt and Berlutti.

Jaimie Stringer: How late are you going to stay?

Tara Wilson: I can't study at home.

Jaimie Stringer: How about sleeping at home? It's almost eleven o'clock.

Tara Wilson: Alright. I'm almost done.

The telephone rings.

Tara Wilson: Hello.

Joe Moran: Oh, uh, yes ma'am. I need to speak to Jimmy Berluti.

Tara Wilson: Ahm, Mr. Berluti isn't here at the moment. Our office hours are...

Joe Moran: You have to find Mr. Berluti. It's an emergency. Page him.

Tara Wilson: Who are you sir?

Joe Moran: My name is Joe Moran. He knows me. The police are torturing a friend of mine. And I need to get a lawyer down here right now.

Tara Wilson: Hold on.

Joe Moran: No. No. I can't hold on. They've got him in a room and he has been shot.

Tara Wilson: Who? Who's been shot?

Joe Moran: My friend. The police think that he shot a cop **screams can be heard in background** they've got him in a room. We are at Brook Ridge Hospital. They threw the doctors out. And now he is screaming.

Tara Wilson: Alright. Wait. Wait.

Joe Moran: No no no. Find Jimmy Berluti.

Tara Wilson: I'm going to put you on with Jamie Stringer **Jamie in background waving no to Tara** she is a fine lawyer and she is very anxious to speak with you. **Whispering to Jamie Jamie Into phone:** hold on sir

Joe Moran: No, no I wan Jimmy.

Tara hands phone off to Jamie.

Jaimie Stringer: Jamie Stringer how can I help you?

Tara Wilson and Jamie Stinger enter the hospital.

Jaimie Stringer: To Tara: You just had to pawn it off on me.

Tara Wilson: I am not a member of the BAR.

Jaimie Stringer: You were a member of the BAR last week for that Chinese guy. Keep paging Jimmy.

Joe Moran: Excuse me. Are you Miss Stringer?

Jaimie Stringer: Joe?

Joe Moran: Yeah. They have him in a room back here. They are going to kill him I swear to God.

Jaimie Stringer: What a minute. Before I...

Joe Moran: They think he shot a cop, but he didn't. **Screaming sounds in background.** That's him screaming. They've got him back there.

Jaimie Stringer: Are the doctors with him?

Joe Moran: No, it's just the police.

Jamie approaches the room that Todd Beck is in surrounded by officers.

Police Officer: to Jamie: You can't go in there.

Jaimie Stringer: Yes I can. I'm his lawyer.

Police Officer: I don't care who you are.

Jamie goes around the officers anyway and enters the room where Todd Beck is still screaming. You can now see him on the bed with one officer holding him down and another one shoving a flashlight into his open gun wound to torture him.

Police Officer: To Todd Beck: You can make it easier for yourself ...

Jaimie Stringer: to Officers: Hey! This man is now represented by counsel.

Police Officer 2: You need to leave.

Police Officer 3: Get her out of here.

Jaimie Stringer: No, I'm...

Police Officer: Let's go.

Jaimie Stringer: No, I'm not going anywhere.

Police Officer: Grabs Jamie dragging her out of room Move!

Jaimie Stringer: Get your hands off of me! Get your hands off me!

The Officer puts her in a chair in the waiting room and handcuffs her to the seat.

Jaimie Stringer: Ouch! **Standing up.** Take these off of me

Police Officer: Shoving Jamie back into seat Shut up!

Police Officer: To another officer: Move that chair, I don't want to hear her.

Two officers lift the seat with Jamie in it and move it down the hall. Tara Wilson is dialing her cell phone.

Tara Wilson: Into cell phone: Eugene, we have a situation.

Eugene Young and Ellenor Frutt enter the hospital

Tara Wilson: To Eugene and Ellenor She is right through there.

Eugene Young: They handcuffed her?

Tara Wilson: Yes.

Eugene walks in and sees Jamie sitting cuffed to a chair, goes up to officers.

Eugene Young: to officers Get the cuffs off now!

Police Officer: She is interfering in an investigation.

Eugene Young: Get those handcuffs off that woman now or I will make it my mission in life to bring down your entire department.

Detective Michael McGuire: Eugene.

Eugene Young: What the hell is going on here?

Detective Michael McGuire: What is going on is your client shot a police officer who is now in surgery.

Eugene Young: Pointing to Jaime Stinger That is a brutality claim. Pointing to the room with Too Beck That's a civil rights criminal violation.

Detective Michael McGuire: To Officer: Take the handcuffs off. To Eugene: Keep her away from us.

Ellenor Frutt: We want to see our client.

Detective Michael McGuire: That's not possible. Your client is currently being questioned.

Ellenor Frutt: He asked for his lawyer.

Detective Michael McGuire: Fine. File your motion to suppress, but you are not going in that room.

Eugene Young: He's being denied medical treatment.

Detective Michael McGuire: The doctor said his injury isn't life threatening.

Jaimie Stringer: He has been shot and those thugs in there are sticking a flashlight into an open wound.

Eugene tries to enter room, but is stopped.

Detective Michael McGuire: To Eugene: The next lawyer that goes into room will be arrested for obstruction of justice.

Eugene Young: We have a right to see our client.

Detective Michael McGuire: No you don't. We have a right to hold him for forty-eight hours. We are...

Eugene Young: Who's the DA on call?

Detective Michael McGuire: Don't know.

Eugene Young: Mike.

Detective Michael McGuire: Eugene, your guy shot a cop. I am not helping you out here.

Eugene Young: To doctors: Hey! Hey! I want to see your chief of staff.

Dr. Mills: I am the chief of the ER.

Eugene Young: Your hospital is looking at a lawsuit/

Dr. Mills: Don't lecture me on liability please. The police have taken over.

Jimmy Berluti enters hospital.

Joe Moran: Jimmy.

Jimmy Berluti: What the hell's going on? To Joe Moran: Wait.

Eugene Young: To his staff: Look, everybody over here now. Jimmy talk to this, uh...

Jaimie Stringer: Moran.

Eugene Young: Find out what happened. Tara, borrow a computer. Draft a habeas petition. Down and dirty.

Ellenor Frutt: What good will that do? We haven't got a judge.

Eugene Young: Mike. Who is the duty judge?

Detective Michael McGuire: Don't know.

Eugene Young: Does anybody here know a judge we can call?

Jimmy Berluti: Roberta Kittles.

Eugene Young: You got her home number?

Jimmy Berluti: Yeah.

Eugene Young: Call her up. Turning to Ellenor. Ellenor, go to the FBI office, report what is going on here. Tell them we have a civil rights crime is being committed and it's ongoing.

The screaming getting louder in background.

Jimmy has dialed the judge and has reached a recording saying the number has been disconnected.

Jimmy Berluti: We haven't actually stayed current.

Eugene Young: Anybody else know a judge? How can none of us be friendly with a single judge?

Ellenor Frutt: They all know our work.

Eugene Young: Look. Look. **To Tara:** Call Alan. Maybe he's bribed some judge along the way. Jimmy get his story. Ellenor, FBI. Let's go.

The screaming continues to come from the room in the background.

Officers are shown standing in an observation room watching a surgery below.

Nurse: Forceps? Another retractor?.

Surgeon: No. Get another pt, ptt and....

Detective Michael McGuire: To Officer Annie Carrol: What do we know?

Officer Annie Carrol: I can't tell. Seems like it's taking a long time just to get a bullet.

Eugene Young walks into observation room.

Detective Michael McGuire: To Eugene: You need something?

Eugene Young: Just checking to see...

Detective Michael McGuire: What the charges are going to be?

Eugene Young: Mike.

Nurse: Doctor, pressure's dropping.

Doctor: He's bleeding out. More suction. Give me the sternum saw. We've got to crack his chest. He's in cardiac Put more tension on that retractor.

The heart monitor has flat lined.

Doctor: Alright hold. Get a clip. Hold the side let me check a rhythm. Still nothing. No spontaneous rhythm. Nothing?

Nurse: No.

Officer Annie Carrol: Crying: No. No.

Detective Michael McGuire: Trying to comfort her: Hey, hey.

Joe Moran is talking to Jimmy Berluti.

Joe Moran: Todd came out first because he was going to get the car.

Jimmy Berluti: Came out from?

Joe Moran: The bar. So, as I come out I hear shots. I hear shots real close. And I see Todd take off to, you know, run for cover.

Jimmy Berluti: How far away were you?

Joe Moran: I don't know, uh, twenty five yards or something like that. So then I see the cops and they are chasing him and you know I think see him running they must think he's you know the shooter or something.

Jimmy Berluti: Well, if he's innocent. Why did he run from the police?

Joe Moran: I don't know. Uh, it's a parole violation for him to be out past ten. Plus, he may have had some drugs on him. So I... Look Jimmy he didn't shoot anybody. I'm telling you.

Jimmy Berluti: Look Joe, I know this guys your friend, but as your lawyer, if you can help yourself here at all. A police officer is dead.

Joe Moran: Todd didn't shoot any..

Jimmy Berluti: Look, if they make your buddy you could be going up on conspiracy. There's a window of opportunity to help yourself ...

Joe Moran: No, no he is innocent. I swear I'm telling the truth. We've got nothing to do with this.

Alan Shore arrives at hospital and walks over to Eugene Young and Jamie Stringer.

Alan Shore: What's going on?

Eugene Young: We need to get a court order to get a client out of police custody. Tara is drafting a habeas but we don't have a judge. Would you be able to find one?

Alan Shore: At two in the morning?

Todd Beck can be heard screaming loudly in the background.

Eugene Young: To Alan: Well, it's a little urgent.

The District Attorney Kenneth Walsh enters the hospital and walks up to Eugene Young, Alan Shore and Jamie Stringer.

DA Kenneth Walsh: Eugene. I'm told you are looking for the DA on call.

Eugene Young: You?

DA Kenneth Walsh: Is there a problem?

Eugene Young: Yes there's a problem. The police are back there coercing a wounded suspect, a suspect who has a fifth amendment right to remain silent, a suspect who has a sixth amendment right to counsel, a suspect who has civil right not to be tortured. All of those rights are currently being trampled on.

DA Kenneth Walsh: Well, certainly any and all evidence obtained in violation of your client's constitutional rights would not be admissible. I will be sure not to introduce it. Anything else?

Eugene Young: I want to see him.

DA Kenneth Walsh: When we are ready.

The District Attorney walks away.

Eugene Young: To Alan: As I said it's urgent.

Jaimie Stringer: I don't understand. They are only screwing up their own case. Why are they doing this?

Eugene Young: Maybe they are afraid they don't have a case.

Todd Beck is still screaming in the background.

DA Kenneth Walsh: **Officer Annie Carrol:** Did you see him fire the gun?

Officer Annie Carrol: No, I heard the shots and looked up. But he was the only one there, the only one around.

DA Kenneth Walsh: I need you to look at his face again and confirm that. Can you do that for me?

Officer Annie Carrol: Yes

The curtains to the room are opened and the Officer Annie Carroll walks over to Todd Beck's bed.

Officer Annie Carrol: That's him.

DA Kenneth Walsh: You're sure?

Officer Annie Carrol: That's him.

At the FBI's office Ellenor Frutt is with an FBI Agent Tom Denke.

FBI Agent Tom Denke: Were you able to get photos?

Ellenor Frutt: Photos? No, police just yanked her right out of the room. We're not even being allowed access.

FBI Agent Tom Denke: Okay, thank you.

Ellenor Frutt: Okay? What Okay? Aren't you even going to down there.

FBI Agent Tom Denke: No ma'am. The procedure between us and local law enforcement is we don't get involved until either they have charged your client or released him.

Ellenor Frutt: I don't think you understand. Local law enforcement is committing the crime. The torture is ongoing as we speak.

FBI Agent Tom Denke: Until they have completed their investigation we can't get involved. \

Ellenor Frutt: You're the FBI. A man is being tortured.

Back at the hospital DA Kenneth Walsh is speaking to Todd Beck.

DA Kenneth Walsh: I can be your friend Mr. Beck. I can make these people stop and I can get you proper treatment. But for me to help you, you need to help me.

Todd Beck: I didn't do it.

DA Kenneth Walsh: Todd, we already know you did it. What we need is to find the gun so that it doesn't fall into the wrong hands. A little cooperation here will go a very long way. I promise you. Where's the gun?

Todd Beck: I don't know. I don't know.

Outside in the waiting area.

Eugene Young: **To Dr. Mills:** You don't have any recording devices in this entire hospital?

Dr Mills: Believe it or not we don't bug the rooms.

Eugene Young: **To Tara Wilson:** Tara, keep dialing the office, get as much of this as you can on our answering machine. **To Jimmy Berluti:** I need you to find us a tape recorder or something.

Ellenor Frutt has arrived back at the hospital.

Eugene Young: What happened?

Ellenor Frutt: They won't intervene. He wrote up a 302. He filed it and thanked me for reporting it.

Jaimie Stringer: This is unbelievable.

The District Attorney Kenneth Walsh approaches Eugene Young.

DA Kenneth Walsh: Here's the deal. You give us a statement from Moran that he saw Beck shoot the officer. We'll then let you see Mr. Beck.

Eugene Young: Moran didn't see Beck shoot anybody because Beck didn't shoot anybody.

DA Kenneth Walsh: Eugene, I'm trying to play nice here.

Eugene Young: Let me tell you something.

DA Kenneth Walsh: No you let me share. I knew that officer personally. I know his widow. I know his two children. Now what have you got to say?

Alan has entered the Judge Marcia Flippen's house and is standing in her bedroom doorway knocking on the door.

Alan Shore: *whispering* Marcia.

The judge doesn't wake so he walks over to the bed, taking time to check out the fellow in bed with her.

Alan Shore: *whispering, shaking her shoulder* Marcia. I need to speak with you.

Judge Marcia Flippen: **Screams**

Alan Shore: Shhh. **Finger to lips.** Good heavens, you've woken up whoever he is.

Judge Marcia Flippen: What are you doing here?

Alan Shore: You don't pick up your phone, or answer your bell. Luckily I remembered where you hide your key.

Judge Marcia Flippen: Alan?

Alan Shore: I have an emergency.

Judge Wesley Pollack: What the hells going on?

Alan Shore: I'm very sorry sir. Judge Pollack? Hello sir. I didn't recognize you without **looks over to wig lying on night stand** your robe. **(tongue in cheek).** Alan Shore. I appeared before you on an anti-trust matter once.

Sitting on bed to get more comfortable. You were terrific by the way.

Judge Marcia Flippen: Alan what in God's name?

Alan Shore: I'm not here for sex, you'll be relieved to know. **Looking over to Judge Pollack** I'm sure your relieved. We have a client, the police are currently trying to beat a confession out of him. The man is wounded and in need of medical attention. It's extremely exigent. I have a habeas petition. I just need a signature from either of you actually.

Judge Marcia Flippen: Are you out of your mind?

Alan Shore: Marcia, he's twenty years old, bleeding and the police won't let the doctor remove the bullet. Please.

Alan Shore is back at the hospital with Ellenor Frutt, Eugene Young and Jamie Stringer .

Eugene Young: She said no?

Alan Shore: **nodding** As soon as I mentioned his alleged crime.

Ellenor Frutt: I don't know how much more he will be able to take, but they are going to keep him in there until he confesses. He's gonna break. Does he even know anybody's out here trying to help him?

Jaimie Stringer: I said I was counsel before I was hauled out, but I don't know if it registered.

Eugene Young: Were you able to talk to him?

Jaimie Stringer: No.

District Attorney Kenneth Walsh exits Todd Beck's room.

DA Kenneth Walsh: Mr. Beck is going into surgery to have his shoulder repaired. You people can speak to him when he comes out if you like.

Ellenor Frutt: What did you do to him?

DA Kenneth Walsh: I'm surprised at that question Ellenor. Where is Joe Moran?

Ellenor Frutt: He is right there. **Pointing to where Joe Moran and Jimmy Berluti are sitting.**

District Attorney Kenneth Walsh, Detective Michael McGuire and police officers walk over to Joe Moran and Jimmy Berluti.

Detective Michael McGuire: Joe Moran.

Joe Moran: Yes?

Detective Michael McGuire: You are under the arrest for the murder of Officer Peter White.

Jimmy Berluti: What the hell is going on?

DA Kenneth Walsh: Mr. Beck gave us a statement that Mr. Moran here is the shooter.

Joe Moran: What are you talking about? That is crazy.

Jimmy Berluti: Be quite Joe.

Joe Moran: Jimmy, I didn't shoot anybody.

Jimmy Berluti: Do not say a word. I will see you in custody.

Detective Michael McGuire: You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be appointed to you.

Back at the office of Young, Frutt and Berluti

Jaimie Stringer: Can't we just suppress the statement? Obviously it was coerced. The guy was tortured.

Eugene Young: But he's not the one being charged. We can't assert Beck's constitutional rights to suppress evidence against Moran. Tara, when will Beck come out of recovery?

Tara Wilson: They said seven a.m.

Eugene Young: Good. Ellenor, Jamie you need to be there. The police know they got reliability problems in the statement and they will probably try and get another under less coercive circumstances.

Jaimie Stringer: Look regardless of whose constitutional rights have been violated can't a statement be quashed if it is given involuntarily?

Eugene Young: Good question. Research that.

Alan Shore: yawning

Eugene Young: We keeping you up?

Alan Shore: Yes actually, it's four in the morning.

Ellenor Frutt: Eugene we probably should try to get some sleep. We have other cases that we need to be awake for tomorrow.

Eugene Young: This is the most important case Ellenor. I mean we all went to law school to... The idea that a government agency... They just tortured a man in front of us. This is our most important case.

At the police station, Joe Moran and Jimmy Berluti are sitting waiting.

Joe Moran: Why are they making us just sit here like this?

Jimmy Berluti: Probably to play with your head a little. Which seems to be working from the looks of you.

Joe Moran: My God man, I still can't believe this is happening.

Jimmy Berluti: Look, it's a good sign that they haven't hauled you off to arraignment yet. It could mean they know their case wobbles.

Joe Moran: Well, what do they want to talk about?

Jimmy Berluti: I don't know. But whatever goes down here, you say nothing. You hear me Joe? I will do all the talking. You don't open your mouth. If you need to breathe, do it through your nose.

Joe gets sick and vomits.

Jimmy Berluti: Great.

Jaimie Stringer and Ellenor Frutt are at the hospital with Todd Beck.

Todd Beck: It's my signature, but I don't remember saying all that.

Jaimie Stringer: You don't remember?

Todd Beck: They were sticking stuff into my wound. I know that's what they were asking me to say. Whether I said it or not, I don't remember. I was practically blacking out the whole time.

Ellenor Frutt: Okay, well lets get to the heart of it. Is the statement true? \

Todd Beck: No, Joe didn't shoot anybody.

Ellenor Frutt: What happened last night?

Todd Beck: We came out of a bar. We heard gun fire. I got a little freaked, so I started running to my car. I then saw two cops coming at me. I had been drinking and I was out past ten, I'm on parole you know. So I just took off. I went down a dead end alley. I couldn't go nowhere else so I put my hands up you know to surrender and they shot me. What's going to happen to Joe?

Ellenor Frutt: I don't know. But obviously he is in a little bit of trouble.

Todd Beck: Look, he didn't do anything. Okay, I'm sorry if I said he did, I was out of it. I swear.

Ellenor Frutt: Look, we probably need to get you into counseling.

Todd Beck: Why?

Ellenor Frutt: Joe Moran is a firm client and we can't represent both of you.

Todd Beck: Joe and I are together.

Ellenor Frutt: Yeah well you signed a statement saying that he was the shooter and even if you...

Todd Beck: I'll take it back. Ms. Frutt you people were there last night, you saw what happened to me.

Ellenor Frutt: Which could make us witnesses in any civil claim.

Todd Beck: No lawyer who comes in now is going to believe me. I've got a record, a cop is dead, my friend is charged. Look you saw what went down. Or at least you heard. You know we didn't do this.

District Attorney Kenneth Walsh enters the room where Jimmy Berluti and Joe Moran have been waiting.

DA Kenneth Walsh: Sits down at table across from Joe Moran. Okay then. This is my favorite kind of meeting, one where I and only I talk. Your job here Mr. Moran is to listen closely. Pretend as if the rest of your life might turn on what I have to say. **Looking to Jimmy Berluti:** You already know your job counselor. **Back to Joe Moran:** A police officer is dead. Somebody of course must go to prison. At the moment it appears as if that person will be you. If, however, you are to sign a statement saying Mr. Beck is the shooter, if you agree to provide testimony against Mr. Beck, of course truthful, then we would give you use in transactional immunity, your counsel can explain that. In layman's terms you go free. Anything short of a statement and testimony, we prosecute you for murder. I'm going to give you some time to discuss this with Mr. Berluti. **Walking to the door, pauses before he exits.** There will be an arraignment at one o'clock. It will either be Mr. Beck's or yours. **Walks out.**

Jimmy Berluti: I should have seen it.

Joe Moran: Seen what, what is going on?

Jimmy Berluti: Here is a crash course in criminal procedure. If they coerce a confession from Beck, they can't use it against him. It's unconstitutional. So what they were doing in the room with their torture was forcing him to give a statement against you, which they can use against you. Now they come back to you with his statement as leverage to get you to make a statement against Beck, which they can legally use against Beck. They're doing an end run around the constitution.

Joe Moran: Is this legal?

Jimmy Berluti: Legal? No. Torture is against the law. But is Beck's statement admissible against you? Yes. Would your statement be admissible against Beck? Probably yes. Look, I'm going to go discuss this with my partners. We will formulate a plan of attack. I'll be back in an hour.

Joe Moran: Make the deal.

Jimmy Berluti: I'm sorry?

Joe Moran: If they guarantee that I will go free, I will give them whatever they want.

Jimmy Berluti: First of all, that isn't necessary. They've got no real case against you.

Joe Moran: They have enough to arraign me in two hours. Possibly enough to put me on trial. I mean that alone screws me for life.

Jimmy Berluti: Second, I can't commit fraud. You didn't see Beck shoot anybody. You're his alibi that he didn't shoot the guy.

Joe Moran: I was mistaken. Now that I think back, he did kill that cop.

Jimmy Berluti: Joe, you can't do this. Come on.

Joe Moran: I've done prison. I can't go back. I can't

Jimmy Berluti: Beck is the guy they are really after. They're just using you.

Joe Moran: We don't know that for sure, even if that's true they are going to try to get me on conspiracy or something else.

Jimmy Berluti: Listen

Joe Moran: No, no I can't risk it. They are offering me a chance to go free here. I'm sorry.

Jimmy Berluti: Todd Beck is your friend.

Joe Moran: Who tried to flip me.

Jimmy Berluti: Cause he was tortured. For God's sake Joe, don't do this.

Joe Moran: What do I have to... what do I have to bank on, uh? A fair trial? Or justice? I got a glimpse of justice in that hospital room. Five lawyers, you guys couldn't do anything. I don't want to hurt Todd but I've got to save myself. Make the deal.

Jimmy Berluti: I won't.

Joe Moran: I'm telling, you as my attorney....

Jimmy Berluti: Then I'm withdrawing as your attorney. I will not commit fraud, especially to help convict an innocent man. I'm done here. **Jimmy goes to leave.**

Joe Moran: Jimmy. I expect our privileged conversations to stay privileged. **Jimmy looks at Joe in disgust and walks out of the room.**

Back at the office of Young, Frutt and Berluti.

Jaimie Stringer: Wait just a second. They take a statement that they get as a result of torture, use it to get another statement that they then use against the guy who was tortured. How is that not poisonous fruit?

Eugene Young: Because it isn't. No court has said so.

Ellenor Frutt: And Moran?

Jimmy Berluti: He has already hired a new attorney. They are supposedly cutting a deal as we speak.

Alan Shore: Sometimes the only legitimate thing to do is fight fire with fire.

Eugene Young: Meaning?

Alan Shore: Well, I have several professional lady friends. I say we catch this guy Walsh on camera in the act of getting fellatio and then blackmail him into dropping the charges. Trust me it works. I've settled at least three cases this way.

Tara Wilson: They've got him.

A television can be heard in the background: Information is still coming in. Mr. Beck was arrested in the hospital and was in fact released to police by hospital officials. He will be arraigned shortly in Suffix Superior Court. Beck was apprehended...

Ellenor Frutt: Well gee that's good to know. I guess I'd better get down there.

Eugene Young: Hold on. I'm representing Beck.

At District Attorney Kenneth Walsh's office.

DA Kenneth Walsh: Mrs. White. I'm Kenneth Walsh, the district attorney. We've actually met before.

Sharon White: Yes.

DA Kenneth Walsh: Please accept my sincere condolences. Your husband was an exceptional man, an outstanding police officer.

Sharon White: Why was he killed? Nobody is telling me what happened.

DA Kenneth Walsh: We don't exactly know why yet. Look, we've got the guy. We are about to arraign him. But you don't need to be here for this. Go be there with your family. Let me take care of things on this end.

Sharon White: I want to see him. I want to see the face of the man who killed...

DA Kenneth Walsh: I really don't recommend that today. Look, he's not getting out. There will be plenty of time later at his trial. Let me handle things. Okay?

Sharon White: Crying she hugs DA Kenneth Walsh.

In the courtroom at the arraignment, everyone from Young, Frutt and Berluti are present.

Bailiff: Case number 72334. Commonwealth versus Todd Beck. Charge of murder in the first degree.

Eugene Young: Eugene Young for the defendant your honor. Waive reading. File a motion to dismiss the charges and we ask your honor given the illegal and outrageous conduct of the police and district attorney we ask that this motion be heard now.

Judge Robert Temple: Now, isn't that jumping the gun slightly?

Eugene Young: There is no gun your honor, there is no case, these charges are being fabricated, they were being done so by means...

DA Kenneth Walsh: Did we fabricate the death of Officer Peter White? Did we...

Eugene Young: There is no witness. There is no evidence. There is no trace metal or gun powder residue to indicate that my client ever fired or even touched a gun.

DA Kenneth Walsh: We have a signed statement.

Eugene Young: Which is a product of torture, a product of ...

Judge Robert Temple: Whoa, whoa, whoa. Mr. Young you seem a little on the amp side here.

Eugene Young: Todd Beck was shot by the police. He was then put in a room, denied counsel, denied medical treatment, while police officers stuck a flashlight and other foreign objects into the wound. They did so for three hours until they coerced him into giving a statement against Joe Moran. They then used the statement to leverage Mr. Moran against Todd Beck. Mr. Moran was in fact arrested for this murder at three o'clock this morning.

DA Kenneth Walsh: And represented by you by the way.

Eugene Young: Not anymore we now represent Mr. Beck.

DA Kenneth Walsh: There's a conflict of interest.

Eugene Young: Which pails in the face of torture.

Judge Robert Temple: Alright. Mr. Walsh did you coerce a statement from Mr. Beck?

DA Kenneth Walsh: I wasn't in the room your honor when the statement was given.

Eugene Young: You heard the screaming.

DA Kenneth Walsh: He'd been shot.

Judge Robert Temple: Mr. Walsh if you get cute with me you will not like my finding. What happened?

DA Kenneth Walsh: Let's assume it happened exactly as Mr. Young says, so what? If the police coerced a statement from Mr. Beck it's not being used here. We are relying on Mr. Moran's statement.

Eugene Young: Which you only got by threatening him with prosecution.

DA Kenneth Walsh: Which we do all the time. Forsaking criminal charges is a negotiating tactic used by every law enforcement agency in the country.

Judge Robert Temple: Not every agency commits acts of torture Mr. Walsh.

DA Kenneth Walsh: I don't know for a fact that torture was committed your honor. But once again, any statements obtained through that kind of coercion we would never seek to introduce.

Eugene Young: But they are using it. They used a coerced statement to ultimately get evidence against my client. That's poisonous fruit

DA Kenneth Walsh: According to who? There's no case law supporting that.

Judge Robert Temple: What evidence does the commonwealth have against the defendant?

DA Kenneth Walsh: The surviving police officer will testify about being shot at. She will testify that she saw Mr. Beck flee the scene. He ran from the police. Mr. Moran will testify that his friend was the shooter. Call me crazy, but that's a case.

Eugene Young: Mr. Moran's statement is a lie.

DA Kenneth Walsh: That's for a jury to decide not you.

Eugene Young: Your honor, I realize we live in different times. The Supreme Court has eroded the exclusionary rule. We have laws called the Patriot Act. We detain suspects for months, even years without even giving them a hearing. We declare persons of interest...

Judge Robert Temple: You're getting off track.

Eugene Young: I'm on the track. I'm on the track. With each passing day we are becoming more and more a police state. We no longer hold dear civil rights, we no longer lay claim to expectations of privacy, in our new world we even embrace this loss of freedom so long as it makes us feel safe. But when police officers commit acts of torture there comes a point where we as lawyers, as judges, as guardians of democracy, where we have to say enough. They locked a wounded man in a room your honor... **Trying to regain composure.** Your honor, enough.

Eugene Young, Ellenor Frutt, Jamie Singer, Jimmy Berluti all sit in a room, Alan Shore is pacing back and forth. They are waiting for Judge Robert Temple to make a decision on the arraignment.

Ellenor Frutt: The fact that he even took it under advisement is a good sign. For him to consider kicking it at the arraignment stage, obviously their case looks weak.

Alan Shore: I still like my hooker idea.

Jaimie Stringer: Ellenor is right. Even if we go to trial, all they have is Moran's statement which we can easily attack. I still don't even know why they are bringing this case. It was such a rush.

Jimmy Berluti: A cop is dead.

Jaimie Stringer: Jimmy, there still needs to be evidence for God's sakes. I mean this just doesn't make sense.

Tara Wilson enters the room.

Tara Wilson: The judge is back.

Back in the courtroom:

Bailiff: All rise. **Judge Robert Temple takes his seat.** Be seated.

Judge Robert Temple: I have a ten year old son. Sometimes I help him with his homework and with math he is required to show the work. It's too bad we don't require the same with law enforcement. The police don't have to show their methodology, only the evidence that they actually introduce. And if anyone needs proof for the potential for abuse, we need only look at this case. Mr. Walsh, I'm disgusted. I wish that you had the guts to prosecute the officers involved here. Clearly you don't, perhaps because of your own culpability. To think that my son might grow up in your legacy, it horrifies me. Mr. Young, the evidence being introduced here against your client, however reprehensibly obtained, is technically admissible. Mr. Moran was not tortured. His statement, though made under the threat of criminal prosecution, was voluntary, it stands. Your motion for dismissal is denied. Trial date is set for June the sixth. The defendant is held without bail. We're adjourned.

Out in the hall of the courthouse.

DA Kenneth Walsh: Hard fought Eugene. I thought you argued well. For the record, I consider your guy guilty.

Eugene Young: For the record, you tortured him.

DA Kenneth Walsh: Look Eugene, I don't know exactly what happened on the street the other night, and neither do you. Six months.

Eugene Young: Six months? For a cop killer?

DA Kenneth Walsh: We drop the murder charges, he pleads guilty to unlawful discharge of a firearm within city limits. I need a response now.

Eugene Young: My response is, you'd never offer this if you thought he was guilty. You can't find the gun, you have no evidence, you know you'll lose if...

DA Kenneth Walsh: You want to run the risk of a trial Eugene? Fine, but I'd certainly get your client's input before exposing him to a life sentence with no parole.

Eugene Young: You've got a bad shoot, and then you torture an innocent kid to cover your ass ...

DA Kenneth Walsh: We maintain the shoot was justified. I'm offering an out Eugene.

Eugene Young: For who?

DA Kenneth Walsh: I've offered your client six months for a class B misdemeanor if you feel the need to reject that then please do, but again you might want to run it by the client.

Eugene is sitting in his office in the dark holding his head in his hands. Ellenor Frutt walks in.

Ellenor Frutt: Beck took the deal. He had to Eugene. He couldn't risk a murder trial. And as weak as their case was, he had to.

Eugene Young: No argument.

Ellenor Frutt: You okay?

Eugene Young: Fine.

Ellenor: Of everything that happened in the last twenty four hours, the most frightening to me is the look of futility in your eyes. Eugene, people like you, they can't give up. Most people don't want to live in a police state, most people still believe that civil liberties and human rights are more important than just rounding up bad guys. And with the erosion of our basic human rights and everything else that is going on in this country what most people need right now, desperately need, is for men like you not to give up.