

Notes:

I've never seen my father cry before. He wasn't crying like I thought a man would cry. Everything was just pouring out of him and I hated to see his face. What did I do? What did I do? Anybody can walk into a drugstore and look around. Is that what I'm on trial for? I didn't do nothing! I didn't do nothing! But everybody is just messed up with the pain. I didn't fight with Mr. Nesbitt. I didn't take any money from him. Seeing my dad cry like that was just so terrible. What was going on

between us, me being his son and him being my dad, is pushed down and something else is moving up in its place. It's like a man looking down to see his son and seeing a monster instead.

Miss O'Brien said things were going bad for us because she was afraid that the jury wouldn't see a difference between me and all the bad guys taking the stand. I think my dad thinks the same thing.

FADE IN: EXTERIOR: STEVE'S NEIGHBORHOOD. Camera pans. Homeless men have built a cardboard "village" on rooftops. Then: to edge of roof, where we see a crowd in the street below. As camera zooms in, we pick up a cacophony of sounds. Gradually one sound becomes clearer. The accent is West Indian, and a ground-level camera comes up on two dark, somewhat heavy and middle-aged WOMEN.

WOMAN 1

I think it's a shame, a terrible shame.

WOMAN 2

What happened?

CUT TO: STEVE; he is holding a basketball and is within earshot of the 2 women.

WOMAN 1

They stuck up the drugstore and shot the poor man.

WOMAN 2

Oh, these guns! Is he all right?

WOMAN 1

Miss Trevor say he dead. They had 2 ambulances.

WOMAN 2

Two people got shot?

WOMAN 1

I don't think 2 people got shot, but 2 ambulances came. One came from Harlem Hospital.

WOMAN 2

It's probably those crack people. They say they'll do anything for that stuff.

WOMAN 1

Was he married? I didn't see no woman working in the store.

WOMAN 2

That young Spanish boy? I don't think he married.

WOMAN 1

No, girl, he ain't the owner. The old

man owned that place. I think he from St. Kitts.

WOMAN 2

Oh, you know it's a shame. You know it is.

LS: STEVE makes his way through crowd. He does not have the basketball. He is walking, then trots as the camera pulls back. He is running as camera looks from high angle, and we can no longer distinguish STEVE. We hear VO of women as above.

WOMAN 1

I'd move away from here, but there's no place to go. I wouldn't live in California.

WOMAN 2

California is a lot worse than Harlem.

WOMAN 1

But they say the weather is nice.

Camera pans down the street, past playing kids and stores to a basketball that lies in the gutter.

CUT TO: Television news; the shot is grainy, the reception poor as if it is in the home of a ghetto resident.

VO (NEWSCASTER)

In New York's Harlem, yet another holdup has ended in a grisly scene of murder. Alguinaldo Nesbitt, a native of St. Kitts, was found shot and killed in his drugstore.

CUT TO: Television shot of front of drugstore. Small children are gathered around trying to get a peek inside.

CU: NEWSCASTER. He is a handsome, light-skinned Black who speaks with a precise television-newscaster accent.

NEWSCASTER

Late yesterday afternoon 2 armed and masked bandits rushed into this neighborhood drugstore behind me. They first demanded money and, when the store owner, 55-year-old Alguinaldo Nesbitt was slow in handing over the money, viciously ended his life. Residents of

the neighborhood are in absolute dismay. (To NEIGHBORHOOD RESIDENT) Sir, can you tell me just how shocked you are by this tragedy?

CUT TO: NEIGHBORHOOD RESIDENT.

NEIGHBORHOOD RESIDENT

I ain't shocked. People getting killed and everything and it ain't right but I ain't shocked none. They killed a little girl just about 2 months ago and she was just sitting on her stoop.

CUT TO: STEVE'S APARTMENT. We see him sitting and watching the news program. We see his brother pick up the remote and change the program. We watch 30 seconds of a *Road Runner* cartoon.

CUT TO: CU of STEVE. He is staring straight ahead, mouth open, in absolute shock as the reflected colors from the cartoon move across his face.

DISSOLVE TO: TWO WEEKS LATER; INTERIOR: STEVE'S KITCHEN. Door opens. MRS. HARMON

enters with a bag of groceries. She puts it down.

MRS. HARMON

Mrs. Lucas said they got those guys that killed the drugstore owner. (She turns on the television.) You have anything to eat?

STEVE

I had some cereal. See if you can find the news. You think it's on the news?

MRS. HARMON is putting away the groceries when an image of the front of the drugstore appears on the screen. She sits down, obviously pleased that the culprits have been caught.

FEMALE NEWSCASTER

An arrest has been made in the robbery and murder in an uptown drugstore. The police announced today the arrest of Richard Evans, known in the community as Bobo. Mayor Rudy Giuliani says that he is determined to stop crime in all areas of the city.

CUT TO: PRESS CONFERENCE with MAYOR GIULIANI and POLICE BRASS.

MAYOR GIULIANI

The idea that we're just trying to stop crime in white or middle-class areas is nonsense. Everyone living in the city deserves the same protection.

CUT TO: EXTERIOR: MS of a sullen BOBO handcuffed and being led to police van. He glowers at camera. Prisoner he is handcuffed to winks at camera.

CUT TO: INTERIOR: STEVE's BEDROOM. He is lying on his bed, eyes open but not seeing anything. We hear first the doorbell ring and then his mother calling him, but he doesn't react.

CUT TO: MRS. HARMON, who wipes her hands on a towel and heads toward door. She stops and looks through peephole. CU on her face. There is a worried look as she opens the door.

MRS. HARMON

(Calls to him.) Steven?

STEVE

Yeah? (He comes out and sees DETECTIVES WILLIAMS and KARYL.)

WILLIAMS

We need you to come down to the precinct with us. Just a few questions.

STEVE

Me? About what?

WILLIAMS

Some clown said you were involved with that drugstore stickup just before Christmas. You know the one I mean?

STEVE

Yeah, but what do I have to do with it?

WILLIAMS (as they handcuff Steve)

You know Bobo Evans?

MRS. HARMON (mildly panicked)

Why are you handcuffing my son if you just want to ask him a few questions? I don't understand.

WILLIAMS

Ma'am, it's just routine. Don't worry about it.

MRS. HARMON

What do you mean don't worry about it, when you're handcuffing my son? (There is panic in her eyes as she looks at STEVE, who looks away.) What do you mean don't worry about it? I'm coming with you! You're not just snatching my son off like he's some kind of criminal. Wait till I get my coat. Just wait a minute! Just wait a minute!

CUT TO: JERRY standing in doorway, holding comics. He looks from MOTHER to STEVE. He reaches out toward his brother as the detectives hustle the handcuffed teenager out the door.

CUT TO: MS of STEVE sitting in back of patrol car.

CUT TO: Two OLD MEN in front of John-John's Bar-B-Q looking at the scene as the car drives off.

CUT TO: LS of block engaged in normal activity.

THEN: MRS. HARMON rushes from house, looks desperately around, and moves quickly down the street. She gets almost to the corner, then stops, realizing she doesn't know where STEVE is being taken.



Friday, July 10th

Miss O'Brien was mad today. She said that Petrocelli was using a cheap trick. The judge said he was calling a half-day session because he needed to hear pleas in another case. O'Brien said that Petrocelli wanted to leave as bad an image in the mind of the jury as she could. She brought up the photographs again and made sure that the jury saw them a second time. Miss O'Brien said she wanted the jurors to take the bad images home with them over the weekend and live with them.

The photos were bad, real bad. I didn't want to think about them

or know about them. I didn't look at the jury members when they were looking at the pictures.

I thought about writing about what happened in the drugstore, but I'd rather not have it in my mind. The pictures of Mr. Nesbitt scare me. I think about him lying there knowing he was going to die. I wonder if it hurt much. I can see me at that moment, just when Mr. Nesbitt knew he was going to die, walking down the street trying to make my mind a blank screen.

When I got back to the cell and changed my clothes, I had to mop the corridors with four other guys. We were all dressed in the orange

jumpsuits they give you and the guards made us line up. The water was hot and soapy and had a strong smell of some kind of disinfectant. The mops were heavy and it was hot and I didn't like doing it. Then I realized that the five guys doing the mopping must have all looked alike and I suddenly felt as if I couldn't breathe. I tried to suck the air into my lungs, but all I got was the odor of the disinfectant and I started gagging.

"You vomit—you just got more to clean up!" the guard said.

I held it in and kept swinging the big mop across the floor. To my right and left the other prisoners were

doing the same thing. On the floor there were big arcs of gray, dirty water and swirls of stinking, brown bubbles. I wanted to be away from this place so bad, away from this place, away from this place. I remembered Miss O'Brien saying that it was her job to make me different in the eyes of the jury, different from Bobo and Osvaldo and King. It was me, I thought as I tried not to throw up, that had wanted to be tough like them.

FADE IN: Four-way SPLIT-SCREEN MONTAGE: Three images alternate between shots of witnesses and defendants. We hear only 1 witness at a time, but the others are clearly still talking on other screens. In upper left screen is DETECTIVE WILLIAMS. Lower left is ALLEN FORBES, a City Clerk. Lower right is DR. JAMES MOODY, Medical Examiner. The upper right screen is sometimes black, sometimes a stark and startling white. Occasionally the images of those not speaking are replaced with images of KING or STEVE, and we get REACTION SHOTS.

FORBES

It was a registered gun. Our records show that Mr. Nesbitt applied for a license to have a gun on the premises in August of 1989. That permit was still in effect. The gun was licensed to him from that time.

VO (PETROCELLI)

So there was nothing unusual or illegal about the gun being in the drugstore? Is that correct, Mr. Forbes?

FORBES

Presumably he wanted it for the store.
That is correct.

SWITCH TO: DETECTIVE WILLIAMS.

WILLIAMS

I arrived at the crime scene at 5:15. There was some merchandise on the floor of the drugstore in between the counters. The body of the victim was lying halfway . . . his legs were half sticking out from behind the counter. I looked around the counter and observed a middle-aged Black male of approximately 200 pounds. It was pretty clear that he was dead. There was an emergency medical crew there, and they were just packing it in when I arrived. I looked around the scene and saw the gun. A uniformed patrolman pointed it out to me. I didn't know at the time if it was the gun that killed the victim or not. There wasn't any way to tell without tests.

The cash register was open. The change was still in there, but no bills. Also, there were several cartons of cigarettes on the floor, and the clerk mentioned that several cartons of cigarettes were missing. We chalked the body, then had it turned.

VO (PETROCELLI)

What do you mean when you say you chalked the body?

WILLIAMS

That's when you put a chalk mark around the perimeter of the body to show the position you found it in. We had photos taken, then we chalked the body so we could turn it over and see if there was any possible evidence beneath the victim. I didn't see anything there. From the money being gone from the register, I figured it was a stickup and homicide. The guys from the Medical Examiner's office wanted to move the body. It was time for them to get off, and I allowed them to take it.

VO (PETROCELLI)

Detective Williams, during the course of your investigation of the crime did you have occasion to speak to a Mr. Zinzi?

WILLIAMS

My partner got a call from this guy on Riker's Island. That was Sal Zinzi. He was doing 6 months on a stolen property charge. There were a few guys in there who were giving him a hard time. He wanted out pretty bad. He told me about a guy who had told him about a guy who was selling cigarettes. It was a slim lead, but we followed it up until we found a Richard Evans.

VO (PETROCELLI)

Known on the street as Bobo?

WILLIAMS

Known on the street as Bobo, right. We picked him up and he admitted involvement in the stickup.

SWITCH TO: DR. MOODY.

MOODY (Nods constantly as he testifies.)

The bullet entered the body on the left side and traversed upward through the lung. It produced a tearing of the lung and heavy internal bleeding and also went through the esophagus. That also produced internal bleeding. The bullet finally lodged in the upper trapezius area.

VO (PETROCELLI)

And were you able to recover the bullet from that area?

MOODY

Yes, we were.

VO (PETROCELLI)

Dr. Moody, can you tell with reasonable certainty the time and cause of death?

MOODY

Death was caused by a combination of trauma to the internal organs, which put the victim into a state of shock, as well as by the lungs filling with blood.

He wouldn't have been able to breathe.

VO (PETROCELLI)

You mean he literally drowned in his own blood?

REACTION SHOT: STEVE catches his breath sharply.

REACTION SHOT: KING has head tilted to one side, seemingly without a care.

Saturday, July 11th

Before she left, Miss O'Brien warned me not to write anything in my notebook that I did not want the prosecutor to see.

I asked Miss O'Brien what she was going to do over the weekend, and she gave me a really funny look, and then she told me she was probably going to watch her niece in a Little League game.

"I'm sorry," she said. "I didn't mean to cut you off."

She smiled at me, and I felt embarrassed that a smile should mean so much. We talked awhile longer and I realized that I did not want her to go. When I asked her

how many times she had appeared in court, her mouth tightened and she said, "Too many times."

She thinks I am guilty.

I know she thinks I am guilty. I can feel it when we sit together on the bench they have assigned for us. She writes down what is being said, and what is being said about me, and she adds it all up to guilty.

"I'm not guilty," I said to her.

"You should have said, 'I didn't do it,'" she said.

"I didn't do it," I said.

Sunset got his verdict yesterday. **Guilty.**

"Man, my life is right here," he said. "Right here in jail. I know I did

the crime and I got to do the time. It ain't no big thing. It ain't no big thing. Most they can give me is 7 to 10, which means I walk in 5 and a half. I can do that without even thinking on it, man."

It's growing. First I was scared of being hit or raped. That being scared was like a little ball in the pit of my stomach. Now that ball is growing when I think about what kind of time I can get. Felony murder is 25 years to life. My whole life will be gone. A guy said that 25 means you have to serve at least 20. I can't stay in prison for 20 years. I just can't!

Everybody in here either talks

about sex or hurting somebody or what they're in here for. That's all they think about and that's what's on my mind, too. What did I do? I walked into a drugstore to look for some mints, and then I walked out. What was wrong with that? I didn't kill Mr. Nesbitt.

Sunset said he committed the crime. Isn't that what being guilty is all about? You actually do something? You pick up a gun and you aim it across a small space and pull a trigger? You grab the purse and run screaming down the street? Maybe, even, you buy some baseball cards that you know were stolen?

The guys in the cell played

dirty hearts in the afternoon and talked, as usual, about their cases. They weighed the evidence against them and for them and commented on each other's cases. Some of them sound like lawyers. The guards brought in a guy named Ernie who was caught sticking up a jewelry store. Ernie was small, white, and either Cuban or Italian. I couldn't tell. The police had caught him in the act. He had taken the money and the jewelry and then locked the two employees in the back room with a padlock they used on the front gates.

"But then I couldn't get out because they had a buzzer to