

LAW AND ORDER
"Sins of the Father"

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LAW & ORDER

"SINS OF THE FATHER"

TEASER

FADE IN

EXT. CENTRAL PARK FIELD - DAY

A group of college kids are shooting a student film. There are several people in bloody make-up lying around a grassy area acting as "dead bodies" as the director walks among them blocking the shot. A father and his young son walk by and the father is appalled by the scene. He goes to complain to a crew member.

FATHER

Do you guys have to do this here? We're eating lunch. And who wants to see all this gore in broad daylight? It's gross.

CREW MEMBER #1

Hey, blood and guts sell.

FATHER

(sarcastic)

Well, so does sex. Why not have a mass orgy instead.

CREW MEMBER #1

'Cause then we'd be arrested. Breasts are bad; blood is good.

Disgusted, the father hurries his son away.

CREW MEMBER #1 (CONT'D)

(to another crew
person)

Man, some people are so uptight.

Nearby, the director and camera person frame a shot around an especially bloody body lying in some bushes.

DIRECTOR

Dude, you need to move more into the light, away from the bushes.

No response.

DIRECTOR (CONT'D)

Hey, did you hear me? Get tighter into the shot.

(CONTINUED)

CONTINUED:

Still nothing. Annoyed, the director turns to his A.D.

DIRECTOR (CONT'D)

Joel...do something.

The A.D. goes over and puts a hand on the man's shoulder and tries to lead him to where he should be. The man rolls over and his chest is a massive, bloody open wound.

A.D.

Cool make-up! That looks great! But this is a group massacre so you need to move to where everyone else is.

DIRECTOR

(taking a harder
look)

Hey, that ain't one of our bodies. Man, I think it's real.

CUT TO:

EXT. CENTRAL PARK FIELD - LATER

Green and Fontana are on the scene. Cops are in the background questioning the film crew as CSI techs examine and photograph the body. A uni briefs the detectives.

UNIFORM #1

Watch, wallet with credit cards and cash...all still on the body. ID says he was a William Mirkin.

FONTANA

So much for the robbery theory.

UNIFORM #1

None of the other kids remember noticing the body before it was found.

FONTANA

Who found it and how?

The officer points to the director.

UNIFORM #1

Spielberg over there was trying to give him some motivation.

Another uni brings a briefcase over to the detectives. They examine and search through it.

UNIFORM #2

This was in the bushes near the body.

(CONTINUED)

CONTINUED:

FONTANA

Coach. I got one just like it. The vic
was no slouch.

UNIFORM #2

There's papers inside belonging to a
Bill Mirkin.

GREEN

It looks like schoolwork. Finance.
Guess this guy was a teacher.

FONTANA

Looks like somebody was very unhappy
with their grade.

FADE OUT

END OF TEASER

ACT ONE

FADE IN

INT. M.E.'S OFFICE - DAY

The detectives are in with the M.E. as she examines the body.

M.E.

The bullet entered the chest and traveled upward through the heart. Judging by point of entry, powder residue, etc. etc., the guy was shot at pretty close range. There's stipling around the wound.

GREEN

Any signs of a struggle?

M.E.

Some. Estimated time of death, I'd say about 4:30 in the afternoon. But wait, I got a present for you.

She shows them something in a petri-dish.

M.E. (CONT'D)

Lucky for you boys we have the bullet. A rather interesting bullet at that.

GREEN

Interesting how?

M.E.

It's a hollow-point. The kind only cops use. Looks like your shooter has access to police equipment.

FONTANA

I hope he or she isn't the police.

GREEN

Anything else?

M.E.

Stomach contents reveal the victim ate a hot dog before he died.

FONTANA

Great. He didn't die hungry.

INT. MIRKIN HOUSE/SUBURBS - DAY

The detectives question Ellen Mirkin, the sobbing widow. Her sixteen year old son, James is sitting with her.

MRS. MIRKIN

How could this happen? Is there some lunatic on the loose? Was it a mugger?

The detectives give each other a look.

GREEN

(to James)

Hey buddy, can we talk to your mom alone for a second.

Mrs. Mirkin indicates to James that it's okay and he leaves.

GREEN (CONT'D)

Ma'am, evidence shows it wasn't a robbery since your husband still had his valuables on him. Did he have any enemies?

MRS. MIRKIN

Enemies! Oh God...not now... I don't think so...not anymore, I mean, that was all such a long time ago.

FONTANA

You mean when he was still William Mirkin? Wasn't he the banker who was involved in the Citadel banking scandal?

A phone RINGS in the background.

MRS. MIRKIN

(sighs)

So you already know.

FONTANA

We try to do our homework. So do you think someone from his past might still have a grudge?

MRS. MIRKIN

Well, the only person I could think of is Spencer Jacks but he's still in prison.

FONTANA

Who's Spencer Jacks?

MRS. MIRKIN

He was one of Bill's clients. Bill had to testify against him.

(CONTINUED)

CONTINUED:

James appears.

JAMES
Mom, it's grandma.

MRS. MIRKIN
(wipes her eyes)
Can I go?

Green nods and gives her his card.

GREEN
Please call if you can think of
anything or anybody else.

MRS. MIRKIN
I don't see how there can be. Bill paid
his debt. He did his time. The past was
all behind us. We moved, changed our
name, made a new start. Now someone's
ruined it all. Excuse me.

She leaves the room.

FONTANA
(wryly)
Despite what the wife thinks, sounds
like Mirkin didn't pay all his debts.

INT. LAW OFFICE - DAY

The detectives pay a visit to Dan Hoffman, the former U.S. District Attorney who prosecuted the Mirkin case, now in private practice.

HOFFMAN
Back in the late eighties, Mirkin, was
the head of the New York branch of
Citadel Bank, a big international
banking conglomerate. Mirkin authorized
loans to Iraq which of course was
illegal, and totally against U.S.
foreign policy.

GREEN
What were the loans for?

HOFFMAN
Weapons, what else? The Iraqis used up
everything in their war with Iran and
needed cash in buying more toys. So
they turned to Mirkin for a loan to buy
the now infamous weapons of mass
destruction.

Green tries to make sense of this.

(CONTINUED)

CONTINUED:

GREEN

A U.S. Bank gave the Iraqis money to buy weapons so that we can go to war with them years later to find the weapons we bought for them?

HOFFMAN

The irony is brilliant, isn't it?

FONTANA

So what exactly happened with Mirkin at the trial?

HOFFMAN

Mirkin originally pled guilty and planned to throw himself at the mercy of the court and promised to tell everything, even expose names of others who knew about the Iraqi loans. He hinted that high level federal officials were involved and sanctioned the loans.

FONTANA

How high?

HOFFMAN

Never found out. Before that could happen, Mirkin's lawyer came up with evidence that his bosses at corporate headquarters knew about and authorized the loans so Mirkin couldn't be the only scapegoat.

GREEN

Were Mirkin's bosses indicted?

HOFFMAN

Nope. Keep in mind, they are a huge international bank with tentacles everywhere. Their connections and D.C. lobbyists made sure they were taken care of. It helps to have friends in high places.

GREEN

What about Mirkin?

HOFFMAN

I was told by my boss to cut Mirkin a deal. 18 months in jail. That's all he served. He got off big time.

GREEN

Did Mirkin ever reveal any names?

Hoffman shakes his head no.

(CONTINUED)

CONTINUED:

FONTANA

And you agreed to deal?

HOFFMAN

I had no choice. The order came from D.C. And you know there's no arguing with D.C.

GREEN

Who exactly in "D.C."?

HOFFMAN

(shrugs)

I don't know. I really didn't ask.

FONTANA

Seems to me a question worth asking.

HOFFMAN

Not when your boss makes it extremely clear not to.

GREEN

How does Spencer Jacks fit into all this?

HOFFMAN

Ah! Spencer Jacks! One out of two isn't so bad. Jacks was Mirkin's client and friend. "Was" being the operative word. He's the owner of Jackson Industries, a metal manufacturing plant upstate. Jacks was busted for secretly selling metal to Iraq which was against US policy of strict embargoes on products that could be used for weapons.

FONTANA

Let me guess, with a little help from his friend...

HOFFMAN

You got it. Through his Iraqi contacts, Mirkin brokered the deal for Jackson Industries to have the exclusive contract in Iraq to supply all the metal for all their industries.

GREEN

That contract must have added up to a ton of money.

HOFFMAN

Now you're catching on.

(CONTINUED)

CONTINUED:

FONTANA

But how did they get the metal out of the country if it was illegal?

HOFFMAN

It was laundered through Jackson's subsidiaries in Canada, then through the U.K. where it's relabeled as EC product before going to Iraq.

GREEN

Mirkin got off even though he was the middleman?

HOFFMAN

Mirkin testified against Jacks as part of his plea bargain which gave us all we needed against Jacks. Mirkin got something for facilitation but nothing compared to what Jacks got. 15 years in the federal pen.

GREEN

While Mirkin got a slap on the wrist.

FONTANA

You know, if I were Jacks, I think I'd want to kill Mirkin too.

INT. FEDERAL PENITENTIARY INTERROGATION ROOM - DAY

The detectives question Spencer Jacks, a big, burly guy.

JACKS

I've had nothing to do with Mirkin since coming to my lovely home away from home here.

GREEN

Any idea who Mirkin would be calling at Jackson Industries?

JACKS

Nope. My son Lionel runs the company now. I have no idea why or who Mirkin would be calling. I know I have nothing to say to him except to call him a few unpleasant names.

FONTANA

Must have gotten your goat that Mirkin got away relatively scott free while you did serious time.

JACKS

(shrugs)

What're you gonna do? I admit, I'm not
(MORE)

(CONTINUED)

CONTINUED:

JACKS (CONT'D)

shedding any tears right now. But I'm almost done in here as I'm sure you gentleman already know. Then I'm taking back my life, my company and my freedom. There's no way I would do anything to jeopardize that.

INT. JACKSON INDUSTRIES - FRANK WITHERS' OFFICE - DAY

The detectives want to question Lionel Jacks but are being stalled by Frank Withers, the CFO of Jackson Industries, a polite man with a military demeanor.

WITHERS

Maybe I can answer your questions for you. Lionel is going to be in this meeting for a while.

GREEN

Thanks. I'm sure you'd be very helpful but we do need to speak to Mr. Jacks.

FONTANA

Do you know if Lionel Jacks had any dealings with a Bill or William Mirkin?

WITHERS

Bill Mirkin? As far as I know, Lionel has nothing to do with him but Mirkin had a lot to do with putting Spencer in jail.

FONTANA

So you know about the case?

WITHERS

I was around for the case. I've been with Spencer since he started the company.

GREEN

What exactly does a CFO do?

WITHERS

Money. I make sure that the company makes it and keeps it.

GREEN

What did you think about the trial? Do you think it was unfair that Mirkin didn't do as much time as Jacks?

WITHERS

That's water under the bridge now isn't it? Spencer is paying his debt to society.

(CONTINUED)

CONTINUED:

Looking around Withers' office, Fontana sees a a large framed picture of a young soldier. Next to it is a gun and a badge in a shadowbox. Medals and dogtags hang in another display case.

Fontana indicates the display case.

FONTANA

Nice medals; what did you get them for?

WITHERS

Vietnam. I was a Marine.

Fontana looks at the picture.

FONTANA

Is this your son? Good looking kid.
Followed in your footsteps, eh?

He peers closer at the gun.

FONTANA (CONT'D)

Nice piece. A souvenir?

WITHERS

(stiffens)

That is my son, Daniel. He died in the Gulf War. The gun was his service revolver; he was a cop before enlisting. I keep the mementos here because it upsets my wife to see them at home.

FONTANA

Oh, I'm sorry...

The awkward pause is broken by Lionel's exuberant entry.

LIONEL

Sorry gentleman, I was in a meeting as I'm sure Frank explained to you. So you want to know if I know Bill Mirkin? Why would you think I'd have anything to do with the weasel who put my father in jail?

FONTANA

Do you have any idea who Bill Mirkin would be calling at your company or why?

LIONEL

I can't believe he even had the nerve. Who's extension did he call?

GREEN

It was the 800 number.

(CONTINUED)

CONTINUED:

LIONEL
Cheap bastard.

He turns to Withers.

LIONEL (CONT'D)
Frank, help me out here.

WITHERS
If he called the 800 number, it would be hard to tell who he was trying to reach since he would have to punch in the extension number to get connected. Sorry.

LIONEL
We have nothing to do with Bill Mirkin. Why would we? He's a traitor.

GREEN
We need to check all the bases. I'm sure you can understand that.

LIONEL
Yeah, yeah. When are you guys just going to leave my dad alone? You can't stand it that he's a successful businessman despite his background.

GREEN
What's his background?

LIONEL
Dad came from a poor Russian immigrant family in New York. He worked his way up, fighting for everything he's got.

FONTANA
"Jacks" doesn't sound too ethnic to me.

LIONEL
Dad changed it to make it a more "marketable" name. Our family name is Popov.

INT. NY PRECINCT - DAY

The detectives update Van Buren on their findings.

FONTANA
Father and son both claim they haven't heard from Mirkin.

GREEN
Nor do they care he's dead.

(CONTINUED)

CONTINUED:

VAN BUREN

Well, that's understandable.

Detective Righetti pops his head in.

RIGHETTI

Jacks' prison phone records list frequent calls to a cell that we traced to Boris Popov.

VAN BUREN

Boris Popov...the Boris Popov of the Popov mob family?

RIGHETTI

The one and only.

FONTANA

That's why that name sounded familiar. If I were Lionel, I wouldn't go around telling people that.

GREEN

I thought the Popov clan was retired by the US Attorney's office years ago when the godfather got life.

FONTANA

Do mob guys ever really retire? I bet some of them still manage to dabble in the family business.

VAN BUREN

How much do you want to bet Spencer Jacks is close relation?

RIGHETTI

Actually, they're cousins twice removed.

VAN BUREN

Obviously not removed enough. Pay Popov a visit. And do some more digging on Mirkin. Guys with his history generally have more than one buried skeleton.

INT. HUNTER COLLEGE - DAY

Fontana and Green are questioning the dean of the finance department.

GREEN

How long has Bill Hutchins aka Bill Mirkin been teaching here?

(CONTINUED)

CONTINUED:

DEAN

About two years. He was referred by
Congressman Allen.

Green gets a call on his cell and steps aside to answer it.

FONTANA

It didn't bother you that a convicted
felon was teaching at your school?

DEAN

Mr. Mirkin got a great endorsement from
the Congressman who is not only an
alumni but also a big supporter of the
school. He also was very knowledgable
about finance and banking. Besides his
celebrity gave him some cache.

FONTANA

Celebrity...or notoriety?

Green returns and reports to Fontana.

GREEN

The uniform who went to visit Ellen
Mirkin with Popov's picture says she
couldn't ID him.

FONTANA

Of course not, that would be too easy.
So, dean, was Mirkin a good teacher?
Did the staff and students like him.
More important, did anybody not like
him?

DEAN

Well, I don't think he socialized much
with the other teachers...

GREEN

How about the students?

DEAN

(hesitates)

Students liked him. Some more than
others.

GREEN

Meaning?

DEAN

I don't see how it really matters.

FONTANA

It's better to just tell us the truth
then for us to have to ask around. Or
we may have to start questioning the
(MORE)

(CONTINUED)

CONTINUED:

FONTANA (CONT'D)

students and that can get kind of disruptive.

DEAN

I had to speak to Bill about rumors about one of his students and him. The rumors were not of an academic nature.

FONTANA

I see. Where can we find her?

DEAN

Her name is Amy Jensen. I can check her class schedule but you might want to try Bloomingdales. She's a perfume spritzer over there.

INT. BLOOMINGDALES - DAY

Perfume counter. The detectives approach Amy, a pretty salesgirl.

AMY

Would you like to try a sample?

Fontana badges her.

FONTANA

Amy Jensen? Would you like to answer a few questions?

AMY

What's this about? Oh my God, it's my brother again, isn't it?

FONTANA

Not, unless his name is Bill Mirkin or Bill Hutchins as you might know him.

Amy freaks out.

AMY

Billy? How do you know about me?

GREEN

We don't care what you did with "Billy," we just want some information.

AMY

Do you know who killed him?

Green shows her a picture of Popov.

GREEN

Do you recognize him?

Amy takes a look.

(CONTINUED)

CONTINUED:

AMY

Oh him. He's sleazy. Billy hated him. He was constantly harassing Billy. Billy met with him a couple of times after we'd been together.

GREEN

His name is Boris Popov. When was the last time you saw him?

Amy thinks for a minute then starts to get emotional.

AMY

I think it was the day Billy was killed.

GREEN

Where?

AMY

In Central Park. Look, we obviously couldn't go to my dorm or Bill's place so a friend of Billy's let us use his Central Park West place. Afterwards, we walked through Central Park. I was on my way back to school and Billy was going to meet this guy at 66th St.

FONTANA

Do you know what they were meeting about?

AMY

Not really. Billy just said this was going to be the last time he'd ever meet this guy.

FONTANA

What time was this?

AMY

I left him at around 4:00. Yeah, cause I had a class and I was late.

GREEN

That's right before the M.E.'s estimated time of death.

FONTANA

Guess we got our guy.

The detectives turn to leave.

GREEN

Thank you Miss Jensen, we'll be in touch. Here's my card if you think of anything else.

(CONTINUED)

CONTINUED:

AMY

Wait. You don't need to tell anybody about Billy and me do you? I really don't need to see my face on the cover of the Post if you know what I mean.

GREEN

Let's put it this way, we won't be talking to the press.

FONTANA

(aside to Amy)

And think about sticking to guys your own age. Even if they don't have money. They also usually don't have serious baggage.

FADE OUT

END OF ACT ONE

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ACT TWO

FADE IN

INT. POPOV DELI - BROOKLYN - DAY

The rundown deli is empty except for a few men hanging around, drinking coffee. They stare as Fontana and Green enter and approach Popov, badging him.

POPOV

I don't have to talk to you.

FONTANA

No, but you have the choice of not talking to us here or not talking to us downtown.

Boris just smirks at him and lights a cigarette.

FONTANA (CONT'D)

In case you've been under a rock, it's illegal to smoke in restaurants.

POPOV

It's my restaurant.
(laughs)
So arrest me.

FONTANA

Don't tempt us.

GREEN

Where were you the afternoon of October 10th?

POPOV

Here. I was working and I got a whole family of witnesses to prove it.

The detectives look around. Fontana takes a long look at one of the men at the table.

FONTANA

And you know how believable family witnesses are.

GREEN

What were you talking to Spencer Jacks about? Maybe old family business?

POPOV

I don't know what you mean.

(CONTINUED)

CONTINUED:

FONTANA

Oh get off of it, Popov, your rap sheet could be published as a book. We know what you do for a weekend job.

POPOV

Hey, I don't do nothing illegal no more. I'm just an honest deli owner now.

GREEN

Then tell us what all the phone calls to Spencer Jacks were about.

Popov takes his time blowing out the smoke.

POPOV

Maybe Spencer asked about a job. I told him I retired but he keeps calling. He's persistent.

(smugly)

But last time I checked, you can't arrest a guy for taking a phone call. So unless you want a pastrami, we're done.

INT. PRECINCT - VAN BUREN'S OFFICE

Fontana and Green are discussing the case with Van Buren and Assistant ADA Alexandra Borgia.

FONTANA

We have a witness who can place Mirkin and Popov together the day Mirkin was killed.

BORGIA

What's the motive?

VAN BUREN

A revenge hit for his cousin, Spencer Jacks Popov.

GREEN

And if anybody would have access to hollow point bullets, it would be somebody like Popov. I'm sure he's had his share of illegal contraband.

BORGIA

Do you have the weapon?

GREEN

No. But that can be in the East River for all we know.

(CONTINUED)

CONTINUED:

BORGIA

It'll be tough to hold him without a weapon.

VAN BUREN

I think we have enough to at least arrest him.

BORGIA

Okay. Pick him up.

INT. POPOV DELI - DAY

The detectives come into the deli looking for Popov who's behind the counter holding a big piece of lox.

FONTANA

You won't need that where you're going, the state of New York generously feeds you three times a day.

Green cuffs Popov.

GREEN

Boris Popov, you are under arrest for the murder of Bill Mirkin, you have the right to remain silent...

POPOV

You guys are so stupid
(laughs and yells to
one of the men)
You know who to call.

GREEN

Anything you say...

As they lead him away.

FONTANA

And the least you say, the better.

INT. RIKER'S ISLAND - INTERROGATION ROOM

Borgia faces Popov's slick lawyer, Charlie Jones and his smirky client.

JONES

You better come up with stronger evidence to hold my client. Silly irrelevant things like a motive and a weapon.

(CONTINUED)

CONTINUED:

BORGIA

How about the fact that your client was seen with the murder victim right before Mirkin was killed.

JONES

So? I saw him with that little school girl. Are you arresting her too?

BORGIA

We have plenty of reasons to hold your client. Last time I checked, negotiating a contract hit was illegal and a parole violation.

POPOV

What?! That's bull!

JONES

You have nothing and you know it.

BORGIA

I don't think the judge will see it that way. Anyway, we have enough to keep you in jail for a while.

POPOV

There were no negotiations! There was no contract!

BORGIA

Oh? Is that why Bill Mirkin ended up dead right after you met with him?

JONES

How about a deal for information?

BORGIA

It depends on the information.

JONES

(to Popov)
Might as well tell her.

POPOV

Lionel paid me to tell the cops Spencer wanted to hire a hit on Mirkin. He knew after the cops went to see him, they'd find out Spencer and I'd been talking and come see me. All's I had to say was Spencer wanted to hire a hit and he'd be busted, and have to stay in the can.

BORGIA

Why would Lionel do that to his father?

(CONTINUED)

CONTINUED:

POPOV

(snorts)

Think about it, lady. Lionel doesn't want papa coming home and taking over.

BORGIA

I see. Then what were you talking to Jacks about?

POPOV

Hey, we are still family you know.

(sarcastically)

"Spencer..." you know, I knew him when he was still "Stefan..." wanted me to strongly encourage Mirkin to see it his way on some old business deal they had. That's why I was meeting with Mirkin. Nothing major; just to drop little hints of what can happen if Mirkin didn't see it Spencer's way.

BORGIA

You mean threaten him.

POPOV

Not at all. More like...motivate him.

BORGIA

What kind of deal was Spencer talking about?

POPOV

I don't know. I don't ask. I don't care. I just do my part you know what I mean?

BORGIA

I need more than that.

POPOV

I don't know more than that. Spencer called it the Iraqi payment, that's all I know.

INT. DA'S OFFICE - DAY

Borgia briefs DA Arthur Branch and ADA Jack McCoy.

BRANCH

So Popov was playing both the father and the son. Sounds like he'll do anything to save his own skin.

BORGIA

No wonder Lionel mentioned his father's background to Fontana and Green.

(CONTINUED)

CONTINUED:

MC COY

What a nice family. Lionel sets up his own father just so he can keep the kingdom his dad served him on a silver platter.

BORGIA

Well, now he and Spencer can work out their issues in prison. Lionel's already been arrested.

The phone rings and Borgia answers it.

BRANCH

How much do you want to bet that Lionel's also out of the will?

MC COY

In that family, greed is thicker than blood.

BORGIA

That was Van Buren. In a canvas of the park, the cops found a vendor who can testify to selling a hot dog to Mirkin after the time of his meeting with Popov. Popov's lawyer got wind of this and is screaming for his release.

BRANCH

This must be the first time a suspect's ass is saved by a hot dog.

BORGIA

Now we're back at square one. Who killed Mirkin and why.

MC COY

I'd also be curious to know what exactly is "the Iraqi payment."

INT. FEDERAL PENITENTIARY - DAY

Borgia questions Jacks with his attorney, Jeff Ferry present.

BORGIA

We know that Lionel used Popov to set you up and that Popov was also working for you on something called the Iraqi payment. What does that mean?

JACKS

(furious)

It means my loser son betrayed me with my loser cousin!

(CONTINUED)

CONTINUED:

BORGIA

That doesn't answer my question.

FERRY

If Spencer talks, he must be given immunity and guaranteed his release date.

BORGIA

That's not my guarantee to give out. It's out of my jurisdiction. But depending on how cooperative Mr. Jacks is, I can see what influence our office can exert.

FERRY

(nods to Jacks)

It's the best we're going to get, Spencer.

JACKS

(sighs heavily)

That son of a bitch Mirkin owed me money. Lots of money. The Iraqis fell behind on their payments. Seems their cash flow was a little tight.

BORGIA

But they continued to pay even after you'd been convicted?

Jacks nodded.

JACKS

Of course. But now, when the payment checks came in, they went directly to Mirkin instead of the company. Mirkin put them in a joint offshore account in Lionel and Hutchins' kid's name, John...Joe... whatever.

BORGIA

Why was that necessary?

JACKS

(smirks)

For some reason Mirkin felt he needed an "insurance policy" so that let's say, he wouldn't meet a premature death. I guess he thought I was pretty pissed that he testified against me. Imagine that.

BORGIA

So in other words, Mirkin wanted to make sure you didn't have someone from your family do a revenge hit on him.

(CONTINUED)

CONTINUED:

JACKS

You said it, not me.

BORGIA

Go on.

JACKS

Mirkin arranged it so that in order for withdrawals to be made on the off shore account, Mirkin needed to be the second signature.

BORGIA

What if Mirkin died naturally?

FERRY

If it was proven without a doubt that Mirkin wasn't killed, then Spencer still had access to the money but half would go to Mirkin's heirs. But if Mirkin was alive when Spencer got out, Mirkin only got his original 20% broker's commission.

JACKS

And I keep the rest.

BORGIA

What prevented Mr. Jacks from having Mirkin killed after he got out of prison?

FERRY

Mirkin set it up so that there was a limit to the amount of money that could be annually withdrawn if he died after Spencer's release. But if Mirkin stayed alive, Spencer was free to withdraw as much as he wanted.

Jacks leans across the table at Borgia.

JACKS

(hisses)

So you see, Miss Borgia, Bill Mirkin is no good to me dead.

EXT. SOUVLAKI STAND - DAY

McCoy and Borgia are getting lunch.

MC COY

So how much money are we talking here?

(CONTINUED)

CONTINUED:

BORGIA

Millions. Mirkin loaned Iraq money to pay for the metal they bought from Jacks.

MC COY

So it's a case of Peter robbing Paul to pay Mary.

BORGIA

Not only that. The loans are now all in default and Citadel had guaranteed the loans with a credit guarantee program, which is supported by the U.S. taxpayers. Jack, that's our money that's sitting in their bank accounts!

McCoy shakes his head.

MC COY

I'm surprised that a guy like Jacks would agree to Hutchins's payment plan.

BORGIA

What choice did he have? Mirkin was the Iraqis' contact, he arranged everything. Jacks was already in jail, and Jackson Industries was under investigation so the payments had to go to Mirkin.

MC COY

And why exactly was Popov threatening Mirkin?

BORGIA

Apparently Jacks was upset because it's recently come to his attention that the metal he sold to Iraq went to ammunition factories instead of building a railroad like he originally thought. His dispute with Mirkin is that he wanted a bigger cut.

MC COY

Mirkin knew from the beginning that it was an ammunition contract?

BORGIA

He negotiated and handled everything.

MC COY

And I assume Mr. Mirkin didn't feel the same way as Jacks?

BORGIA

Nope. Jacks claims that Mirkin told him a deal is a deal and it didn't matter where the metal went.

(CONTINUED)

CONTINUED:

MC COY

How did Jacks find out the truth?

BORGIA

Even though Jacks was in prison, he was kept in the loop on everything by his CFO, Frank Withers who really was the one overseeing the company for him. That explains all the phone calls from Mirkin to Jackson Industries.

MC COY

So Frank Withers lied to the police. I thought he claimed he didn't know who Mirkin was calling.

BORGIA

He's probably protecting Jacks. He has good reason. Jacks gave Withers a substantial piece of the company to take care of business while Jacks is in jail. Jackson Industries does well, Frank Withers does well.

MC COY

Guess Jacks didn't trust his son after all.

BORGIA

Lionel's really just a figurehead even though he didn't know it. Even from jail, Jacks was running the company with Frank Withers as his errand boy.

MC COY

(thinking)

If Withers lied about phone calls, what else is he lying about?

INT. JACKSON INDUSTRIES - DAY

Borgia questions Withers.

BORGIA

Why did you lie to the police and say you didn't know who Mirkin was calling at Jackson Industries when in fact he was calling you?

WITHERS

I believe I merely explained to them how our phone system worked. I don't recall lying about anything.

BORGIA

Don't split hairs Mr. Withers, we can charge you with obstruction.

(CONTINUED)

CONTINUED:

WITHERS

Look Miss Borgia, I'm sure you can understand the position I was in. I do have a loyalty to my employer.

BORGIA

How did you find out Jackson Industries metal was going to ammunition factories?

WITHERS

In an attempt to be more service oriented, our bank started sending us statements with copies of the payment checks attached. I noticed the checks had ammunition company names on it. I brought it to Spencer's attention because we all thought the original deal was a railroad contract.

BORGIA

What was Jacks' reaction?

WITHERS

He was not happy and was in the middle of "renegotiating" with Mirkin.

BORGIA

Why was he so angry that the metal went to ammunitions instead of a railroad? Money is money to a businessman like Mr. Jacks, isn't it?

WITHERS

(dryly)

Yes but there's more money in making guns than there are in making trains. Spencer felt that an ammunition contract was more lucrative than public transportation and he should be paid accordingly.

BORGIA

I see. I'd like to have copies of the bank statements and checks.

WITHERS

Of course you may...after you get a court order and I clear it with the company lawyers.

INT. SQUAD ROOM - NIGHT

Green and Fontana are going over the paperwork and phone records.

(CONTINUED)

CONTINUED:

GREEN

On Withers' cell phone bill, there are a lot of calls to Hutchins' cell.

FONTANA

Wasn't Mirkin dealing with him since he couldn't talk to Jacks?

GREEN

Yeah, but why would Withers call Mirkin over 30 times on a weekend? Sept. 16...that was a Sunday.

FONTANA

How do you know?

GREEN

It was my momma's birthday.

Green looks over the other statements.

GREEN (CONT'D)

Withers made a ton of calls to Mirkin over a two week period. The cell phone bill is almost the size of the phone book.

FONTANA

So maybe they had a lot of business to do.

GREEN

Or maybe it's something else. Did we ask what Withers was doing that day?

FONTANA

We didn't have a reason to ask before. You really think a bore like Withers can get his hands on hollowpoints?

GREEN

Hey, the guy fought in Vietnam and has medals to prove it. I'm sure he isn't afraid to pull a trigger.

FONTANA

But why would Withers want Mirkin dead? He's just a lackey.

Green thinks back.

GREEN

Mirkin was shot by a cop's slug. There's that gun in Wither's office.

FONTANA

His son's gun? That's part of his shrine.

(CONTINUED)

CONTINUED:

GREEN

Doesn't mean the gun isn't operational.

FONTANA

Let's get a search warrant.

INT. INTERROGATION ROOM - DAY

Green and Fontana question Withers. Behind the observation glass, Van Buren and Borgia watch.

VAN BUREN

The background check came up with nothing, the guy's a boy scout. Loyal employee. Decorated veteran. No record of trouble.

There's a rap on the door. Jennifer Dawson, Withers' lawyer arrives.

DAWSON

What are the charges? Oh, there is none? Well, then how about wrongful arrest?

VAN BUREN

Your client's not arrested... yet. We just have some questions.

DAWSON

Well, they better be good ones because we are so out of here.

In the interrogation room, the detectives circle Withers.

FONTANA

So why all the phone calls to Mirkin? Don't tell me you guys were having an affair 'cause I got news for you, he was cheating on you.

WITHERS

Obviously, it was about business.

GREEN

One call is business, 4 calls is business, but 36 calls is...

FONTANA

Harassment.

Withers says nothing. Dawson comes in.

DAWSON

Speaking of harassment, that's it. We're leaving.

(CONTINUED)

CONTINUED:

FONTANA

We know you weren't at work the day of Hutchins' murder and your wife said you weren't home.

WITHERS

How dare you bother my wife!

GREEN

We didn't really have to. A credit card check came up with you buying a train ticket to Grand Central that day.

FONTANA

You got greedy and killed Mirkin so that when Jacks got a bigger portion of the pie you would too. But what you didn't know is that with Mirkin dead, Jacks gets nothing.

Van Buren comes in with a report.

VAN BUREN

We just got confirmation that ballistics matched the gun in Mr. Withers' office to the bullet we found in Mirkin.

She turns to Dawson.

VAN BUREN (CONT'D)

Now your client is arrested.

Green goes to cuff Withers.

GREEN

Guess you cared a lot more about the money than you let on. You're just like Bill Mirkin...

Suddenly, Withers loses it and violently explodes, jumping up as the detective move to restrain him. Everyone reacts.

WITHERS

(yelling)

I am nothing like Bill Mirkin! He killed my son! He deserved to die!

FADE OUT

END OF ACT TWO

ACT THREE

FADE IN

INT. ARRAIGNMENT COURT - DAY

Withers is being arraigned. He's at the defense table with Dawson. Borgia for the State; Judge Barclay presiding.

COURT CLERK

Docket number 43723. People vs. Frank Douglas Withers. Charge is murder in the first degree.

JUDGE BARCLAY

Murder one this early on a Monday? Glad I had that double cappuccino. So? Mr. Withers? Let me guess.

WITHERS

Not guilty your honor.

JUDGE BARCLAY

What a surprise. Ms. Dawson?

DAWSON

Your honor, Mr. Withers is a high level executive at a major company and a leader in his community...

JUDGE BARCLAY

Why is it that everyone who stands in front of me is always an outstanding citizen? Ms. Borgia?

BORGIA

The people ask for a remand, your honor. Because he is a high level executive, Mr. Withers is also a high flight risk.

JUDGE BARCLAY

Highly correct. No bail for a capital offense. If only they were all this easy. Next!

INT. RIKERS ISLAND/INTERROGATION ROOM - DAY

McCoy and Borgia meet with Dawson and Withers who sits in stony, emotionless silence.

DAWSON

Let's just save the taxpayers' money and avoid a trial. We'll plead to manslaughter and serve the maximum.

(CONTINUED)

CONTINUED:

MC COY

Why not ask for a fine instead? How do you rationalize first degree murder morphing into manslaughter?

DAWSON

It was an accident. My client and Mr. Mirkin were arguing, Mirkin attacked Mr. Withers, they struggled and the gun went off.

BORGIA

That's crazy, no jury will believe that. Your client deliberately loaded a gun and brought it with him to the city to confront Mirkin. That's premeditation.

DAWSON

So we'll also plead to unlawful possession. My client wasn't thinking rationally, he made a mistake.

MC COY

He made a big mistake! Don't try to minimize the gravity of his crime.

DAWSON

What motive does my client have for wanting Mirkin dead? Mr. Withers stands as much to gain as Spencer Jacks if Mirkin stays alive since Mr. Withers has a huge financial stake in Jackson Industries. He doesn't benefit in any way from Bill Hutchins' death.

BORGIA

When he was arrested, Frank Withers all but admitted he killed Bill Mirkin. You were there, you heard it.

DAWSON

(dismissive)

Just an emotional outburst during a stressful moment. Means nothing. Admit it, without a motive, you don't have much. Especially for murder one.

LATER

Borgia and McCoy are signing out.

BORGIA

Dawson is really going out on a limb. We're not settling for anything less than Murder One.

(CONTINUED)

CONTINUED:

MC COY

She's also right. We need a motive. Find out if Daniel Withers knew Bill Mirkin. I want to know exactly what Withers meant when he said that Mirkin killed his son.

INT. JACKSON INDUSTRIES - DAY

Borgia talks to Withers' secretary, Janice Thornton, middle-aged, soothing and efficient.

BORGIA

How long have you been working for Mr. Withers?

JANICE

Oh God, nearly twenty years. He's a good boss and a good man. You people have the wrong person.

BORGIA

What can you tell me about Mr. Withers' son?

JANICE

Danny? He was such a great kid. Kind, funny. He just wanted to help people; that's why he became a cop. Danny really believed in serving your country and all that. They're a big military family.

BORGIA

I understand Danny died when his barracks was hit by an Iraqi scud missile in Dhahran, Saudi Arabia. That attack was the biggest loss of American lives in the Gulf War.

JANICE

It was the saddest thing. I remember the day Mr. Withers got the news. He was devastated. It almost tore his marriage apart; in fact Mrs. Withers hasn't been the same.

(her voice lowers)

She had to be hospitalized and still has emotional problems.

BORGIA

As far as you know, did Danny have any contact with Bill Mirkin?

JANICE

I don't see how. After he joined the military, Danny only came home during the holidays.

(MORE)

(CONTINUED)

CONTINUED:

JANICE (CONT'D)

(sighs)

He was Mr. and Mrs. Withers' whole world. I think when Danny died, a big part of each of them died with him.

INT. MC COY'S OFFICE - DAY

McCoy and Borgia are going over files and paperwork.

BORGIA

There's no explanation how Mirkin could have possibly killed Danny. Nothing has turned up that shows they even knew each other.

MC COY

But Withers must have meant something by it. He felt strongly enough to murder a man because of it.

BORGIA

It doesn't make sense. It's official record that Danny Withers was killed by an Iraqi missile. That's a fact.

MC COY

(thinking out loud)

An Iraqi missile. A missile made by the Iraqis.

McCoy rummages through the files.

MC COY

Where are those copies of the Iraqi payment checks to Jackson Industries? Do you remember seeing any checks from a missile plant?

Borgia hands him a file which McCoy looks through.

MC COY

Here's several checks from a missile company.

BORGIA

That's right! Jackson Industries had been selling to Iraq at least two years before Jacks got busted. It's totally feasible that their metal went to build the very missile that hit Danny's barracks.

MC COY

Especially if Jacks had the exclusive metal contract to Iraq, it would make sense anything they manufactured using

(MORE)

(CONTINUED)

CONTINUED:

MC COY (CONT'D)
metal would be supplied by Jackson
Industries.

BORGIA
If Withers put two and two
together...He basically has the blood
of his son on his hands.

MC COY
And in turn, he wanted Hutchins's
blood; here's our motive.

INT. D.A'S OFFICE/CONFERENCE ROOM - DAY

McCoy and Borgia meet with Dawson.

BORGIA
We know that Frank Withers figured out
that there was a high probability that
the missile that killed his son Danny
was made by metal from Jackson
Industries. He blames Mirkin for
brokering the deal that subsequently
led to Danny's death. That's why he
killed him.

MC COY
So like you said, Jennifer, let's save
the taxpayers' money and if your client
pleads guilty, I'll ask for life
instead of the death penalty.

DAWSON
What? How do you come up with these
great works of fiction?

BORGIA
You seriously cannot expect that the
jury is going to buy a "Sorry it was an
accident" defense.

DAWSON
No, but they will buy it was an
accident triggered by Post Traumatic
Stress Disorder.

MC COY
What?! What traumatic stress?

DAWSON
Frank Withers is a Vietnam Vet with a
history of psychological trauma. First
from heavy combat in Vietnam, then from
his only child's death. Put those
together and it's easy to see how the
confrontation with Mirkin triggered his
PTSD.

(CONTINUED)

CONTINUED:

BORGIA

It's disgusting to use a serious medical condition as a cover up for premeditated murder.

DAWSON

It's fact. Check Frank Withers' medical history. He's been treated for PTSD several times and after Danny's death. The jury will see how the discovery of how Danny died at the hands of Bill Mirkin brought back all the memories of combat for Frank Withers causing him to feel under attack by Mirkin.

MC COY

How does that correlate to first degree murder?

DAWSON

Mirkin might as well have shot the missile himself. He gave Hussein the money to buy either the missile or the metal to make it.

MC COY

The metal came from Frank Withers' own company! He also had a hand in his son's death.

DAWSON

My client is also a victim! He was betrayed by Bill Mirkin spearheaded this clandestine deal. Worse of all, he was betrayed by his own government who looked the other way so the deal could go through. Read the court records, Jack, there was something going on that wasn't just all about Bill Mirkin.

MC COY

I still don't see how this connects to your defense.

DAWSON

If you knew anything about PTSD, you'll know that victimization can lead to violent behavior due to the need for self-defense.

MC COY

Your client was simply punishing Bill Mirkin for his own guilt.

DAWSON

That's your interpretation. A jury will see it differently. Remember, it just takes one juror to feel sorry for a

(MORE)

(CONTINUED)

CONTINUED:

DAWSON (CONT'D)

father who lost his son to create reasonable doubt.

MC COY

So you're building your case on sympathy? That's a big gamble. Facts are the facts; a jury is not going to be swayed by emotion.

DAWSON

It's a credible and strong defense. If you don't believe me, feel free to have your shrink talk to my client.

INT. OFFICE OF EMILE SKODA - DAY

Skoda interviews Withers.

SKODA

I'm sure your son's death affected you very deeply.

WITHERS

Do you have children? Unless you've lost a child, you have no idea how it feels.

SKODA

Tell me how it feels.

WITHERS

When Danny was born, I remember looking in his face and all I could see were all the hopes and dreams any parent has for their child. At his funeral, I saw all those hopes and dreams buried in the dirt. My wife fell apart, our lives fell apart. To this day, we're just two shadows living under the same roof. She can't even talk about Danny.

(pauses)

Yeah, I would say his death affected me deeply.

SKODA

How did you feel when you found out that there's a good chance the company that you work for made the missile that killed Danny?

WITHERS

Sick to my stomach. I literally threw up in my office. If I had known what Mirkin did, I would never have allowed it.

(CONTINUED)

CONTINUED:

SKODA

But you did know that Jackson Industries was doing business with Iraq.

WITHERS

To help build a railroad! To help rebuild their country! What's the difference between that and the Bectel contract? Or Halliburton's deal? There's a difference between business and what Bill Mirkin did.

SKODA

What did he do?

WITHERS

He lied to us! All he cared about was money then saving his own skin. Mirkin never gave a damn about anybody else but himself. Don't you get it? He gave money to those maniacs to buy weapons to kill our soldiers! My son was killed by one of those weapons that Bill Mirkin funded. Mirkin isn't an American, he's one of them! There's no difference between him and Saddam Hussein.

SKODA

What do you mean?

WITHERS

They're both driven by greed and self-interest at the expense of others. Sooner or later people like that need to be taken care of.

SKODA

Did you take care of Bill Mirkin that day in the park?

WITHERS

(withdraws)

I don't remember what happened. But I'm not sorry that he's dead.

INT. CHINATOWN NOODLE SHOP - DAY

Skoda, McCoy and Borgia slurp noodles in the bustling, noisy restaurant.

SKODA

The man has definitely not gotten over or even really dealt with his son's death. Danny Withers died over ten years ago but emotionally, his father reacts like it happened yesterday.

(CONTINUED)

CONTINUED:

MC COY

But is Withers mentally defected by Danny's death and PTSD? Dawson is going to try to establish his state of mind and buy sympathy from the jury.

SKODA

Jury nullification, eh? Effective strategy.

MC COY

Defense lawyers use it all the time when they have nothing else.

BORGIA

It worked for O.J.

SKODA

Is Withers severely damaged by his son's death? Yes. And the shock of finding out that his company contributed to killing him would promote extreme feelings of guilt and hostility. In this case, I would expect that he would either lash out at himself or someone else.

BORGIA

And he chose Bill Mirkin.

SKODA

Withers sees Mirkin as the enemy. He compared him to Saddam Hussein. In his mind, Mirkin was just as responsible for his son's death, as much as Hussein was.

BORGIA

Why not blame the U.S. government too? After all, it was the military who sent his son to Saudi Arabia.

SKODA

On some level, he probably does. He blames everyone for his son's death but deep down inside, he blames himself.

MC COY

All I want to know is will Dawson's defense of post traumatic stress hold up?

SKODA

I wouldn't testify to that in a courtroom, no. Even though Withers has a lot of suppressed emotions, rage being one of them, he understands the consequences of his actions. But I'll tell you this, given the circumstances,

(MORE)

(CONTINUED)

CONTINUED:

SKODA (CONT'D)

he's got a lot of sympathy riding on
his shoulders. I hope you get a hard-
hearted jury.

FADE OUT

END OF ACT THREE

ACT FOUR

FADE IN

INT. COURTROOM - DAY

John Henning, former President of Citadel Bank on stand.
McCoy on direct.

MC COY

Mr. Henning as the President of Citadel Bank, did Mr. Mirkin need your direct approval before giving loans to Iraq?

HENNING

No, Mr. Mirkin, had full jurisdiction to decide who he could approve for loans.

MC COY

Did you know what the Iraqis intended to use the loans for?

HENNING

I didn't know all the details of the transactions. I just knew that Iraq was a client. Bill Mirkin handled everything

MC COY

So the Iraq loans were fully Mr. Hutchins' decision.

HENNING

Yes. Fully.

Dawson's turn.

DAWSON

Mr. Henning, since you knew about the Iraqi loans and you were Mr. Mirkin's boss, why were you not also prosecuted?

Henning opens his mouth but doesn't answer.

DAWSON (CONT'D)

Is it because you had friends in high places in Washington?

MC COY

Objection! Mr. Henning is not on trial here.

(CONTINUED)

CONTINUED:

JUDGE

He's right Ms. Dawson.

DAWSON

Withdrawn. Mr. Henning, is it correct to say that even though you and other top officials at the bank knew about the illegal Iraq loans, somehow, Bill Mirkin was the only one who was prosecuted?

HENNING

(hesitates)

Yes.

DAWSON

Hmm. Interesting. Thank you.

TIME CUT TO:

Dan Hoffman on the stand.

DAWSON (CONT'D)

In your role as the prosecutor what kind of answers did you get when you asked why the illegal loans escaped the detection of the Federal Reserve Bank?

HOFFMAN

I didn't get a chance to ask that question. The trial didn't progress to that point.

DAWSON

That's because you were told by a higher authority to give Bill Mirkin a deal, correct?

HOFFMAN

Correct.

DAWSON

And is it correct that right before you offered Mr. Mirkin a deal, he was going to implicate high ranking U.S. officials who not only knew about but also sanctioned the loans to Iraq?

HOFFMAN

So Mr. Mirkin stated.

DAWSON

Where did the order to make this case go away come from? I assume somewhere higher than you?

(CONTINUED)

CONTINUED:

HOFFMAN

Washington is definitely higher than me.

DAWSON

Who in Washington?

Hoffman hesitates.

DAWSON (CONT'D)

Counselor, I remind you that you're under oath.

After a moment he answers...like a true diplomat.

HOFFMAN

The word came down from the higher levels of justice requesting that the investigation be closed.

DAWSON

Thank you sir.

JUDGE

Mr. McCoy?

From his seat, McCoy and Borgia exchange a look.

MC COY

Nothing at this time.

INT. DA'S OFFICE - NIGHT

McCoy and Borgia are going over the case when Branch checks in with them.

BRANCH

Dawson definitely came out swinging today.

MC COY

She's just trying to come up with a conspiracy theory to use as a smoke-screen to steer the facts away from a murder case and make it a political showpiece. It's all a part of her strategy to work on emotions instead of facts.

BORGIA

It's working, there's doubt in the jury's eyes that this is an open and shut case.

(CONTINUED)

CONTINUED:

BRANCH

She did bring up a good point about why the Federal Reserve didn't detect the loans.

MC COY

There's got to be a reason the Feds ordered the prosecutor to give Mirkin a deal.

Borgia is flipping through a file.

BORGIA

Somebody else also asked that question. Congressman Harry Garcia, the chairman of the U.S. Banking Committee at the time started an investigation into why the Federal Reserve didn't catch the illegal loans but he claims that he was stonewalled by the Administration.

BRANCH

How do you know that?

BORGIA

Garcia said so in a letter he wrote to the presiding judge at Mirkin's trial. There's also a record of the judge refusing to accept Mirkin's plea bargain and requesting an independent investigation. But he was denied.

BRANCH

Judges only do that if they think something fishy is going on. Have a chat with the congressman.

BORGIA

I can't. He's dead.

MC COY

Is the judge still around?

BORGIA

Retired.

BRANCH

Good, then he'll be more likely to talk.

INT. JUDGE (RETIRED) MARVIN SHOTWELL'S HOME - DAY

Elderly but still a spitfire, Borgia doesn't have to worry that Shotwell will hold anything back.

(CONTINUED)

CONTINUED:

SHOTWELL

I remember it like it was yesterday. That's how bad the taste was that it left in my mouth. Mirkin's lawyer asked me to set aside hours for his testimony because his client was going to come clean. Then the next day, the prosecution tells me they've cut a deal with Mirkin and on top of that, as part of his plea agreement, Mirkin is going to tell his story to them in private debriefing sessions!

BORGIA

Why would the prosecution deal with Mirkin at that point?

SHOTWELL

Hell if I know. But it was a good enough reason for Mirkin to keep his mouth shut. I knew something was going on. I got this letter from my friend, Harry Garcia, telling me something was not right. I read his report about his investigation and how he couldn't get answers from anybody not even his friends. I remember Harry was especially disappointed that even his old war buddy, who was in the Cabinet gave him the run around. Told him there were no documents to release, nothing to tell. That's Washington for you. Friends are friends only when they want something. But when it's your turn to ask, forget it.

BORGIA

War buddy? What war?

SHOTWELL

Harry's a young guy. Think it was Vietnam. It's all in the report. I still have it.

BORGIA

Can I see it?

SHOTWELL

Of course.

BORGIA

What did you do with the report?

SHOTWELL

After reading it, I asked for an independent counsel to investigate if there was funny business on the federal level but the U.S. Attorney General rejected the request on the grounds of
(MORE)

(CONTINUED)

CONTINUED:

SHOTWELL (CONT'D)
national security. Bullcrap! Damn
politicians all stick together.

BORGIA
What happened after Mirkin got his plea
bargain?

SHOTWELL
The trial was over. My hands were tied.
But I still kept tabs on what was
happening.

BORGIA
And what happened?

SHOTWELL
By the time the trial ended, we had a
new president who desperately wanted
Jordan to sign a peace treaty with
Israel. But the King of Jordan was
Hussein's buddy and wouldn't sign until
the U.S. stopped all inspections of
Iraqi ports which undermined the UN's
embargo against Iraq. Which we did.

BORGIA
So even though we supposedly had strict
foreign policy against Iraq, the rules
got bent to suit our needs.

SHOTWELL
(snorts)
Isn't that how it always works? Who
needs foreign policy when you got more
important interests to protect? Like
big business and corporate buddies. But
what the hell, this all led to Jordan
signing the treaty with Israel. Our new
president got some great PR...

BORGIA
And it led to an eventual US/Iraq war.

SHOTWELL
(sighs)
The more things change, the more
they stay the same.

INT. MC COY'S OFFICE - DAY

Borgia has just finished filling McCoy and Branch in on her
meeting with the judge.

BORGIA
Judge Shotwell said something that made
me do a little digging. In Harry
Garcia's report, he mentions that his
(MORE)

(CONTINUED)

CONTINUED:

BORGIA (CONT'D)

friend, Ethan Brill who served in Bush's cabinet refused to send him certain documents he requested. Shotwell mentioned that they were old war buddies; Garcia and Brill served together in Vietnam.

BRANCH

Nice to see our public servants also served their country.

BORGIA

Not only that. Brill was in the same unit as Frank Withers. Not only are they friends but Brill used to be on the board of Jackson Industries.

MC COY

Who was the one who said it's always helpful to have friends in high places?

BORGIA

No wonder the Iraq loans went undetected.

MC COY

Well, somebody had to have been looking the other way for Jackson Industries' metal to be exported.

BORGIA

This case is like opening a Pandora's Box. There are more and more layers to this story and a lot of innocent people caught up in a bigger game.

MC COY

Talk about political cronyism. It never ceases to amaze me the hypocrisy that makes up government.

BRANCH

You mean the people who sign your paychecks?

MC COY

Doesn't mean I agree with everything.

BRANCH

Nor do you have to. However, you have a case to try and an alleged political cover-up doesn't excuse the fact a man murdered another man.

BORGIA

But Dawson is right, there is a political conspiracy behind all this.

(CONTINUED)

CONTINUED:

BRANCH

But does it really tie in to this case?

BORGIA

Knowing all this makes it real hard to make Withers out to be the bad guy. I mean, we're prosecuting him but Bill Mirkin is the jerk. He's the one who cheated on his wife and sold out his friend, and his country.

BRANCH

And he's dead. He got his.

MC COY

(conflicted)

Whatever sympathy we have for Mr. Withers is irrelevant. The facts are the facts. Frank Withers killed Bill Mirkin. If everyone who was angry at the government took it out on someone, we'd have anarchy.

BRANCH

You need to make the jury see beyond a heartbroken father to a premeditated murderer. Emotion has nothing to do with facts. As much as we lawyers sometimes like to believe that they do.

INT. COURTROOM - DAY

Dawson's witness, Dr. Eva Rosen is on the stand.

DAWSON

Dr. Rosen, as an expert in treating Post Traumatic Stress Disorder or PTSD, please explain how Mr. Wither's confrontation with Bill Mirkin triggered his Post Traumatic Stress.

DR. ROSEN

Anger is a common response to trauma which is the source of Frank Withers' PTSD. When initially confronted with extreme threat, anger is a normal response to events that seem unfair or to a person feeling victimized. Anger also triggers a person's survival instinct in which the individual perceives they're under attack, therefore they react as if the situation was life threatening.

DAWSON

Therefore would it be a reasonable behavior for Frank Withers, a person has PTSD, to lash out at someone he
(MORE)

(CONTINUED)

CONTINUED:

DAWSON (CONT'D)

thinks has victimized and attacked him or someone he loves?

DR. ROSEN

Absolutely. A common behavior of PTSD is to act aggressively, in a self-protective way especially when confronted by extreme threat.

DAWSON

Would it be fair to say the person's instinct would be to kill or be killed especially if the PTSD sufferer has experienced heavy combat in a war or experienced death firsthand?

DR. ROSEN

Especially if the person has been in combat. Combat and death are certainly considered major trauma.

DAWSON

Thank you doctor.

She looks at McCoy. His turn.

MC COY

Doctor, do all victims of PTSD kill people who anger them?

DR. ROSEN

Of course not.

MC COY

So people who have PTSD have the ability to make choices and to control their behavior.

DR. ROSEN

Yes but some people when provoked can get out of control.

MC COY

So how do you know for sure that it was PTSD that drove Frank Withers to shoot Bill Mirkin and not that he simply chose to kill him in cold blood?

DR. ROSEN

I guess you can't know for sure but given Mr. Withers's history, it's a good chance that he was experiencing PTSD during this hostile confrontation.

MC COY

A good chance. But you don't know one hundred percent for sure.

(CONTINUED)

CONTINUED:

DR. ROSEN
No. Not hundred percent.

MC COY
Thank you. No more questions.

TIME CUT TO:

Dawson questions Withers on the stand.

DAWSON
Please tell us what happened when you encountered Mr. Mirkin in Central Park that day.

WITHERS
I knew where Popov was meeting Mirkin in the park. By now Mirkin was refusing to take my calls and ignoring me. I followed Mirkin after his meeting with Popov and confronted him. Mirkin got mad and started pushing me which really angered me. This scumbag who killed my son was now attacking me.

DAWSON
What happened next?

Withers takes a sip of water.

WITHERS
I took out the gun to scare Mirkin but he just laughed at me. He even called me a coward and tried to take the gun from me. The last thing I remember is struggling with him. I think I heard the gun go off.

DAWSON
Why did you bring a gun?

WITHERS
I wanted him to know he can't ignore me any longer. I wasn't thinking straight. I know bringing a gun was wrong. I didn't think anything would happen. I don't even remember what happened. All I know is that when he attacked me, I knew I had to fight back and defend myself.

DAWSON
Mr. Withers are you a Vietnam Vet?

WITHERS
Yes.

(CONTINUED)

CONTINUED:

DAWSON

And you've been treated for Post
Traumatic Stress Disorder?

WITHERS

Yes. Several times.

DAWSON

As well as severe psychological trauma
after the death of your only child,
Danny?

Withers pauses and takes a deep breath.

WITHERS

Yes.

DAWSON

Why did you want to confront Bill
Mirkin?

WITHERS

I just wanted to see him in person and
hear him admit what he did.

DAWSON

What did Bill Mirkin do?

WITHERS

That he killed Danny. I just wanted to
hear him say it to my face.

DAWSON

Why was that so important to you?

Withers' starts to answer but his voice breaks and he
stops.

DAWSON (CONT'D)

Mr. Withers, I know this is difficult.
Do you need a moment?

Withers shakes his head.

WITHERS

It was important because I needed to
hear the truth so I could finally let
Danny go.

DAWSON

How did Bill Mirkin kill your son?

WITHERS

He made it possible for the Iraqis to
either buy or make the missile that
killed my son while he was serving his
country. He might as well as have fired
the missile himself.

(CONTINUED)

CONTINUED:

DAWSON

Thank you. I know this wasn't easy.

McCoy's turn.

MC COY

You said Mr. Mirkin attacked you. Did he physically threaten or harm you?

WITHERS

He was verbally abusive. He pushed me and tried to grab the gun. I don't doubt if he had gotten control of the gun, he would use it on me.

MC COY

But you were the one who brought the gun. It wasn't Bill Hutchins' gun, it was yours. If Bill Mirkin had gotten control of the gun and used it on you, it would be in his self-defense.

DAWSON

Objection. That's speculative.

JUDGE

I agree. Move on Mr. McCoy.

MC COY

Isn't it true Mr. Withers that once you found out the truth about the metal sale, that you were angry. You felt Spencer Jacks got punished, maybe not enough but at least some. But Bill Mirkin didn't get punished enough. *His* son is still alive. So you made it your mission to punish him.

DAWSON

Objection! Is there a question here?

JUDGE

Is there Mr. McCoy?

MC COY

Do you blame Bill Mirkin for the death of your son?

WITHERS

A lot of people killed Danny.

MC COY

That's not my question. Do you, you sir, blame Bill Mirkin for the death of your son?

(CONTINUED)

CONTINUED:

WITHERS

Yes I do. But I also blame myself for trusting Mirkin. I blame our government who looked the other way so Mirkin could do business with Iraq. You can make peace with the fact that your son died serving his country. But how do you make peace knowing that your country helped to kill your son?

INT. COURTROOM - LATER

Summation. Dawson is up first.

DAWSON

The facts are that both the Bush and Reagan administrations sanctioned loans to Iraq in order to improve relations with Hussein and help corporate America increase their sales and protect their investments. Jackson Industries was one of these corporations that benefited. Even though it was against U.S. foreign policy, everybody looked the other way when the loans and metal went to weapons because it was good for business.

She walks around the courtroom.

DAWSON (CONT'D)

I recognize that Mr. Withers needs to take responsibility for Bill Hutchins' accidental death but who is going to take responsibility for Mr. Withers's son's death? Citadel bank officials didn't take responsibility, the Presidential administrations didn't take responsibility, Jackson Industries who sold the metal to make the weapons didn't take responsibility. Mirkin was the only one involved in the Jackson deal that knew that the metal was going to weapons. He's just as culpable as the Iraqis who fired the missile into Daniel Withers' barracks. My client just wanted Mirkin to take responsibility by admitting his part.

She goes over to the jury box.

DAWSON (CONT'D)

Imagine if you were Frank Withers. A father still brokenhearted about his son's death, a death that destroyed his family. Then when he found out that his own company unbeknownst to him contributed to the death of his son, he

(MORE)

(CONTINUED)

CONTINUED:

DAWSON (CONT'D)

became a father enraged. Of course he blamed Bill Mirkin. Mirkin was the only one who knew the truth of what the metal was really used for. And when Mr. Withers confronted Bill Mirkin, Mirkin laughed in his face. Imagine how you would feel if the man you felt was responsible for your child's death did that to you. Unfortunately the situation got out of hand and because of escalating emotions, there was an accidental shooting. This was unfortunate. What it's not is first degree murder. I ask everyone of you to think of your own children. As a parent, you can understand what Mr. Withers felt and especially understand what he felt like he had to do.

McCoy's turn.

MC COY

Yes, it is sad that Danny Withers was an innocent victim caught up in a bigger game. But when looking for where to place the blame, Frank Withers looked everywhere else but in the mirror. He blamed Bill Mirkin because Frank Withers couldn't make peace with the fact that for financial gain, he contributed to his own son's death. He blamed everyone else except himself. And Bill Mirkin paid for Frank Withers' personal guilt with his life.

McCoy addresses the jury.

MC COY (CONT'D)

The facts of the case are that Frank Withers took a gun, loaded it and took a train to New York City where he confronted Bill Mirkin with a loaded weapon. The defense claims he was using the gun as a scare tactic. That is totally ridiculous. Did Frank Withers really think that a man like Bill Mirkin who had no qualms in doing business with Saddam Hussein, who couldn't be bullied by a mobster like Boris Popov could be swayed by a gun? This is clearly a case of an eye for an eye. Mr. Withers killed Bill Mirkin for revenge. That's the truth plan and simple. Don't let emotions get in the way of your decision to find Frank Withers guilty.

As McCoy sits down, Borgia scans the jury's eyes for any sign of where they stand.

INT. COURTROOM - LATER

Everyone is assembled as the judge asks for the verdict.

JUDGE

In the charge of murder in the first degree, how do you find the defendant?

The foreperson hesitates a moment and then reluctantly reads.

JURY FOREPERSON

We find the defendant guilty.

Reactions from the courtroom. For McCoy and Borgia, it's a hollow victory. Dawson reassures a defeated looking Withers.

INT. ARTHUR BRANCH'S OFFICE - NIGHT

McCoy, Borgia and Branch have a nightcap. It's been a long day.

BORGIA

I wish Withers had taken the deal. He wouldn't now be facing the death penalty.

MC COY

He paid the ultimate price for his child. What a father wouldn't do for his son.

BRANCH

Spencer Jacks gives his son an empire and his own flesh and blood tries to screw him.

BORGIA

Frank Withers loses his beloved son who not only was serving his country when he died but was killed by a weapon his father made and his country financed.

MC COY

And ten years later, George W. declares a war on a country that his father armed.

(pauses)

I can't say I feel good about winning this one. This case makes you feel justice wasn't won, just manipulated.

BRANCH

Politics aside, the bottom line is Withers committed a crime, no matter
(MORE)

(CONTINUED)

CONTINUED:

BRANCH (CONT'D)

how sympathetic he is. You two did your jobs, that's the only thing you can do.

BORGIA

No, the bottom line is a father lost his son who was just a pawn in somebody else's chess game.

McCoy takes another swig of his drink.

MC COY

And Danny Withers is the one who wound up in checkmate.

FADE OUT.

END OF ACT FOUR