

BRIGGS

Did you ever identify Mr. King in a lineup?

HENRY

Yes, I did.

BRIGGS

Was that before or after you saw the photographs?

HENRY

That was after I saw the photographs.

BRIGGS

And how many men were in the lineup?

HENRY

I believe there were 6.

BRIGGS

Six. Only 6. Nothing further.

CUT TO: O'BRIEN sitting at the table. She looks up toward the judge and shakes her head.

O'BRIEN

No questions, Your Honor.

CUT TO: PETROCELLI.

PETROCELLI

Is there any question in your mind that the man you identified from photographs is the same man who sits at this table?

HENRY

No, there is not.

PETROCELLI

Thank you. Nothing further.

MS of BRIGGS, his ASSOCIATE, and JAMES KING.

BRIGGS (to KING)

When this guy gets on the stand, I want you to take notes. Just write down any questions you want us to ask him.

KING

Like what?

BRIGGS

Don't worry about it. We just need the jury to know we're challenging this guy.

PETROCELLI

Richard "Bobo" Evans, your honor.

Camera pans to side of COURTROOM, where a COURT OFFICER opens the door and leans out. He holds the door open until RICHARD "BOBO" EVANS enters. He is a big man, heavy, and ugly. His hair is uncombed, and his orange prison jumpsuit is wrinkled.

BRIGGS

Your honor, could we have a sidebar?

BRIGGS, O'BRIEN, PETROCELLI and COURT STENOGRAPHER go to side of JUDGE's bench, where they speak in whispers.

BRIGGS

Why is he dressed in a prison uniform? The prosecution is going to try to connect him to my client. With him in prison gear, that prejudices my client.

PETROCELLI

He refused to put on a suit. We made the offer.

BRIGGS

It's still prejudicial.

JUDGE

To tell you the truth, I don't think it's going to make that much of a difference. This guy looks like a basket case and he's going to act like one. I don't want to hold the case up while you convince this guy to wear a suit. Let's get on with the case.

BRIGGS

I'd like to establish the objection.

JUDGE

Okay, and I'll overrule it. Let's get going.

They return to their respective previous positions with PETROCELLI at the podium.

PETROCELLI

Please state your full name.

BOBO

Richard Evans.

PETROCELLI

Mr. Evans, how old are you?

BOBO

Twenty-two.

PETROCELLI

And are you sometimes known by another name? A nickname or tag?

BOBO

They call me Bobo.

PETROCELLI

Now, Mr. Evans, do you know the people who are seated at these two tables, Mr. Steven Harmon and Mr. James King?

BOBO

Yeah, I know them.

PETROCELLI

How long have you known them?

BOBO

I been knowing King all my life. I just met the other guy before the robbery went down.

PETROCELLI

Before we go any further, Mr. Evans, I notice that you are wearing a prison uniform. What is your current status?

BOBO

I'm doing a heavy and a half up at Greenhaven.

PETROCELLI

Will you explain to the jury what a heavy and a half is?

BOBO

Seven and a half to 10 years.

PETROCELLI

And what are you doing the time for?

BOBO

Selling drugs.

PETROCELLI

And you've been arrested before?

BOBO

I been arrested for (Hesitates) . . . breaking and entering, grand theft auto, and one time for taking a car radio and one time for fighting a guy what died.

PETROCELLI

So the arrest for fighting a guy that died was manslaughter, is that right?

BOBO

Yeah. I got three years.

PETROCELLI

I think the record will show you got 5 to 10 years and served 3. Is that correct?

BOBO

Whatever.

PETROCELLI

Mr. Evans, can you tell me what happened on the 22nd of December of last year?

BOBO

Me and King planned out a getover and we done it.

PETROCELLI

Can you explain to the jury what this particular "getover" was.

BOBO

We hit a drugstore.

PETROCELLI

Can you tell me as much as you can about the plan and about what actually happened?

BOBO

We went over to the place and sat down on a car outside. Then we got the sign from him—

PETROCELLI

Let the record show that Mr. Evans is pointing toward Mr. Harmon. Go on.

O'BRIEN

Objection!

JUDGE

Sustained. Is he identifying him or not?

PETROCELLI

Can you identify the man from whom you got the sign that everything was all right?

BOBO

That's him, sitting next to the woman with the red hair.

PETROCELLI

Let the record show that Mr. Evans is identifying Mr. Harmon. Go on.

BOBO

So we got the sign that everything was

cool. King took a hit on some crank we had and then we went in. We started a beef with the dude behind the counter. He came up with a chrome and started shouting and stuff.

PETROCELLI

A chrome?

BOBO

Yeah. A gun. Anyway, King was trying to get the gun from him and I was going for the money. Then I heard the gun go off. I looked over and saw the guy falling down and King was holding the chrome. We grabbed what we wanted and split. That was it.

PETROCELLI

What else did you grab besides the money?

BOBO

We took some cigarettes and left.

PETROCELLI

Then what did you do?

BOBO

Then we went down to that chicken joint over Lenox Avenue, across from the bridge. We got some fried chicken and some wedgies and some sodas.

PETROCELLI

Who was with you at this time?

BOBO

Just me and King.

PETROCELLI

When did you find out that Mr. Nesbitt, the drugstore owner, was dead?

BOBO

The word was in the street that night.

PETROCELLI

What happened to the money you got from the robbery?

BOBO

Like I said, we spent some of it on

fried chicken and wedgies. Then me and King split the rest.

PETROCELLI

You indicated that Mr. Harmon gave you the all-clear signal so you could proceed with the robbery, is that right?

BOBO

Yeah.

PETROCELLI

And was he to get part of the money?

O'BRIEN

Objection! If Miss Petrocelli wants to testify in—

JUDGE

Sustained! Sustained! Let's not get carried away. Rephrase the question.

PETROCELLI

Was anybody else to share in the money?

BOBO

The little Puerto Rican boy was supposed to get a taste and King's friend was supposed to get a taste.

PETROCELLI

You said that you received a sign from Mr. Harmon. Can you tell me what that sign was?

BOBO

He was supposed to tell us if there was anybody in the drugstore. He didn't say nothing so we figured it was all right.

PETROCELLI

And you definitely saw Mr. Harmon coming from the drugstore, as planned?

BOBO

Right.

PETROCELLI

As far as you know, was the shooting of Mr. Nesbitt accidental?

BOBO

I asked King what happened, and he said he had to light him up because he was trying to muscle him. He was an old man, but he was strong like some of them old West Indian brothers. You know what I mean?

PETROCELLI

Can you tell me how it was that you were arrested?

BOBO (embarrassed)

I sold the cigarettes to this guy—his name is Bolden, Golden—something like that. Then he sold some to a white boy and then the white boy dropped a dime on him and he dropped it on me. Once it got going it was 4-1-1, 9-1-1, 7-1-1, I guess they was dropping dimes with 800 numbers, too. Then the cops came and started talking to me. I said I didn't know nothing about it, but then I got busted on a humble and went down.

PETROCELLI

Can you explain to the jury how you were busted?

BOBO

Man, this lame-looking brother with an attaché case come up to me and said he wanted to cop some rocks. I was so knocked out by this bourgie dude asking for crack that I slept the real deal. I laid the rocks on him and he slapped the cuffs on me. Cops don't usually show lame. That was definitely not correct.

JUDGE

He carried an attaché case?

BOBO

Can you believe that crap?

PETROCELLI

Mr. Evans, you were promised a deal for your testimony. Can you tell us what that deal is?

BOBO

If I tell what happened, the truth, then I can cop a plea to a lesser charge and pull 10 to 15.

PETROCELLI

Are you telling the truth today?

BOBO

Yeah.

PETROCELLI

Nothing further.

CUT TO: ASA BRIGGS. He shuffles through some papers, nods approvingly, and then approaches the podium from which he will question **BOBO**.

BRIGGS

Mr. Evans, you admit that you were in the drugstore, is that correct?

BOBO

Yeah.

BRIGGS

You also admit that you were in the drugstore to commit a felony. Is that correct?

BOBO

Yeah.

BRIGGS

So you were in the drugstore, committing a felony—the felony in this case being robbery—and during the commission of that felony a man was killed?

BOBO

Yeah.

BRIGGS

So by your own admission, under New York State law you are guilty of felony murder, for which the possible penalty is 25 years to life without parole?

BOBO

So?

BRIGGS

And you haven't been tried for this crime yet. So if you ever want to walk the streets again, you had better find somebody to take the weight. Isn't that correct?

BOBO

What you saying? Am I trying to cop a plea? I just told you I was trying to cop.

BRIGGS

And we know who you are, don't we? You're the dope dealer and the thief who could see a man killed and then go over to a fast-food place and have a nice meal. That's who you are, right?

BOBO

I didn't have nothing to eat all day.

BRIGGS

So after you killed Mr. Nesbitt—

BOBO

I didn't kill him.

BRIGGS

As far as this jury knows, you are the only man who admits being in the drug-store when Mr. Nesbitt was killed. You admitted to planning the robbery. You also admitted to taking the cigarettes, and you admitted to being there when Mr. Nesbitt was lying on the floor of the store he had worked so hard for. But now you blame somebody else for the killing to get a break for yourself, isn't that right?

BOBO

I think King was high or he wouldn't have shot the dude. He didn't have to shoot him. He's the cause of me being in this mess.

BRIGGS

Not you? You didn't want to do the stickup?

BOBO

Man, later for you.

BRIGGS

Nothing further.

JUDGE

Miss O'Brien?

O'BRIEN (from her chair)

Mr. Evans, when did you have a conversation with Mr. Harmon about this robbery?

PETROCELLI (smiling)

Perhaps counsel wants to approach the podium?

O'BRIEN stands and goes slowly to the podium, looking at her notes.

BOBO

I didn't have a conversation with him. He's King's friend.

O'BRIEN

So let me get this straight. What was

Mr. Harmon supposed to do if there were cops in the drugstore?

BOBO

Give us a signal.

O'BRIEN

And what was that signal to be?

BOBO

Something to let us know there were cops in there.

O'BRIEN

And if there were no cops in there, what was he supposed to do?

BOBO

I don't know.

O'BRIEN

You said you planned the robbery with Mr. King. Didn't he tell you?

BOBO

I thought King had it hooked up. He

told me he had everything straight.

O'BRIEN

You testified that you did not have a gun when you entered the drugstore. Is that correct?

BOBO

Right.

O'BRIEN

How did you know—how do you know now—that the gun that was used was not brought into the drugstore by whoever it was you were with?

BOBO

King said he didn't have no gun.

O'BRIEN

So you're relying pretty much on what you've been told about this robbery. Is that correct?

BOBO

'Cept what I seen.

O'BRIEN

And what you saw was when you were actually involved in the holdup?

BOBO

That's right.

O'BRIEN

Did you ever talk to Osvaldo?

BOBO

I said a few words to him.

O'BRIEN

You told him that he had better participate in the crime or you would hurt him?

BOBO

He wanted in.

O'BRIEN

But he testified that the only reason he was involved in this stickup was that he was afraid of you.

BOBO

I wouldn't bring anybody into a serious jam unless they wanted to be there. You can't rely on nobody that don't want to be there.

O'BRIEN

When you were in the drugstore—and you have admitted being there—did you see anyone else in the store?

BOBO

I didn't see the lady.

O'BRIEN

But you know now that a lady was in the store. Is that correct?

BOBO

Yeah.

O'BRIEN

How did you find that out, from Mr. King?

BOBO

Detective told me.

O'BRIEN

King told you about the plans, or what he wanted you to know of them. The police told you about the witness. Are you sure you were there?

BOBO

I told you I was there.

O'BRIEN

As a matter of fact, your deal depends on your admitting you were there, doesn't it, Mr. Evans?

BOBO

Yeah.

O'BRIEN

Did you talk to Osvaldo after the stickup?

BOBO

No.

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O'BRIEN

Did you talk to Mr. Harmon?

BOBO

No.

O'BRIEN

How about the money? Weren't you supposed to split the money up?

BOBO

When we found out the guy was dead, we decided to lay low.

O'BRIEN

Who is the "we" who decided to lay low?

BOBO

Me and King.

O'BRIEN

Thank you; nothing further.

CUT TO: PETROCELLI, adjusting her glasses.

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PETROCELLI

Prior to the robbery, just before the robbery, what were you and Mr. King doing?

BOBO

Just before we went in?

PETROCELLI

Yes, just before you went in, what were you doing?

BOBO

Waiting for him to come out.

PETROCELLI

Who are you referring to when you say "him"?

BOBO

Him, that guy sitting over there.

PETROCELLI

Let the record show that Mr. Evans is referring to Steve Harmon. Nothing further.

O'BRIEN

(Stands quickly.) But you had not spoken to Mr. Harmon prior to the stickup?

BOBO

Naw.

O'BRIEN

And you didn't speak to him after the stickup or split any money with him?

BOBO

I told you we decided to lay low. We would have given him his cut later when things cooled down.

O'BRIEN

Did that time ever come?

BOBO

I don't know what King did.

O'BRIEN

But as far as you know, there was no money given to Mr. Harmon.