

**Boston Legal**  
**Death Be Not Proud**  
**Season 1, Episode 17**  
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***At Crane, Poole and Schmidt, Alan Shore is in his office.***

**Chelina Hall:** ***She comes in.*** Hey! Pretty boy. How'd you like to go the Texas?

**Alan Shore:** I'd love to. I haven't had my shots.

**Chelina Hall:** I used to work on the Texas Innocence project. One of my cases is up on appeal, and they've asked me back to argue. I could really use your help.

**Alan Shore:** Because?

**Chelina Hall:** My last appearance, I unfortunately lost my temper with the chief Judge. I'm afraid he could be prejudiced against me. So I'm looking for the best lawyer I can find. I think that's you.

**Alan Shore:** What kind of case is this?

**Chelina Hall:** Capital. The client is scheduled to be executed in seven-two hours. He could be innocent. What do you say?

**Alan Shore:** I say I've always wanted to go to Texas.

***At Crane, Poole and Schmidt, Shirley Schmidt and Miriam Watson walk into Shirley's office.***

**Miriam Watson:** I certainly appreciate you seeing me, Shirley, I know how busy you are.

**Shirley Schmidt:** Miriam, how long have we known each other?

**Miriam Watson:** ***She sighs.*** Well, certainly very long, but I am mindful of your hectic schedule and I'm appreciative.

**Shirley Schmidt:** What's up?

**Miriam Watson:** Well, I don't know exactly how to say this, especially to someone with whom I've enjoyed a long and rewarding friendship. But, I've gotten myself into a situation; I'm beginning a trial next week in which I'm... uh, the defendant. Ah!

**Shirley Schmidt:** It's a criminal case?

**Miriam Watson:** I'm charged with engaging in sexual conduct for a fee.

**Shirley Schmidt:** You paid a man to have sex with you?

**Miriam Watson:** Many times.

**Shirley Schmidt:** When you say, many times?

**Miriam Watson:** Hundreds.

***Alan and Chelina are in an airplane flying over Texas. Alan is wearing a large white cowboy hat.***

**Chelina Hall:** You are not going to wear that once we get there.

**Alan Shore:** Why not?

**Chelina Hall:** This court antagonizes easily.

**Alan Shore:** Understood. How do I look?

**Chelina Hall:** ***She just smiles.*** Client's name is Ezekial Borns. He likes to be called Zeke. He has an IQ of eighty. He was convicted eight years ago in the shooting death of a gas station attendant. We finally got a DNA test ordered, it came back negative. One would think that would be enough to clear him. But... the problem is, he confessed, after an all-night interrogation. He could have been coerced, maybe brain washed, maybe both. When we land I would like you to go meet Zeke while I try to get a meeting with the DA.

**Alan Shore:** I assume you already tried the Governor?

**Chelina Hall:** I'm told he giggled. High Court is our last stop.

**Alan Shore:** High Court?

**Chelina Hall:** Texas doesn't have a Supreme Court, they have two High Courts, one for civil, one for criminal. And the chief Judge on the High Court... we had words on another case.

**Alan Shore:** When you say you had words...?

**Chelina Hall:** I called him a disgusting, fat pig.

***In Boston, at Crane, Poole and Schmidt, Shirley and Miriam are still in Shirley's office.***

**Miriam Watson:** Denny Crane?! Oh no! I, I couldn't possibly...!

**Shirley Schmidt:** Miriam, listen. Your case comes before Judge Clark Brown. Denny seems to have a take on him.

**Miriam Watson:** I couldn't possibly! Shirley. I don't tell people this, but, Denny and I... I once had relations with him.

**Shirley Schmidt:** Listen. This many offences, you could be looking at time here. If Denny gives us any advantage at all.

**Miriam Watson:** I'm so beyond humiliated.

**Shirley Schmidt:** Which brings me to my next bomb. I see no real defense here, accept perhaps, medical. I'd like to be able to tell the jury that you're a nymphomaniac.

***In Texas, in the hall of a prison, Alan is walking with Father Thomas Martin.***

**Alan Shore:** Has he ever shared with you any information that could possibly contradict his signed confession?

**Father Thomas Martin:** Uh, no. But I never inquire.

**Alan Shore:** Not a curious guy, Father?

**Father Thomas Martin:** Role of clergy is only to get the inmates ready and willing to die.

**Alan Shore:** ***He walks up to Zeke Borns' prison cell and looks through the bars.*** Zeke? My name is Alan Shore.

**Zeke Borns:** ***He and Alan are sitting across a table.*** I was all doped up. I remember being at the gas station, but...

**Alan Shore:** Well, Zeke, why did you confess?

**Zeke Borns:** They kept telling me I did it, and they had witnesses. I knew I had been there. I probably did do it.

**Alan Shore:** Your confessions didn't include the word probably? Zeke? You have no memory of shooting the attendant?

**Zeke Borns:** You're gonna get me sent to hell is what you're doing.

**Alan Shore:** I beg your pardon?

**Zeke Borns:** I've already made my peace with God. If I start sayin I didn't do it...

**Alan Shore:** Zeke, I'm trying to prevent your being executed.

**Zeke Borns:** They're gonna kill me, Mr Shore. My only salvation's in the next world. I gotta keep my peace with God.

***In Texas, Attorney Gerald Litman is in his office. Chelina is with him.***

**Chelina Hall:** Is this from his trial lawyer?

**Attorney Gerald Litman:** Went into a twelve-step program. Had to apologize to those he'd let down.

**Chelina Hall:** Has Zeke seen this?

**Attorney Gerald Litman:** We sent him a copy. Zeke doesn't write back.

**Chelina Hall:** Right.

***In Boston, at Crane, Poole and Schmidt, Shirley, Tara Wilson and Brad Chase are in the corridor.***

**Tara Wilson:** Nymphomania?

**Shirley Schmidt:** Anything you can find. And we'll need to line up an expert who can testify possibly as soon as tomorrow.

**Brad Chase:** It's not a real disease. It's an excuse offered up by sex perv sickos.

**Shirley Schmidt:** Yes, Brad. Thank you for that.

**Lori Colson:** It's also a sexist diagnosis, as well as bogus. If a man was running around trying to schtip everything he could, we wouldn't say that he had a disease we would just call him...

**Denny Crane:** Denny Crane.

**Shirley Schmidt:** Eeexactly. I'll need that research ASAP. Denny, right this way. ***She takes Denny's arm and leads him away.*** Thank you for joining.

**Denny Crane:** I'm a very busy man. I have a caseload you wouldn't believe. So...

***They walk into an office where Miriam is waiting.***

**Miriam Watson:** Hello, Denny.

**Denny Crane:** Miriam? ***A beat.*** Don't tell me I have another child.

**Shirley Schmidt:** Miriam has a criminal case beginning tomorrow.

**Denny Crane:** Criminal!? What did you do?

**Shirley Schmidt:** I can tell you what she's charged with. Can I count on your sensitivity?

**Denny Crane:** Of course.

Shirley Schmidt: She's charged with engaging in sexual conduct for a fee.

Denny Crane: You're a hooker?

Miriam Watson: I'm leaving.

Shirley Schmidt: No! **She stops Miriam.** She paid for sex. She didn't charge for it. And the Judge is Clark Brown, which as the reason you're here, in addition to your profound tenderness. We plan to perhaps to use a medical defense of... nymphomania.

Denny Crane: You're a nymph?

Shirley Schmidt: Denny.

Denny Crane: You mean when you and I went on that... long weekend in Napa, and, and, you did those... things...?

Shirley Schmidt: She was sick.

***In Texas, in a bar, Alan and Chelina are watching someone ride a mechanical bull.***

Chelina Hall: We have work to do. We can't...

Alan Shore: I'm not about to go to Texas and not ride the mechanical bull, Chelina. That would be like going to Los Angeles and not sleeping with Paris Hilton.

Chelina Hall: You'll get hurt.

Alan Shore: Nonsense. I grew up riding the ponies at Pumpkin Patch.

Chelina Hall: **Her cell phone rings, she picks it up.** Chelina! Yes, we've just had a slight delay. Alan wants to ride a bull. **A beat.** Can you get me the case? Fax it to the motel! Thank you. Evidently an execution got stayed in Connecticut. The lawyers argued something called Death Row Syndrome.

Alan Shore: Death Row Syndrome?

Chelina Hall: The theory being that Death Row can actually overwhelm the will to live and contribute to a general incompetence.

Alan Shore: That could be Zeke.

Chelina Hall: Exactly.

Alan Shore: Notify my next of kin. **He walks up to mechanical bull.**

Chelina Hall: Oh my God.

Attendant: Novice? Intermediate? Or Expert?

Alan Shore: Expert! I teach it actually.

Alan Shore: **He climbs on to the bull.** Do I get a whip? **The bull starts.** Intermediate. Intermediate!

Chelina Hall: **Her cell phone rings, she picks it up.** Chelina! He will! Ten AM is fine! We'll be in his office. Thanks, Gerry. We got our meeting with the Judge DA!

Alan Shore: Great! Intermediate. Help. Help! Intermediate!

***In Boston, at Crane, Poole and Schmidt in the conference room.***

Brad Chase: It's not a real disease.

Shirley Schmidt: But it is part of our culture, Brad. And our role here is as advocates, remember?

Paul Lewiston: Shirley, their point is well-taken. There is an enormous risk with this kind of defense. If the jury rejects it...

Tara Wilson: But, juries often don't. In 1970 we had the Cable-Car-Nymphomaniac in San Francisco, she was awarded \$50,000.00 for a crash that left her with a demonic sex urge.

Paul Lewiston: Ah, that case occurred when the medical community was more open to the diagnosis.

Tara Wilson: Well, there are other possible diagnosis as well. She could be Bipolar. There's also condition known as Cluver Beussy Syndrome. Which can result in Hyper Sexuality.

Paul Lewiston: Miriam Watson is a very successful and private businesswoman. Should we raise nymphomania as a defense the media will have a field day.

Shirley Schmidt: Which is why we're trying to nip this with a plea bargain, but without some defense we have no leverage.

Denny Crane: Judge Brown.

Shirley Schmidt: Come again?

Denny Crane: I don't like it when you say that, Shirley. Puts pressure on me.

Shirley Schmidt: What about Judge Brown?

Denny Crane: He's a virgin.

Paul Lewiston: And that would be relevant, how?

Denny Crane: If he saw in our client... an opportunity?

**Lori Colson:** May I speak to you two a second? **To Paul and Shirley, away from the others.** This is not funny. That man is a senior partner here, and the only time of the day he's not making lude sexual comments or inferences is when he's doing so blatantly.

**Shirley Schmidt:** Lori...

**Lori Colson:** No, Shirley, I am sick of it. I am making an official complaint. **To Shirley.** You're on notice. **To Paul.** And you're on notice. I've had enough.

**In Texas, Attorney Gerald Litman is in his office. Alan and Chelina are with him.**

**Chelina Hall:** First, you cannot, cannot, argue the morality of the Death Penalty. Every Judge sitting up there is for it.

**Alan Shore:** Clearly.

**Chelina Hall:** Second, do not mention Zeke's innocence.

**Alan Shore:** I'm sorry?

**Chelina Hall:** They won't listen. He did confess.

**Alan Shore:** Isn't it the DNA test that got us the appeal?

**Chelina Hall:** The DNA here does not exonerate him.

**Alan Shore:** But it certainly indicates the presence of somebody else at the murder scene.

**Attorney Gerald Litman:** Proving innocence is one thing, but since we can't do that, our case here is procedural. The DNA result is ancillary evidence, which hopefully will occasion them to look at procedural flaws. Does that make any sense?

**Alan Shore:** Yes it does. This is Texas.

**In Boston, Judge Clark Brown's chambers.**

**Judge Clark Brown:** I must say I agree with the District Attorney. If this were a one time offense. But the complaint ledges over a hundred infractions! It's shocking.

**Denny Crane:** If I may, Your Honor. This is a victimless crime.

**Judge Clark Brown:** Victimless? When somebody's action impugns the values of society, we are all victims.

**Denny Crane:** Yes, yes, yes. We're all that. But consider the shy people.

**Judge Clark Brown:** The shy people?

**Denny Crane:** Yes. If one were a single man, painfully shy, a virgin, time running out, one might, like to meet this woman. She could... help one.

**In Texas, A.D.A. Glenn Jackson is in his office. Alan and Chelina are with him.**

**Chelina Hall:** He's mentally impaired, Glenn. You know this. Your own expert said so. He was born with severe fetal alcohol syndrome.

**A.D.A. Glenn Jackson:** Chelina, this was all raised at trial. Now at some point a finding has to be final.

**Alan Shore:** I'm sorry. I realize I'm new, but didn't the Supreme Court rule you can't execute mentally retarded people.

**A.D.A. Glenn Jackson:** He has an IQ of eighty. The cutoff point for retardation in Texas is seventy.

**Chelina Hall:** Did you even read the prison reports on Zeke's character?

**A.D.A. Glenn Jackson:** This isn't about whether he's been a good boy in prison. The point is what he did at the gas station.

**Alan Shore:** Perhaps he didn't do it. He has an IQ of eighty. All you really have is a confession which most likely was a product of coercion, no weapon was found; DNA placed someone else at the scene. How about on the possibility of Zeke Borns' innocence, we hold off just a bit on killing him?

**A.D.A. Glenn Jackson:** Ha. You must be new to Texas, Mr Shore.

**In Texas, Alan and Chelina are leaving the D.A.'s office building.**

**Chelina Hall:** I told you not to raise innocence.

**Alan Shore:** How can we not raise it? It's...

**Chelina Hall:** Judges hear it all the time. Don't you get it? My client is innocent. My client is innocent. Every single complaint case. It's the standard refrain. It has no impact when you can't actually prove it. Which we can't. The tryer of fact found him guilty.

**Alan Shore:** That doesn't mean we can't argue...

**Chelina Hall:** Look! I've done this before. I know the way it works down here. Our claim has to be procedural. It's only chance Zeke has. And before you march into court, and tell everybody that the confession was coerced? Keep in mind, Zeke hasn't recanted. He's still maintaining he did it.

**In Boston, at Crane, Poole and Schmidt, in the corridor, Shirley walks up to Lori.**

**Shirley Schmidt:** Lori? While we understand your issues with Denny. While we are certainly taking steps to resolve them. I don't think you mean to lodge an official complaint of sexual harassment.

**Lori Colson:** Shirley...

**Shirley Schmidt:** Because if you do, we are required by law to initiate certain procedures. It could get very messy for all involved.

**Lori Colson:** Is that a threat?

**Shirley Schmidt:** He is ultimately a benign man who we all happen to care about, including you. I think what you really mean to do is to voice your concern, unofficially.

**Lori Colson:** I am making an official complaint. If there's paperwork to be filled out, please have the forms sent to my office. **She walks away.**

**Shirley Schmidt:** You little bitch!

**In Texas, in a prison, Alan and Chelina are talking to Zeke. A guard is watching in the background.**

**Chelina Hall:** There is no evidence of you ever having had a gun before. Or, or every shooting one. Zeke, I certainly don't wanna put words in your mouth, but if you have no memory of doing it...? If you don't recant, by this time tomorrow, you will be dead.

**Zeke Borns:** I'm gonna be dead, no matter what. The question is, do I go with God on my side or not?

**Alan Shore:** From what little I know of God, Zeke He's on your side no matter what. He also favors the side of truth. If the truth is you didn't do it...?

**Zeke Borns:** I did drugs, I stole, I was a bad person. And now I need to be a strong person. I need to have courage now for once. I'm gonna be brave.

**In Boston, in Judge Clark Brown's courtroom. Miriam is on the stand.**

**Miriam Watson:** After my marriage dissolved my sexual desire became inflamed. I was in a few relationships and my appetite took on more the form of an addiction.

**Shirley Schmidt:** When you say addiction?

**Miriam Watson:** Now, whenever I so much as look at an able-bodied man my southern region turns tropical.

**Shirley Schmidt:** And this compulsion led you to male prostitutes?

**Miriam Watson:** Where else was I to go? I'm a fifty-six year old woman, it's not as if I can walk into a bar, or... I suppose if I were in a relationship. **She turns her heads to smile at Judge Clark Brown.**

**Shirley notices and shoots a horrified look at Denny, who acts innocent.**

**In Boston, at Crane, Poole and Schmidt, Shirley throws her briefcase down on the table.**

**Shirley Schmidt:** What the hell was that? My southern region turns tropical? That little look to the Judge? **Miriam looks at Denny who is all smiles.** Did you coach her to do that?

**Denny Crane:** If the Judge likes us, he gives us a good instruction, it's as simple as that. Might even give us a directed verdict. I'm sensing some intent issues with the prosecutions case. I can feel it. The Judge has intent issues.

**In Texas, in a hotel room, Chelina is sitting in the middle of a bed.**

**Alan Shore:** These judges are only human, Chelina. They certainly have to appreciate the possibility of his innocence here. **He pours himself a cup of coffee.**

**Chelina Hall:** When I left this job I told everybody it was because I wanted to make more money. The truth is I couldn't take it anymore. I couldn't take seeing clients die.

**Alan Shore:** Did you win any? **Chelina scoffs.** Sometimes you must have prevailed; I remember reading a death penalty was overturned here just last year. **He sits down on the bed.**

**Chelina Hall:** Yeah. A New York firm volunteered to handle it. Took them ten years and cost five million dollars. The state of Texas has the most overwhelmed and under-funded defense bar in the country. They get \$25,000 dollars to appeal a death case. The prosecutors have an unlimited budget. It's a joke, Alan.

**Alan Shore:** We have good grounds here. Trial lawyer has admitted he provided inadequate council.

**Chelina Hall:** Alan, this is the court that held a sleeping lawyer isn't necessarily inadequate. You have to show he was sleeping during the important parts. You asked me before, 'Why Texas, instead of having a Supreme Court, it has two High courts?' The reason is to speed up the death cases. They've cut the time



it takes to execute people, in half. It's why Texas leads the country in executions. Proudly. Seven of the nine judges you will face tomorrow are former prosecutors! **She starts to cry.**

**Alan Shore:** Hey. **He gets up, places his cup on bedside table and sits down on the bed closer to her.** Hey. I promise you, by the time I finish tomorrow; those judges, every last one of them, will rise up and say, "Never mind executing Ezekial Borns, let's kill Alan Shore instead."

**Chelina Hall:** **She chuckles and looks up, they kiss briefly.** I'm sorry. Maybe we... We should probably get back to work.

**Alan Shore:** Yeah. **He gets up and walks away.**

**In Texas, in the courthouse hallway, Chelina is pacing as she's talking on her cell phone.**

**Chelina Hall:** ...public presence here, Gerry? There's one protestor outside.

**Attorney Gerald Litman:** **Heard through cell phone.** What am I gonna do, Chelina? It's just not as big a story as it used to be.

**Chelina Hall:** We'd be better off with nobody, than one!? I'll call you after. **She glances down at her watch, then back up. She smiles. In slow motion Alan comes through the double-doors, bursting them open with arms wide. Wearing a light-colored cowboy hat, he looks like Texas gun-slinger. The camera pans down to his hands, one is empty, the other is carrying a briefcase, camera pans down to his feet. He expression is very solemn as he plants his feet directly in front of Chelina.** I told you, you are not wearing that hat. Take it off. **Takes it off his head and places it on hers.** Listen... Last night... Sometimes lawyers will bond over a cause, and while I...

**Alan Shore:** **He places his finger on her lips.** Chelina. Let's go argue the cause.

**Chelina Hall:** Remember this motion is a nuisance to them. They will antagonize you. If you even feel yourself wanting to retaliate, you say, "With all due respect, may it please the court."

**Alan Shore:** **He nods.** Anything else?

**Chelina Hall:** Persevere. They will try to shut you down before you even begin. Persevere.

**Alan Shore:** Got it.

**In Boston, in Judge Clark Brown's courtroom.**

**Judge Clark Brown:** There is no question the defendant entered into a transaction for which sex with some all consideration. However. **Denny mouths the word along with the Judge, Shirley looks at him suspiciously.** One element of this crime is criminal intent. The burden is on the prosecution to prove this element beyond all reasonable doubt. If a medical condition deprived the defendant of her free will, or even unduly influenced her, she lacked that intent. Since the prosecution failed to eliminate Hyper Sexuality, or Bipolar Syndrome, or Cluver Beusy Syndrome as a cause for her conduct. Well! Then I feel I have no choice but to deliver a verdict... **Denny still mouthing along.** ...in favor of... **He looks at Miriam.** ...the defendant. Ms Watson? You are free to go.

**Miriam is all smiles.**

**Denny Crane:** **Shirley looks at him, he looks back innocently.** What?

**In Boston in the courthouse hallway.**

**Shirley Schmidt:** You got to that Judge!

**Denny Crane:** **Chewing on a cigar.** I don't know what you're talking about.

**Shirley Schmidt:** You knew his ruling by heart.

**Denny Crane:** Boilerplate.

**Shirley Schmidt:** A ruling that was ridiculously pro-defense.

**Denny Crane:** Denny Crane.

**Shirley Schmidt:** **She grabs his cigar from his mouth.** What did you do? Promise him a date with our client?

**Denny Crane:** First of all I would never ever do anything like that. Never! Secondly, if I did I would never, ever tell you. Never! Third... **Shirley Schmidt:** **She stuffs Denny's cigar back in his mouth. To Miriam.** And you. Was there any Quid Pro Quo here?

**Miriam Watson:** How dare you?

**Shirley Schmidt:** Oh, never mind, 'How dare me?' You're a serial intercourser! That ruling was suspect! **To Denny.** Bribing a Judge?!

**Denny Crane:** Never did that.

**Shirley Schmidt:** Well, the two of you are going to have to live with yourselves on this one. For now, like the Judge says, you're free to go. As is your lip.

***In Texas, in a courtroom, in front of nine Judges..***

**A.D.A. Glenn Jackson:** Ezekial Borns murdered a man in cold blood for a few dollars. He confessed to it. The Petitioner has gone up and down State and Federal courts, exhausting his appeals, losing his habeas arguments, and failing on claims of constitutional violations. Four different courts of appeal have reviewed and rejected each and every one of his arguments. Now is the time for this man to pay the penalty imposed on him fairly and legally. A Texas jury had decided that Ezekial Borns is a dangerous killer. He has forfeited his right to live. Thank you.

**Chelina Hall:** ***Alan moves to get up. Chelina stops him to softly remind him.*** With all due respect, may it please the court. ***Alan nods.***

**Alan Shore:** Good afternoon. My name is Alan Shore.

**Judge Christopher Serra:** Mr Shore! What are new issues being raised here?

**Alan Shore:** The first issue before the court concerns the absence of any African-American jurors.

**Judge Lance Abrams:** That was previously argued and ruled on, Counsel.

**Alan Shore:** Yes. Before the lower courts. This bench has never considered...

**Judge Christopher Serra:** We're not persuaded that the absence of a black juror is in violation of due process. What's your next issue?

**Alan Shore:** I would turn the court's attention to the fact that the Grand Jury which indicted Mr Borns, similarly, was all white. This raises equal protection laws that...

**Judge Christopher Serra:** That issue was never raised and is therefore waived.

**Alan Shore:** Your Honor, Texas Law requires that the jury recommend death only in cases where they find that the defendant poses a threat of future dangerousness to society. We maintain this is unconstitutional. Juries are supposed to find on elements of guilt and innocence based on facts beyond a reasonable doubt. Not on the basis of perceived probabilities. Moreover, as a practical matter, since Ezekial Borns will remain in prison for life, he couldn't possibly constitute a future threat to society, unless the law assumes prison breaks.

**Judge Christopher Serra:** That's an interesting issue, Counsel, but uh, that also was never raised and therefore it is deemed waived. Next?

**Alan Shore:** May it please the court. Mr Borns' trial lawyer has recently admitted he was ineffective counsel. He was abusing cocaine and alcohol during the trial, and...

**Judge Martha Brenford:** Not legally inadequate.

**Alan Shore:** I believe if you examine the transcripts...

**Judge Lance Abrams:** Mr Shore. Representation can always be better. Especially when we play Monday morning quarterback.

**Alan Shore:** With all due respect, this lawyer never gave an opening statement, he never questioned several of the prosecution's witnesses, he failed to pursue a number of leads and important sentencing issues. This court right here today has recognized that many valid grounds for appeal were never raised.

**Judge Christopher Serra:** This court is satisfied that the representation was adequate. Is there anything else?

**Alan Shore:** ***A beat.*** Yes. Mr Borns may be innocent.

**Judge Christopher Serra:** The jury disagreed. And legally that issue has been settled.

**Alan Shore:** The DNA evidence shows somebody else was there.

**Judge Christopher Serra:** But it does not disprove that your client was also there. And, your guy confessed by the way.

**Alan Shore:** My client has an IQ of eighty; he was interrogated for sixteen hours.

**Judge Lance Abrams:** Coercion was never raised.

**Alan Shore:** It was never raised because his lawyer was an inadequate hack! Though the nine of you seem quite satisfied with his performance. With all due respect.

**Judge Christopher Serra:** Mr Shore? You came down here from Massachusetts?

**Alan Shore:** Yes. Sir.

**Judge Christopher Serra:** We in Texas have been living with this case for eight years.

**Alan Shore:** You've been living with it personally? May it please the court.

**Judge Christopher Serra:** You first met Mr Borns, when?

**Alan Shore:** Yesterday.

**Judge Christopher Serra:** And you are proposing to us, that you know him. You know what I'd like to propose? I'd like to propose that you got a problem with the death penalty in general. Now, is that why you came here, Sir?

**Alan Shore:** I am here. With all due respect, may it please the court, because I have a problem with the State executing a man with diminished capacity. Who may very well be innocent! I'm particularly troubled,

may it please the court, with all due respect, that you don't have a problem with it. You may not want to regard my client's innocence, but you cannot possibly disregard the fact that 117 wrongfully convicted people have been saved from execution in this country. 117! The system is hardly foolproof. And Texas! This State is responsible for a full third of all executions in America. How can that be? The criminals are just somehow worse here? Last year you accounted for fully half of the nation's executions. Fifty percent from one State! You cannot disregard the possibility, the possibility, that something's up in Texas.

**Judge Lance Abrams:** I would urge you to confine your remarks to your client, and not the good state of Texas.

**Alan Shore:** Zeke Borns never had a chance. He was rounded up as a teenager, thrown in a cell while he was still doped up on drugs, brow-beaten and interrogated, until his IQ of eighty was overcome, he confessed to a crime he had no memory of, still has no memory of, for which there is no evidence, other than two witnesses who saw him pumping gas around the time of the murder. He was given a coked-up lawyer, who admittedly did nothing. I'm now before nine presumably intelligent people in the justice business, who have the benefit of knowing all of this. Add to that, you know DNA places somebody else at the scene, and you're indifferent! You don't care! Whether you believe in my client's innocence, and I'll assume, with all due respect, may it please the court, that you don't! You cannot be sure of his guilt! You simply cannot! And failing that, how can you kill him? How can you kill him? **He turns away from the podium and walks back behind the table.** And I would sincerely, sincerely, sincerely, hope that you don't penalize my client, simply because his lawyers happen to be from Massachusetts. **He moves to sit down, then rises.** The home of the New England Patriots, who could kick ass over any football team you've got in the good state of Texas. May it please the court.

**In Texas, Alan and Chelina are waiting at the prison.**

**Alan Shore:** I am so sorry.

**Chelina Hall:** No. You don't have to apologize. They gave you nothing. You had no choice but to go with your passion. Could have left out the slight on Texas football. But... **A beat.** You were strong, Alan. And maybe you reached them. **She sees the guards taking Zeke from his prison cell. She runs up to them.** The court hasn't ruled yet!

**Warden Silverman:** Six hours before, he goes to Huntsville. That's the law.

**Alan Shore:** What's in Huntsville? Bleachers?

**Zeke Borns:** The deathhouse. They put me in the Walls unit.

**Chelina Hall:** Why move him if there's still a chance? **Her cell phone rings, she picks it up.** Gerry?

**Warden Silverman:** No cell phones in here.

**Chelina Hall:** Just now? **She closes the phone.** They turned us down.

**A beat.**

**Zeke Borns:** Well, let's go then.

**Chelina Hall:** I'm so sorry, Zeke.

**Zeke Borns:** Well, I'm ready Chelina. I'm gonna be strong like a hero, you watch. Will you watch? I want people to see me strong. I got no family. Will you come?

**Chelina Hall:** Sure. We'll be there.

**Warden Silverman:** Let's go, Zeke.

**The guards take Zeke away.**

**Alan Shore:** I'm going to see the Governor.

**In Boston, at Crane, Poole and Schmidt, Shirley is in her office. Paul is with her.**

**Paul Lewiston:** He bribed the Judge?

**Shirley Schmidt:** I can't be sure. But I think he had some undue influence. As much as I adore him, it's only a matter of time before he brings this place to its knees.

**Paul Lewiston:** He's the named partner. The lead, named partner.

**Shirley Schmidt:** I think we've gotta take him out.

**In Texas, in a room next to the execution room, Chelina is talking to Zeke through prison bars.**

**Zeke Borns:** I get ice cream. Chocolate.

**Chelina Hall:** Yeah. You said.

**Zeke Borns:** They said maybe sprinkles. Guess I don't need to worry about my cholesterol.

**Alan Shore:** **A guard lets him in.** Governor's in Hawaii. Not available. There's still hope however. I made a few calls to track down a woman I know who's actually performing in charity Luau where the Governor is scheduled to be. Polynesian dancer.



Chelina Hall: So you're saying this whole thing could come down to a...?

Alan Shore: A hula girl. I know this girl. She's good. Zeke...?

Zeke Borns: Let's do this. I'm ready to die. I'm strong.

Alan Shore: **To the guard.** Would you excuse us for a minute please? **The guard leaves.** Zeke, you talked about being a hero. Strong and brave, may not go with hero here.

Zeke Borns: What do you mean?

Alan Shore: The State of Texas wants people to believe you're a monster. I think you should show them you're a human being. The human thing to do here is be afraid. If you wanna be a hero, show people what it really feels like to be executed. We're led to believe it's peaceful, painless, humane even. I think you should fight to the end, Zeke. And show your fear.

Zeke Borns: This cause you're against the death penalty? Right?

Alan Shore: Well. Whether a person is for or against the death penalty, he or she should just know what it is. The best way for you to be a hero Zeke, is to be human.

**In Boston, at Crane, Poole and Schmidt, in her office, Tara is on the phone.**

Tara Wilson: I've also included a brief synopsis of the case history, should he care to peruse it over his Mie Tie. Excellent, Angela. **Paul comes and stands in the doorway.** Well, you have my number, you also have Alan's and I've also given you Chelina's cell and number at the Wall's unit. Thank you. Aloha. Make speed.

Paul Lewiston: He's actually petitioning the Texas Governor, by way of...?

Tara Wilson: Hula girl. Justice works in strange ways, Paul. Ask Judge Brown.

Paul Lewiston: Did Denny bribe him?

Tara Wilson: I can only guess.

Paul Lewiston: Tara, do you ever feel sexually harassed by Denny?

Tara Wilson: Never.

Paul Lewiston: He never objectifies you?

Tara Wilson: All men objectify me.

Paul Lewiston: I don't. **Tara doesn't answer.** I don't!

Tara Wilson: **Her phone rings.** Hello, Angela?

**In Texas, at the Walls unit, Alan and Chelina walk into observation room.**

Alan Shore: **He's talking on cell phone.** Yes. Without question. He must be there, Angela. I got his schedule directly from his press secretary's assistant. You got my fax? In your hand? Then find the Governor and get it in his hand. We have less than ten minutes, maybe five. **The guards bring in Zeke, he is in chains.** 'Kay.

A.D.A. Glenn Jackson: No cell phones are allowed in here. How'd you get by with that?

Alan Shore: I told the guard we're waiting for a last minute call from your conscience. Collect.

Chelina Hall: You see that guy? Media. One guy. It's not even a story.

**Alan and Chelina go to sit in front of a window with bars and glass through which they see a table with wrist and ankle straps. The guards remove Zeke's chains.**

Zeke Borns: Do I get to say my last words now?

Warden Silverman: If you like.

Zeke Borns: It's just,, I don't know if I did it. But, if I did I'm sorry, you know?

Warden Silverman: Time to get on now.

Zeke Borns: Okay. Thank you. For everything. **The guards lead Zeke to the table. Zeke starts to struggle, the guards force him down on the table and place straps around his wrist and stomach. Chelina can't watch. Zeke's hand reaches toward Alan and Chelina. Alan forces himself to watch as a guard inserts a needle. Zeke breaths heavily.**