

would have you believe, their testimony is somehow made false. Well, let's reexamine their testimony and find out.

CUT TO: CU of JUDGE. He is taking notes.

CUT TO: MS of PETROCELLI from JUDGE's POV.

Mr. Bolden testified that he received stolen cigarettes from Mr. Evans. We know that the cigarettes were stolen from the drugstore. José Delgado, the drugstore clerk, testified that the cigarettes were stolen. In other words, Mr. Delgado verifies Mr. Bolden's testimony. Did he get a break in sentencing? Or was he simply telling the truth? Did you notice that none of the defense lawyers questioned the character of the clerk or even mentioned it? They want you to forget him.

Mr. Evans testified that he was actually in the drugstore, taking an active part in the robbery. No one has questioned that. He also places Mr. King in the drugstore with him on the 22nd of

December. This testimony was backed up by Lorelle Henry—Lorelle Henry, who had gone to the drugstore to get medicine for her grandchild. Did she get a break in sentencing? Or was she merely telling the truth? When the defense talks about character, they carefully skirt around the character of Lorelle Henry.

Mr. Evans also testified that when he arrived at the scene, he saw Osvaldo Cruz there. This testimony was verified by Mr. Cruz. Yes, I was there, Mr. Cruz testified. Yes, I was part of this robbery. We have three witnesses to the fact that James King was in the store on the 22nd of December: Mr. Evans, Mr. Cruz, and Ms. Henry.

Mr. Evans testified that they did not have a gun but intended to take Mr. Nesbitt's money by force of muscle. He said that Mr. Nesbitt produced a gun that he owned. You heard the City Clerk testify that the gun used to kill Mr. Nesbitt was registered to him. Did the

City Clerk, who verified Mr. Evans's testimony, get a break in sentencing? Of course not. Did the defense attack his character? No, the only thing they could do was to sit and listen to the truth.

Another fact that the defense did not choose to deal with is the sale of cigarettes. The sale of cigarettes to Mr. Bolden, a fact never seriously challenged by the defense, along with the verified theft of cigarettes from the drugstore, also suggests that Mr. King was present in the store during the robbery and murder. Mr. Briggs, the attorney for James King, suggests that Mr. Evans was in the drugstore by himself, or perhaps with Osvaldo Cruz. But Lorelle Henry identified Mr. King as the man she saw in the drugstore. Here is a Black woman, uneasy about her role in identifying a young Black man, who still had the courage to testify before you and to positively identify Mr. King. Mr. Briggs's theory simply does not work. What does work is the State's

theory of what happened, verified by all of the witnesses. Mr. Harmon gave the all-clear signal, and Bobo Evans and James King went into the store to rob Mr. Nesbitt. When Mr. Nesbitt tried to defend himself, the gun was taken from him and he was shot by that man, sitting right there **(She points to King.)**, and killed. Ms. O'Brien suggests that if Mr. Harmon had actually cased the drugstore for the robbers, he would have seen Ms. Henry. In other words, he would have been a better lookout man. Well, maybe he hasn't had much experience in helping to rob drugstores. Should we feel sorry for him? For that matter, are Mr. King or Mr. Evans so accomplished in their criminal activities? This was a botched robbery in which the perpetrators actually took very little money and a few cartons of cigarettes. And, oh, yes, the life of a good man, Alguinaldo Nesbitt.

If anybody does not believe that Mr. King was in the store, if they believe that Osvaldo Cruz, Lorelle Henry, and

Bobo Evans are all lying, that the sale of the cigarettes to Mr. Bolden means nothing, then they should find him not guilty. I don't think that is possible. If anybody looking at this case believes that the store was not cased, that Mr. Harmon just "happened" to be at the drugstore, although now he says he doesn't remember where he was, then they should find him not guilty. I don't think that is possible, either. The truth of the matter is that Bobo Evans participated in a crime with Mr. Cruz, Mr. King, and Mr. Harmon.

They are all equally guilty. The one who grabbed the cigarettes, the one who wrestled for the gun, the one who checked the place to see if the coast was clear. What would have happened if Mr. Harmon had come out of that store and gone over to Mr. King and said, "There's someone in the store"? Perhaps they would have gone someplace else to carry out their "getover," or maybe they would have just called it a day and gone home. Steve Harmon was part

of the plan that caused the death of Alguinaldo Nesbitt. I can imagine him trying to distance himself from the event. Perhaps, in some strange way, he can even say, as his attorney has suggested, that because he did not give a thumbs-up signal, or some sign to that effect, that he has successfully walked the moral tightrope that relieves him of responsibility in this matter. But Alguinaldo Nesbitt is dead, and his death was caused by these men.

Mr. King's attorney wants to distance Mr. King from the murder by attacking the character of the State's witnesses. But the fact of the matter is that Mr. Evans is an associate of Mr. King. If he had chosen priests and Boy Scouts as his companions, I'm sure we wouldn't be here today. But Mr. King cannot distance himself from the fact—the cold, hard fact—that a man is dead because of him.

Mr. Harmon wants us to look at him as a high school student and as a filmmaker. He wants us to think, well, he didn't

pull the trigger. He didn't wrestle with Mr. Nesbitt. He wants us to believe that because he wasn't in the drugstore when the robbery went down, he wasn't involved. Again, perhaps he has even convinced himself that he wasn't involved.

But yes, Mr Harmon was involved. He made a moral decision to participate in this "getover." He wanted to "get paid" with everybody else. He is as guilty as everybody else, no matter how many moral hairs he can split. His participation made the crime easier. His willingness to check out the store, no matter how poorly he did it, was one of those causative factors that resulted in the death of Mr. Nesbitt. None of us can bring back Mr. Nesbitt. None of us can restore him to his family. But you, you twelve citizens of our state, of our city, can bring a measure of justice to his killers.

And that's all I ask of you: to reach into your hearts and minds and bring forth that measure of justice. Thank you.

CUT TO: EXTERIOR: COURTROOM. The doors of the court are closed as the camera nears it. The door is pushed open and we see the **INTERIOR** of the **COURTROOM**. We see the **JURY** turned toward the **JUDGE**, who speaks in a quiet, almost fatherly manner. We hear his voice as the camera seems to settle down on a seat. **STEVE**, sensing that a friend has arrived, turns and tries to smile at **MR. SAWICKI** but cannot manage it through his nervousness.

We look around the **COURTROOM** as the **JUDGE's** voice drifts in and out.

JUDGE

If you believe that Mr. King was a participant in the robbery, whether he actually pulled the trigger or not, you must return a verdict of Guilty. If you believe . . . (Voice fades out.)

CUT TO: Stuart portrait of George Washington on right wall.

CUT TO: New York State flag. Then: American flag.

CUT TO: Motto over desk.

JUDGE

. . . that Mr. Harmon did go into the store with the purpose of . . . (Voice fades out.) without regard to who actually pulled the trigger . . .

CUT TO: Wall mural.

CUT TO: JURY.

CUT TO: CU of JUDGE.

JUDGE

Then you must return a verdict of Guilty of felony murder.

Camera, from POV of STEVE's MOTHER, swings wildly around the room, stopping momentarily at those symbols that fill the COURTROOM. Throughout this time the last words of the judge are repeated.

JUDGE

Then you must return a verdict of Guilty of felony murder.

Then you must return a verdict of Guilty of felony murder.

Then you must return a verdict of Guilty of felony murder. . . .

FADE OUT.

FADE IN: STEVE in CELL. For the first time JAMES KING is in the cell with him. KING leans against wall, still dressed in the clothes he wore at the trial.

KING

How you doing? You scared?

STEVE

Yeah. You?

KING (subdued)

Naw, ain't nothing to it. If the man wants you, he got you. Ain't nothing to it, man.

GUARD

Hey, we got a pool going. I bet you guys get life without the possibility of

parole. The guys on the next block think you're going to get 25 to life. You guys want in on it?

CUT TO: STEVE. He looks away, then buries his face in his hands.

CUT TO: GUARD. He is smirking.

GUARD

That a yes or a no?

CUT TO: Two YOUNG MEN, handcuffed together, being led to the next cell. One looks terrified. The other is putting on a show of bravado.

GUARD

You guys treat me nice, and I'll put in a word for you up at Greenhaven. Maybe I can get you a boyfriend that's really built.

CUT TO: STEVE in the **MESS HALL.** He avoids looking at **KING.** There is a shoving match down from where he sits. An inmate reaches over and takes **STEVE's** meat with a fork. **STEVE** looks up and sees the taker looking at him menacingly. He looks down at the tray.

CUT TO: STEVE in **CELL.** Outside the cell there is a clock on the wall with a wire guard over it. The second hand moves slowly.

CUT TO: INMATES enjoying a domino game as if they are far away from the prison, in some friendly setting.

Friday afternoon, July 17th

Last night I was afraid to go to sleep. It was as if closing my eyes was going to cause me to die. There is nothing more to do.

There are no more arguments to make. Now I understand why so many of the guys who have been through it before, who have been away to prison, keep talking about appeals. They want to continue the argument, and the system has said that it is over.

My case fills me. When I left the courtroom after the judge's instructions to the jury, I saw Mama clinging to my father's arm. There was a look of

desperation on her face. For a moment I felt sorry for her, but I don't anymore. The only thing I can think of is my case. I listen to guys talking about appeals and I am already planning mine.

Every word that has been said in court is burned into my brain. "Steve Harmon made a moral decision," Ms. Petrocelli said. I think about December of last year. What was the decision I made? To walk down the streets? To get up in the morning? To talk to King? What decisions did I make? What decisions didn't I make? But I don't want to think about decisions, just my case.

Nothing is real around me except the panic. The panic and the movies that dance through my mind. I keep editing the movies, making the scenes right. Sharpening the dialog.

"A getover? I don't do getovers," I say in the movie in my mind, my chin tilted slightly upward. "I know what right is, what truth is. I don't do tightropes, moral or otherwise."

I put strings in the background. Cellos. Violas.

GUARD

King! Harmon! You got a verdict! Let's go!

CUT TO: COURTROOM, now fairly crowded. O'BRIEN is talking to JUDGE. She finishes and sits down next to STEVE.

O'BRIEN

They got a verdict this morning. They've just been waiting for the Nesbitt family to arrive.

STEVE

What do you think?

O'BRIEN

They have a verdict. I hope it's one we want to hear. No matter what it is, we can continue your case. We can appeal. You okay?

STEVE

No.

JUDGE

Is everybody here? Is everybody here?

CLERK

I think so.

JUDGE

Prosecution ready?

PETROCELLI

Ready.

JUDGE

Defense?

CUT TO: CU of O'BRIEN.



O'BRIEN

Ready.

CUT TO: CU of JUDGE.

JUDGE

Bring in the jury.

Very LS as WORDS roll slowly over the screen as
in the beginning.

***This is the true story of
Steve Harmon.
This is the story of his
life
and of his
trial.***

(We see the jury members taking their places in
the jury box.)

***It was not an episode that he expected.
It was not the life or activity that he thought
would fill every bit of his soul or
change what life meant to him.***

(The JUDGE has read the verdicts and hands
them to the CLERK as GUARDS stand behind the
DEFENDANTS.)

***He has transcribed
the images and
conversations as he
remembers them.***

The color begins to fade as the JURY FOREMAN reads verdicts. Two GUARDS begin to put handcuffs on JAMES KING as color changes to black and white. It is clear that the JURY has found him guilty. We see KING being taken from the COURTROOM.

We see JURY FOREMAN as he continues to read.

CUT TO: CU of STEVE's MOTHER. We see her desperately clasping her hands before her, her face distorted with the tension of the moment, then suddenly, dramatically, she lifts her hands high and closes her eyes.

CUT TO: The GUARDS who were standing behind STEVE move away from him. He has been found not guilty. STEVE turns toward O'BRIEN as camera closes in and film grows grainier. STEVE spreads his arms to hug O'BRIEN, but she stiffens and turns to pick up her papers from the table before them.

CUT TO: CU of O'BRIEN. Her lips tense; she is pensive. She gathers her papers and moves away as STEVE, arms still outstretched, turns toward the camera. His image is in black and white, and the grain is nearly broken. It looks like one of the

pictures they use for psychological testing, or some strange beast, a monster.

The image freezes as last words roll and stop mid screen.

A Steve Harmon Film

December, 5 months later

It is five months since the trial, almost a year, minus a few days, since the robbery in the drugstore. James King was sentenced to 25 years to life. Osvaldo was arrested for stealing a car and sent to a reformatory. As far as I know, Bobo is still in jail.

My mother doesn't understand what I am doing with the films I am making. I have been taking movies of myself. In the movies I talk and tell the camera who I am, what I think I am about. Sometimes I set the camera up outside and

walk up to it from different angles.

Sometimes I set the camera up in front of a mirror and film myself as a reflection. I wear different clothes and sometimes try to change my voice. Jerry likes to use the camera, and I let him film me, too. Whatever I do pleases my mother, because I am here with her and not put away in some jail.

After the trial, my father, with tears in his eyes, held me close and said that he was thankful that I did not have to go to jail. He moved away, and the distance between us seemed to grow bigger and bigger. I understand the

distance. My father is no longer sure of who I am. He doesn't understand me even knowing people like King or Bobo or Osvaldo. He wonders what else he doesn't know.

That is why I take the films of myself. I want to know who I am. I want to know the road to panic that I took. I want to look at myself a thousand times to look for one true image. When Miss O'Brien looked at me, after we had won the case, what did she see that caused her to turn away?

What did she see?