

PETROCELLI

And was Bobo the only one who actually threatened you?

BRIGGS

There she goes again!

JUDGE

Where's she going? That's not leading! You think that's leading? Look, I think it's a good time for a break, folks. Maybe we'll all be a bit more civil after a good night's sleep.

LS as JURY files out. Then the GUARDS come and cuff STEVE and JAMES KING. MS of OSVALDO passing STEVE. The two young men look at each other for a brief instant; then OSVALDO turns away.

FADE TO BLACK.

Thursday, July 9th

Miss O'Brien's saying that things looked bad for me was really discouraging. I wonder if the prosecutor knows what Osvaldo is really like. I wonder if she knows what I'm really like, or if she cares.

This morning one of the guys in the next cell expects a verdict. His name is Acie. He was telling everybody that he didn't care what they said about him. He held up a check-cashing place and shot the guard.

"All they can do is put me in jail," he said. "They can't touch my soul."

He said he needed the money and intended to pay it back once he got on his feet. He said that God understood and would give him another chance. Then he started crying.

His crying got to me. Miss O'Brien said the judge could sentence me to **25 years to life**. If he did, I would have to serve at least **21 years and 3 months**. I can't imagine being in jail for that long. I wanted to cry with the guy.

As I got dressed, I felt sick to my stomach. Mama leaves clean shirts and underwear for me.

I thought of her in the kitchen ironing the shirts. I think about myself so much, about what's going to happen to me and all, that I don't think about my folks that much. I know she loves me, but I wonder what she's thinking.

Mr. Nesbitt. I thought about Mr. Nesbitt and remembered the pictures they showed of him. When they were passing them to the jury I didn't look at them, but afterward, when the jury left, Miss O'Brien took them out and put them on the table in front of us. She made notes about them, but I could tell she wanted me to look at them. I looked at them.

Mr. Nesbitt's right foot was turned out. His left arm was lifted and bent at the elbow so that his fingers almost touched the side of his head. His eyes weren't completely closed.

Miss O'Brien looked at me— I didn't see her looking at me but I knew she was. She wanted to know who I was. Who was Steve Harmon? I wanted to open my shirt and tell her to look into my heart to see who I really was, who the real Steve Harmon was.

That was what I was thinking, about what was in

my heart and what that made me. I'm just not a bad person. I know that in my heart I am not a bad person.

Just before I had to go back to the cell block yesterday, I asked Miss O'Brien about herself. She said she was born in Queens, New York. She went to Bishop McDonnell High School, and then St. Joseph's College in Brooklyn. After that she worked her way through New York University Law School.

"And here I am," she said. It sounded like a good life even though she said it like it was nothing special.

In the holding pen, across from where we enter the courtroom, the guards were talking about their lives. One wanted to talk about how much money his kid's teeth were costing to have them fixed. The other guard didn't have any kids and he wanted to talk about how the Yankees were doing.

We didn't start on time because one of the jurors was late.

"The little blonde," the guard who wasn't married said. "Her old man probably had something for her to do before she left the house."

They laughed. It must have been funny.

While we were waiting, they brought King in and handcuffed him near me. I thought of the movie, of what kind of camera angle I would use.

I could smell the different scents of him. He had on aftershave lotion and some kind of grease on his hair. I could separate the smells. Please don't speak to me, I prayed.

"They ain't got nothing yet," he said. "Oswaldo don't mean nothing 'cause they let him walk. Anybody can see that."

I didn't answer.

"You thinking about cutting a deal?" he asked.

King curled his lip and narrowed his eyes. What was he going to do, scare me? All of a sudden he looked funny. All the times I had looked at him and wanted to be tough like him, and now I saw him sitting in handcuffs and trying to scare me. How could he scare me? I go to bed every night terrified out of my mind. I have nightmares whenever I close my eyes. I am afraid to speak to these people in the jail with me. In the courtroom I am afraid of the judge. The guards terrify me.

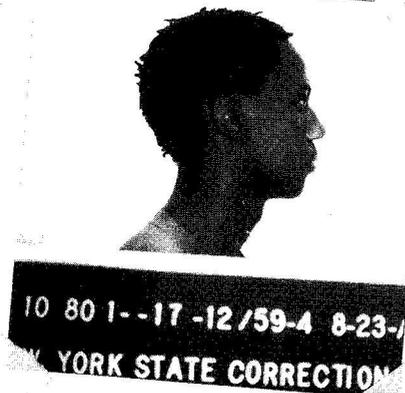
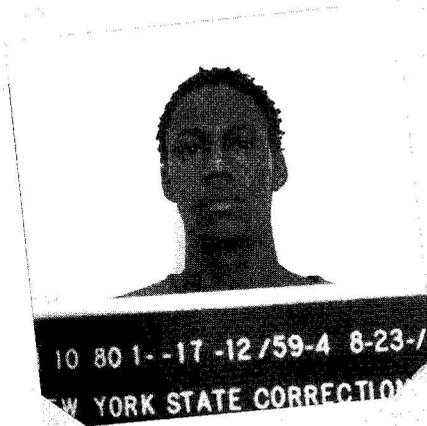
I started laughing because it was funny. They do things to you in jail. You can't scare somebody with a look in here.

A court officer came in and got us. When I went into the courtroom, I saw a group of kids sitting in front. It looked like a junior high school class.

"Once the trial actually begins there will be no talking," the teacher with them said. "This is part of the American judicial system, and we have to respect every part of it."

When I looked at the kids in the class, they turned away from me quickly.

I sat down and looked straight ahead. It was easy to imagine myself sitting where they were sitting, looking at the back of the prisoner.



FADE IN: INTERIOR: COURTROOM. MS of JURORS. CU of a PRETTY BLACK JUROR. She is smiling.

CUT TO: CU of STEVE. He smiles.

CUT TO: CU of PRETTY BLACK JUROR. She stops smiling and looks quickly away.

MS of COURTROOM. STEVE has put his head down on the table. O'BRIEN pulls him up.

O'BRIEN

If you give up, they'll give up on you.
(Then angrily) Get your head up!

STEVE lifts his head. There are tears on his face. As he wipes away the tears, we hear a VO of PETROCELLI as she continues with OSVALDO's testimony.

PETROCELLI

So what did Richard Evans, the man we are referring to as Bobo, suggest to you?

OSVALDO

He said he had a place all lined up. He said all I had to do was to slow anybody down who came out after them. I was going to push a garbage can in front of them.

CUT TO: PETROCELLI, who appears very confident. Then MS of front of COURTROOM.

PETROCELLI

When Bobo mentioned the other participants, did he specify what part they were to play in this robbery?

OSVALDO (getting tougher as he speaks)

He said that him and James King were going to go into the store and do the thing. Steve was going to be the lookout.

PETROCELLI

And how were the proceeds of this robbery going to be divided?

OSVALDO

Everybody was going to get a taste. I don't know how much exactly. But everybody was going to get a taste.

PETROCELLI

And is that taste, or share of the take, the reason you participated in this robbery?

OSVALDO

No, I was in because I was scared of Bobo.

PETROCELLI

Mr. Cruz, you're testifying against people you know. Are you testifying because you're getting a deal from the government?

OSVALDO

Yeah.

PETROCELLI

Nothing further.

MS of BRIGGS as he walks slowly to the podium. OSVALDO is obviously an important witness, and BRIGGS treats him like one.

BRIGGS

Mr. Cruz, when you were apprehended, did you make a statement to the police about your part in this crime?

OSVALDO

Yeah.

BRIGGS

You admitted to the police that you were a participant in this crime, isn't that true?

OSVALDO

A what?

BRIGGS

You were one of the people involved with the crime?

OSVALDO

Yeah, that's right.

BRIGGS

So for all practical purposes you were up to your neck in a crime in which a man was murdered. Is that right? Is that how you saw it?

OSVALDO

I guess so.

BRIGGS

And now that you're in trouble, you'd do pretty much anything to get out of trouble, wouldn't you? And when I say anything, I mean tell lies, get other people in trouble, anything?

OSVALDO

No.

BRIGGS

And when the Assistant District Attorney offered you a deal that would keep you out of jail, you jumped at it, didn't you?

OSVALDO

I wouldn't lie in court. I'm telling the truth.

BRIGGS

Well, I'm certainly glad you're telling the truth, Mr. Cruz. But let me ask you, Mr. Cruz, hasn't the prosecutor given you a choice? You go to jail or you put somebody else in jail? Isn't that your choice?

OSVALDO

I don't go around lying to people. Especially when I swear.

BRIGGS

And you did swear today, isn't that correct? And it wouldn't be right to lie under oath?

OSVALDO

Right.

BRIGGS

It wouldn't be right to lie under oath, but it would be just fine to go into a

drugstore and stick it up? That's cool, isn't it?

OSVALDO

That was a mistake.

CU of BRIGGS's face showing absolute disgust.

BRIGGS

Nothing more.

O'BRIEN stands and takes her place at the podium.

O'BRIEN

Oswaldo, do you know how you were apprehended?

OSVALDO

I had a fight with my girlfriend and she called the police.

O'BRIEN

A fight? You mean an argument? A disagreement?

OSVALDO (quietly)

She found out I got another girl pregnant.

O'BRIEN

Are you a member of a gang?

OSVALDO

No.

O'BRIEN

So the information I have about you belonging to a gang called the Diablos is wrong?

A beat.

OSVALDO

No, that's right. I belong to the Diablos.

O'BRIEN

So your first answer was a lie?

OSVALDO (Looks toward Petrocelli.)

It was a mistake.

O'BRIEN

You also said that the robbery was a mistake. Perhaps you can tell us the

difference between a mistake and a lie?

OSVALDO (ruffled)

Hey, I'm just trying to turn my life around. (Looks toward jury.) I made a mistake and now I figure it's about time I did the right thing.

O'BRIEN

How do you get into this gang, Mr. Cruz? Is there something you have to do to become a member?

OSVALDO (getting even tougher)

You have to fight a guy who's already in the club to show you got the heart.

O'BRIEN

And don't you have to do something else? Something involving a knife?

OSVALDO

You got to leave your mark on somebody.

O'BRIEN

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O'BRIEN

Can you tell the jury exactly what it means to "leave your mark" on somebody?

OSVALDO

You have to cut them where it shows.

O'BRIEN

So to be a member of this gang, the Diablos, you have to fight a gang member and then cut someone. Usually that's done to a stranger, and the cut is made in the face, is that right?

OSVALDO

They don't do that anymore.

O'BRIEN

But Mr. Cruz, that's what you had to do, isn't it?

OSVALDO

Yeah.

O'BRIEN

But now you want us to believe that you

participated in this robbery because you were afraid of Bobo, and not because this is what you do?

OSVALDO

I was afraid.

O'BRIEN

Did you tell the Assistant District Attorney who questioned you that you were a member of the Diablos?

OSVALDO

Yeah, they knew.

O'BRIEN

You weren't afraid to fight a member of the Diablos to get into the gang. You weren't afraid of cutting a stranger in the face. You weren't afraid of beating up your girlfriend. But you were afraid of Bobo, is that right?

OSVALDO

Yeah.

CU of JUROR shaking her head.

DISSOLVE TO: INTERIOR: VISITORS' AREA of DETENTION CENTER. There is a table in the shape of a hexagon. One side leads to a tunnel through which the PRISONERS can enter. They sit on the inside while the VISITORS sit on the outside. We see STEVE sitting among the prisoners. He is wearing his orange prison garb. MR. HARMON, his father, sits on the outside of the table.

MR. HARMON

How are you doing?

STEVE

All right. You talk to Miss O'Brien?

MR. HARMON

She doesn't sound that positive. There's so much garbage going through that courtroom, she thinks that anybody in there is going to have a stink on him.

STEVE

She said she's going to put me on the stand. Give me a chance to tell my side of the story.

MR. HARMON

That's good. You need to tell them that . . .

His voice fades away.

STEVE

I'm just going to tell them the truth, that I didn't do anything wrong.

A beat as the father and son try to cope with the tension.

STEVE

You believe that, don't you?

CU of MR. HARMON. There are tears in his eyes. The pain in his face is very evident as he struggles with his emotions.

MR. HARMON

When you were first born, I would lie up in the bed thinking about scenes of your life. You playing football. You going off to college. I used to think of you going to Morehouse and doing the

same things I did when I was there. I never made the football team, but I thought—I dreamed you would. I even thought about getting mad at you for staying out too late—there you were lying on the bed in those disposable diapers—I wanted the real diapers but your mother insisted on the kind you didn't have to wash, just throw away. I never thought of seeing you—you know—seeing you in a place like this. It just never came to me that you'd ever be in any kind of trouble. . . .

MS: STEVE and MR. HARMON. An incredibly difficult moment passes between them. **STEVE** searches his father's face, looking for the reassurance he has always seen there.

STEVE

How's Mom doing?

MR. HARMON

She's struggling. It's hard on all of us. I know it's hard on you.

STEVE

I'll be okay.

STEVE puts his head down and begins to weep. **MR. HARMON** turns away, then reaches back and touches **STEVE's** hand. A **GUARD** crosses quickly and moves the father's hand away from his son.

MR. HARMON (choking with emotion)

Steve. It's going to be all right, son. It's going to be all right. You're going to be home again and it's going to be all right.

The scene blurs and darkens. There is the sound of **STEVE's FATHER** sobbing.