

The Accused

~~"RECKLESS ENDANGERMENT"~~

by

Joan Tewkesbury

and

Tom Topor

THIRD DRAFT  
REVISED  
April 1, 1987

## BLACK

A hard, driving musical score lashes against the black until TITLES appear, flashing on and off quickly. A wail-like sound in the music comes and goes, building in intensity. Underscoring the music, the sound of men laughing, chanting and applauding. Finally, the LAST TITLE is replaced with a failing, blue-neon sign: "THE MILL".

## 1. EXT. THE MILL - NIGHT

1

The sounds of the men and music continue as the sign flickers through the window of a squat, one-story dive that looks like it's sinking into the parking lot filled with cars and pickups. Super imposed: Sat. April 18, 1987. Suddenly the wail in the music pierces through all of the other sounds and becomes a scream.

The door of The Mill swings open. The scream continues, louder. A woman stands in the doorway.

Backlit, she appears to be small-boned and attractive. Her name is SARAH TOBIAS, but that doesn't matter now. Behind her, silent men watch passively.

Wild-eyed, she screams:

SARAH

No!!!

as she tries to pull her sweatshirt down to cover her nakedness. Then she runs into the rain, crossing the flooded parking lot like a wounded animal. The music continues her scream.

Down the street from the parking lot stands a dimly lit telephone booth. Inside is KEN JOYCE, young, attractive athletic-looking. Out of breath, he anxiously finishes dialing a number and a muffled telephone starts to ring.

The movement of Sarah's flight and her whimpering begin to dissolve.

## 2. INT. KATHERYN'S BEDROOM - NIGHT

2

Sarah's sounds and image overlap and become the silhouetted image of two people making love against a rainstreamed window. KATHERYN MURPHY, also small-boned and attractive, rides breathlessly, abandoned and confident, atop her friend, RICHARD. They move hard against each other, then grind to a finish as the dull phone ring turns shrill and jams through the senses.

Oh my God...  
KATHERYN (breathlessly)

The phone rings again. She rolls off of Richard and grabs it.

Yes? Hello!  
KATHERYN (into phone)

I missed you so, I couldn't sleep.  
DAVID (O.S.)

Katheryn tries to breathe and cover at the same time.

Oh, sure...  
KATHERYN (into phone)

Did I wake you?  
DAVID (O.S.)

Richard rolls out of bed and makes his way to the bathroom.

Where are you?  
KATHERYN (into phone)

Toronto. I'll be in Tuesday. Can you have dinner?  
DAVID (O.S.)

Ah, yeah...sure. I mean, I don't know.  
KATHERYN (into phone)

Go back to sleep. I'll call Tuesday.  
DAVID (O.S.)

Fine...That'll be fine.  
KATHERYN (into phone)

You do know who this is, don't you?  
DAVID (O.S.)

Sure I do. You're in Toronto.  
KATHERYN (into phone)

She hangs up the phone and sighs heavily. Richard walks back and sits down on the bed.

Who was that?  
RICHARD

KATHERYN

My sister.

3/4. INSERT - TAPE RECORDER BANK

3/4

One of the stacked recorders is rolling.

KEN (O.S.)

...look, there's a girl in trouble.  
an assault, a rape...two...three...  
I don't know, there's a crowd...

OPERATOR (O.S.)

Sir, may...I have your name please?

KEN

No way...but it's "The Mill,"  
the bar on Mill Road...

3/4A. EXT. STREET - NIGHT

3/4A

Through the rain streaked glass walls of the booth Ken spots Sarah, weaving along the center line of the road. Horns blare, drivers yell curses.

KEN (into phone)

...she's hurt...

OPERATOR (O.S.)

Sir, if you'd please...

Ken hangs up, swings open the door and starts running towards Sarah. But only in time to see a construction company pickup screech to a halt, back up, and retrieve her. The shrill ring of a phone sounds.

5. INT. KATHERYN'S BEDROOM - NIGHT

5

It's Katheryn's bedside phone. Katheryn is wrapped around a pillow. Richard, her bedfellow, is gone. She rolls over, anxious to stop the noise, and gropes for the receiver.

KATHERYN (into phone)

Now what?

DUNC (O.S.)

Katheryn?

KATHERYN (into phone)

Dunc?

DUNC (O.S.)

Meet me at Central Receiving as soon as you can, okay?

KATHERYN (into phone)

Dunc, I was on nights all last week.

DUNC (O.S.)

Sorry, but Vivian's sick...and bring a change of clothes.

KATHERYN (into phone)

Oh no...Dunc?

He's hung up. She looks around the room as she hangs up. No Richard anywhere. He's gone. She sighs and gets out of bed.

6. INT. EXAMINATION ROOM - NIGHT

6

Sarah, in a hospital gown, is seated on an examining table; she is peculiarly calm -- not clinical shock, but its psychic equivalent. Near her, holding a clipboard, is a black middle-aged nurse, DEBORAH, who is waiting for Sarah to answer her.

DEBORAH (calmly)

I said, what kind of contraceptive do you normally use?

SARAH

I.U.D.

DEBORAH

When was your last period?

SARAH

Around ten days, two weeks, maybe. Bad cramps.

DEBORAH

What's your usual cycle?

SARAH

Twenty-six, twenty-seven days. Aren't you going to examine me?

DEBORAH

I need some more history, first. Before the incident, when was your last intercourse?

6

CONTINUED:

*Dick Hents*

6

SARAH

A while. I could really use a shower. \*

DEBORAH

Can you be more specific? \*

A knock, and an ORDERLY with a Polaroid camera sticks her head  
in the door. \*

DEBORAH

(to orderly) \*

Not yet. \*

(to Sarah) \*

Your last intercourse? \*

SARAH

Couple of weeks. \*

DEBORAH

You're sure. \*

SARAH

Yeah. \*

DEBORAH

Have you ever had a venereal disease? \*

(Sarah shakes her head) \*

When was the last time you saw a  
gynecologist? \*

SARAH

Around New Year's. \*

DEBORAH

Have you had intercourse with anyone since  
then who you think might have had a  
disease? \*As Sarah shakes her head, no, a neatly dressed woman, CAROL,  
enters the room. Deborah nods to her. \*

CAROL

How do you do, Sarah? I'm Carol Honeycutt  
from the Rape Center. Is there anyone  
you'd like me to call? \*

Sarah shakes her head, no. \*

CAROL

Do you live alone? \*

6

CONTINUED:

6

Sarah shakes her head, no. \*

CAROL  
(carefully)  
Is there any special reason why you don't  
want me to call your home? \*

SARAH  
He's probably asleep. \*

Carol nods to Deborah to continue the examination. \*

CAROL  
I'm here to help, so if there's anything I  
can do, please tell me. \*

As Carol moves away to a chair, Deborah approaches Sarah. \*

CAROL  
(to Deborah)  
Who's catching? \*

DEBORAH  
Murphy. \*

Carol grimaces slightly. \*

7. EXT. THE MILL - NIGHT

7

It's stopped raining as a police car rolls to a stop  
outside The Mill.

## 8. INT. THE MILL - BAR - NIGHT

8

Inside the well-worn, neighborhood bar, only a handful of customers are left, including a few regulars, LEE MAQUETTE and KURT WOLPE. Kurt is resting his head on the bar. A few seats away, ARTHUR POLITO is chatting with JESSE, the bartender. From the bar, we look into a large game room ringed with pinball machines. In the center, a small dance floor. The jukebox plays something nondescript and the TV in the bar blurts out cable sports. A COP enters and strolls to the bar.

JESSE

Nightcap?

COP

You have any trouble here tonight?

JESSE (wiping the bar)

The usual. Saturday night...  
Nothin' special.

COP

We got a call. Rape, the call said.

JESSE

Rape? You're puttin' me on. These  
guys can't get it up. They're  
boozers.

(man-to-man)

We had a couple of kids from the  
college...real "party animals",  
y'know what I'm saying'?...

The cop nods in understanding and ambles out.

## 9. INT. EXAMINATION ROOM - NIGHT

9

Sarah lies flat on the table. As Carol makes notes, Deborah  
picks up a speculum from a medical tray.

DEBORAH

Try to relax.

Sarah's face twitches in discomfort.

DEBORAH (o.s.)

You're tensing. Hold on. One more.

(getting 2d speculum)

Easy...easy...okay.

(getting PAP stick)

The smear's on the house.

Sarah smiles wanly. Deborah picks up a syringe.



9

CONTINUED:

9

DEBORAH (o.s.)

Now...a little blood...

Again, Sarah's face twitches. Deborah picks up a fine-toothed comb.

DEBORAH

This might tickle a bit. \*

SARAH

(unbelieving) \*

Tickle? \*

CAROL

She's combing for hairs. Not yours.  
Theirs.

Deborah uses pointed orange sticks to scrape under Sarah's fingernails. There is a knock, and Carol goes to the door.

DEBORAH

Their skin.

Carol opens the door to a woman ORDERLY, who carries a Polaroid camera. The Orderly leans over Sarah and shoots sections of her body and face. With each shot, the flash is instantly followed by an instantly developing frame showing a bruise. During this, the door opens and somebody enters the room. The Orderly finishes and goes. Deborah helps Sarah-- who is blinking because of the flash--to sit up. She looks around and sees Katheryn, who is conservatively dressed and carries a plastic shopping bag. She walks over, with her hand out. Cautiously, Sarah takes it. \*

KATHERYN

How do you do, Miss Tobias? I'm Katheryn  
Murphy--I'm the deputy district attorney  
assigned to your case. \*

SARAH

Hi. \*

DEBORAH

I'm almost done, Katheryn.  
(to Sarah) \*

Are you allergic to penicillin? \*

Sarah shakes her head, no, and Deborah fills a syringe with antibiotic. \*

DEBORAH

In case any of them had anything.

9

CONTINUED:

9

She gestures and Sarah turns over--and finds herself looking at Katheryn, who is studying her clinically. The needle goes in and Sarah grimaces and shuts her eyes.

DEBORAH

You can take a shower now...and a douche.

Sarah, a bit wobbly, gets up from the table.

CAROL

The ladies' room is down the hall--as you go in, the shower's on the left.

Sarah nods, starts to go, looks down at her hospital robe. Katheryn passes the bag to Sarah.

KATHERYN

I hope you don't mind gray.

Sarah shrugs, starts out, stops and speaks to the floor.

SARAH

Have you got any mouthwash?

Deborah hands her a bottle and Sarah darts out. Katheryn picks up Deborah's clipboard and copies items into a small notebook as Carol and Deborah fill out status reports.

KATHERYN

Lot of alcohol.

CAROL

(not looking up)  
Legally drunk.

KATHERYN

Grass too...

CAROL

She's over 21--it's allowed.

KATHERYN

(skeptically)  
Anything else?

CAROL

What difference does it make--she was raped. By three men.

KATHERYN

She claims she was raped by three men.

CAROL

You're all heart, Katheryn.

KATHERYN

No, Carol: you're all heart. That's why  
I had to bring clothes for her.

(moving toward door)

Tell her I'll be waiting in the  
supervisor's office.

\*  
\*  
\*

CAROL

I'll tell her what to expect, too.

\*

KATHERYN

Do that, Carol: tell her I'm not a  
counselor; tell her I'm a prosecutor. And  
tell you'll hold her hand and make her  
feel better, and--if I have a case--I'll  
prosecute it and put her rapists in  
prison.

\*  
\*  
\*  
\*  
\*  
\*

She turns and walks out.

\*

10. INT. HALLWAY - NIGHT

10

Behind an office glass door, sit Katheryn and Sarah, who  
is wearing Katheryn's gray dress. Sarah is talking  
into a microcassette recorder. She smokes and her  
face is still oddly calm. Katheryn is taking notes and  
waving away the smoke. DUNC, a large, friendly man  
with a sarcastic wit, finishes a candy bar as he  
trudges along the hallway and spots them. He waves and  
opens the door.

11. INT. OFFICE - NIGHT

11

SARAH

...The music stopped. I heard  
somebody crying, and it was me.  
(she hums)

Catchy, huh?

Katheryn glances at her, then at Dunc.

KATHERYN

Sarah, this is detective Duncan.

DUNC

(extending hand)

Dunc. How you doin'?

He gives Katheryn a meaningful nod.

KATHERYN

I'll pick up a warrant and meet you there.  
(to Sarah)

Would you recognize any of these guys?

11 CONTINUED:

11

Sarah nods, yes, emphatically. \*

KATHERYN

The Mill is still open. We'd like you to go over there with us and see if you can make a positive I.D. \*

SARAH

Oh shit. \*

DUNC

We'll-be-right there with you. \*

Sarah still hesitates. \*

KATHERYN

(neutral) \*

Sarah, if you want to get them, I need your help every step of the way. Do you? \*

Sarah nods, yes. \*

A12. EXT. MILL - NIGHT

A12

Katheryn pulls her Taurus into the parking lot followed by a police car, and Dunc and Sarah in his unmarked vehicle. As Katheryn parks next to a beat-up yellow Camero she can't help but notice it's bent personalized license plate: SXY SADI.

12. INT. THE MILL -NIGHT

12

Lee is leaning on the bar with Arthur, watching TV. Kurt is passed out in a booth. Jesse is cleaning up a table as Dunc, holding Sarah by the arm, walks in followed by Katheryn and two cops. Though Sarah seems composed she grips Dunc's arm so hard he winces. Katheryn stands with her back to the bar.

KATHERYN (quietly)

Okay, can you identify any of your attackers? Don't point; don't turn your head. Tell me.

SARAH (quietly)

To your left...The dark one in the plaid shirt and the one in the beige sweater.

KATHERYN

Dunc, did you hear the I.D.?

(Dunc nods)

Sarah, wait in my car for me.

Katheryn signals to a cop, who starts to lead Sarah out.

KATHERYN (formally)

I'm Katheryn Murphy, Deputy District Attorney in Lane County. We have a report of a violent felony...

JESSE

What felony?

KATHERYN

...On these premises. This is a search warrant signed by Judge Bruce Cutler...

(pause)

This is Detective Duncan. He is in charge of the investigation.

Dunc grabs a handful of peanuts from the bar and turns to Jesse noticing Arthur Polito, a familiar felon in the group.

DUNC

You wanna turn off the TV so we can talk in peace...

(turning to Arthur; smiling)

Hey Polito, how ya been? Didn't figure you'd be out for a couple of years.

Arthur glares back.

13. INT. KATHERYN'S CAR - NIGHT

13

As the car rolls along, Sarah hums with the radio and smokes. She is careful to exhale out the window.

\*  
\*

SARAH

...The college one wasn't there. Lee, Kurt and the college one. I don't know the others.

KATHERYN

(afraid Sarah has held back)

What others?

13

CONTINUED:

13

SARAH

The ones who were yelling and clapping.  
 (humming anew)  
 Bob is the college one. Bob...Joiner.  
 Did you go to college?

Katheryn gives her a surprised look.

SARAH

I forgot; you're a lawyer.

KATHERYN

Do you know any of the ones who were  
 yelling and clapping--we need all the  
 witnesses we can get.

SARAH

Nah. There was a whole bunch--ask Sally,  
 she's my friend, she works there. When's  
 your birthday?

KATHERYN

(puzzled)

My birthday? August 6th.

Sarah stares out the window at the trailer before them.

SARAH

Right up there--the trailer. Maybe you  
 better stop here. He's asleep. He gets  
 stoned and takes the phone off the hook  
 and goes to sleep.

Katheryn stops the car. Sarah doesn't move.

KATHERYN

Are you okay?

SARAH

I dunno. My eyes hurt. Are you married,  
 or anything?

KATHERYN

No.

SARAH

My mother's been married for 25 years but  
 he left when I was born. August 6th when?

KATHERYN

What? Oh. 1959.

SARAH

You want me to do your chart?

KATHERYN

Er...no, thank you.

13

CONTINUED:

13

SARAH

I'll do it for free.  
(still not moving)  
Boy, I sure hope I can wake him.

\*  
\*  
\*

KATHERYN

(carefully)  
Do you want me to go in with you?

\*  
\*

Sarah hesitates, shakes her head, no, opens the door.

\*

KATHERYN

Wait.

Katheryn finds her business card and gives it to her.

\*

KATHERYN

If you need anything, call me.

\*

Sarah takes the card, nods blankly and looks around, scared.

\*

SARAH

Where's my car?

KATHERYN

A policeman'll bring it tomorrow.

\*

Sarah nods, starts to climb out, stops.

\*

SARAH

Does my face look real bad?

KATHERYN

No.

SARAH

He likes to touch my face.

Abruptly she leaves the car and trots to the trailer.  
Katheryn finds a notebook and scribbles a few lines before  
driving off.

\*  
\*

\*

## 14. INT. TRAILER BEDROOM - NIGHT

14

A sloppy trailer bedroom. On the bureau are several bags of grass, small prewrapped packages, a scale, a coarse filter and so on. On the wall, a large astrological poster. Strewn on the floor, astrological books amongst the Dorritos chip bags and over-flowing ashtrays. Sarah, wearing her Walkman headset and still in Katheryn's dress, but with her shoes off, is sitting cross-legged on the bed petting her dog numbly. Her boyfriend, LARRY, is also on the bed, but not close to her. Her face is blank, her eyes wide open. Without looking at her, he reaches out to touch her. He wants to comfort her but he is simply not sure how to go about it. He tries to get her attention.

LARRY

I wish I knew what to say...

Sarah looks at him blankly. He removes her earphones.

LARRY

You wanna take a drive?

SARAH

A drive?

LARRY

Get some air. Cool out...

She shakes her head no, slowly. She puts the headset back on.

LARRY (standing)

Then I'll be back in a few minutes, okay?



Without waiting for her answer -- or looking at her -- he leaves. Sarah starts to move her head from side to side. She lights a cigarette and stares at the door, as though staring at it would make him reappear. The dog gets up and wanders off so she picks up the phone. Puts it down and puts on her Walkman. Takes the Walkman off, picks up the phone again and dials.

SARAH (into phone)

Hi...No, no special reason, I just figured I'd say hello...Yeah, still waitressing. How's Amos?...Already? ...I wasn't making fun of you, Ma... No, I don't want any money. What I was thinkin', I was kinda thinkin' about comin' down there for a few days...No, I'm not in any trouble, I just figured...Where?...Mexico? I like Mexico...Oh, oh. What's his name?...Hey, Ma, you have a great time, okay?...Sadi's fine... yeah real soon...Bye.

She hangs up, puts her Walkman back on and shuts her eyes.

15. INT. KATHERYN'S CO-OP - NIGHT

15

The phone is ringing as Katheryn flips on the lights in her sparse, spacious high-rise co-op. She drops her stuff on the glass dining room table and reaches for the wall phone in the kitchen.

KATHERYN (into phone)

Hello?

CONNIE (O.S.)

Kathy?

All we can hear on the phone is a woman crying.

KATHERYN (into phone)

Connie? What's wrong?

CONNIE (O.S.)

Jay and I broke up. He wants me out of here tomorrow.

KATHERYN (into phone)

Oh no...

Katheryn goes to the refrigerator. Not much inside. She grabs what's left of the orange juice and pours it in a glass.

KATHERYN (into phone)  
Did you call Mom? Maybe you should stay there a couple of days.

Katheryn gulps down the juice.

CONNIE (O.S.)  
She's taking care of Bob's wife and kids.

KATHERYN (into phone)  
Again?

She walks to her briefcase and pulls out the Polaroids of Sarah.

CONNIE (O.S.)  
I'd like to stay with you.

KATHERYN (into phone)  
Connie, I'm not really set up for that.

CONNIE (O.S.)  
You have a couch.

KATHERYN (into phone)  
Yeah, but I have a better idea. Let me help you rent your own place.

We hear Connie sigh heavily as Katheryn spreads the Polaroids on the table.

CONNIE (O.S.;angry )  
Damn it, I'm not after a charity check. I just don't want to be by myself right now. I've been alone too much as it is.

KATHERYN (into phone)  
Connie, you haven't spent a night by yourself since you were sixteen...

Silence. Katheryn is remorseful.

KATHERYN (into phone)  
I'm sorry...I was just kidding.

We hear a click, then a dial tone.

KATHERYN

Shit.

She hangs up the phone and sighs heavily. She takes a last look at the photographs, then turns out the light.

15A. EXT. FRAT HOUSE - DAY

15A

Katheryn and Sarah sit in Katheryn's car, watching the entrance to the frat house. Dunc is in his car nearby. Another police car (unmarked) is also present.

\*  
\*  
\*

15B. INT. CAR - DAY

15B

Sarah, nervous, smokes. STUDENTS drift out of the frat house.

\*

SARAH

...Well, I always figured I'd work as a waitress till I found something that really turned me on. I'm still looking. Did you always know?

\*  
\*  
\*  
\*

KATHERYN

Not always, but pretty early.

\*

SARAH

That's great. Hey, isn't it a lot of money to go to law school?

\*  
\*

KATHERYN

(pointedly unrevealing)

I worked.

\*  
\*

SARAH

I went to school for a while, but it was such a hassle--

\*  
\*

BOB Joiner, along with KEN and a couple of other STUDENTS, is emerging from the frat house and Sarah grips Katheryn's arm. Katheryn toots her horn once very briefly. Dunc looks over and Sarah points at Bob. Instantly, Dunc is out of his car, and the COPS in the other car are too.

\*  
\*  
\*  
\*  
\*

To the shock and consternation of the others--especially KEN--they surround Bob, lean him over the hood of a car and cuff him from behind. Sarah lets out her held breath.

\*  
\*  
\*

## 16. INT. COURTROOM - DAY

16

Katheryn is before the bench, as are the three lawyers--SKLAR, DALTON and HENLEY. Their clients, LEE, KURT and BOB, are behind them. Among the spectators are FAMILIES, including Bob's wealthy FATHER, and print REPORTERS. The following overlaps and moves very fast.

KATHERYN

...Your honor, we expect to indict for first-degree felony and--

HENLEY

Your honor, my client has no prior record and--

KATHERYN

--and in a crime like this there is a genuine risk of defendants' fleeing the jurisdiction--

DALTON

Your honor, my client has roots in the community, thus--

HENLEY

--I'd like him released to his family without bail.

KATHERYN

Your honor, this is a crime of violence and--

DALTON

I'd like the same, your honor.

KATHERYN

--the victim has a legitimate concern for her safety if--

The JUDGE raises his hand, silencing them. He skims the papers, then looks at Lee, Kurt and Bob.

JUDGE

\$10,000. Each.

The gavel sounds as Katheryn tries to hide her annoyance and turns to find the slyly smiling face of Dalton, then she turns making eye contact with three PARTNERS from a private law firm who have been watching from the back row of the courtroom.

## 17. INT. RESTAURANT - DAY

17 \*

A very elegant place--the kind of place that has captains as well as waiters, busboys and hosts. Katheryn is having lunch with three PARTNERS in a law firm (they attended the bail hearing) and it's evident a mutual professional seduction is taking place.

PARTNER 1

...Well, I must say Ms. Murphy, it certainly looked like like you can't wait to put them on trial.

KATHERYN

(chuckling)

Good--that's what I want the defense to think.

PARTNER 2

Oh, is there some question...?

KATHERYN

There's always a question in a rape case, because it really depends on whether the jury buys your complaining witness.

(laughing ruefully)

Mine is...well, apart from everything else about her which is less than...pure, I just found out she was busted for possession of cocaine.

PARTNER 3

I'm sure that won't make things easier for you.

KATHERYN

No.

PARTNER 1

I'm sure we could make things easier for you, Ms. Murphy--of course, there is the risk of your being bored.

PARTNER 2

The only criminal work we do is as a courtesy to our corporate clients and it usually involves mundane things like insider trading or stock fraud.

PARTNER 3

(jovially)

None of the old sex and violence.

(CONTINUED)

KATHERYN

Well, sex and violence is fun, but...

PARTNER 1

It doesn't lead anywhere?

KATHERYN

Only to more sex and violence.

PARTNER 2

Do you have many pending cases, Ms. Murphy?

KATHERYN

The usual. A felony murder, an arson, a couple of armed robberies, the rape...

PARTNER 3

Are you committed to seeing them all through to their resolutions?

KATHERYN

(nodding, yes)

I'd hate to leave Paul in the lurch.

PARTNER 1

A rather interesting anti-trust case was just brought to us--I expect it'll go all the way to the Supreme Court.

PARTNER 2

No doubt about it.

PARTNER 3

We think it's the kind of case you could do wonders with--of course, we'd like you to begin...soon.

PARTNER 1

Not that we want to interfere with your commitments...

PARTNER 2

This is truly a nice little red. More wine, Ms. Murphy?

KATHERYN

Yes, thank you.

## 18. INT. THE DUGOUT RESTAURANT - DAY

18

Sarah is working the lunch shift. She is behind the service bar, awaiting a drink order. Sarah whirls around in a panic inadvertently hitting the bartender's arm. The blender full of margaritas slips out of his hand and crashes to the floor.

\*  
\*

SARAH

No!

BARTENDER

Jesus Christ, Sarah.

SARAH

Sorry. I'm sorry.

She grabs a towel to help the Bartender mop up.

BARTENDER

What the hell's going on?

Sarah glances up and sees the TV.

COMMENTATOR #1 (ON TV)

All three men accused of raping and sodomizing a young woman at a local bar were released today on \$10,000 bail. Lawyers for the accused men felt confident that facts may reveal the young woman wasn't raped.

Sarah freezes.

## A19. INT. FRAT REC ROOM - DAY

A19

The same newscast plays to a dozen fraternity brothers. In the center sits Bob, trying to play down "the brothers" desire to elevate him to celebrity status, without offending them.

LAWYER HENLEY (ON TV)

Our defense is simple...There was no rape  
The so-called victim consented...enthusi-  
astically...to all of the alleged  
acts. She put on a show, pure and  
simple.

The shot on TV widens to

Bob Joiner, his hands free, stands next to his father and Lawyer Henley. The frat brothers react with laughter and applause, pulling Bob to his feet for a bow he really doesn't want to take. He locks eyes with someone at the back of the room...KEN JOYCE, the only one not laughing or clapping. Bob suddenly looks very vulnerable as Ken turns and heads upstairs.

19.. INT. FRAT BEDROOM - DAY

Ken sits over a computer, trying to work. Bob comes in, beers in hand, and puts one before Ken. Then he goes to the closet, gets his sweats and changes as he talks.

\*  
\*  
\*

BOB

Coming to practice?

\*  
\*

KEN

Nah. I've got to finish this.

\*  
\*

BOB

(casually)

I don't think they know you were there--  
and I didn't tell them. I said to myself,  
why put my friend Kenny on the spot? He'd  
never do that to me.

\*  
\*  
\*  
\*  
\*  
\*

(even more casually)

They haven't called you, have they?

\*  
\*

Ken shakes his head, no.

\*

BOB

Not that it matters--what could you say?

\*  
\*

(grinning)

That she put on a great show, right?

\*  
\*

KEN

Show? It kinda looked like--

\*  
\*

BOB

(absolute certitude)

Ken, she was begging for it.

\*  
\*  
\*



A19 CONTINUED:

A19

## LAWYER HENLEY (ON TV)

Our defense is simple...There was no rape  
The so-called victim consented...enthusi-  
astically...to all of the alleged  
acts. She put on a show, pure and  
simple.

The shot on TV widens to include Lee and Kurt in  
handcuffs being led away by cops. Bob Joiner, his  
hands free, stands next to his father and Lawyer  
Henley. The frat brothers react with laughter and  
applause, pulling Bob to his feet for a bow he really  
doesn't want to take. He locks eyes with someone at  
the back of the room...KEN JOYCE, the only one not  
laughing or clapping. Bob suddenly looks very  
vulnerable as Ken turns and heads upstairs.

OMIT 19  
OMIT 20  
OMIT 21

## 22. EXT. THE MILL - DAY

22

Outside the Mill. Katheryn's car is parked, as is Dunc's.

KATHERYN (O.S.)

Sally Frazer?

SALLY (O.S.)

Uh huh.

KATHERYN

I'm Katheryn Murphy -- I'm the district  
attorney on Sarah's case. Sarah said you  
were here with her last night.

## 22A. INT. MILL GAME ROOM - DAY

Katheryn is talking to SALLY near a bank of video games. As  
before, her tape recorder is going, and she takes notes.

SALLY

Yeah, I was here, but I didn't see what  
happened--but if Sarah says she was raped,  
she was raped.

19 CONTINUED:

19

Ken swivels to face the computer.

BOB

I ought to charge you rent on that.

KEN

(tightly)

I can borrow somebody else's.

BOB

Hey, lighten up, Kenny. I'm heckling you.

OMIT 20  
OMIT 21

22. EXT. THE MILL - DAY

22

Outside the Mill. Katheryn's car is parked, as is Dunc's.

KATHERYN (O.S.)

Sally Frazer?

SALLY (O.S.)

Uh huh.

KATHERYN

I'm Katheryn Murphy -- I'm the district attorney on Sarah's case. Sarah said you were here with her last night.

22A. INT. MILL GAME ROOM - DAY

Katheryn is talking to SALLY near a bank of video games. As before, her tape recorder is going, and she takes notes.

SALLY

Yeah, I was here, but I didn't see what happened--but if Sarah says she was raped, she was raped.

KATHERYN

Can you identify any of the men who assaulted her?

\*  
\*

SALLY

No, I was in here. And besides, you know, there was this bunch blocking the doorway.

\*  
\*

KATHERYN

Do you know any of them?

\*

SALLY

Uh uh—I only started here a week ago. What a bunch: they were gettin real rowdy. Yellin' and clappin', like, you know, a little riot.

\*  
\*  
\*  
\*

ANOTHER ANGLE

\*

Dunc is talking to the bartender, JESSE, who is doing his prep.

\*

JESSE

Shit man, it was Saturday night—you think I got time to look at faces?

\*  
\*

DUNC

Jesse, don't jerk me off. You work here a long time, and this joint gets a lot of regulars. Who?

\*  
\*  
\*

JESSE

I'm telling you, it was a mob.

\*

ANOTHER ANGLE

\*

Katheryn uses the Enduro Racer Game as a desk for her note taking. "Winner Statistics" scroll above her.

\*

KATHERYN

Can you describe anyone who was blocking your view?

\*  
\*

SALLY

Like how?

KATHERYN

Did you notice anything different about any of them—long hair, a beard, a moustache, a birthmark, a bandana, jewelry—an earring; a scar, a tattoo—

\*  
\*  
\*  
\*

SALLY

Yeah, yeah—a tattoo.

\*

22A

CONTINUED:

22A

KATHERYN

Can you describe it? \*

SALLY

Porky Pig. This one guy had Porky Pig. \*

ANOTHER ANGLE \*

JESSE

...That's all I remember. \*

Dunc makes the gesture of masturbation. \*

JESSE

Shit, man, these guys are my bread and  
butter. \*

DUNC

I guess I'm gonna have to call the State  
Liquor Authority and tell 'em how you kept  
right on serving these drunks while they  
were committing a violent felony. \*

JESSE

You scumbag. \*

Dunc smiles and holds his pen over his notebook, waiting. \*

ANOTHER ANGLE \*

SALLY

...Uh uh, no way I'd of gone in there with  
her. But she was all screwed up--she  
lives with this asshole dealer and they  
had a fight, so she wanted to cool out.  
Stupid. \*

ANOTHER ANGLE \*

DUNC

Nobody else? \*

JESSE

Some guy who played the video game all  
fucking night. I never saw him before. \*

DUNC

Who was he with? \*

JESSE

Nobody I saw. \*

22A

CONTINUED

22A

Katheryn comes to the bar.

KATHERYN

Ready?

DUNC

Uh huh.

(to Jesse)

Thanks, Jesse. We'll talk.

Katheryn looks into the game room, seeing the machines  
blinking across the space at her.

\*  
\*  
\*  
\*  
\*

OMIT 23

## 24. INT. KATHERYN'S CO-OP LOBBY - DAY

24

Katheryn enters the lobby of her high-rise, security apartment. Blighting the spartan decor, Katheryn's older sister, CONSTANCE HARDING, sits among suitcases and cardboard boxes like a Middle Eastern woman at the airport. She wears a cleavage-revealing top over tight Levis and smokes as she reads Cosmo.

KATHERYN

What is this?

The SECURITY MAN at the desk stands. So does Connie, defensive and dropping ashes.

CONNIE

This guy wouldn't let me in.

KATHERYN

He's not supposed to.

MAN

You said give her an envelope, but you didn't say anything about letting her in your place.

Katheryn could die of embarrassment as various people in the building come and go, sending out judgment.

KATHERYN

I understand.

CONNIE

I'm your sister, for God's sake.

KATHERYN

I left you a check.

CONNIE

I told you, I don't want charity.

Connie hands the check to Katheryn and stoops to pick up her suitcases gesturing with her head.

CONNIE  
Can you get those boxes?

KATHERYN  
And do what?

CONNIE  
Bring them upstairs.

KATHERYN  
Connie, you're not moving in here.

CONNIE  
I couldn't find anything. Besides,  
a couple of days won't kill you.

Katheryn looks around at the boxes, then to her sister's bruised eye.

KATHERYN  
This is not a couple of days...  
What's wrong with your eye?

CONNIE  
I tripped...What's your problem?

DAVID TEMPLE, lawyer, three-piece suit (the caller from Toronto) walks through the front door.

CONNIE  
Look, I have just been left by a boy-  
friend of several years...

KATHERYN  
Probably because he was tired of  
supporting you.

DAVID  
Katheryn?

Before she can cover, Katheryn responds angrily.

KATHERYN  
What!

DAVID  
Ready?

KATHERYN  
In a minute...Look.

Katheryn turns back to see Connie smiling seductively at David, then catches his reaction to a waif with cleavage.

DAVID

Hello...

Katheryn sighs heavily. She's has to save face and Connie knows it.

KATHERYN

One night, Connie...That's it.

CONNIE (smiling)

You're a real piece of work, Katheryn.

DAVID

What's all this?

CONNIE

My life.

DAVID

Anything I can do to help?

KATHERYN

Careful, she'll take you up on it.

As Katheryn links David's arm. Connie mouths, "He's so cute," at her.

KATHERYN

Shall we go?

David nods and they start outside as Connie calls after them coyly:

CONNIE

Don't keep my sister out too late...

Katheryn could kill her.

OMIT 25

OMIT 25A



OMIT 25A

## 25B. EXT. SARAH'S TRAILER - LATE DAY

25B

The yellow Camero with the "SXY SADI" plates sits in the carport of Sarah's trailer. Inside the trailer the phone is ringing.

## 26. INT. SARAH'S TRAILER - DAY

26

The TV is on. Sarah picks up the phone. \*

SARAH

Hello...Where the hell are you?...No...  
Larry, I don't want to go out...I'll see  
you later. \*

She hangs up in irritation as a knock sounds. \*

SARAH

Who is it? \*

KATHERYN (o.s.)

Katheryn Murphy. \*

Sarah opens the door and steps back to let Katheryn enter. \*

KATHERYN

Hi. The bartender at the Dugout said you  
called in sick. \*

SARAH

I had to go the rape center--see, nobody  
at work knows. \*

(smiling bitterly) \*

The guy on TV made it sound like I did a  
live sex show. \*

KATHERYN

Be prepared--there'll be more of that. \*

Sarah's dog wanders in as Katheryn glances around the messy  
trailer. She can't quite hide her distaste. \*

SARAH

You want a drink, or something? I could  
use a quick one. \*

KATHERYN

No, thank you. \*

SARAH

(pouring a tequila) \*

It'll smooth out the edges--I'm still  
kinda shaky. Listen, do you know what  
time you were born? \*

KATHERYN

(forced neutral) \*

I don't really believe in horoscopes. \*

26

CONTINUED:

26

SARAH  
That's okay. What time?

KATHERYN  
(brusquely)  
Seven-eighteen at night.

SARAH  
Where?

KATHERYN  
Portland.

She has her tape recorder out, and her notebook.

KATHERYN  
Do you often drink to...smooth out the  
edges?

SARAH  
Sometimes I do some grass--you wanna split  
a joint?

KATHERYN  
No, thank you. I'd like to begin with--

She stops because the dog is nagging to be petted.

SARAH  
Sadi, get outta here. She likes you.  
Get outta here, Sadi!

KATHERYN  
Did you drink anything before you went to  
the Mill? Or smoke anything?

SARAH  
Half a joint, maybe, and a couple of  
beers. Nothin heavy.

KATHERYN  
And while you were there?

SARAH  
(shrugging)  
I dunno--I wasn't fallin down; just loose.

KATHERYN  
Did you do any coke?

(CONTINUED)

26

CONTINUED:

26

SARAH

I don't do that shit!

KATHERYN

No secrets, Sarah.

SARAH

What the hell does that mean?

KATHERYN

(flipping pages)

Chicago. Possession.

SARAH

I was helping this girlfriend move and I was driving this U-Haul and I got stopped 'cause the tail light was busted and this cop searched the truck and he finds this little bit of coke, maybe a quarter, in a desk in her drawer. It was hers.

KATHERYN

Have you ever--

SARAH

Hey, that's the truth!

KATHERYN

Have you ever made love to more than one man at a time?

SARAH

What the fuck kind of question is that?

KATHERYN

(shutting off recorder)

It's the kind of question you're going to be asked on the stand. You're also going to be asked if Larry--or any other man--has ever hit you, and if you liked it. You're going to be asked about your coke bust, and about how many a drinks a day you take to smooth out the edges; and how many joints; and how often you go to bars alone; and whether you wear underwear when you go to them; and which diseases you've caught; and how many abortions you've had. And I'm going to object to all those questions, and sometimes the judge is going to sustain me--but sometimes not.

(CONTINUED)

26 CONTINUED:

26

SARAH

That's not right. \*

KATHERYN

Sarah, you're a witness, and the defense's job is to show the jury that you're a rotten witness because you've got a rotten character. Now, if you want me to prosecute, that's what you have to be ready for. \*

SARAH

It's not right. They raped me. Shit, the rich guy's out on bail already. It's not right. \*

KATHERYN

It may not be right, but if you want to see them go to prison-- \*

SARAH

(adamant) \*

Oh, I want that. \*

KATHERYN

Then that's what the trial is going to be like. Hell. And more hell. \*

SARAH

I don't care! \*

KATHERYN

Are you sure, Sarah? \*

SARAH

(vehemence and anguish) \*

Put them away. Just put the fuckers away! \*

Katheryn turns the recorder back on. \*

## 26A. INT. OFFICE SUITE - TWILIGHT

26A

End of work day: everyone in the district attorney's office is packing up to go home. Katheryn comes out of her office, and meets AL MASSI, a deputy D.A. who is patently a do-it-by-the-book sort, as he comes out of his. Together they head for an office door--partly open--marked Paul Rudolph, District Attorney. Katheryn raps firmly and pushes the door open.

\*  
\*  
\*  
\*  
\*  
\*

## 26B. INT. RUDOLPH'S OFFICE - TWILIGHT

\*

Paul RUDOLPH, a fleshy man-of-distinction type, is at his desk, rummaging through drawers of misplaced hockey tickets. His walls are covered with photos of him with the governor, the state's two senators, even a president.

\*  
\*  
\*  
\*

KATHERYN

Paul--game time!

\*

RUDOLPH

(still searching)

One second, one second. Where the hell are the tickets?

\*  
\*  
\*

Massi pulls them from his pocket and flourishes them.

\*

MASSI

You gave them to me to hold.

\*

Rudolph gets his coat and heads toward them.

\*

RUDOLPH

Where are you on the Tobias case?

\*

KATHERYN

At the game. Come on! You know what parking is like over there.

\*  
\*

Off they go.

\*

## 26C. INT. HOCKEY STADIUM - NIGHT

26C

The game is in progress and emotions--on and off the ice--are high. Rudolph, Massi and Katheryn, with beer and food, are on their feet, yelling at the ref for a bad call.

Rudolph, Massi and Katheryn alternate between watching the game and vigorously debating.

During their debate, a horrific fight breaks out on the ice, which is egged on and inflamed by the crowd.

KATHERYN

...If I take it to trial, they'll destroy her--she walked in there alone, she got drunk, she got stoned, she came on to them, she's got a prior for possession--

MASSI

That's inadmissible.

KATHERYN

Sure, it's inadmissible. But they'll ask her about it, I'll object, the judge'll sustain me--but the jury'll hear it. She's a flake, she'll make the worst witness in the world.

MASSI

I read her Q-and-A--it's an ugly case.

KATHERYN

Al, I know it's an ugly case. The question is whether it's a winnable case.

RUDOLPH

Katheryn, we all understand you love to win, but I can't let you dismiss just because you don't have a lock.

(CONTINUED)

26C. CONTINUED:

26C

KATHERYN

(stung)

Lock?! I don't have a case.

(ticking items off)

Her girlfriend didn't see anything; the bartender didn't see anything; the others either didn't see anything or were too drunk or didn't think anything special was going on. I've got Polito, and the moment the defense brings out that's he's on probation, they'll show we squeezed him, and he's worthless.

RUDOLPH

What about the guy who called--the one with the conscience?

KATHERYN

We've got his voice on tape, but we don't know who he is or where to look for him. Paul, I'm telling you, I can't win this case.

RUDOLPH

~~Heermann~~. Do you believe she was raped?

KATHERYN

(thinking)

Yes.

RUDOLPH

Then they can't walk. Make a deal and put them away.

KATHERYN

Make a deal? With what?

RUDOLPH

You've got enough. Try for Rape Two.

She laughs mirthlessly and derisively.

RUDOLPH

Okay. Any felony. If you can get a violent one--assault, coercion, reckless endangerment, menacing--even better.

KATHERYN

Paul, I don't see--

(CONTINUED)



26C CONTINUED:

26C

RUDOLPH

Katheryn, you said she was raped--so make a deal and put them away. I don't care if you only get them 6 months in county, put them away.

\*  
\*  
\*  
\*

Another fight breaks out, and fans yell 'Kill him!' etc.

\*

27. INT. KATHERYN'S KITCHEN - NIGHT

27

Katheryn's kitchen is running a close second to Sarah's at the moment. Connie is dressed in a filmy nightgown as she collects empty beer bottles from the living room. Katheryn is on the phone.

KATHERYN (into phone)

Thanks very much. We'll be over in half an hour.

She hangs up and holds out a piece of paper to Connie.

KATHERYN (continuing)

First and last month is paid. Utilities are covered and there's a phone in the hall till you get your own.

CONNIE

You want an award or a commission?

(CONTINUED)

KATHERYN

Just get your clothes on, okay? I think you'll like it.

CONNIE (interrupting)

I told you, I can't be alone right now.

KATHERYN

Connie I can't stay home and take care of you.

CONNIE

All you learned at school was to make people believe it doesn't hurt when you knife them in the back.

KATHERYN

Look, I don't want a roommate who acts like a horny teenage every time she meets a man.

Connie grabs the piece of paper out of Katheryn's hand.

CONNIE

Don't give me any of that judgement crap, Katheryn. We grew up in the same house remember?... You can go fuck yourself, Miss Deputy D.A. asshole.

She storms into the bathroom slamming the door behind her as Katheryn rolls her eyes and loads a glass in the dishwasher.

27A (Old 25) INT. CONFERENCE ROOM - DAY

27A

Katheryn and Massi are in conference room with lawyers for the three rapists. Everyone has transcripts of interviews and copies of medical reports and large blowups of Sarah's photos. They are all watching a video tape of Arthur POLITO.

\*

KATHERYN (O.C.)

...You understand, Mr. Polito, that you'll be testifying before a grand jury and at a trial?

\*\*

\*

\*

ARTHUR (ON TV)

Yeah, I get that.

KATHERYN (O.C.)

\*

And that you'll be testifying against people you know?

27A CONTINUED:

27A

POLITO (ON TV)

Yeah.

KATHERYN (O.C.)

Mr. Polito, have I or anyone in my office,  
or Detective Duncan, or anyone in the  
police department, offered you any  
inducement to testify--money, gifts,  
anything at all?

POLITO (ON TV)

Nah.

KATHERYN (O.C.)

Have I or anyone threatened or coerced  
you in any way?

POLITO (ON TV)

Nah.

KATHERYN (O.C.)

Thank you, Mr. Polito.

The screen goes gray. Massi shuts off the set.

KATHERYN

He's just a taste--the bar was filled with  
witnesses, and we anticipate that they'll  
all testify for the people.

DALTON

You anticipate? A hundred says you'll  
have to drag them in to court.

SKLAR

Another hundred says they'll be useless  
because they were too drunk.

KATHERYN

(smiling)

Whatever you say.

MASSI

Keep in mind, that under the law, we don't  
need corroboration to prove rape.

KATHERYN

And we do have medical evidence--no doubt  
about penetration; and physical evidence--  
no doubt about force.

27A CONTINUED:

27A

DALTON

What will you take?

KATHERYN

Rape one.

DALTON

We were thinking more in the line of...say, Sexual Abuse Two...

KATHERYN

(laughing hard)

Rape one. Maybe I can convince the judge not to give them the maximum.

DALTON

(standing)

I'd rather go to trial.

Katheryn gathers her materials. Sklar and Henley haven't moved.

KATHERYN

Fine. Oh, by the way, no separate deals— one goes to trial, all go to trial.

SKLAR

What would you say to...Sexual Abuse One?

KATHERYN

I'd say Rape One.

DALTON

Katheryn, cut the crap. Your Polito looks about as strong as a wet kleenex—if you had anybody better you'd have showed us his tape; and your complaining witness—ugh—she walked into a bar, got loaded and stoned and did everything but yank their dicks. No jury'll buy her.

Katheryn simply smiles and he snorts exasperation.

DALTON

What would you say to Rape Two with a recommendation for...one year?

KATHERYN

I'd say, go to hell.

HENLEY

Miss Murphy, are you sure you're in a position to be quite so...shall we say, adamant? A rape trial is--

KATHERYN

(smiling)

Always a gamble. I agree, Mr. Henley. And I know your reputation. But...look at the pictures. That's what the jury's going to see. And they're going to see the girl, too. You can't tell it from these, Mr. Henley, but she's tiny. She's the most defenseless-looking thing you ever saw. If we go to trial, and you lose, I will ask for...

(pausing for effect)

...15-25; and I'll get it.

SKLAR

Eighteen months.

KATHERYN

Stop dancing.

DALTON

What's your best offer?

KATHERYN

Two to five on Rape Two. With luck, your boys are out in nine months, and that's a gift.

The lawyers all look at each other.

HENLEY

On one condition.

KATHERYN

(sardoncially)

Condition?

HENLEY

I'll accept that on behalf of my client if the formal charge is changed one without a sexual element--he's 22, he's an A student, he's got a future.

KATHERYN

I can't do that.

\*

27A

CONTINUED:

27A

HENLEY

He won't plead guilty to a sexual offense.

Katheryn, looking very reluctant, makes a show of riffling through the penal code.

KATHERYN

Let's see...violent felonies...assault...  
coercion...reckless endangerment...

HENLEY

Reckless endangerment.

Katheryn looks at the others, who, after a beat, nod.  
Everyone stands; shakes hands; the lawyers leave, Massi shuts  
the door behind them, turns back to Katheryn and raises his  
hand for a high-five. She slaps it.

KATHERYN

Two to five! Two to five!

OMIT A28

OMIT 28

OMIT 29

OMIT 30

OMIT 31

32. INT. CAFETERIA/FACULTY LOUNGE - DAY

32

Late afternoon sun streams through the large windows of the cafeteria where Ken Joyce, in a white apron, is stacking dirty trays in a portable rack. Finished in this area, he rolls the rack down a hall and into another area designated "Faculty Lounge" on the door.

The room is empty save two teachers who aren't paying any attention to Ken or the TV in the corner which is playing the evening news:

COMMENTATOR #2

Lawyers for the defendants refused to comment on the Rape 2 plea bargain and the office of District Attorney Paul Rudolph stated the horror of the victim's experience made her ill-equipped to take the stand and be a strong witness in a rigorous trial. The defendants each received a minimum sentence and could be out in six months, depending on an appeal. Coming up a look at sports.

The TV switches to a deodorant commercial as Ken watches the screen blankly.

33. INT. KATHERYN'S APARTMENT - NIGHT

33

Katheryn is giving a dinner party; the guests are the LAWYERS who cultivated her, and their WIVES. \*

In the kitchen, Katheryn is preparing to carry out the main course. DAVID comes in with dirty salad plates. \*

DAVID

Where do I put them? \*

KATHERYN

On the sink. \*

(hoisting serving platter) \*

Can you open the white? \*

The doorbell rings. Katheryn, moving, looks puzzled. \*

KATHERYN

Get that, will you, David? \*

She heads out with the platter while David goes to open the door. There, in a leather jacket over her waitress outfit, clutching a newspaper, is Sarah. She pushes past David and heads straight for Katheryn. \*

OMIT 30

OMIT 31

## 32. INT. CAFETERIA/FACULTY LOUNGE - DAY

32

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The TV switches to a deodorant commercial as Ken watches the screen blankly.

## 33. INT. KATHERYN'S APARTMENT - NIGHT

33

The apartment looks back to spartan normal. Katheryn is hosting a dinner party for ten law-related friends who are seated around the glass table, laughing at a joke delivered by one of the men.

Katheryn is in the kitchen, knee-deep in main-course confusion. David enters the kitchen, arms loaded with dirty salad plates.

DAVID

Where shall I put them?

KATHERYN (shrugs blankly)

On the sink. Oh, the wine's on the counter.

As she pours sauce from a pan into a serving dish, the doorbell rings. Katheryn looks puzzled, but picks up the sauce and excuses herself. David carries two bottles of wine back to the table.



33 CONTINUED:

33

SARAH

You goddamn bitch! You sold me out!

\*

KATHERYN

Sarah--

\*

SARAH

Did you see this!? This is what you did!

\*

KATHERYN

Sarah, you can't just--

\*

SARAH

(repeatedly hitting paper)

I wouldn't make a good witness, I'm too fragile, my past is questionable, I'm a drunk, I'm a doper, I'm a slut who got bounced around a little in a bar--and I wasn't raped!

\*

\*

\*

\*

\*

\*

KATHERYN

Of course you were raped. You--

\*

SARAH

Then why doesn't it say so here? Why doesn't it say they raped Sarah Tobias? What the fuck is reckless endangerment?

\*

\*

\*

KATHERYN

(under iron control)

It's a violent felony that carries the same prison term as rape. You told me you wanted me to put them away, and I put them away. Now why don't you--

\*

\*

\*

\*

\*

SARAH

You told me it would be hell, and I said, okay, I'll go through hell--I was fuckin' ready. Who are you to decide I'm not good enough to be a witness? I bet if I went to law school and didn't live in a goddamn scuzzy trailer, I'd be good enough. Lady, you suck shit.

\*

\*

\*

\*

\*

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\*

KATHERYN

(controlled rage)

Sarah, believe me, that's the best I could--

\*

\*

\*

33 CONTINUED:

33

SARAH

(slamming the table)

Goddamn you! My pants were down; my crotch was hung out there for the whole world to see, three guys were sticking it to me, a bunch of others were cheering and clapping, and you stand there telling me that's the best you could do.

David is moving closer.

SARAH

Well, your best sucks, and so do you. I don't know what you got outta selling me out, lady, but I sure as shit hope it was worth it.

DAVID

(gripping her)

Okay, that's enough.

SARAH

Get your hands off me!

Instead, David starts to push or pull the violently resisting Sarah out.

SARAH

Get your fuckin hands off me!

KATHERYN

David! Let her go. Let her go, goddamnit!

Reluctantly, he lets go. Sarah flings the newspaper at Katheryn and stalks out.

## 34. INT. TRAILER BATHROOM - NIGHT

34

Sarah is looking at herself in the bathroom mirror. She picks up a scissors and begins cutting her hair. She doesn't notice Larry open the door till she sees him in the mirror.

LARRY

What are you doin?

SARAH

I need a change.

LARRY

It looks kinda weird.

She spins around and he holds up his palms.

LARRY

Hey, nothin heavy. I'm just not used to it.

She resumes cutting, then stops and stares at him fiercely in the mirror.

SARAH

Get out.

LARRY

Shit, man, cut it any way you like.

SARAH

Get out. Get outta here.

LARRY

(shrugging, leaving)

Okay. I'll see you later.

SARAH

I mean out. Get out, and don't fuckin come back.

LARRY

Bullshit.

SARAH

This is my place and I don't want you in it. Now get out.

Larry is about to resist when he notices that her hand is gripping the scissors so hard her knuckles are white. He gives her the finger and goes. She shuts the door and then shuts her eyes.

OMIT 35

## 35. INT. KATHERYN'S BEDROOM - NIGHT

35

Katheryn is sitting on the bed with David. They are mostly dressed. David is kissing and undoing, not picking up on Katheryn's passivity. Finally he eases her down. She uses the gesture to hide her face in his shoulder.

DAVID (whispering)  
Come on, Kathy...

Katheryn continues to allude him. She sighs heavily. David mistakes it for responsiveness, so he presses on. Finally her rigidity stops him. He pulls back.

DAVID  
What's wrong?

Katheryn holds onto him as she shakes her head no.

KATHERYN  
I just don't think I can do this right now.

DAVID  
It's not about my divorce...

Katheryn pushes him away and looks at him evenly.

KATHERYN  
It's not about you, okay?

DAVID  
Then what is it?...That crazy girl?

Katheryn stands, half-dressed, and starts to the bathroom.

DAVID  
Can I help? Did I do something?

Katheryn stops at the bathroom door.

KATHERYN  
Please...it's not your fault.

He looks at her for a moment, then gets off the bed. He stops at the door, puts her slip strap back on her shoulder and kisses it. Then he leaves and Katheryn enters the bathroom.

36. INT. KATHERYN'S BATHROOM - NIGHT

36

Katheryn, still in her dinner clothes, is distractedly touching up her makeup. Soft music plays from the other room. A soft tap on the door.

\*  
\*  
\*

DAVID (o.s.)

I'm getting lonesome out here...

\*

Katheryn stops for an instant, continues for an instant, then definitively stops and opens the door.

\*  
\*

36A. INT. KATHERYN'S APARIMENT - NIGHT

36A \*

Katheryn emerges from the bathroom and goes to David.

\*

DAVID

(reaching for her)

Hi, there.

(she pulls back)

Is it the garlic?

\*  
\*  
\*  
\*

KATHERYN

(smiling weakly)

Would you be upset if I asked you to go?

\*  
\*

DAVID

Upset? Hmhmhmhm. Disappointed.

\*

KATHERYN

I'm sorry...I just can't...my head is someplace else right now.

\*  
\*

DAVID

Maybe I should sue that girl for ruining our night.

\*  
\*

KATHERYN

Don't bother--she doesn't have a dime.

\*

DAVID

(taking her hand)

I'll miss you--sweet dreams.

\*  
\*

She lets him out, closes the door and leans on it.

\*

37. INT. SARAH'S CAR - DAY

37

Sarah, with her new haircut, takes the last possible drag off a cigarette, then mashes it in the ashtray as she turns into a record store parking lot.

38. EXT. RECORD STORE PARKING LOT - DAY

38

Sarah gets out of the car and walks inside the store.

39. INT. RECORD STORE - DAY

39

Sarah is going through a bin of cassettes. As she does, CLIFF, an attractive working man in his thirties, strolls into the store and begins looking through albums. He notices her. She feels his gaze and glances up.

CLIFF

You caught me. Sorry.

She smiles stiffly to acknowledge his apology.

CLIFF

Listen, this is gonna sound like the worst kinda crap, but I've seen you some...

SARAH

You're right...the worst kinda crap.

CLIFF

Was it in a bar?

SARAH

I used to work at the Dugout.

CLIFF

No, it wasn't there. Did you ever have long hair?...Not real long, but longer?

SARAH

No.

She goes to the register with her tapes, but he trails her.

CLIFF

What shifts do you work?

SARAH (lying)

Look, I live with somebody.

He raises his hands in mock surrender.

CLIFF

Got it. Lucky guy.

Sarah turns her back on him and Cliff exits the store. Sarah hands her tapes to the cashier.

40. EXT. RECORD STORE - DAY

40

Sarah exits with her bag of tapes only to have Cliff duck out from behind a post still teasing, still friendly, nothing heavy, attractive in a macho skirt-chasing way.

CLIFF

What time do you get off?

SARAH

Look, I told you, I live with somebody.

CLIFF (teasing)

Hey, I don't mind.

SARAH

I do.

Then Sarah gathers her jacket around her and runs to the car. It's something about the way she pulls that jacket around her...he's starting to remember and then he sees it: SXY SADI. The license plate on Sarah's yellow '71 Camero.

CLIFF

Now I remember.

SARAH

You got me mixed up with somebody.

CLIFF

Nah. It's you. Sexy Sadi. You were  
that girl at The Mill, right?

She turns, shocked. Her worst fear has been realized. She gets to her car, climbs inside and locks all the doors. Cliff heads for his car, making an obscene jerk-off gesture. Sarah looks frantically for her keys.

In a frenzy of shame and rage, she tries to start her car. She floods it. Tries again. Finally, she gets it started, but her hands are shaking. A horn beeps twice in front of her. She lifts her head. Cliff, in his Toyota parked in front of her. He grins, wiggles his tongue obscenely and makes a masturbating gesture with his right hand.

CLIFF

WANNA FEED THE SLOTS?

41. EXT. RECORD STORE - DAY

41

Cliff starts to laugh. In a fury, Sarah stomps on the gas and crashes into the Toyota bumping it to a new angle, knocking Cliff over. His head hits the dashboard. She rams him again. And again. Forcing the Toyota into a retaining wall, as Cliff struggles to straighten it out. Blood runs from a cut on his forehead as Sarah continues to ram him until he finally gets the Toyota in drive and slams into Sarah's car, spinning her back into a garbage truck.

An ominous, tearing scream accompanies the collision. Sarah is pitched forward and hits the windshield. For a moment, it is still; then onlookers run to pull a semi-conscious Sarah from the insane wreckage.

Cliff gets out of his car and stands staring at the scene around him in stunned silence. He wipes the blood from his face with his hand.

42. INT. EMERGENCY WAITING ROOM AND CORRIDOR - DAY

42

Katheryn is standing outside a hospital room, talking to a uniformed COP. Down the hall, CLIFF, his arm bandaged, is likewise talking to a COP. Below the bandage is the tattoo of Porky Pig. Cliff's wife, BARBARA, is standing with them.

CLIFF

Go get the fucking car. I'll meet you in  
the lot.

Barbara goes.

Deborah comes out of the hospital room.

DEBORAH

(to Katheryn)

You can go in--make it fast; I want to  
give her a shot.

\*  
\*  
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\*  
\*  
\*



43

INT. HOSPITAL ROOM - DAY

43

Sarah lies with her eyes wide open. The sight of her cropped hair startles Katheryn.

KATHERYN

Sarah...Sarah...how are you?

Sarah turns her eyes to look at Katheryn.

KATHERYN

What happened?

SARAH

Wanna feed the slots? That's what he said: wanna feed the slots?

KATHERYN

What? You're not making any sense. Why did you--

SARAH

(softly, reasonably)

He figures I'm a piece of shit--everybody figures I'm a piece of shit. Why not? That's what you told everybody. I never got to tell anybody anything. You did all my talking for me.

Deborah, with a syringe, comes back in. Sarah stares straight at Katheryn and continues in the same soft tone, which is more shattering than yelling.

SARAH

They raped me, but you made me a piece of shit. How come you did that? I never did anything bad to you.

She turns her head. Deborah steps forward with the syringe and Katheryn leaves.

43A. INT. HOSPITAL CORRIDOR - DAY

Katheryn comes from Sarah's room, sees Cliff at the other end of the corridor finishing talking to the COP and heads towards him. Cliff goes through the door and she accelerates and follows him out.

43B. EXT. HOSPITAL - DAY

43B

As Cliff heads towards the parking lot, he hears Kathryn's high heels and glances around. He takes in her good looks, keeps walking and she catches up.

KATHERYN

Mr. Albrecht?

CLIFF

(guarded)

What do you want?

KATHERYN

I understand you were in an accident—I wanted to ask you what happened.

CLIFF

(defiant)

It was her fuckin' fault, not mine.

(suspicious)

Are you a friend of hers, or something?

KATHERYN

We're professionally connected. What exactly happened?

CLIFF

She fuckin' rammed into my car. I was minding my own business and she drove her car into me.

KATHERYN

Do you know why?

CLIFF

How the fuck do I know why she rammed me—she's nuts.

KATHERYN

Do you know her?

CLIFF

No, I don't know her. She's a whore. Last time I saw her she was doing a sex show.

KATHERYN

(noticing the tattoo)

You were there?

CLIFF

Fuckin' ay.

43B

CONTINUED:

43B

KATHERYN

And you watched?

CLIFF

You fuckin' ay right, I watched. I cheered—she puts on a great show, flashin' that cute little bod of hers. I woulda got a piece if she'd stuck around.

KATHERYN

I thought she'd been raped.

CLIFF

Raped?! Lady, that bitch was in heat. She fucked a bar full of guys, then turned around and blamed them for it. Raped?! Shit, she was beggin' for it—we just accomodated her is all.

Barbara is pulling up in the car.

CLIFF

(to Barbara)

Move over.

(to Katheryn)

Listen, lady, your friend is one hot cunt. She loved it; she had an audience and she did the show of her fuckin' life.

BARBARA

Are you sure you should drive with—

CLIFF

Will you move the fuck over.

(getting in car)

You tell her from me, any time she wants to put on another show, I'll be right there to cheer her the fuck on.

He roars off. After an instant Katheryn turns around and in rage and pain slams her fist down on a car hood.

OMIT 44

## 45. INT. HOSPITAL ROOM - NIGHT

45

Only a night light is on. Sarah lies asleep. Katheryn sits nearby, in quiet and sorrowed vigil.

OMIT 45A

A46. EXT. D.A.'S OFFICE - NIGHT - TO ESTABLISH

A46

46. INT. D.A.'S OFFICE HALLWAY - NIGHT

46

Katheryn walks down the long hall to her office,  
unlocks the door and enters.

47. INT. KATHERYN'S OFFICE - NIGHT

47

She walks to a worktable piled high with briefs, books  
and a wrapped gift from a grateful client. She crosses  
to her desk and sits. After a moment she searches for  
and finds a small tape recorder. She turns it on and we  
hear Ken's voice calling the rape center.

KEN'S VOICE

...look, there's a girl in trouble.  
an assault, a rape..two...three..  
I don't know, there's a crowd...

Katheryn hits the stop button. Rewind. Play:

...two...three...I don't know,  
there's a crowd...

Stop. Rewind. Play:

...there's a crowd...

Katheryn reaches for a file on her desk: TOBIAS. Opens it. Inside, the little pad with her notes from the investigation. She flips through it until she finds what she's looking for...her notes from the conversation with Sarah on the drive to Sarah's trailer. There it is, in her own handwriting:

"A Whole bunch -- yelled and clapped"

Katheryn flips pages. Finds another note from her interview with Sally at The Mill:

Some guys blocked view - "real rowdy"

Katheryn leans back and closes her eyes.

47A. INT. LAW CONFERENCE ROOM - NIGHT

47A

Katheryn sits at a long table taking notes from various books.

MATCH DISSOLVE.

Katheryn is still studying, still working as dawn light fills the window behind her. At the top of her legal pad she has written in large letters: CRIMINAL SOLICITATION.

RUDOLPH (O.S.)

Dammit, Katheryn, criminal solicitation simply doesn't apply. It's not the intent of the statue.

OMIT 48

49. INT. RUDOLPH'S OFFICE - DAY

49

Rudolph sits frowning behind his desk. Massi is in a chair in front of the desk, a legal pad before him. Katheryn, a law book in hand, is standing before them.

KATHERYN

Listen again: A person is guilty of criminal solicitation if he commands, induces, entreats or otherwise attempts to persuade another person to commit a felony.

RUDOLPH

Katheryn, you can read it to me till you're blue in the face--I'm not going to let you prosecute a bunch of spectators.

\*  
\*  
\*

KATHERYN

Goddamnit, Paul, they're not spectators. They solicited the rape.

MASSI

Do you really want to go into court and ask a jury to lock up a bunch of people for clapping and cheering?

\*

KATHERYN

Clapping, cheering, pushing, goading, -- getting the rape going and keeping it going. Remember the fight at the game? I want to try this case.

\*  
\*  
\*  
\*

RUDOLPH

Katheryn, if you lose, you look like an incompetent. If you win, you look like a vengeful bitch. Either way, you hurt yourself and you hurt this office.

\*

(softer)

Drop it; you've got more important things to do.

\*  
\*  
\*  
\*

KATHERYN

No, I haven't.

\*

RUDOLPH

What?! You haven't got more important things to do than go to trial with a sure loser? What the hell has got into you?

\*  
\*  
\*

KATHERYN

We owe her.

\*

RUDOLPH

Owe her what?! We put the rapists away.

KATHERYN

I owe her.

RUDOLPH

I see: you want to spend my money to put a bunch of spectators on trial— a trial you'll lose—because you owe her. No. You don't get to use this office to pay your debts, Katheryn. No.

KATHERYN

Paul, I'm going to try this case and you're not going to stop me.

RUDOLPH

I'm not? Katheryn, you're an ace, and you've got a great future. Don't put it in jeopardy—don't make me fire you.

KATHERYN

Go right ahead. My first case will be a multi-million dollar civil suit against the rapists, the solicitors, the bar—and the state. And I will show that Sarah Tobias wound up in a hospital because this office sold her out. I will subpoena your records and put you on the stand and cross-examine you on every sleezy plea bargain this office ever made.

RUDOLPH

Al, I want all of Miss Murphy's cases reassigned.

(standing)

Go try your case. And have a good time, because win or lose, you're through.

Unflinchingly, Katheryn turns and walks out.

50. EXT. STREETS - DAY

50

Katheryn drives along the streets, to Sarah's trailer. When she reaches the entrance, she turns into the drive.

OMIT 51

\*



51/52. EXT. TRAILER - DAY

51/52

Katheryn pulls up, parks next to Sarah's car and knocks on the door. Music sounds from inside. She knocks again. Again. Sarah, in a neck brace, opens the door. Shock.

\*  
\*  
\*

KATHERYN

Hello, Sarah.

\*

No reply.

\*

KATHERYN

May I come in--I'd like to talk to you.

SARAH

We got nothin to talk about.

\*

KATHERYN

Yes, we--

\*

Abruptly, Sarah slams the door in Katheryn's face. Katheryn knocks again, then twists the knob. The door is open.

\*  
\*

\*

## 53. INT. TRAILER - DAY

53

Katheryn walks into the trailer, which has been pretty well stripped of Larry's things. The music is loud.

\*  
\*

SARAH

Get out!

KATHERYN

I have to--can you lower that, please?

Sarah doesn't move so, after a beat, Katheryn goes to the stereo and lowers the volume.

\*  
\*

SARAH

What the hell do you think you're doing?

Sarah heads for the stereo but Katheryn stops her.

\*

KATHERYN

Sarah, I have to talk to you.

\*

SARAH

Get outta my way!

\*

There is still no answer. Katheryn leans on the door and shouts:

KATHERYN

Cliff Albrecht isn't hurt, so there won't be charges, but...can you hear me?

The door opens suddenly. Sarah, though up and around, wears a neck brace.

SARAH

"Wanta feed the slots?" That's what he said to me, "Wanta feed the slots?!"

Katheryn looks at Sarah through the screen door.

KATHERYN

May I come in? I'd like to talk to you.

SARAH

We don't have anything to talk about.

KATHERYN

Yes we do. Please....

Sarah turns abruptly and slams the door shut in Katheryn's face. Katheryn tries the door. It is open.

53. INT. TRAILER - DAY

53

Katheryn walks into the trailer which has been pretty much stripped of everything. The music is playing from a small radio-cassette player. Sarah is sitting cross-legged on a kitchen chair; there is no table. She looks up at Katheryn.

SARAH

Get out!

KATHERYN

I have to..Can you lower that, please?

Sarah doesn't move. After an instant, Katheryn goes to the radio and lowers it.

SARAH

What the hell do you think you're doing?

She tries to step around Katheryn but Katheryn grabs her. \*

KATHERYN  
Will you please listen to me? \*

SARAH  
Let me go. \*

KATHERYN  
Will you listen to me? \*

SARAH  
Let me go. \*

Katheryn releases her and Sarah folds her arms. \*

SARAH  
I'm listening. \*

KATHERYN  
Sarah, I made a mistake--before I agreed  
to the deal I should have offered you the  
choice of going to trial and testifying.  
(no response) \*  
I can offer it to you now. \*  
(no response) \*  
Do you understand me? I've found a way \*  
for you to go into court and testify that \*  
you were raped. \*

SARAH  
The case is over. \*

KATHERYN  
The rape case is over. \*

SARAH  
You made sure of that.

KATHERYN  
I want to prosecute the others--the ones \*  
who cheered and clapped. The ones who \*  
made it happen. \*

SARAH  
(utter scorn) \*  
So you can make another deal? \*

KATHERYN

(defensive)

I'm not going to make another deal.

(pushing)

Sarah, if I prosecute the others, the rapists will stay inside for the whole 5 years--and the rape will go on record. The deal won't matter because the rape will go on record.

Sarah paces for a second, then heads for the icebox. She returns with two cans of soda, sticks straws in each and hands one to Katheryn.

KATHERYN

Thank you.

SARAH

You really gonna do it?

KATHERYN

Only if you help--I need you to testify.

SARAH

I get to tell my story?

KATHERYN

Yes.

As Sarah nods her head slowly, Katheryn gets up and heads towards the door. Katheryn notices the bare look.

KATHERYN

Are you by yourself now?

SARAH

Yeah, I kicked him out. Then while I was laid up he came back to get his stuff.

(sardonically)

You know, like, what's his is his and what's mine is his. Least, he left me the stereo.

(ruefully)

What did that ballplayer say that time-- life is a shit sandwich and every day you take another bite.

Sarah, who is torn between her pain and her toughness, opens the door to mask her emotion.

KATHERYN

...Is there anything I can do?

Sarah sits down. She looks at Katheryn and fills with tears. She doesn't want to , but she can't help it. Katheryn doesn't move.

KATHERYN

Are you by yourself now?

Sarah wipes the tears with the heels of her hands.

SARAH

Yeah, I threw him out, so he came back and robbed me while I was in the hospital.

KATHERYN

Jesus Christ.

SARAH

He wasn't much, but...neither was the furniture.

Then Sarah breaks down. Sobs wrack through her body like bad weather. The tough facade dropped, she is tiny and fragile.

Katheryn reaches out to her, puts her arm around her, opens her purse with one hand, looks for her Kleenex, finds it, hands it to Sarah, pats her with the other hand. Then she reaches back into her purse.

KATHERYN

Listen let me help put a dent in the robbery.

She tears out a check and Sarah looks up at her like she's crazy.

SARAH

I don't want your fucking money.

Ashamed, Katheryn's eyes fill with tears. Sarah has nailed her "generous gesture." She whispers.

KATHERYN

Sorry, I'm really sorry.

Now Sarah feels like a rat. This woman is trying to save her life. Sarah reaches out and grabs hold of Katheryn and they stand in the mostly-empty trailer holding onto each other, affirming a new found trust of one another and themselves.

53 CONTINUED:

53

For an instant, Sarah is about to let down her guard, but her pride wins out.

SARAH

Yeah.

KATHERYN

What? Tell me.

SARAH

No deals.

KATHERYN

No, no deals.

Sarah pulls the door wide and, after an instant, Kathryn goes through it.

53A OMIT  
54 OMIT

55. EXT. SALLY'S DUPLEX - DAY

55

Katheryn stands on SALLY FRAZER's front porch, ringing the doorbell. No answer. A VW parked in the driveway. Katheryn walks down the stairs, rounds the corner of the house.

56. EXT. SALLY'S BACKYARD - DAY

56

An old-fashioned clothesline runs the length of the yard. Sally, is hanging sheets and humming to herself. Only her legs are visible.

KATHERYN

Sally?

The humming stops.

KATHERYN

It's Katheryn Murphy.

Sally peers at her from between the sheets.

KATHERYN

Hi, Sally. I need your help again.

Two children run squealing through the hanging laundry and grab Sally's legs.

SALLY

Come on, cut it out.

KATHERYN

Are these yours?

SALLY

Uh huh. Go play someplace else now.

The kids, after a glance at Katheryn, dash off.

SALLY

I thought it was all over.

KATHERYN

I'm going to prosecute the ones who cheered it on.

SALLY

I told you, I don't know anyone.



56 CONTINUED:

56

Katheryn senses Sally's fear and to ease things flips through her notebook.

KATHERYN

Let's come back to that...Now...Real rowdy...Yelling and clapping...Do you remember what they were yelling?

SALLY

Y'know, 'Show us your tits,' 'Take it off,' stupid shit like that.

KATHERYN

That's all?

SALLY

I dunno... 'hold her down'...pussy-- something about pussy, it was kind of a chant about pussy. Other stuff too. Really raw, you know what I'm sayin'?

KATHERYN

Did you know they were yelling about Sarah?

SALLY

I just thought they were being jerks. I didn't know anything bad was goin' on. I mean, if I'da thought she really needed help, I woulda done something. Honest-- she's my friend.

KATHERYN

So, you knew they were yelling about her?

SALLY

Shit, yeah--but these guys aren't the kind of guys you mess with, you know what I'm sayin'?

KATHERYN

I'd like you to see if you could pick any of them out of a lineup.

SALLY

(hesitant)

Yeah, I guess I could do that.

KATHERYN

And then I'd like you testify to what you heard them yell.

56 CONTINUED:

56

SALLY  
You mean, like, in court?

\*

KATHERYN  
Yes.

\*

SALLY  
Jesus. They're gonna be right there,  
aren't they?

\*

\*

KATHERYN  
Yes.

\*

SALLY  
Jesus.

\*

KATHERYN  
(keeping the momentum)  
Let's make a date for you to come in and  
go over it with me.

\*

\*

\*

SALLY  
I dunno.

\*

KATHERYN  
Sally, she's your friend and she really  
needs help.

\*

\*

SALLY  
(after a pause)  
What the hell. Okay.

\*

\*

KATHERYN  
Thank you.

\*

56A. INT. LINE-UP/VIEWING ROOM - DAY

56A

In the darkened viewing room, behind a glass wall, Katheryn and Sally watch as different groups of MEN are paraded on the platform before them. Sally easily picks out three men: CLIFF, STUART, and MATT.

\*  
\*  
\*  
\*

56B. EXT. POLICE STATION - DAY

56B

As Katheryn exits the station, Barbara Albrecht intercepts her.

BARBARA

Excuse me.

Katheryn looks up and recognizes Cliff's wife. Not at all what she wants to deal with at this moment, she continues to walk. Barbara follows.

BARBARA

I'm Cliff's wife, Mrs. Albrecht..

KATHERYN

I remember.

BARBARA

Can you tell me why you're going after my husband?

KATHERYN

I'm sorry, but I can't discuss this with you.

BARBARA

What did he ever do...it's that girl, she's crazy! She could have killed him. She wrecked his car.

(following)

Look, I know, Cliff gets drunk and obnoxious, but he didn't rape anybody.

KATHERYN

Nobody said he did, Mrs. Albrecht.

BARBARA

Then why are you trying to destroy our lives? We've got kids and you're tearing us apart...

KATHERYN

I'm sorry, Mrs. Albrecht.

56B

CONTINUED:

56B

BARBARA  
(losing control)  
And what about me?

Katheryn looks at Barbara, takes in what she is saying, sighs but proceeds.

KATHERYN  
I don't know Mrs. Albrecht...  
but I am going to prosecute your  
husband. Now excuse me.

Katheryn walks away as fast as she can. Then she starts to run as Barbara shouts:

BARBARA  
God damn you. We're human beings too.

56C. INT. OFFICE SUITE - DAY

56C \*\*

Sarah and her friend Sally walk through the district attorney's suite toward Katheryn's office. It is the first time Sarah doesn't look tense or hostile. Rudolph and Massi, who are chatting, watch them discreetly. Katheryn's door is part open and Sarah knocks and keeps moving.

\*  
\*  
\*  
\*  
\*

56D. INT. KATHERYN'S OFFICE - DAY

56D

Sarah, followed by Sally, comes into the office. Katheryn is on the phone. Sarah sits, and, after a pause, so does Sally.

\*  
\*

KATHERYN  
...There's no purpose in a meeting, Ben,  
because I'm taking it to trial.  
(chuckling)  
Good luck to you, too.  
(hanging up)  
Hi.  
(standing)  
Sally, thank you for coming.  
(to Sarah, gently)  
You didn't need to come, Sarah.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

SARAH  
I don't mind--she needed a ride anyhow.

\*

KATHERYN  
Well...could you wait outside--actually,  
there's a coffee shop around the corner.

\*  
\*

SARAH  
(catching on)  
I'll wait outside.

\*  
\*

56D

CONTINUED:

56D

She makes a gesture to Sally and goes, leaving the door open. \*

KATHERYN

(going to door) \*

Sally, let's begin with when Sarah came  
into the Mill. \*

56E. INT. OFFICE SUITE - DAY

56E \*

Sarah is perched on a chair outside the office. Katheryn  
smiles briefly and shuts the door. Sarah puts on her walkman  
and picks up a law magazine and angrily leafs through it. \*

56F. INT. KATHERYN'S OFFICE - DAY

56F \*

SALLY

...well, I wasn't counting--maybe she had  
two drinks, maybe three. She wasn't drunk  
or anything. I've seen her drink a lot  
more than that. Loose, you know. I mean,  
she needed to get loose, you know, 'cause  
she just had this big fight with Larry. \*

KATHERYN

The man she lives with? \*

SALLY

Yeah, her old man--and she goes, 'I'm so  
pissed at him!', 'cause, you know, she's  
sure he's running around on her. \*

KATHERYN

You mean sleeping with somebody else? \*

SALLY

Right. Which I bet he is. \*

56G. INT. OFFICE SUITE - DAY

56G \*

The tape in Sarah's machine ends and as she reverses it she  
stares hard at Katheryn's door. \*

56H. INT. KATHERYN'S OFFICE - DAY

56H

As before: Katheryn and Sally. \*

SALLY

...Well, these two fraternity guys were there, and Sarah looks at one of them-- Ecb--and she goes, 'He's cute, who's he?' So we start jokin' around and-- \*

KATHERYN

What do you mean--joking around? \*

SALLY

You know, like girl stuff, like what would be the best way to get back at him, like she should take this guy home and do it right in front of Larry. \*

KATHERYN

You said she should take Bob home and-- \*

SALLY

No, no, she said it. (seeing Katheryn's expression) She was just jokin' around--she didn't mean it; she hand a couple of drinks and...she didn't mean it. \*

57. INT. OFFICE SUITE - DAY

57

Sarah is listening to her tape when the door opens. Sally, followed by Katheryn, emerges from the office. Sally's face shows her discomfort and pain. Katheryn's face shows her controlled rage. Before Sarah can ask a question, Sally grabs her hand briefly and starts to leave rapidly. \*

SALLY

I'll talk to you later, okay? \*

SARAH

How you gonna get home? \*

But Sally is gone. Across the suite, from their different places, Rudolph and Massi, who like others in the suite are about to go home, are watching. Sarah looks at Katheryn. \*

SARAH

What's the matter? \*

KATHERYN

Let's not talk about it here. (turning to go inside) \*

57

CONTINUED:

57

SARAH

(stopping her)

Hey--my best friend just ran away like a  
goddamn thief--what's going on?

\*  
\*  
\*

KATHERYN

(low but nearly violent)

I warned you, don't keep secrets from me.

\*  
\*

SARAH

I haven't kept--

\*

KATHERYN

Sally told me what you said when you saw  
Bob. Do you remember? Do you, Sarah?

\*  
\*

SARAH

(defiant)

'I'd like to take that guy home and fuck  
his brains out right in front of Larry.'  
So what?

\*  
\*  
\*  
\*

KATHERYN

So what? She can't be a witness for you--  
that's so what. In fact, when the defense  
finds her--and they will--she'll be a  
witness for them, and she'll kill you.  
Now, what other goddamn surprises have you  
got waiting for me?

\*  
\*  
\*  
\*  
\*  
\*

SARAH

None!

\*

She storms out. Katheryn glances at her watch and goes in.

\*

57A. EXT. STREET - DAY

57A \*

Katheryn comes out of the building and heads toward her car.  
As she does, Dunc waves to her and trots over.

\*  
\*

DUNC

Christ, who bit you?

\*

KATHERYN

Guess.

\*

DUNC

I hate to spoil your day, but Polito's  
skipped.

\*  
\*

57A

CONTINUED:

57A

KATHERYN

(shaken)

Oh, no.

She starts toward her car, stops.

KATHERYN

I need the guy who made the call.

DUNC

Forget it.

KATHERYN

What about the guy who played the machine  
all night?

DUNC

Nothing: nobody knows who he is, nobody  
knows when he came in, nobody knows shit.

KATHERYN

(decisive)

I'm going to try Jesse again. Want to  
come along?

DUNC

Now? Uh uh.

(going)

Luck.

She nods, goes to her car and reaches for the door. She stops  
in surprise. Sarah is sitting in the driver's seat. Katheryn  
opens the door. Silently Sarah gets out.

SARAH

Sorry.

She walks off. Katheryn is about to call after her, but  
instead smiles wryly and gets in the car.

58 OMIT

58A. EXT. CONNIE FRONT DOOR - DAY

58A

Katheryn stands at Connie's front door. She has a  
couple of old LP's under her arm and a bag of bakery  
goods. She pushes the buzzer for the second time.  
Finally we hear a muffled:

CONNIE (O.S.)

Who is it?

KATHERYN

It's me.

CONNIE (O.S.)



Katheryn?

KATHERYN

Yeah. I came to see your place.

There is a rattling of chains, the click of a door unlocking, then Connie appears, satin robed and breathless.

CONNIE

You have a great sense of timing.

KATHERYN

Sorry...are you busy?

CONNIE

Yeah...

KATHERYN

You got company?

CONNIE

Yeah.

KATHERYN (shrugging)

Okay....maybe some other time then.

CONNIE

Maybe, but call first, okay.

KATHERYN

Sure...

And with that Connie closes the door, relocking and chaining it behind her.

OMIT 58B

58C. EXT. PHONE BOOTH - DAY

58C

Katheryn is listening to a phone ring once, twice, then:

DAVID (V.O.)

Hi.

KATHERYN

David?

DAVID (V.O.)

This is David Temple, out of town until the 30th. Leave a message at tone.

58C

CONTINUED:

58C

KATHERYN

Shit.

Dejected she hangs up the phone and sighs heavily.

A59. EXT. MILL - DUSK

A59

Katheryn pulls into the parking lot of the Mill. At the same time, some boisterous construction workers head in for Happy Hour and their laughter echoes loud in the lot.

B59. INT. MILL - DUSK

B59

Music blares; the bar is crowded; the game room is busy. Katheryn eases her way to the bar and asks the BARTENDER for Jesse. He answers, she glances at her watch, orders a drink and, seeing no seat, goes into the game room.

People are playing games; a couple is dancing. Katheryn moves from spot to spot. The pinball machine--where the rape took place--is not being used.

She goes to the video bank, noticing the electronic scrolls listing players and their best scores. She does not at first notice that several CUSTOMERS are checking her out, eyeing her up and down, whispering to each other, making noises etc. Then, she feels it, and she glances at them.

She switches her gaze back to the video bank and 'Enduro Racer' catches her eye. The scroll displays names, dates and scores and her gaze goes to 4-18-87 the date of the rape. Next to the date and score is the name, KEN.

59. INT. KATHERYN'S APARIMENT - NIGHT

59

A mess. Katheryn is working, surrounded by law books, notepads, her tape recorder and cassettes. As she works, she eats a take-out meal. Behind her, the TV is on.

TV EDITORIALIST

...The other night, this station broadcast an editorial applauding Katheryn Murphy for bringing charges in a new case linked to the assault at the Mill. We disagree with that editorial--we don't think the charges should have been brought. We believe that Ms. Murphy is muddling moral and legal issues, and using the law--the wrong law--to impose her moral standards on the rest of us. If there's one thing we've all learned it's that you can legislate morality.

59

CONTINUED:

59

Katheryn scans a list marked 'Bar,' looking for the name Ken. Nothing. Checks her notebook. Reads the phrase from Sally: 'These two fraternity guys,' finds the directory of Bob Joiner's fraternity, and goes through the names (which are accompanied by small-photos) and comes to:

JOINER, ROBERT  
JOHNSON, WILLIAM  
JOYCE, KENNETH

60. EXT. CAMPUS - DAY

60

Katheryn, Ken's photo in hand, heads purposefully towards a small group of students.

As she comes close, she spots KEN and goes to him.

KATHERYN

Mr. Joyce?

KEN

(showing off a bit)

Call me Ken.

KATHERYN

(leaning close, sotto voce)

Mr. Joyce, I'm Katherine Murphy--I'd like to talk to you about the night of April 18--the night of the rape at the Mill.

KEN

(too quickly)

I don't know anything about it.

KATHERYN

Yes, you do, Mr. Joyce. Why don't we move over here...?

Implacably, she takes his arm and guides him to a bench.

KEN

I'll catch up with you guys later.

The other STUDENTS drift off as Ken and Katheryn sit and she puts her recorder on the bench. As they talk, Katheryn gets a hint that she's heard him before.

KATHERYN

...Mr. Joyce, you were there--your name is on the Enduro machine--and I'm calling you as a witness.

KEN

What do you want with me? You got the ones who did it.

KATHERYN

I'm prosecuting the others--the ones who cheered them on.

KEN

I didn't see a thing.

KATHERYN

Yes you did, Mr. Joyce--you were in the room all night. You saw everything.

KEN

The others didn't do anything--they probably didn't know what was going on--it was like a show. Big deal, they watched. I bet if you asked a 1000 people, 999 would watch. That's no crime.

KATHERYN

They did more than watch, and that is a crime. Why don't you tell me about it?

Ken stubbornly shakes his head and Katheryn sighs.

KATHERYN

Mr. Joyce, if you don't tell me about it now, you're still going to have to tell me about it on the stand.

KEN

Why? Why? This isn't my business--I don't care about this! You put my best friend in prison, that's all I care about. I don't care about these guys, I don't care about the girl, I don't care about any of it!

The penny drops and Katheryn rapidly changes tapes and plays Ken's call to the police.

KATHERYN

Yes, you do, Mr. Joyce.

As he sits in shocked silence, she takes out the tape and re-inserts the other one.

KATHERYN

Go ahead, Mr. Joyce.

OMIT 51

62. EXT. TRAILER - DAY

Katheryn drives up to Sarah's trailer.

## 63. INT. TRAILER - DAY

63

Sarah has a dress on—but not closed. Three other outfits are flung across the bed. She is picking at a bag of potato chips and sipping soda. As usual, music is playing. After knocking, Katheryn walks in. She carries a shopping bag.

SARAH

You said nine.

KATHERYN

I woke up early.

Both are trying to hide their tension. Sarah pirouettes.

SARAH

What do you think?

Seeing Katheryn hesitate, she picks up the other outfits.

KATHERYN

They're pretty, but...do you have something simpler...?

SARAH

Yeah—but there's no back and not much front.

KATHERYN

(pulling dress from bag)

Don't take it the wrong way, but I brought something for you to try.

SARAH

It's kinda adult.

KATHERYN

That won't hurt.

SARAH

(glancing at her clothes)

It's really you, not me.

KATHERYN

Sarah, please...

SARAH

(changing rapidly)

The aspects are okay, but it would really help if I knew all the birthdays. 'Specially the lawyers. You haven't got those, have you?

63

CONTINUED:

63

KATHERYN

No. \*

SARAH

(looking at herself) \*

Uhgh. Bor-ing. \*

KATHERYN

(taking sash from bag) \*

Put this around the waist. \*

(Sarah does) \*

That looks fine. Ready? \*

SARAH

Lemme put my damn shoes on, okay? \*

As she puts her shoes on, she gobbles a chip and takes a swig  
of soda. Katheryn looks at the can. \*

SARAH

(bridling a bit) \*

Soda. Taste it. \*

KATHERYN

Sarah, could you please hurry? \*

SARAH

(trying to joke) \*

Hey, they won't start without us. \*

KATHERYN

Very funny. \*

SARAH

You're even worse than usual--you got  
cramps, or something? \*

KATHERYN

No. Can we please go now? \*

SARAH

Hey, I'm scared too. \*

KATHERYN

I am not scared. \*

SARAH

(ready) \*

Hey, I'll come through for you. You just  
come through for me. \*

Katheryn gives her a sharp look as they head out. \*

OMIT 63A

63B. INT. JAIL VISITING ROOM - DAY

53B \*

A nervous Ken is removing his jacket as a GUARD ushers Bob in to the room on the other side of the sound proof glass. Bob smiles and points to the phones, which both pick up.

BOB

Hey Ken—good to see you. You must have cut the whole day to come up here.

KEN

No big deal. How you're doing?

BOB

I've been better. How's the big wide wonderful world?

(CONTINUED)

63B CONTINUED:

53B

KEN

The same.

(pausing, then rushing)

Listen, they're prosecuting the other guys—the ones who were cheering—and they're making me testify, and I figured I better tell you. You got nothing to worry about, but I figured I should tell you.

BOB

Nothing to worry about? Are you crazy?

KEN

You're not on trial—it's the other—

BOB

What are you going to say?

KEN

Well...what happened.

BOB

(challenging)

And what happened?

KEN

You know: these guys were cheering while you and Lee and Kurt...raped her.

BOB

Who says I raped her? I'm not in here for rape.

KEN

Yeah, but that's because—

BOB

Ken, you were there. You saw what she did. I didn't rape her. I shouldn't even be in here.

Ken averts his eyes for a second and says nothing.

BOB

Did you see me rape her, Ken?

KEN

Well...

BOB

You didn't, did you?



63B CONTINUED:

63B

KEN

(after a pause, softly)

Yeah, Bob, I did.

BOB

Ken, if you say that, you know what happens to me? Instead of letting me out of here in 9 months, the parole board'll keep me here for 5 years.

KEN

Bob they're making me do it. \*

BOB \*

All they can do is call you — they can't make you say anything. You don't remember, you had too much to drink, you weren't paying attention, you're too confused to get it straight.

KEN

I don't want to lie, Bob.

BOB

Do you want to come visit me here for the next five years?

64. EXT. COURTHOUSE - DAY

64

As Katheryn and Sarah approach the courthouse steps, REPORTERS and TV CREWS surge towards them, which frightens Sarah. \*

REPORTER 1

Miss Murphy, who else are you putting on the stand? \*

KATHERYN

No comment.

REPORTER 2

Is it true Arthur Polito skipped town? \*

KATHERYN

No comment.

REPORTER 3

Is it true you best friend is testifying for the defense? \*

Sarah wheels, ready to do battle; Katheryn grabs her arm and hauls her along.

\*  
\*

KATHERYN

No. No.

\*

SARAH

Sonofabitch.

\*

REPORTER 1

Miss Murphy, did you make a deal with--

\*

KATHERYN

No comment. Sarah, Sarah--you can't afford to get crazy now.

\*  
\*

REPORTER 2

How can she identify--

\*

KATHERYN

No comment. Sarah, did you hear me?

\*

REPORTER 2

Miss, how could you see them to ident--

\*

SARAH

Are you deaf, asshole? No comment.

Katheryn, torn between anger and laughter, yanks Sarah up the last step into the courthouse.

\*  
\*

65. INT. COURTHOUSE LOBBY - DAY

Court officers control the flow. Massi is waiting. Katheryn gives Sarah a baleful look.

\*  
\*

SARAH

Well, he is an asshole.

KATHERYN

Al, take her to the waiting section.

\*

Massi gently takes Sarah by the arm as Katheryn steps toward the courtroom. Abruptly, Sarah reaches out, grips Katheryn's hand in both of hers, squeezes hard and goes with Massi. Katheryn rubs her fingers as she goes into the courtroom.

\*  
\*  
\*  
\*

## 66. INT. COURTROOM - DAY

66

The courtroom is full. Lawyers, PAULSEN, WAINWRIGHT and MEYERHOFF are with their clients, Cliff, Matt and Stuart. There are the Jurors, Officers, the RECORDER, Families, Carol, and of course Reporters. Katheryn--with a gold ornament or necklace--is alone at the prosecution table. A voice calls 'All rise,' which all do, until the JUDGE sits and gavels.

\*  
\*  
\*  
\*

JUDGE

Are the people ready?

KATHERYN

The people are ready, Your Honor.

JUDGE

Is the defense ready?

PAULSEN

The defense is ready, Your Honor.

JUDGE

Miss Murphy...

Katheryn walks deferentially towards the Jurors.

\*

KATHERYN

Good morning, ladies and gentlemen...

\*

\*

66A. INT. WAITING AREA - DAY

66A \*

Sarah sits nervously, waiting to be called.

\*

66B. INT. COURTROOM - DAY

66B \*

As before.

KATHERYN

...And will prove it beyond a reasonable  
doubt.

\*

\*

PAULSEN

The defense will make no opening  
statement.

\*

\*

KATHERYN

The people call Sarah Tobias.

\*

To the intense curiosity of everyone, Sarah comes in through  
the witness door and goes to the stand. An OFFICER goes to  
her with a Bible.

\*

\*

\*

OFFICER

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

SARAH

I do.

He gestures and Sarah sits. Katheryn approaches her.

\*

KATHERYN

Miss Tobias, on the night of April 18th  
you went to a bar called the Mill--can you  
tell us exactly what happened to you there  
that night?

\*

\*

\*

\*

SARAH

Well, my boyfriend and I had kind of a  
fight, so I got in my car and drove over  
there to visit my girlfriend, Sally...

66 B CONTINUED:

66 B\*

SARAH

His fly was open...I don't know when he opened it, but it was open, and he was smiling, he was smiling this big fucking smile, and a couple of people shouted for him "to go for it". Then I tried to move, but he was holding me so hard, and his hand was jammed right up...

Sarah takes a deep breath. Some in the courtroom look away. Some lick their lips. As she testifies, isolated teardrops roll down her cheeks. She glances at Katheryn who, hiding her feelings, nods to Sarah to continue, which she does, but her tears roll faster now, her mascara running with them, as she fights for control. She manages to go on.

SARAH

He was kissing me very hard and jamming his hand up my crotch...I didn't see it...they switched... and I could hear guys saying "hold her down, hold her down". They started to clap...and Bob was standing, holding them apart... Lee was inside me and Kurt was holding my arms on the table and Lee was kissing me, and then they switched again but Kurt was still holding me down...I didn't see his face because my eyes were shut but now he was kissing me and his breath was different...bourbon... Lee drinks beer, and the college one, Bob, was inside me, and there was all this shouting and clapping. I kept trying to move, but I couldn't, and I wanted to yell, but he was kissing me so hard, when he stopped I didn't have any breath, and then they switched again, and Kurt got inside me...They started to chant..."one, two, three, four"...

Sarah's control is cracking.

KATHERYN

Please continue, Miss Tobias. What did they chant?

SARAH

Something about pussy...and Kurt stopped kissing me and put his hand in my mouth and I bit it, I bit it, and yelled, but there was all this noise...

KATHERYN

The room was full of people cheering this on?

SARAH

Until the music stopped. Then the cheering stopped.

Sarah loses control for a moment. The spectators can't look at Sarah. Katheryn, hiding her feelings, nods to Sarah to continue.

SARAH

...I kicked him. I kicked him as hard as I could and I jumped up and ran out. Then this guy picked me up on the road and drove me to the hospital.

Sarah is a mess. Katheryn reaches her quickly.

KATHERYN

No further questions, Your Honor.

She hands Sarah a wad of tissues, shows her the briefest of smiles and returns to the prosecution table. Wainwright, after a whispered exchange with Paulsen, strolls to the witness box. His face shows great concern.

WAINWRIGHT

Miss Tobias, my name is Ben Wainwright. Now I realize this isn't easy for you, so I'm going to ask only a handful of questions. Now you testified that all the men present were strangers to you, and you've also testified that while you were on the pinball machine, you mostly kept your eyes shut. Is that right, your eyes were shut?

SARAH

Yes.

DISSOLVE TO LATER

SARAH

...And this guy Bob asks me to dance, but Lee cuts in and starts dancing close. I mean, tight close, and then he kissed me and--

\*  
\*  
\*  
\*

KATHERYN

Did you try to stop him?

\*

Sarah shakes her head, no. Katheryn points to Recorder.

\*

SARAH

No.

\*

KATHERYN

Why not, Miss Tobias?

\*

SARAH

I let him kiss me...I let him kiss me because I figured he was gonzo ...drunk, stoned, twisted, you know...and he'd kiss me and leave me alone, but he put his hand under my sweatshirt and grabbed my breast, and when I tried to push him away, he pulled me real close and put his hand on my throat...he's a real strong guy...and the next thing, he'd opened my pants...

Suddenly, she realizes how intently everyone is listening, and it throws her.

KATHERYN

Go on, Miss Tobias.

SARAH

He kept his hand on my throat and the other one between my legs, and he pushed me up on a pinball machine and pulled down my pants...my jeans and my pants...pulled hard, and...  
(faltering)

KATHERYN

Yes?...

WAINWRIGHT

Is it fair to say, then, that you can't tell us who shouted, or who applauded?

SARAH

Yes, that's fair.

WAINWRIGHT

Might it have been only one person who shouted?

Paulsen and Meyerhoff flinch -- they fear a double-cross.

SARAH

No. They overlapped sometimes.

WAINWRIGHT

At least two, then. Could it have been only two?

SARAH (hesitant)

I don't think so.

WAINWRIGHT

Now, you testified that three men assaulted you, is that right?

SARAH (defiant)

Yes.

WAINWRIGHT

Is it possible...possible...that the only men shouting were among your assaulters?

Katheryn sees Wainwright's tactic. She doesn't like it.

SARAH

I don't think so...There were more voices coming from further away.

WAINWRIGHT

Miss Tobias, you had several drinks, you smoked marijuana, the TV was playing, the jukebox was playing... and you were being assaulted. Given those conditions, can you truly say...truly say...how many voices you heard, or where they were coming from?



WAINWRIGHT

Is it fair to say, then, that you can't tell us who shouted, or who applauded?

SARAH

Yes, that's fair.

WAINWRIGHT

Might it have been only one person who shouted?

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WAINWRIGHT

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SARAH (defiant)

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WAINWRIGHT

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SARAH (hesitant)

No.

WAINWRIGHT

Well, then, Miss Tobias, is it fair to say that you can't truly tell us who shouted or applauded? Is that fair?

SARAH

Yes, that's fair.

Wainwright smiles, bows his head and backs away; at the same time, Paulsen swiftly hobbles to the stand.

PAULSEN

Miss Tobias, while you were on the pinball machine, did you at any time cry "Help!" or "Rape!"?...

SARAH

I tried, but they were always kissing me or...

She blushes fiercely, then pulls herself together.

SARAH

Later on, I kept saying "No."

PAULSEN

"No"?...

SARAH

Yes. I mean, yes I said "No."

PAULSEN

Not "Rape" or "Help" or "Police"... but..."No"...

SARAH

Right.

PAULSEN

Did anyone hear you?

SARAH

I don't know.

PAULSEN

Did you signal to anybody in the room...A hand signal, say?

66B CONTINUED:

66B \*

SARAH

My hands were pinned down.

PAULSEN

Did you signal to anybody with your eyes?

SARAH

No. After they started, I mostly kept them shut. I was crying.

PAULSEN

Were you struggling?

SARAH

Yes.

PAULSEN

Did anyone see you struggling?

SARAH

They must have.

PAULSEN

Are you sure?...Weren't your eyes shut?

SARAH

They must have.

PAULSEN

Miss Tobias, can you in any way prove to us that someone in that room...anyone...heard you saying "No" or saw you weeping, or saw you struggling?

SARAH (pausing)

No.

PAULSEN

No more questions.

He turns and heads for his table. The Judge signals Sarah that she can step down. As she leaves the stand, Katheryn tries to smile at her. The Judge glances at the clock, raises his gavel and bangs it loudly.

OMIT 67

OMIT 68

## 69. INT. KATHERYN'S OFFICE - DAY

Katheryn, in a different outfit, is at her desk, working. A knock at the door. \*

KATHERYN

Yes...? \*

Sarah opens the door and walks in. She has a paper bag, from which she takes two containers of coffee and some doughnuts. \*

SARAH

I hope you like it black. \*

KATHERYN

I do. Thanks. \*

SARAH

The transits look like— \*

KATHERYN

Not now, please, Sarah. \*

Sarah nods and sits. Fidgets. \*

SARAH

Hey—I'm sorry—can I ask you one question? \*

KATHERYN

One. \*

SARAH

(this is hard for her) \*

Was I okay yesterday? \*

KATHERYN

Not okay. Terrific. \*

SARAH

(delighted) \*

Hey! You know, you were— \*

Katheryn puts her finger to her mouth and Sarah shuts up. After a few seconds, another knock. Sarah jumps and opens the door. Rudolph is there, Ken behind him, Katheryn signals them to come in. \*

69

CONTINUED:

69

RUDOLPH

Katheryn, could I talk to you?

Katheryn quickly goes out.

69A. INT. OFFICE SUITE - DAY

As she comes out of her office, Katheryn closes the door.

RUDOLPH

Mr. Joyce has just told me that he doesn't truly remember the events on the night in question, and that he only told you what he told you because you coerced him.

(pausing)

And if you put him on the stand, he will recant it.

KATHERYN

(irate, to Rudolph)

Did you do this?

RUDOLPH

You're crazy. I want you to move for immediate dismissal.

KATHERYN

No.

RUDOLPH

Then I will.

She grabs Ken by the arm, opens her door and pushes him ahead of her into her office.

KATHERYN

No you won't. I've still got 20 minutes and it's still my case.

She shuts the door in his face.

69B. INT. KATHERYN'S OFFICE - DAY

69B

Sarah is staring at Ken, whom she dimly recognizes.

KATHERYN

Tell her what you told Mr. Rudolph.

(savagely)

Tell her.

69B

CONTINUED:

69B

KEN

(hastily)

I don't remember what happened, and I only told her what I told her 'cause she coerced me, and if she makes me take the stand, I'll recant it all. I'll take it all back.

\*  
\*  
\*  
\*  
\*  
\*

SARAH

Why?

(to Katheryn)

Why?

\*  
\*  
\*

KATHERYN

Tell her why.

\*

Ken doesn't answer and Katheryn—gambling—decisively turns to the door.

\*  
\*

KATHERYN

I'll make it easy for you.

\*

She goes out, shutting the door behind her.

\*

SARAH

Why?

\*

KEN

(defiant)

I told you: I don't remember.

\*  
\*

SARAH

You're full of shit.

\*

KEN

Who the hell are you to tell me I'm full of shit? I was there, remember?

\*  
\*

SARAH

Right, you were there. And you saw me have a few drinks, and you saw me blow some grass, and you saw me flirt—and you saw me gang raped, and you think I had it coming. You're just like the others.

\*  
\*  
\*  
\*  
\*

KEN

Look, my best friend is in prison and if I do this, they'll keep him for--

\*  
\*

69B

CONTINUED:

69B

SARAH

(total bitterness)

I get it. I get it. Your best friend is  
such a great guy and I'm just this piece  
of shit he raped right in front of you. I  
get it. You're not like the others.  
You're worse.

\*  
\*  
\*  
\*  
\*  
\*

KEN

I am not!

\*

SARAH

You could have fooled me.

\*

CUT TO:

70. INT. COURTROOM - DAY

70

The back door opens. All heads turn. Ken enters,  
makes his way to the Officer with the Bible to be sworn  
in.

Various members of the jury and spectators watch as Ken  
finishes the oath.

OFFICER

You may take the stand.

Katheryn moves forward.

KATHERYN

Can you tell us your name?

KEN

Kenneth Joyce.

KATHERYN

Were you in The Mill on the night  
of the events involving Sarah  
Tobias?

KEN

Yes.

MASSI

Sure.

When he's gone, Katheryn turns to Ken.

KATHERYN (points to Sarah)

Did you tell her?

KEN

No.

KATHERYN

Tell her.

KEN (to Sarah)

I'm not going to testify. I'm sorry.

SARAH

I figured.

KEN

I can't, O.K.? You don't understand what'll happen to me if I do.

SARAH

Oh yeah? What about what happened to me?

KEN

Look, I didn't do any of that.

SARAH

No, you but you watched.

KEN

Hey. Why should I fuck over my friend to help you? You're not exactly innocent in all this?

SARAH

No, that's right. I'm not. I had a few drinks, blew some pot, flirted a little and for that I deserved to get gang raped, right? You're just like the others.

KATHERYN (to Sarah)

No, he isn't.



Katheryn pushes the button on her tape recorder and Ken's voice fills the room:

...There's a girl in trouble...  
an assault, a rape...two...three...  
I don't know, there's a crowd.

Katheryn shuts off the tape. Ken looks away.

KEN  
I can't. I'm scared.

SARAH  
Scared?

Sarah approaches Ken and looks rights at him.

SARAH  
It's too late to be scared.

For a moment, they look into one another eyes.

CUT TO:

70. INT. COURTROOM - DAY

70

The back door opens. All heads turn. Ken enters, makes his way to the Officer with the Bible to be sworn in.

Various members of the jury and spectators watch as Ken finishes the oath.

OFFICER  
You may take the stand.

Katheryn moves forward.

KATHERYN  
Can you tell us your name?

KEN  
Kenneth Joyce.

KATHERYN  
Were you in The Mill on the night  
of the events involving Sarah  
Tobias?

KEN  
Yes.

KATHERYN

Would you please recount what happened?

Ken looks around the room.

KEN

Well, it was late. My friend Bob and I, we'd been to a game and then he took me to this bar he sometimes goes to, "The Mill". We'd been there awhile. I was playing "Enduro Racer", a video game. Anyway, this girl came in...She was real little, pretty. Anyway...

71. INT. THE MILL - BAR - NIGHT

71

Ken standing at the bar, watching Sarah, who sits talking with Sally as Lee strolls by, appraising her. She averts her eyes and leans closer to Sally.

KEN (V.O.)

She was talking to her friend. And then Lee saw her and made a move. He sent the bartender over.

JESSE

(walking over)

Lee wants to buy you two a drink.

Ken watches as they glance at Lee who smiles disarmingly. They glance at one another and nod. Jesse pours them large drinks. Lee sidles closer. Sally lifts her glass in thanks. Music plays in the background.

SARAH

Thanks.

SALLY

Lee, this is my friend, Sarah...

She nods and shakes his extended hand.

LEE

You talkin' shop?

SARAH

(giggling)

Modern romances.

Lee nods knowingly.

LEE

Hey, I'm a romantic...I'm like you,  
Sarah. I mean, you are one romantic-  
looking girl. Woman.

Sarah is skeptical, but pleased. Before she can respond, ANGELA, a bar regular appears in the game room doorway. The music continues. It is the same as the music at the film's opening.

ANGELA

Lee, it's your shot.

SARAH

A romantic, huh?

LEE (all charm)

Not with me...She come in with  
somebody else. Hey, don't take my word  
for it...walk back and see for  
yourself.

He gently touches her back and goes to the game room.

KEN (V.O.)

Then she got up and followed him,  
and pretty soon they were playing  
pinball and getting loaded.

DISSOLVE TO:

72. INT. THE MILL - GAME ROOM - NIGHT

72

Lee and Sarah are partners against Bob and Kurt. Ken is playing "Enduro Racer" as, Angela and a few other patrons watch. It's evident that everyone is no longer sober. Sarah moves in time to the music as Lee slips the quarter in the slot. Then Sarah hits all the bumpers and guides the ball into the winning hole, bell ringing and light show. Lee bangs his fist on machine in praise.

LEE

You guys might as well pay up now.  
She can score.

KURT

Luck.

SARAH

(friendly)

Luck, my ass.

She bends to play again, rotating her ass in a circular motion -- which becomes the instant focus of attention. Sarah sinks another as Angela remarks:

ANGELA

Looks like her arm's connected  
to her ass.

Bob looks at this -- just as Sarah misses a shot. Sarah laughs, pretends to pout, tosses a hip to one side and takes Lee's glass from his hand.

BOB

I bet I can beat her.

Lee's arm slips around Sarah's waist as Bob begins to play.

BOB

Hey Angie. Put some music on.

ANGELA

(snapping)

I don't have any change.

KURT

I do.

Bob gives Kurt a quick look as Angela heads for the jukebox. Sarah lights up a joint. Lee and Bob both smell the fumes and grin at her in anticipation.

Angela feeds change into the jukebox as Sally wipes glasses at the bar.

KEN (V.O.)

Then she was just standing there,  
and Bob asked her to dance...  
but Lee cut him out.

Bob leaves the machine, walks over to Sarah and asks her to dance. She smiles through the smoke and accepts, humming the song but before Bob can actually dance with her, Lee cuts in and he and Sarah, eyes shut, dance like two parts of a puzzle reunited. Angela walks over to Bob, tries to get him to dance with her but he doesn't want to. Then Cliff feeds the slots and plays pinball with Kurt. Angela walks

through the crowd to the bar as Bob wanders over to Kurt. Two other customers, Stu and Arthur watch him too. Customers in the other room cheer a football game on TV. Bob, now stoned as well as tipsy, leans on the pinball machine as the bells and lights go off, watching Lee and Sarah entwined in a corner. Sarah tries to talk, but Lee keeps kissing her.

SARAH

...I've got to work lunch tomorrow  
 ...Oooo, watch your mouth...this  
 isn't fair, I'm too gonzo...call  
 me at work and...man, you are one  
 slick cucumber...

LEE

Why waste it? You don't wanna go  
 home.

SARAH

No, but I gotta.

LEE

Tomorrow, huh?  
 (nuzzling)  
 Okay. Can we kiss a little?

SARAH

You are so bogus.

LEE

I swear, a little.

They kiss; again, more passionately. He slides his hand under her sweatshirt; she tries to pull it away, but she isn't strong, or sober, enough. The others in the room watch, enjoying the show.

Angela chooses the loudest song she can find on the jukebox. Customers jump. Sally drops a glass, but Jesse shrugs, indicating that Angela's a paying customer too.

By now, Sarah, though weakened by booze and grass, is trying hard to pull away from Lee. Her lips form the word "tomorrow", which can't be heard over all the other noise. Lee pulls her close. She shakes her head. He whispers to her. Again, she shakes her head, harder. He nods yes equally emphatically.

72 CONTINUED:

72

KEN (V.O.)

Then she tried to pull away from Lee, but she was too weak. And then he ripped the button off her pants and that was it.

With one hand, he grips her by the neck and with the other effortlessly rips off the button of her jeans and slides her zipper down. Before she can struggle, he pulls her tight to him. The others in the room see that something is going on, but can't quite tell what. Ken is discomfited by what he sees.

Angela notices Ken and tries to catch his eye. She can't, so she walks over to someone else. Lee has lifted Sarah onto the pinball machine. Her head and back are flat on the glass top. Her jeans and torn panties are pulled down to her knees. Lee bent over her, one hand on her neck, is trying to kiss her. Everyone in the room is watching hungrily.

Bob is staring at Lee and Sarah -- he steps closer to the pinball machine so he can see better. Suddenly, in one fluid motion, he rips Sarah's jeans and panties. Then he grips her left ankle and pulls her leg wide.

BOB

Come and get it!

Angela walks out of the room.

STU

Hey Kurt hit the lights!

Kurt puts a quarter in the slot and Cliff laughs maniacally as the machine lights up, ready to go.

CLIFF

Get her Lee. Kurt's too drunk.

KURT (pissed)

Bullshit!

STU

Attababy Lee...

In the bar, Angela struggles into her coat.

JESSE

You off, Honey?

ANGELA

I don't like the show.

As she walks out, some of the other customers glance in curiosity towards the game room. A few rise from their stools and head over. Sally meanders over after them.

Kurt is kneeling on the bell-ringing, blinking machine above Sarah's head.

CLIFF

You waiten to get it up Kurt?

KURT

Shut the fuck up asshole.

The he pushes Sarah's arms flat on the machine. Lee is positioned between her legs. More people have edged into the room; some are bunched in the doorway. They grin and mutter to each other. Lee glances up, sees Sally in the audience and forces a smile.

LEE

Hey, Sally, you wanna be next?

Terrified, she turns and leaves as fast as she can. Then Lee twists around to Bob who has been feeding quarters and playing the machine.

LEE (continuing)

Come on.

ARTHUR (A SPECTATOR)

(clapping)

Joe College...no dork.

MATTHEW (A SPECTATOR)

(also clapping)

I'll take care of her !

CLIFF

Watch this guy, Kurt.

Instantly, Bob unzips his fly and trades places with Lee who picks up his drink and grins at the onlookers. Ken, at first drawn to watch Bob, then grows upset and averts his eyes. A couple of more customers edge in.

By now, Jesse has noticed that quite a group has moved into the game room. He leans over the bar to see, but can't. Just then, a customer emerges from the doorway and Jesse looks at him questioningly. The customer smiles and makes a back-and-forth motion with his fist.

JESSE (amused; resigned)  
Oh for Chrissake.

Now Cliff plays the machine. Kurt, still behind Sarah's head on the machine, is gripping her arms tighter. Bob, between her legs, moves to the pounding music.

MATTHEW (baiting)  
Bet you can't do it to the music,  
Kurt.

Kurt shoots him a lethal look as Bob tries to kiss Sarah, but she keeps twisting her head. Ken notices this and takes a step closer. He lowers his head and sees that Sarah's mouth is moving. He leans in. Her lips are saying no, over and over. He then sees that she is trying to move her hands. Stu also notices the movement of her hands.

STU  
Hold her down, hold her down!

Ken, shocked, spins to look at Stu.

CLIFF  
Don't stop, she's nearly there.

MATTHEW  
Oh, stick it to her!

ARTHUR  
Don't slip out!

LEE  
Not my buddy. Go, Bobby! Shit,  
he's turning me on. You too Kurt?

By now, a few of the onlookers have begun to see, or sense, what Ken saw -- that Sarah is not a volunteer. They glance at one another, or at the floor, and begin to sneak out. Kurt is caught having to confirm his masculinity.

CLIFF  
Make her moan! Oh, yeah!

LEE  
Bobby, get outta there!

Lee grabs Bob's shoulder and pulls him away. Several in the room applaud, which startles Ken. Bob staggers backward and collapses into a chair. Lee starts to take his place but Kurt manages to keep her arms pinned and reposition himself on top of Sarah.



KURT

My turn.

Dazed, Lee steps back then takes Kurt's old place at her head as the room explodes with cheers.

CLIFF

Don't let us down Kurt!

STU

Here comes the champ.

But others in the room start to grasp that Sarah is not a partner, but a victim. Not sure what to do, they stand still.

ARTHUR

Keep it comin' - Keep it comin'...

Stu, Cliff, Matthew and Arthur clap in time to the music -- and Kurt's movements.

MATTHEW

Do it, do it, do it!

CLIFF

Harder, harder, harder, harder!

Ken is scarcely looking at the machine anymore.

KEN (V.O.)

She was being raped and all these people were watching, and these guys were cheering and clapping their goddamn hands.

Sarah, drunk and stoned as she is, is struggling hard now. Lee is sweating to hold her down, and this is visible. The silent spectators drift out. Ken doesn't know what to do. He tries to catch Bob's attention. No help there. Sarah's hand clenches into a fist and, as it does, her fingernails dig into her own palm, drawing a few drops of blood. Her lips are still mouthing no -- but unheard -- the noise is horrendous - - the jukebox, the pinball machine, people cheering, the TV, the rhythmic clapping.

STU

One, two, three, four...poke that pussy till it's raw.

This is too much for Ken and he backs towards the archway. He raises his eyes and finds himself looking at Lee who grins. Ken doesn't grin back.

Jesse glances up as Ken comes through the archway. Abruptly, the song on the jukebox stops. From the game room comes the sound of clapping -- and the sound of a strangled, weeping voice.

SARAH (O.S.)

No...no...no...no...no...no...  
no...

Jesse, puzzled, lowers the TV volume. Sarah's voice continues. Other customers at the bar hear it; glance at the gameroom where Ken exits quickly and heads past the bar and out the front door.

JESSE (shouting)

Knock it off! You hear me, knock  
it off! Go home if you wanna fuck!

Everyone is frozen, staring through the archway to the bar. Kurt has his hand in Sara's mouth. She bits it, then yells and kicks knocking him off stride. Sarah struggles to her feet and -- wearing only her sweatshirt -- stumbles rapidly from the room.

Everyone stands watching her silently as she staggers out the front door, screaming:

SARAH

No!!!

73. INT. COURTROOM - DAY

73

Ken has his head buried in his hands. He is trying to get control of himself. Katheryn gives him a moment, then proceeds gently:

KATHERYN

Mr. Joyce, you called the police?

KEN

Yeah, from a phone booth outside  
"The Mill".

KATHERYN

Did you tell the police your name?

KEN (shaking head)

Bob was my friend from school.

KATHERYN

Is that the only reason you didn't give your name?

KEN (softly)

I was scared.

RECORDER

I didn't hear that.

KEN

I was scared.

KATHERYN

So you saw three men...Lee, Kurt and Bob...rape Miss Tobias on a pinball machine?

KEN

Yes.

KATHERYN

And you heard other men yelling remarks of encouragement?

KEN

Yes.

KATHERYN

Can you tell us, please, if any of the men who shouted those remarks are here?

KEN

Yes.

KATHERYN

Can you point them out, please?

KEN

(forcing himself to turn; points)

The three, there.

Rumbling from the spectators; the Judge glares them quiet.

KATHERYN

Mr. Joyce, did anyone else in the room shout any remarks?

KEN

Lee Maquette...One of the guys who ...did it.

KATHERYN

Did you?

KEN (emphatic)

No!

KATHERYN

Mr. Joyce, what did Mr. Holloway shout?

KEN

"Hold her down, hold her down!"

KATHERYN

And Mr. Haines?

KEN

"Don't stop, she's nearly there!"

KATHERYN

Mr. Albrecht?

KEN

"Harder, harder. Make her moan!" Then Mr. Haines said, "Do it, do it, do it!" And everybody started clapping rhythm for Stu. "One, two, three, four...Poke that pussy till it's raw!"

The jurors are trying to mask their distress. Some spectators are shocked, some nervously amused. Meyerhoff is fidgety; Paulsen and Wainwright composed. Ken looks glazed. Katheryn presses on.

KATHERYN

Mr. Joyce, do you think Sarah Tobias instigated the rape?

KEN

No, I don't.

KATHERYN

Thank you, Mr. Joyce.

She nods to the Judge and goes to her table. Mrs. Meyerhoff, a small pristine woman, approaches the stand.

MEYERHOFF

Mr. Joyce, apart from Miss Tobias, about how many people were in the pinball machine area?

KEN  
Eight, ten; maybe more.

MEYERHOFF  
You were drinking and the TV and  
the jukebox were both on?

KEN  
Yes.

MEYERHOFF  
And you're certain you heard Mr.  
Albrecht shout "Make her moan"?...

KEN (pausing)  
Yes.

Meyerhoff shrugs expressively to the jurors. Wainwright is up and moving.

WAINWRIGHT  
Mr. Joyce, while you were both in  
the pinball machine room, did you  
keep an eye on him?

KEN  
Sometimes. Sure.

WAINWRIGHT  
Mr. Joyce, have you ever gone to a  
pornographic movie?

KEN (abashed)  
Yes.

WAINWRIGHT  
Did you watch the screen?

KEN  
Sure.

WAINWRIGHT  
Did you watch what other people in  
the theater were doing?

KEN  
No.

WAINWRIGHT  
But at The Mill, you only watched  
your friend, Bob...sometimes?

KEN (pausing)  
Yes.

WAINWRIGHT

Did you at any time watch the other two men at the pinball machine?

KEN

Yes.

WAINWRIGHT (setting the trap)

Well, where would you say most of your attention was directed...to the pinball machine or to the others in the room?

KEN

I'm not sure.

WAINWRIGHT (springing it)

But sure enough for you to have told the jury...under oath...what my client supposedly shouted?

KEN

Yes.

WAINWRIGHT

So, at that moment, your attention was not on the pinball machine?

KEN

That's right.

Wainwright is very close to Ken. Still amiable.

WAINWRIGHT

Not on the pinball machine...where three men...including your friend, Bob, were engaged in public sex?

KEN

I couldn't watch.

WAINWRIGHT

Because it was live rather than a movie?

KEN

It was too ugly.

WAINWRIGHT

Ahh. You were offended?

KEN (adamant)

They were raping her.

WAINWRIGHT

Oh, you paid enough attention to  
the machine to notice that?

KEN

Yes.

Katheryn tries to mask her concern.

WAINWRIGHT

And you instantly yelled..."Rape!"  
or "Stop!"?...

KEN

No. I told you that.

WAINWRIGHT (agreeably)

That's right, you did. Is it  
possible someone else could have  
yelled "Rape!" or "Stop!"?...

KEN

I didn't hear anyone.

WAINWRIGHT

I see.

Paul Rudolph and Massi sit, watching intently.

Wainwright shakes his head and strolls to his seat.  
Paulsen, quick as a cat, limps over to the witness  
stand.

PAULSEN

Mr. Joyce, on the night of the  
events in question, did you go  
home afterward.

KEN

Yes.

PAULSEN

Did you sleep?

KEN

No.

PAULSEN

Have you had any trouble sleeping  
since?

KEN

Yes.

PAULSEN

Have you thought about that night?

KEN

Sure.

PAULSEN

Do you still think about it?

KEN

Yes.

PAULSEN

Would you say you relive the night  
in your mind?

KEN

Uh-uh. Yes.

PAULSEN

How often?

KEN (pausing)

A lot.

PAULSEN

Do you believe all the men in the  
game room behaved badly?

KEN (resolute)

Yes.

PAULSEN

Including you?

KEN (weakening)

Yes.

PAULSEN

You knew she was being raped, and  
you let it happen?

KEN (broken)

Yes. God, yes.

PAULSEN

You feel awful about that, don't  
you?

KEN (in tears)

Yes.



PAULSEN

Awful enough to testify against these men on behalf of Sarah Tobias?

KEN

Yes.

PAULSEN (deliberately)

Yet, isn't it possible, Mr. Joyce, that you were the only person in the room to notice that this rape was taking place?

Ken realizes he's walked right into Paulsen's trap.

KEN

(furious)

Hell, no.

(to Judge)

I'm sorry. No.

PAULSEN

But didn't you tell Mr. Wainwright that, "The people probably didn't even know what was going down... That it was like a show"?

Ken glances at Katheryn, but she is blank-faced.

PAULSEN

Didn't you say that, Mr. Joyce?

KEN (subdued)

Yes.

PAULSEN (the soft kill)

Yet you still insist, Mr. Joyce, that these men knew they were watching a rape?

Ken glances at Katheryn, at the jurors, at the defendants.

KEN

Yes.

PAULSEN

No further questions.

He goes to sit. Katheryn is at the witness stand in a flash.

KATHERYN

Mr. Joyce...have you told the jury the truth about what you saw and what you heard in that pinball room?

KEN

Yes.

KATHERYN

Thank you.

She nods to the Judge who signals an Officer who moves to escort Ken from the courtroom.

KATHERYN

The people rest.

As Paulsen stands, the Judge glances at the time.

\*

JUDGE

How long is your case?

\*

PAULSEN

Short, your honor. Three quick witnesses.  
(the Judge nods)

\*

\*

The defense calls Lawrence Rydell.

\*

OMIT 73A

\*

OMIT 73B

\*

74. EXT. COURTHOUSE PARKING LOT - DUSK

74

Sarah sits in her car, waiting. When she sees Katheryn going to her car, she climbs out and goes to her. A silence.

\*  
\*

SARAH

So?

\*

KATHERYN

Ken helped. Larry...

(tilts palm from side to side)

Jesse...

(repeats the gesture)

\*  
\*  
\*  
\*

SARAH

What about Sally?

(Katheryn hesitates)

Bad, huh?

\*  
\*  
\*

KATHERYN

Bad.

\*

SARAH

Shit.

\*

KATHERYN

Shit.

\*

SARAH

You wanna go for a drink?

\*

KATHERYN

(shaking head)

I have to put together a summation.

\*  
\*

She opens the door and climbs in. Sarah puts her hand on the door and looks questioningly at Katheryn, waiting.

\*  
\*

KATHERYN

Fifty-fifty. At best.

\*

Sarah, hiding her fear and disappointment, steps back. Then as Katheryn starts to move, rushes forward.

\*  
\*

SARAH

Wear something gold--it's Leo's color.

\*

KATHERYN

Sarah, that's not--

\*

SARAH

Trust me for once. Gold.

\*

Katheryn smiles briefly and drives off. Sarah waves.

\*

## 75. INT. COURTROOM - DAY

75

Full courtroom. The Judge walks in and there is the usual business of standing and sitting.

JUDGE (to defense team)  
Gentlemen...

PAULSEN (going to bench)  
Your Honor, my colleagues have  
agreed to a single summation.

The Judge looks questioningly at Katheryn.

KATHERYN  
No objection.

The Judge gestures and Paulsen moves nearer the jurors.

PAULSEN  
Ladies and gentlemen, the State has charged these three men with a crime, and the State has supported its charge with the testimony of two witnesses. Sarah Tobias... told you how three men raped and sodomized her. Then she told you that she heard other men shouting encouragement to her attackers. Did she name these other men? No. Did she describe these other men? No. Could she tell you what these other men shouted? No. Her sworn testimony, her poignant heart-rending sworn testimony was an appeal to your pity. And if her story is true, you should pity her. But even if her story is true, and you do pity her, it has nothing to do with this case...because those three men did not rape her.

(MORE)

(CONTINUED)



(MORE)

(CONTINUED)

PAULSEN

courtroom, and we all know where it lies...inside the head of Kenneth Joyce. Every day for months, he said to himself "I am guilty" and finally he was offered a way to purge his guilt and he took it. He told you he watched a rape... and he told you that others in that room watched a rape. But how did he know that? Did he read their minds? To solicit a crime, you must know that it is a crime. Who knew it? Kenneth Joyce. Do you think it matters to Kenneth Joyce who shouted? In his head, everyone in that room is guilty...he told you that. And Kenneth Joyce, who is guilty, who did watch a rape and do nothing, will purge himself by bringing down anyone who was in that room with him.

(laughing harshly)

At no legal cost to himself...while those three men face prison.

The jurors are shaken by this, as are many spectators. Katheryn sits, composed, as Paulsen goes to the defense table for a sip of water. His cane sounds very loud in the still courtroom. He looks hard at the jurors.

PAULSEN

Do you believe him? If you do, convict. If you don't...and I know you don't...acquit.

After a brusque bow to the jurors, he sits. Katheryn stands and walks down the row of jurors, speaking conversationally.

KATHERYN

Ladies, Gentlemen...Mr. Paulsen has told you that the testimony of Sarah Tobias is nothing...Sarah Tobias was raped, but that is nothing. She was sodomized, and that is nothing. She was bruised and cut and terrorized.

(MORE)

(CONTINUED)

KATHERYN

That is nothing. All of it happen in front of a howling crowd, and that is nothing.

(smiling softly)

Well, it may be nothing to Mr. Paulsen, but it is not nothing to Sarah Tobias. And I don't believe it is nothing to you.

(pausing)

Next, Mr. Paulsen tried to convince you that Kenneth Joyce was the only person in that bar who knew that Sarah Tobias was being raped. The only one.

She moves closer to the jurors.

KATHERYN

You watched Kenneth Joyce...How did he strike you? Did he seem especially sensitive? Especially observant? Did he seem so remarkable that you immediately said to yourselves, "Of course. This man would notice things other people wouldn't."

(pointing)

Do you believe that Kenneth Joyce saw something those three men didn't see? That Kenneth Joyce and Kenneth Joyce alone saw the expression on Sarah Tobias' face; saw the thrashing of her legs; saw her nail gash her own hand and draw her own blood? In all the time Sarah Tobias was held down on a pinball machine, they didn't know?

(smiling grimly)

Wouldn't it be easy for us if they hadn't known? Then we could pretend that a bunch of drunken men simply watched a bit of group sex and it would be easy to nod and say "People don't do that, they don't stand around while a sickening crime is taking place; they step in, they cry "Stop!," they call for help.

(she takes a long pause)

Don't they?

Several people in the courtroom, including jurors, nod. She turns and slowly sweeps the room with her eyes. She turns back to the jurors.

## KATHERYN

(continuing)

Is there nobody in this courtroom who has ever watched a crime and done nothing?

(pause)

There's certainly no law against standing around, watching some troubled soul on the ledge of a twenty-story building...But what if the observers yell, "Jump, jump," until the troubled soul takes a dive toward the encouragement on the ground? He hits the pavement. He dies. Is that a crime?

(pause)

If someone asked the onlookers if yelling, "Jump, jump" caused the leap, one guesses they would say, "Of course not. The guy was crazy. Yelling had nothing to do with it."

(pause)

Nothing to do with it...We're back to nothing. Kenneth Joyce confessed to you that he watched a rape and did nothing. He told you that everyone in that room behaved badly, and he is right. But...no matter how immoral it may be, it is not the crime of criminal solicitation, to walk away from a rape. It is not the crime of criminal solicitation to silently watch a rape. But it is the crime of criminal solicitation to entreat, or induce, or encourage, or persuade another person to commit a rape.

(suddenly she turns  
and shouts:)

Make her moan! Hold her down!  
Stick it to her!

(MORE)



75 CONTINUED:

75

(CONTINUED)

KATHERYN

(soft again)

Those three men did worse than nothing. They cheered, and they clapped, and they rooted the others on. They made sure Sarah Tobias was raped. And raped. And raped.

(pause)

Now, you tell me, is that "nothing"?

She looks at the jury hard and returns to her seat. The clock shows noon.

76 EXT. COURTHOUSE - DAY

76

The crowd in front of the courthouse is lolling and waiting. A bell tolls four. An Officer emerges and the reporters push forward. He shakes his head "No" and they subside.

77. INT. COURTROOM - DAY

77

In another, empty courtroom, Katheryn sits at the prosecution table, forcing herself to do a crossword puzzle. The table is covered with Sarah's astrology material. Sarah sits smoking, a full ashtray in front of her.

SARAH

What time is it?

KATHERYN

You just asked me what--

A court OFFICER sticks his head in the door.

OFFICER

They want Joyce's testimony read to them again.

He leaves. Katheryn goes back to her puzzle.

SARAH

That's the third time for him--how come they never ask for mine?

KATHERYN

(tensely)

Because they believed yours.

SARAH

(after a silence)

What time is it?

77

CONTINUED:

77

KATHERYN

(snapping)

They've been out 3 hours and 12 minutes.

Another silence. In her purse, Sarah finds another pack of  
cigarettes and a folded piece of paper. \*

SARAH

I did your chart.

(no response)

It's a great chart: Saturn in the 10th  
house--career and ambition; Mercury ruling  
the 10th--public work; Sun and Pluto in  
the 10th--law and higher understanding. I  
mean, the 10th house is really  
gangbusters. You can be president, or  
something. \*

KATHERYN

(balefully)

What about you? what's your future? \*

SARAH

(making light)

I don't have mine with me.

KATHERYN

Don't you remember it? \*

SARAH

It's mostly seventh house--intuition,  
feelings, faith, mystery. \*

(self-mocking)

Real useful shit. \*

KATHERYN

(picking up chart)

Do I have any of that? \*

SARAH

(pointing)

A bit. Right here. \*

Katheryn nods and holds the chart out to Sarah. \*

SARAH

It's for you--I didn't sign it,  
'cause...well, you know, you think-- \*

KATHERYN

(grabbing her pen)

Sarah, will you please sign this damn  
thing? \*

77 CONTINUED:

77

Sarah, moved, does and hands it to Katheryn. \*

KATHERYN

Thank you.

SARAH

Likewise. \*

As they feel the momentary but powerful connection, the Officer sticks his head in the door. \*

OFFICER

They're coming in.

78. EXT. COURTHOUSE - DAY

78

The crowd is larger and reporters are poised on the courthouse steps. TV lights flash on and off.

79. INT. COURTROOM - DAY

79

Sarah sits in her chair. The jurors file into their seats, their expressions unreadable. Dunc sits behind Katheryn and Sarah. Ken and his father next to him. The Judge takes his seat. The tension is almost painful.

JUDGE

Ladies and gentlemen, have you reached a verdict?

79 CONTINUED:

79

JUROR #1 (rising)  
We have, Your Honor.

JUDGE  
Will the defendants please rise  
and face the jury?

The three defendants stand awkwardly. The Judge nods to JUROR #1, who clears his throat.

JUROR #1  
We find the defendant, Matthew Haines, guilty of criminal solicitation.

Noises from the families. The Judge gavels.

JUROR #1  
We find the defendant, Clifford Albrecht, guilty of criminal solicitation.

Barbara Albrecht cries out, "Oh no." Again, the Judge gavels for quiet.

JUROR #1  
We find the defendant, Stuart Holloway, guilty of criminal solicitation.

Louder noises still -- some of approval, some of disbelief and anger. Kathryn glances around to find the families of the defendants directing their anguish and hatred at her. She turns forward quickly.

Officers are moving along the aisle, warning spectators. The Judge is gaveling.

JUDGE  
Sentence will be imposed two weeks from today, at ten.

He gavels and stands to leave.

Katheryn rises, as does Rudolph, who gives her a begrudging nod before leaving with Massi. Paulsen steps nearer.

PAULSEN  
Neat. You'll lose the appeal—you know that?

KATHERYN  
Hundred dollars?

PAULSEN  
Make it a thousand.

\*

\*

\*

\*

\*

\*

79

CONTINUED:

KATHERYN

79

Done.

She gathers her things and looks for Sarah at the door, but doesn't see her and so heads out.

80. EXT. COURTHOUSE - DAY

80

Paulsen, Wainwright and Meyerhoff emerge, and the reporters flock to them. Paulsen waves them away and limps off. Wainwright and Meyerhoff stand, blinking in the TV lights.

81. INT. COURTHOUSE CORRIDOR - DAY

81

Sarah runs down the corridor, trying to catch up with Katheryn in the confusion.

82. EXT. COURTHOUSE - DAY

82

Katheryn comes from the courthouse, and the reporters turn towards her. She raises her hand to indicate she has nothing to say and starts down the steps. The crowd has grown strangely silent; it's mood is momentarily unknowable.

Ken and his father watch Sarah run down the steps and link arms with Katheryn, who grins her gratitude. Now Glaring defiantly and proudly at the enigmatic crowd, Sarah leads Katheryn down the steps, preceded and trailed by the TV crews as the credits roll down signifying:

THE END