

Boston Legal
Hope and Gory
Season 4, Episode 5
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Written by David E. Kelley

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The elevator doors open at Crane, Poole & Schmidt, and Patrice Kelly exits, wearing a tailored brocade suit, her hair is perfectly coiffed in a bun, and she has a determined look on her face as she walks confidently to the front desk.

Patrice Kelly: I'm looking for Alan Shore. It's important.

Assistant: Is he expecting you?

Patrice Kelly: No.

Assistant: May I tell him what this is regarding?

Patrice Kelly: No.

Assistant: Just a minute ... *she walks away, a bit flustered.*

Alan opens the door to his office, steps back to allow Patrice Kelly to enter.

Alan Shore: OK.

Patrice Kelly: Thank you for agreeing to see me.

Alan Shore: Well, my assistant said it, um, was some sort of emergency.

Patrice Kelly: **Matter-of-factly.** Yes. My daughter was murdered.

Alan Shore: Oh...*walking to his seat he turns back in surprise* I'm sorry.

Patrice Kelly: The man who murdered her was found not guilty by reason of temporary insanity. He is a man of means, with skilled attorneys.

Alan Shore: **Swallows, still looking unnerved.** And how exactly can I ... help you?

Patrice Kelly: **Sitting straight, hands folded in her lap, speaking without emotion.** I would like to kill this man, and be found not guilty by reason of temporary insanity. I'd like you to advise me as to what legal steps I must take in order to accomplish this.

Alan Shore: **pauses.** Ms. Kelly, I don't know what you've heard about me, but I certainly would not, and could not, advise a person on how to get away with murder.

Patrice Kelly: Why not?

Alan Shore: Well, because that would make me a conspirator for starters, and personally I'm not a great believer in ... murdering.

Patrice Kelly: **considers for a moment then smiles briefly.** Let me start over. I have decided to write a novel. It's about a woman who kills a man and is acquitted on grounds of insanity. **Alan is shifting in his seat.** I would like to hire you as a consultant. What legal steps must my protagonist take in order to accomplish this?

Alan Shore: **chuckles.** You cannot be serious. On a positive note I can tell you, for what it's worth, you seem *totally* insane. **He looks at her incredulously then realizes she's dead serious.**

Patrice Kelly: **smiling almost blushing.** Oh, thank you. How best do I legally establish that? I need to know exactly.



Alan Shore: Ms. Kelly, my advice to you would be to forget it. **Leans forward, focused and unblinking.** By virtue of the fact that you've come here, you've demonstrated that you understand the nature and quality of the act. As for legal insanity, you *don't* qualify.

Patrice Kelly: **cocking her head.** I'm disappointed.

Alan is left staring at her, as she gets up and strides from the room. He continues to watch her, looking discomfited.

Opening theme

Denny is seated behind his desk, Alan looking over his shoulder, both studying Denny's laptop screen.

Denny Crane: Here it is, right here. Hannah Kelly, aged 22, bludgeoned to death. Sean Harmon acquitted. Temporary insanity. It all happened a month ago. Do you think this woman really intends to kill him?

Alan Shore: **steps away** I don't know. She was so odd, I couldn't get a read on her. I wonder if I should call the police?

Denny Crane: How did she leave it?

Alan Shore: I'm not sure. I think I dissuaded her. I'm not sure.

Lorraine Weller: **enters the doorway.** Alan? I was wondering whether we might discuss your word salad ... maybe later over drinks?

Alan glances over at Denny then back to Lorraine, nods "yes" with a shrug.

Outside the Middletown Police Department, Jerry and Katie gets out of their car.

Katie Lloyd: Looks more like a courthouse than a jail.

Jerry Espenson: Well, the police department is part of the courthouse.

Katie Lloyd: Saves time, I suppose

They enter the police department; the officer at the front desk puts his hand over the phone receiver.

Officer: **looks up at Katie.** Hold on.

Katie Lloyd: Hello, my name is Katie Lloyd. I'm an attorney. I called ahead. This is my colleague, Jerry Espenson. I believe you're holding my client.

The officer looks from Katie to Jerry, to Jerry's hands pressed to his thighs.

Entering the holding area, the officer unlocks the door for them.

Jerry Espenson: Reminds me a little of Mayberry RFD.

Katie Lloyd: Where's that?

They stop outside Joseph Washington's cell and see him sitting on his bunk, looking down at the floor.

Katie Lloyd: Hello, Joseph. **To the officer.** May we go inside?

Officer: Inside? With him?

Katie Lloyd: Please. **To Jerry.** Why were you arrested?

Joseph Washington: For driving a car.

Jerry Espenson: **reading from a court document.** Evidently it's against the law for registered sex offenders to operate a motor vehicle within the Middletown borders.

Katie Lloyd: I beg your pardon?

Joseph Washington: **still looking down, shoulders hunched, bitter.**

They passed it last night. Because of my prior rape conviction I had to register here as a sex offender, which I did. My job is here. It's the only job I can get. The people here been harassin' me ever since I registered. My landlord evicted me. I've been banned from public transportation. Now this.

Officer: **tossing his head smugly** Sounds like you're not wanted. Maybe you should blow this terrible town. I would if I were you.



Back at CP&S, Katie and Jerry walk behind Shirley into the kitchen.

Katie Lloyd: It's so unfair what's being done to him, Shirley. He was trying to make a new life for himself. It's hard enough for an ex-con without an entire town conspiring against you. He was so excited to get this job, and they've essentially passed an ordinance overnight to run him out.

Shirley Schmidt: How much time are we talking about here?

Katie Lloyd: His arraignment is at 11. I'd at least like to get him out of jail.

Jerry Espenson: Shirley, there are many words to describe you, but compassion--

Shirley Schmidt: *rolling her eyes.* Cut the crap, Jerry.

Jerry Espenson: *purrs*

Shirley Schmidt: You can handle his arraignment, then it's back to work for us.

Katie looks at Jerry, getting a nod of approval.

Alan strides through the hallway, a few files in hand, as Denny comes around a corner.

Denny Crane: Hey, Alan, did you report that woman to the police yet?

Alan Shore: No, I still can't decide if I should. Would you?

Denny Crane: No, probably not.

Alan Shore: Why not?

Denny Crane: Because she already killed him.

Denny strides on ahead, leaving Alan standing in stunned silence.



Denny and Alan are watching the news on Denny's office TV.

Newscaster: The information is still coming in, but what we have learned is that the shooter has been identified as Patrice Kelly. If you recall, it was Ms. Kelly's daughter, Hannah Kelly, who was bludgeoned to death with a vodka bottle by Sean Harmon, the man who was shot today. We are getting confirmation that Mr. Harmon is dead from a single gunshot wound to the head.

Denny Crane: *flipping off the TV.* OK, first thing, get her into rehab. You'll want to put out a statement...

Alan Shore: I feel sick

Denny Crane: Stay away from anything too controversial, like Rutgers basketball...

Alan Shore: *gets up and starts pacing.* Denny, I should have prevented this. I *could have* prevented this.

Assistant: *knocks.* Alan? You have a call from Patrice Kelly. She says you'll know what it's regarding.

Denny Crane: Boy, it's exciting being you.

Alan stares vacantly out the office door a moment before walking out.

Inside a Middletown courtroom, Judge Donahue is listening to arguments from Katie and Attorney George McDougal.

Judge Donahue: They passed a law criminalizing him driving a car.

Katie Lloyd: Yes, Your Honor, last night.

They then arrested him today affording no notice.

Attorney George McDougal: He was also arrested for assault. The suspect became violent with officers.

Katie Lloyd: The suspect was simply told to get out of the car, and when he complied he was thrown against the hood--

Judge Donahue: *shakes his head in dismay.*

Attorney George McDougal: Anyone subject to a stop can be handcuffed.

Katie Lloyd: He was not told the nature of this ridiculous infraction, nor was he informed--



Attorney George McDougal: Maybe when counsel has children of her own, **drawing a disgusted look from Katie**, she might see the rationale in discouraging sex offenders from prowling--

Katie Lloyd: He was not prowling, Your Honor, he was driving to his place of employment.

Judge Donahue: Save your breath, Ms. Lloyd. The charges against Mr. Washington are dismissed.

Katie Lloyd: Thank you. Your Honor, might you also strike down this capricious ordinance on the grounds that--

Judge Donahue: I'm sorry, Ms. Lloyd. I can't do that. Towns have a right to protect themselves and Mr. Washington is a registered sex offender.

Katie Lloyd: --And as such faces enormous difficulty getting employment. He was fortunate enough to do so here--

Judge Donahue: I understand, but I gotta be honest ... I live here myself. He's free to go and I would hope that he would do so--far, far away. We're adjourned.

Patrice Kelly's holding cell. She's sitting on her bunk, reading, when the guard opens the door and Alan steps inside. She looks up, still in her brocade suit, legs crossed, her hands clasped in her lap. Her hair is less perfectly coiffed now, slightly loose.

Patrice Kelly: I lost my mind. I've been charged with a serious crime. I was wondering whether you'd provide me with representation.

Alan Shore: standing by the bars, hands folded in front of him. No.

Patrice Kelly: Well, that seems at odds with your showing up. It's not everyday we encounter compelling characters, is it?

Alan Shore: Do you expect to get away with this?

Patrice Kelly: I'm insane.

Alan Shore: Not legally.

Patrice Kelly: Well, that would be a jury's call, and with your influence--

Alan Shore: Patrice--may I call you Patrice?

Patrice Kelly: I'd like that.

Alan Shore: Let's drop the little insanity act. Let's be frank. This was a premeditated, calculated revenge killing.

Patrice Kelly: That's not true. But if it were true, he had it coming. **staring coldly at Alan as he assesses her.**



Alan and Denny are sitting on the sofas in Alan's office.

Denny Crane: So, you took the case...

Alan Shore: She's too fascinating to pass up.

Denny Crane: Would I like her?

Alan Shore: She's female, has a pulse...

Denny Crane inhales excitedly, pressing his hand over his heart.

Alan Shore: The arraignment's tomorrow. You want it?

Denny Crane: Of course I want in.

Lorraine Weller: appearing at the door. Are you ready?

Both men stand, wearing smiles.

Denny Crane: raises his eyebrows. Ready for what?

Alan Shore: Lorraine and I are getting underpants.

Denny turns back toward Alan to make sure he heard correctly.

Lorraine Weller: smiles. Drinks.

Denny Crane: I drink like a fish! I promise.

In their office, Jerry is looking at his computer as Katie walks to her seat.

Katie Lloyd: This is the only job he could get Jerry, but if he can't get there--

Jerry Espenson: Laws denying sex offenders jobs, housing--they've all been upheld as reasonable. We could always challenge Megan's Law itself. This judge did seem to suggest some intolerance for it.

Shirley steps into the office.

Katie Lloyd: We sort of won, but--

Shirley Schmidt: But what?

Katie Lloyd: We'd like to go back into court, just one time--

Shirley Schmidt: Because ...?

Katie Lloyd: To overturn Megan's Law.

Shirley stands speechless just as Carl steps in behind her.

Jerry Espenson: So compassionate...

Carl Sack: The answer's "no". You're both behind on assignments from other partners. You need to think about saving your own jobs instead of your buddy Joe's.

Katie Lloyd: Mr. Sack ..?

Carl Sack: There will be no more time spent on Joseph Washington. You're done.

In a quiet bar, Lorraine and Alan are sitting together at a table.

Lorraine Weller: **places her hand near Alan's, looks into his eyes.** Tell me more about this friend of your mother's.

Alan Shore: **lays his hand over hers, patting it slowly as he begins awkwardly.** She looked like you. She was impossibly beautiful, funny, intuitive. **wincing with some discomfort, then smiling.** She took away my virginity and never returned it.

Lorraine Weller: **Smiles warmly, almost flirtingly.** You were fourteen. Is it possible your sex with me is about anger?

Alan Shore: I think it's more about napkins, uh, **winces over using the wrong word control.** **Lorraine continues looking at him empathetically.**

Alan Shore: **hesitantly.** The first time you and I kissed, you touched my leg in a very gentle and familiar way, which...My mother was not an affectionate woman, I've told you this. The only act of tenderness I can recall was she would fit me for trousers and in so doing she would touch my leg in such a way that, in the absence of any other attention, an eight-year-old boy might interpret as...nurturing and loving. And somehow now you occasion a series of visceral memories and responses which for some reason seem to induce green peanuts—word salad.



A crowd of people outside the Middletown courthouse--some holding signs--protest a sex offender in the community. There are reporters as well. Shouts rise when Joseph Washington is spotted arriving with Katie Lloyd and Jerry Espenson. "There he is!" and "We don't want your kind!" are heard among the rabble as they make their way into the courthouse.

Jerry Espenson: **in front of a judge in a packed courtroom, hands on thighs.** The fact is, Megan's Law is unconstitutional. **The crowd rumbles.** It's a punishment that amounts to a form of double jeopardy. My

client already paid his debt to society; he served his term. Requiring that he register post prison—

Attorney George McDougal: Are you seriously going to challenge an existing law?

Jerry Espenson: This law also denies due process. My client was afforded no opportunity to hearing before having to register--

Attorney George McDougal: He got a trial.

Jerry Espenson: *assertively*. But these are post trial consequences. What's more, the law is capricious. If we punish sex offenders like this, making it impossible for them to get housing, jobs, impossible to live--they simply won't register, as many today don't.

Attorney George McDougal: We're talking about a crime with the highest rate of recidivism. A crime where most offenders are powerless not to repeat – they're sick. Does Megan's Law pinch a few of their civil liberties? Sure. I say they forfeit those liberties when they put their hands on a child!

Voices in the courtroom rise in agreement.

Judge Donahue: Settle down!

Jerry Espenson: The so-called sex offense we're talking about here was that he had sex with a seventeen-year-old with a girl who was sixteen.

Attorney George McDougal:

No, he raped her.

Jerry Espenson: It was consensual.

Attorney George McDougal: The jury found otherwise.

Judge Donahue: All right, all right. I've heard enough. Mr. Espenson, you make many valid points. But the bottom line, I'm not overturning Megan's Law and good luck finding any judge who will. Your motion is denied and we are adjourned.

Katie Lloyd's disappointment is obvious as the crowd behind them rise to leave, talking, some clapping. Joseph sits at the table, his face pressed into his hands.



An office door closes firmly. Katie's hands rest on the back of a chair. Jerry's hands are pressed to his thighs.

Carl Sack: I'm curious. Which of you had the bright idea, "Hey, let's just defy Carl Sack—

Katie Lloyd: Mr. Sack, Joseph Washington is being punished and vilified--

Carl Sack: *sarcastically*. Yes, we tend to do that with rapists--

Katie Lloyd: *emphatically*. He did not rape her. You may not believe in him, but you cannot deny my right to ... whether you're a Senior Partner or otherwise.

Jerry begins purring.

Carl Sack: I don't know your buddy, Joe, Katie. I believe in you – or *did*. If this woman he was convicted of raping--if she was really his girlfriend--Joe-Bob would know her name.

Katie Lloyd: So...

Carl Sack: So a good attorney – which I believed you to be – instead of trying to overturn Megan's Law, would be googling the girl, finding her, persuading her to recant in hopes of overturning the conviction. **Katie and Jerry exchange guilty glances.** Then a good attorney would simply unregister him as a sex offender. That's what *good* attorneys do, but since you two are seemingly *not*, it's probably not wise to defy me. Get out.

Katie Lloyd: Yes sir. *follows Jerry, who adds a tiny hop.* Thank you, sir.

In a jailhouse meeting room, Alan sits across the table from Patrice Kelly, now in blue prison garb, her hair falling loose to her shoulders.

Alan Shore: If the police report is to be believed, you walked into Sean Harmon's place of employment, approached him, and shot him in the forehead.

Patrice Kelly: I said "hello" first. **Matter-of-factly.** I wanted to give him a second to appreciate who was killing him, and why.

Alan Shore: Do you feel any contrition whatsoever over this?

Patrice Kelly: Would that help?

Alan Shore: *taken aback.* I really don't know what to say here.

Patrice Kelly: Well, the first order of business, you must get me bail. I had all my securities converted in case, so I should be able to get a money order issued today.

Alan Shore: Bail--

Patrice Kelly: If I don't get bail, Alan, the only images of me will be in this outfit, and we can't have that. We need to think about influencing that jury pool. I'm sure you agree.

Alan Shore: You're not sounding very insane.

Patrice Kelly: I'm better now. It was *temporary* insanity.

Alan Shore: *nodding*. Right.

Patrice Kelly: I'd like you to get dominion of the room as soon as arraignment begins. If possible, please pre-empt the reading of the charges, they tend to make good sound bites.

And also please, don't forget in your bail argument, to state the obvious – this is important.

Alan Shore: The obvious...

Patrice Kelly: *hands clasped*. Yes. He had it coming. I'd like you to be passionate about that. The jury will be listening.



Inside Judge Fudd's courtroom, Patrice Kelly is led to the defense table with Alan and Denny.

Bailiff: Case number six two four five, Commonwealth versus Patrice Kelly on a charge of first degree--

Alan Shore: *interrupting*. Alan Shore for the defendant along with my colleague Denny Crane. We'd like to enter our appearance and a plea of not guilty. We'll waive reading of the charges, which frankly shouldn't be read at all. What kind of society is this that hauls in a grieving mother? **Judge Fudd:** We only haul in grieving mothers who shoot people, Counselor.

Alan Shore: Yes, Your Honor, if we could proceed to bail, my client--

ADA Betts: *rising now* --Committed cold-blooded murder and bail is--

Alan Shore: --her temperature was never taken and bail is a function of flight risk and danger to society. Patrice Kelly poses neither.

ADA Betts: She executes people--

Alan Shore: Only the ones who murder her children and since my client is now fresh out of kids, I would submit that there is nobody left for Patrice Kelly to shoot.

Judge Fudd: Mr. Shore, your tone doesn't seem to grasp the severity of the matter. Do you think we're all gathered her for a good snicker?

Alan Shore: No, I do not Your Honor. We're gathered here because this woman's only daughter was beaten to death by a man of considerable wealth, who was able to hire people with all the skills and resources necessary to manufacture a temporary insanity defense. The best kind of insanity defense, because with that one you get both the acquittal and your walking papers so long as you show that the insanity has passed, which his lawyers of considerable skills and resources were able to do. Sean Harmon walked out of that courtroom a free man. He bludgeoned her daughter to death with a vodka bottle. He did not go to prison, he did not go to a hospital, and my client – a grieving mother – could not allow for that injustice. She is not a threat to society at large, she is not going to run, because frankly why should she? Sean Harmon viciously killed her daughter, Sean Harmon had it coming. He made her crazy and he got exactly what he deserved.

Judge Fudd: Bail is set for one million dollars; we'll set a conference for scheduling--

Alan Shore: The defense is ready now.

Judge Fudd: What?

Alan Shore: There's no discovery to speak of, my client walked in and shot somebody. Allegedly.

Judge Fudd: Do you mean you're entering a plea of Not Guilty?

Alan Shore: No, no, no, no, no. At this time we'd like to give notice of our affirmative defense.

Judge Fudd: Which is?

Alan Shore: Temporary insanity.

ADA Betts looks away barely avoiding rolling his eyes in disgust, Denny looks up at the judge snidely, and the judge looks both stunned and baffled by what he has just heard.

Striding through the hall to his office, Alan is talking with Patrice Kelly about her case.

Patrice Kelly: Is it wise to proceed right to trial?

Alan Shore: There was public outrage when Sean Harmon was acquitted of killing your daughter. We want to exploit that while it's still outrageous.

Patrice Kelly: I'd also like a black attorney. There may be African American jurors, I may be portrayed as the rich white blue-blood, looking to buy a verdict, so we should probably 'color up'.

Alan Shore looks askance at her flippancy remark.

Patrice Kelly: And on that note, Denny Crane is out. **Alan stops, listening with a barely tolerant look on his face.** I don't need the image of corporate gluttonous wealth sitting next to me. We should schedule a press conference as soon as possible. Since you may not want to put me on the stand, I suggest I tell my story to the media – free from cross examination.

Alan Shore: You scare me

Patrice Kelly looks self confident as Alan strides on ahead.



In a medical office waiting room, Katie leans against the reception desk. A young woman wearing scrubs steps into the office and addresses Katie.

Gwen Richards: Hi, I'm Gwen Richards, can I help you?

Katie Lloyd: Yes, thank you. My name's Katie Lloyd. I represent a man named Joseph Washington.

Gwen looks stunned.

Katie Lloyd: I'm guessing from your expression, you know who I'm talking about.

Gwen looks down uncomfortably.

Katie Lloyd: Um, may we speak in private?



Katie Lloyd sits across from Gwen in an empty office. Gwen continues to look down.

Katie Lloyd: As I understand Joseph, the sex was consensual, but you maintained otherwise so as not to incur the wrath of your father.

Gwen Richards: **Shakes her head a bit, crossing her arms, looking toward Katie but not meeting her eyes.** That's ... not true.

Katie Lloyd: **Studying Gwen's reaction.** The sex was not consensual? He overpowered you?

Gwen Richards: He ... pressured me. I was sixteen. I was afraid to say no. I didn't feel like I had a choice. **Looks at Katie, then looks down again.** Miss Lloyd, I can't help you.

Katie looks disappointed, sighs.

Gwen Richards: Plus this is something I've tried to put behind me. I have a life, a family...

Katie Lloyd: I'm not a psychologist, but I suspect, if you weren't raped, you'll never put this behind you. **Gwen looks away, closes her eyes.** A man served six years in prison. He must live what's left of his shattered life as a registered sex offender. And if you were a person of conscience--

Gwen Richards: **Cuts off Katie.** I need you to leave. I have to get back to work, and I... can't help you. I need you to leave.

Katie looks down at Gwen sympathetically, then leaves her sitting there alone.

Alan sits behind his desk. Patrice sits across from him, her stoic features reflected in his desktop.

Alan Shore: We need to talk, specifically about your insanity. Can we do that?

Patrice Kelly: **Nods, hands folded.** My thought is it should be a dissociative state. They tend to be temporary in nature.

Alan Shore: *Taken aback by aloofness.* What would be the precipitating factor? It was a full month after Sean Harmon's acquittal, so what was it that sent you around the bend?

Patrice Kelly: God.

Alan Shore: God?

Patrice Kelly: God. He spoke to me.

Alan Shore: What did God say?

Patrice Kelly: Shoot him in the head.

Alan Shore: I see. The thing is, Patrice, for a jury to let you go, they have to like you. That won't happen emphatically if they think you're trying to fool them. So far, I'm not sure I like you.

Patrice Kelly: What's your point?

Alan Shore: Did God speak to you?

Patrice Kelly: Yes.

Alan Shore: And His exact words were ...?

Patrice Kelly: *adamantly* Shoot him in the head.

Alan rolls his eyes.

Whitney sits with Katie and Jerry in their office, drinking beer from a bottle.

Katie Lloyd: Maybe we can subpoena her... maybe under oath? I'm not sure she's willing to risk perjury.

Whitney Rome: But that's exactly what she risked at the trial when she convicted him. If what you're saying is true, it's probably the threat of perjury that's kept her from setting the record straight all these years.

Jerry nods in agreement.

Katie Lloyd: *shaking her head in dismay.*

Just... there must be something else we can do...

Knock at the door. Alan steps into the room.

Alan Shore: Excuse me, Katie, Jerry. **Turns and extends his hand.** Whitney, Alan Shore. We haven't officially met. How do you feel about murder trials?

Whitney Rome: I can take 'em or leave 'em.

Alan Shore: I need you to take one as second chair. Would you come with me? **He turns to head back to his office, expecting her to follow.**

Whitney Rome: *Bluntly.* Ok, if that's a line, um, you're too old and too fat.

Alan Shore: *turns back toward her.* Not too old... Please, leave the beer. **He motions her to go ahead of him. Katie sighs, at a loss. She looks up to see Gwen Richards in the doorway. Both she and Jerry stand, surprised and pleased.**

Katie Lloyd: Gwen!

Gwen Richards: Tell me what I need to do.

Jerry and Katie beam.



Inside Judge Howe's courtroom, Gwen Richards is already seated as Katie, Jerry and Joseph Washington enter.

Joseph Washington: Tell me again why we're in this court?

Katie Lloyd: *proceeding to the defense table.* This is the court where you were convicted of the rape, and therefore the only one that can overturn it. If successful, then we go back to Middletown.

Joseph glances back at Gwen whose head is lowered, looking up ashamedly.

Katie Lloyd: Please don't make her any more uncomfortable than she is. We don't want her to leave. **Joseph nods.**

Bailiff: All rise. **The judge enters and takes his seat.** In re Commonwealth vs. Joseph Washington, the honorable William Howe presiding. This court is now in session.

Katie Lloyd: Good morning Your Honor, my name is Katie Lloyd. I am before you today with attorney Jerry Espenson, representing Joseph Washington, who was convicted before you in 1985 on the charge of rape.

Judge Howe: Yes, I've read your papers.

DA Haber: Your Honor, I have no idea if there has been any deal cut between Mr. Washington and the witness to affect any--

Katie Lloyd: There's been no such deal Your Honor, which is so attested to in Miss Richards' affidavit, and I would submit, since the rape case against Mr. Washington was based solely and entirely on her testimony--

Judge Howe: Is Miss Richards with us today?

Katie Lloyd: **looking back toward her.** She is, Your Honor.

Judge Howe: **gestures for her to approach.** Ms. Richards, step up here please.

Gwen steps forward looking afraid.

Judge Howe: You claimed Mr. Washington forcibly raped you. You're saying now, that was not the case?

Gwen Richards: **unable to look directly at the judge.**

Yes sir.

Judge Howe: Why would you say he did?

Gwen Richards: **hesitating, filled with regret.** My father walked in on us. I claimed Mr. Washington raped me to avoid punishment. The sex I had with Mr. Washington was consensual.

Judge Howe: You realize the prosecution mostly likely will charge you now with perjury?

Gwen Richards: Yes, I've consulted a lawyer, I know what I'm exposing myself to here.

Judge Howe: I find this revelation a little disgusting, Ms. Richards. In addition to sending this man to prison for something he didn't do, perhaps destroying his life irreparably, you continued to let that rape conviction hang over this man while he was being tried for murder.

Gwen Richards: **emotionally.** Yes, your honor. I will never be able to give back what I took from him. **She begins to cry.** I cannot punish him any longer, Your Honor. He did not rape me. I lied.

Judge Howe: Ok. Given that the prosecution's primary witness has recanted, I am vacating this conviction, pending further proceedings. **Katie closes her eyes in relief.** An arrest warrant is hereby issued for Ms. Richards. Please take her into custody.

The bailiff rises and escorts Gwen from the courtroom. The judge rises and leaves the bench. Jerry, Joseph and Katie leave the courtroom, all somber and quiet.

Inside a packed Middletown courtroom, spectators spill into the back.

Attorney McDougal: He hasn't been cleared. The case is still officially pending--

Katie Lloyd: But the conviction was vacated, which means that he doesn't have to be registered as a sex offender.

Gasps from the crowd.

Judge Donahue: All right, settle down.

Attorney McDougal: Your Honor, we don't know the circumstances surrounding Ms. Richards' sudden decision to recant her testimony.

Judge Donahue: Mr. McDougal, unless you show me some evidence to cast suspicion on these circumstances, my hands are tied. He doesn't stand before me as a convicted sex offender. I therefore order you to take his name off the registered sex offenders list.



The crowd's displeasure rises in volume. Joseph acknowledges his victory with a subtle nod. Attorney McDougal closes his folder in defeat.

Judge Donohue: All right. Quiet. He is to be afforded all the rights and privileges that we typically extend to citizens living in what we like to call a free society. That's all.

Joseph Washington: So I can drive?

Katie Lloyd: You can drive and you should be able to qualify for housing.

Joseph Washington: Yes.

Jerry Espenson: You still have your job, right?

Joseph Washington: My boss says I did. **He smiles and puts his hand on Jerry's back.** Thank you. **Jerry grins and nods in reply. Joseph shakes Katie's hand.**

Joseph Washington: Thank you.

A woman spectator steps forward. All three turn as she speaks.

Lauren Delhorn: Excuse me, I'm very sorry to intrude. Mr. Washington, my name is Lauren Delhorn, and I was raised in the town of Middletown, where I still reside. I realize you've done your time in prison, and paid your debt to society, but sir, we do not want you in Middletown.

Joseph flinches uncomfortably. Katie looks from the woman to Joseph.

Lauren Delhorn: This is a safe town, where people still go to mass on Friday nights. Please show us the respect you'd like others to extend to you... go live somewhere else.

As she turns to leave a priest who was also a spectator approaches them.

Priest: Conciliatory. They mean well. They just want to raise their children, I suppose, and not have to look over their shoulders, but it probably would be best if you went elsewhere.

As the priest leaves, Joseph can't quite believe what he's heard. He looks to Jerry and Katie who seem sad, but not surprised.

At Crane Poole & Schmidt, Alan pushes open a conference room door and holds it for Patrice to enter. Whitney already seated at the table.

Patrice Kelly: to Alan. You seem upset.

Alan Shore reaches for the remote Whitney is handing him. On the video screen we see a news item featuring an interview with Patrice Kelly looking more casual and less blue-blood than usual.

TV Commentator: "As Miss Kelly took time out for a Rod Stewart concert last night, she stopped to talk to reporters.

Patrice Kelly onscreen: The truth is in the eight months following my daughter's death, I never went anywhere. It was as if that man killed me as well as Hannah. Well, he didn't kill me. In fact it worked out quite the opposite. And now that my daughter can finally rest in peace, I thought, maybe I can live life for both of us." **She turns away from the cameras as the reporters call to her for more.**

Alan Shore: turning off the TV. Now, what exactly was the thinking here?

Patrice Kelly: I want the jury to know me. It's more difficult to imprison people you care about.

Alan Shore: tersely. And you think you engendered sympathy with that little performance, going to a rock concert? Let me tell you something Patrice, if the jury detects some twisted sense of joy on your part--

Patrice Kelly: What you saw was empowerment, not joy. As for the concert, it was Rod Stewart--completely age appropriate.



Whitney Rome: Jury's not gonna know you lady. It all comes down to a collection of impressions, first ones getting the most play. You wanna know mine?

Patrice Kelly: No.

Whitney raises an eyebrow, as does Alan.

Patrice Kelly: I'm sorry, that was rude.

Whitney Rome: Empowerment's no defense for first degree murder. I'm told God speaks to you. **sarcastically.** Best you keep talking to him. *That* we can make work.

Patrice Kelly: to Alan. I like her.

Katie and Jerry are sitting at a bar.

Jerry Espenson: chuckling. I've never had a beer in the middle of the day before.

Katie Lloyd: *smiling*. Winston Churchill used to drink in 'victory because he deserved it, and in defeat because he needed it'.

Jerry Espenson: I don't know how much of a victory it was. At least he can get to his job, anyway.

Katie Lloyd: Until the town pressures his employers to fire him. *Her cell phone rings, she answers.* This is Katie Lloyd.

Jerry Espenson is sipping his beer with a straw.

Katie Lloyd: What? *She covers her other ear.* When? When did this happen? *Pained, nodding slightly.* Yes.

Jerry Espenson: What's wrong?

Katie Lloyd: *In disbelief.* He's dead.

Jerry Espenson: What?

Katie Lloyd: Joseph. He's dead.



Katie and Jerry are led by a police officer and Medical Examiner into the Middletown coroner's lab.

Officer: We found no identification, but we're pretty sure it's him. I really appreciate you coming down. **To Katie, who is staring blankly.** Are, are you ok?

Jerry Espenson: I can do this.

Katie Lloyd: *Pained.* I'll do it.



Katie walks into the room, toward the body lying on the cold steel table, all but his face draped in a blue cover. The ME staff member, police officer and Jerry follow behind as she slowly approaches. There is a significant head wound.

Katie Lloyd: It's him.

Jerry sighs sadly, and Katie starts to leave. She then turns back to look at him one last time.

Officer: Whoever did it, we'll catch him. **Jerry nods slightly, and Katie's expression turns to anguish, she covers her mouth and rushes down the hall. Jerry follows her.**

In Alan's office, Lorraine is measuring Alan for pants.

Lorraine Weller: *Business-like.* Inseam is 29. Let's do your waist. *Briskly wraps tape measure around his waist.*

Alan Shore: *Laughs nervously, and pulls away as her hands come into contact with him.* I really don't know what you're trying to accomplish, Lorraine. *He takes her hands in his, stepping down.*

Lorraine Weller: This could desensitize you.

Alan Shore: It's not working, eh, unless by desensitize, you mean harden. *He rebuttons his jacket. Lorraine puts her hand on his cheek, drawing his gaze back up toward hers.*

Lorraine Weller: Are you feeling more comfortable, Alan? *Alan crosses his hands in front of him to disguise his aroused state.*

Whitney Rome: I am. What are you, some kind of nymph?

Lorraine Weller: *She steps away from Alan, sees Whitney enter the doorway.* Whitney, how are you today?

Whitney Rome: Yeah, yeah, I hate to intrude but, did you see the statement our temporary psycho gave to the police after she shot this guy?





Alan Shore: I did. **He grabs a desk chair to awkwardly cover himself.**

Whitney Rome: She was methodical, reflective, deliberate, insistently organized. How do we make insanity from that?

Alan Shore: **still trying to be nonchalant.** From scratch. Everything ... tastes better, that way.

Whitney Rome: **She looks at the chair he's holding, then steps to look around it.** Oh, what am I missing?

Alan Shore: Nothing Whitney. **He turns to deflect her..** As you said, we go with God. **Whitney looks to Lorraine, who gives her a pleasant smile and a shrug.**

In their office, Jerry is standing beside Katie's desk, looking at her sit with her face in her hands. Carl Sack steps into the room, reading a file, seeming not to notice their demeanor.

Carl Sack: We have a client who was just slapped with a TRO involving some delicate copyright issues. I need both of you to hop on the research immediately. It may be a late night. **He tosses the file onto Katie's desk and looks up at both of them. He then turns to leave, but stops and turns back.**

Carl Sack: Look at me Katie. **She turns, her eyes and nose red from crying.** Older lawyers typically tell the younger ones not to get too close to the client. Good advice, for the most part. But Mr. Washington was lucky that he had a lawyer who did. **Katie begins to cry again.** Because of you, he died an innocent man. You gave him his name back, and I would suspect, a little faith.

Katie Lloyd: **Wracked with emotion.** He died without a single person in the world giving a damn about him.

Carl Sack: That's not true ... is it?

After Sack leaves, Katie turns to Jerry.

Katie Lloyd: I'm going to church.



The choir is singing "What a Friend We Have in Jesus" in a small church in Middletown, as Katie enters, slowly walks down the aisle, seeing familiar faces. The congregation sees her standing there as they take their seats. The priest sees Katie standing in front of him as he turns to speak.

Katie Lloyd: **Respectfully.** I, I beg your pardon. I was wondering if I might say a just a word or two, in memory of Joseph Washington?

Priest: **Cautiously.** All right.

Katie Lloyd: **Speaks to the congregation.** I'm terribly sorry to disturb your evening service, but a man, Joseph Washington--maybe some of you knew him--passed away today... and, uh, his last place of residence was Middletown. He didn't really have many people in his life. He, he spent a great deal of time in prison, and when he got out, well as you can imagine, not very many communities were inclined to embrace him.

Jerry enters and stands at the back.



Katie Lloyd: He was excited about coming to Middletown, because he'd heard it was a kind town, **her voice cracks with emotion** a community of tolerant people. Not all of you welcomed him. Some of you thought him a murderer. No, he was not. Some of you thought he was a rapist. No, he was not. **Emotion rising in her voice.** Some of you thought him unfeeling, and no, he was not. Many of you have families and quite rightly want to protect them. You don't want people coming here out of prison. But you might wonder, where are they to go? **Glancing around the room as everyone listens.** With over two million people currently in American prisons, with about 700,000 due to be released by the end of next year, where are they to go? And if we deny them housing, jobs, if we treat them with nothing but scorn, what's to become of them? I apologize. I didn't come here to lecture so much as to ... well, when a human being dies, he should be prayed for, and since Joseph last lived among you, **glancing around her** please let us pray.

The entire congregation bows their heads.

Katie Lloyd: head bowed Oh Lord, we humbly pray thee to show mercy on the soul of Joseph, who you have commanded to pass out of this world... a world which was often **trying to hold back her sorrow** not kind to him. We pray thee might place him in a place of peace and light, of goodwill, love and forgiveness. Amen.

Congregation: Amen.

Jerry crosses himself and Katie walks back down the aisle to join him as people turn to watch her go.



Denny and Alan sit on Denny's balcony.

Denny Crane: You can't go in with 'God told me to shoot him', as a defense!

Alan Shore: Why not?

Denny Crane: I don't doubt that God talked to her, but he wouldn't say shoot – the devil would say that, and juries don't like devils.

Alan Shore: Except me.

Denny Crane: That's right. They love you

Alan Shore: I must say, I feel a bit like the devil, Denny. I mean, I don't believe for a second that woman was insane. It was as premeditated as can be, yet I'm excited to help her get away with it.

Denny Crane: It's because the bastard had it coming, like she said. He deserved to be shot. Right between the eyes. And you have trouble admitting to yourself, that deep down, you're for the death penalty. An eye for an eye – BOOM... It was good.

Alan Shore: I'm not for the death penalty.

Denny Crane: Yes, you are. It's not politically correct, it's not evolved, it's not learned ... spare me. The guy beat the girl to death. I'd have shot him in the balls first. An eye for an eye... BOOM ... dead. **Alan looks on, listening.** That's what you believe, deep down. So does God.

Denny looks over at Alan, who is silent.

Denny Crane: What?

Alan Shore: Did you hear Joseph Washington was killed?

Denny Crane: Oh yeah? Terrible.

Alan Shore: I used to think hope was something that belonged to everybody. Put limits on guns, and butter ... but hope...

Denny Crane: Springs a kernel. **Alan tries, but can't seem to make sense of that non sequitur, and looks to Denny.**

Denny Crane: Old farmer's saying ... growing corn? Hope springs a kernel. Haven't you heard that?

Alan Shore: Springs eternal.

Denny gives him a questioning look.

Alan Shore: Hope ... springs eternal.

Denny Crane: Oh.

Alan Shore: It didn't for Joseph Washington--or if it did, it didn't matter.

Denny Crane: Two things this world has too much of: suffering and...corn.

Alan Shore sighs with a fond laugh.

Denny Crane: I think it is 'hope springs a kernel.

Alan Shore: You may be right.

