

MOCK TRIAL

Written

by

Jamee Decio

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FADE IN:

EXT. DOWNTOWN CLEVELAND - NIGHT

We SWEEP over Lake Erie passing Browns' Stadium, the Rock and Roll Hall of Fame, and the Justice Center as we move east to Fairfax, a crime infested neighborhood.

EXT. FAIRFAX REC CENTER - NIGHT

We TURN from a dim light displaying the cracked cement and bare rims of the basketball courts to the street as:

BERKOWSKI (O.S.)
Are you getting this, Hill?

EXT. RESIDENTIAL STREET - NIGHT

Rundown houses. A gray GTO is parked near the chain link fence of the rec center.

HILL (O.S.)
I can't see the buyer's face.

The CAMERA MOVES in on CLARENCE MILLER, 34 and black, wearing a brown #7 football jersey over a raised hoodie, obscuring his face. He hands a wad of cash to GERRY MORRIS, 25, white, in exchange for two baggies of a white substance.

BERKOWSKI (O.S.)
We can enlarge the frame. Keep
shooting... There's the exchange.

INT. SURVEILLANCE SEDAN - NIGHT

THROUGH THE VIDEO CAMERA

We SEE Morris through the sedan's windshield fifty yards away as he slips into the GTO, starts the engine. Miller pivots, strolls toward the car and holds up his hand.

BERKOWSKI (O.S.)
... What the fuck is he doing now?

As Morris pulls from the curb, he rolls down his window.

Miller thrusts the barrel of a gun at Morris.

HILL (O.S.)

Gun.

As Miller FIRES, DETECTIVE KEVIN HILL, 28 and clean cut, promptly ducks below the dashboard, lowering the camera.

DETECTIVE REX BERKOWSKI, 42, and a seasoned detective, doesn't flinch as he sits at the wheel, his eyes peeled on the scene.

BERKOWSKI

Fuck.

EXT. STREET - NIGHT

Morris slumps over the steering wheel, causing CONTINUOUS HONKING. The car accelerates forward, jumps a curb, and hits a tree where it comes to rest. Miller has vanished.

INT. SURVEILLANCE CAR - NIGHT

Berkowski nudges Hill.

BERKOWSKI

Get up, you pussy. He wasn't shooting at us.

(looks back at the scene)

Damn. The shooter's gone.

Hill rises as LIGHTS GO ON in the surrounding homes.

HILL

I'm going to check on the victim.

BERKOWSKI

Are you crazy? His fucking brains are splattered all over the windshield. Besides, we aren't here. Give me the video.

HILL

We have to call it in.

Hill reluctantly removes the tape, hands it to Berkowski.

BERKOWSKI

Someone from the neighborhood can do that. Get out.

HILL

I live four miles away.

BERKOWSKI
Get the fuck out of my car.

EXT. STREET - NIGHT

As Hill hurries from the car, Berkowski walks toward the GTO, lighting a cigarette, seemingly indifferent to the BLARING HORN and what he just witnessed as we DISSOLVE TO:

EXT. FAIRFAX REC CENTER - DAY

HIGH SCHOOL STUDENTS walk by the facility where remnants of yellow police tape lay on the sidewalk.

EXT. HARGROVE HIGH SCHOOL - DAY

A run-down building in need of paint and repairs. The football field is mixture of dirt and weeds.

LEWIS (O.S.)
Indentured servants were the
precursor to slavery in the United
States.

INT. LEWIS'S CLASSROOM - DAY

LEWIS EAMES, 30, shirt and tie, with a three-day beard, writes on the blackboard in chalk "Indentured servants" as:

MALE STUDENT (O.S.)
(under his breath)
What the fuck?

"A house divided cannot stand" poster, a 19th century map of the U.S. and a Bill of Rights poster grace the peeling walls.

Lewis faces his thirty-six STUDENTS, a racially and culturally diverse group, exhibited by facial piercings, tattoos, dyed hair and eclectic styles.

LEWIS
... Appropriate language, people.

TYRUS GEORGE, 16, black, and a scholar-athlete, stretches his long legs into the aisle as he waves his pen in the air.

TYRUS
Mr. E, what's a precursor?

LEWIS

Forerunner. Farmers needed workers.
Europeans needed jobs, but most
Europeans couldn't afford passage
to the British colonies.

Tyrus scribbles a note.

HECTOR RAMOS, 16, sleeps behind Tyrus while a MALE STUDENT,
16, listens to his iPod, moving to the beat of the song.

LEWIS (CONT'D)

If a person volunteered to come to
the colonies as an indentured
servant, his passage was paid for
by his employer. After he worked
for a period of time, he was freed.

TYRUS

That's not slavery. That's a job.

SAMANTHA PERKINS, also 16, studious and black, chimes in.

SAMANTHA

We were brought here in chains
against our will. Where'd you learn
your history, Mr. Eames?

LEWIS

Yale, Miss --

SAMANTHA

(frustrated)

Perkins. Samantha Perkins.

CLEM ROGERS, 16, black, skinny and bespectacled, shouts out:

CLEM

Man, you got ripped off, cause
that's not how it went down.

LEWIS

Really? You want to come up here
and teach the class, Mister --

CLEM

Clem Rogers. You got dementia or
something.

MALE STUDENT (O.S.)

Try learning our names.

Lewis's eyes jump to the back of the room.

LEWIS

Why do we study history? Mr.
George.

TYRUS

So we can understand our country
and ourselves better.

LEWIS

Bingo. We are all a product of our
pasts. Mr. George reads his
assignments and comes to class
prepared because he understands the
purpose of history. It won't hurt
the rest of you to follow his lead.

GIRL (O.S.)

Is this on our weekly quiz?

Lewis ignores her as he moves from student to student.

LEWIS

Look, if your old man is drunk, his
behavior affects your life. If some
kid bullied you in first grade,
that leaves a scar. You can ignore,
deny or even rewrite these events
in your life, but they happened and
you need to deal with them. Examine
them, and hopefully you'll learn
something. The same thing is true
with studying American History.

SAMANTHA

So this class is like therapy.

LEWIS

God no. You got a problem, go see
the school counselor.

MALE STUDENT (O.S.)

FYI, her name's Mrs. Anderson.

The momentary laughter is interrupted by **RAPID GUN SHOTS,
SHATTERING A ROW OF WINDOWS**, sending every student to the
floor.

Someone taps the iPod Student and he drops promptly.

Lewis doesn't move as the ALARM BLARES.

LEWIS

What the hell's going on?

CLEM

Lock down!

Tyrus jumps up and grabs Lewis's arm.

TYRUS

Get down, Mr. Eames.

They hit the floor.

TYRUS (CONT'D)

Close the blinds, I got the door.

As Tyrus locks the door, Lewis crawls to the windows.

JAMES, 16, baby-faced, and black, kicks the glass aside.

JAMES

You aren't gonna puke like Miss
Phillips, are ya?

LEWIS

No. Stay here.

Lewis grabs the rope and lowers the blinds.

INT. HALLWAY - DAY

One by one we HEAR CLASSROOM DOORS LOCK.

INT. LEWIS'S CLASSROOM - DAY

Lewis scoots back to his desk where Tyrus sits on the floor. Students remain under their desks. The ALARM STOPS. Students ease up.

LEWIS

Let's get back to my lecture.

TYRUS

You can't teach until the all clear
bell rings.

HECTOR

Hector Ramos. Those are bullet
holes, Mr. E. You white folks think
guns are so important, but if you
was killing each other, you'd
change that damn Constitution.

Lewis loosens his tie as he processes what just happened.

TYRUS
Breathe, man.

All eyes are on Lewis as he inhales, slowly exhales.

TYRUS (CONT'D)
You didn't go to the teachers'
orientation meeting where they
talked about lock downs, huh?

LEWIS
No, I, uh, skipped a day or two.

MALE STUDENT (O.S.)
(mumbles)
Rookie.

As we hear DISTANT SIRENS, Hector lies down, closes his eyes,
A FEMALE STUDENT nearby files her nails.

Tyrus rests his head against his backpack as he lies down.

As the SIRENS GROW LOUDER and students chatter, Lewis leans
against his desk.

LEWIS
This isn't a free period. Take out
your books, and start reading.

Students groans.

JAMES
We could've been killed.

LEWIS
You weren't. Look, I'm here to
teach history, and you're here to
learn. End of story.

STUDENT
What he say?

SAMANTHA
He says he's here to teach. So far
he don't know much.

EXT. LEWIS'S HOUSE - NIGHT

Cleveland Heights. A two-story brick house. "McGuire For
D.A." signs are staked in the front yards of several homes.
Lewis pulls his black 2009 BMW 330 into his driveway, as:

ELMORE (O.S.)
(on the answering machine)
Elmore here... You up for some
golf, Lewis? I'll give you three
shots a side. You got my number...

INT. KITCHEN - NIGHT

The counters are bare except for some empty beer bottles.
Lewis downs another as he listens.

ELMORE (O.S.)
Listen, kid, don't wait till next
summer to call. By then I'll have
to give you four shots a side.

INT. SCHOOL - MAIN OFFICE - DAY

STAFF and STUDENTS move in and out of the room. Lewis removes
some papers from his mailbox.

VIRGIL GREEN, 50, the black principal and a former defensive
end, steps from his office.

VIRGIL
Eames. In my office now.

INT. VIRGIL'S OFFICE - DAY

Virgil reclines as Lewis shuts the door, sits. An Ohio State
pennant hangs on the wall.

VIRGIL
Any problems during the lock down?

LEWIS
No, sir.

VIRGIL
Good. Irwin, the Mock Trial coach,
quit. I need a sub. Ninety minutes,
Tuesdays and Thursdays.

LEWIS
Can't do it. Ask Morrissey. He
likes hearing himself talk.

VIRGIL
It's an order, not an offer.

LEWIS

You hired me to teach history, Mr.
Green. I teach, then I go home.

Perturbed, Virgil drops his feet to the floor.

VIRGIL

Wrong answer, Eames. You're part of
the faculty now. Your obligation is
to teach whatever I tell you to
teach. If I want you to supervise
detention at six AM, you will
supervise detention at six AM.

LEWIS

I have no interest in teaching law.

Virgil stands, holding a thick binder, and rounds his desk.

VIRGIL

You teach the Constitution, don't
ya?

LEWIS

Yeah, but --

VIRGIL

Then you already teach law.
(tosses Lewis the binder)
Room 215. Three o'clock.

EXT. JUSTICE CENTER - DAY

In the middle of downtown Cleveland.

INT. MCGUIRE'S OFFICE - TENTH FLOOR - DAY

MICHELE "MIKE" MCGUIRE, 42, and the acting DA, sits at her
desk with an expansive view of Lake Erie, waving a copy of
the Cleveland Plain Dealer where the headline reads: "Grier
Wins Freedom For Wrongly Accused."

ERIK NELSON, 38, and her campaign manager, sits before her.

MCGUIRE

The Plain Dealer gives Kellen Grier
free publicity every day.

NELSON

No one's going to vote for a
defense attorney.

MCGUIRE

He's narrowed the gap in the polls.
I need to get on the front page. I
need to win this election.

NELSON

Then prosecute a high profile case.
You assign cases everyday. Give
yourself a sure thing.

McGuire considers, stands, and crosses to the door.

INT. OUTER OFFICE - DAY

McGuire scans the ASSISTANTS and CLERKS who fill the desks.

MCGUIRE

Rex.

Berkowski, seated at a desk, looks up from a computer.

INT. MCGUIRE'S OFFICE - DAY

Berkowski closes the door, crosses to McGuire's desk.

BERKOWSKI

The forensics aren't back yet on
the Howard case, Mike.

MCGUIRE

Forget Howard. I need an open and
shut case. A felony. Something that
says Michele McGuire deserves to be
elected District Attorney.

BERKOWSKI

There's an elder abuse case.

MCGUIRE

Something bigger like murder.

BERKOWSKI

Murder cases aren't open and shut.

MCGUIRE

Get me a murder case, and I'll
promote you to lead investigator.

BERKOWSKI

I'll see what I can do.

McGuire opens the door and Berkowski exits, closing the door.

NELSON
Can you trust him?

MCGUIRE
I own him.

INT. ROOM 215 - DAY

TEN STUDENTS, including Samantha and Clem, chat, sip sodas. Lewis enters, drops the binder and his briefcase on the desk as the Students take their seats. He circles the desk.

LEWIS
Lewis Eames and I'll be subbing
until Principal Green finds a
permanent coach. Questions?

SAMANTHA
Have you ever coach mock trial?

LEWIS
No. Names first.

DARIUS ROY, 17, a nerdy black kid with attitude, lifts his hand.

DARIUS
Darius Roy, senior. You know
anything about legal procedure?

LEWIS
Some. Today's assignment. Anyone?

DARIUS
We take Mock Trial very seriously.

LEWIS
I graduated cum laude from Yale
with a degree in History, so relax.

MIGUEL ORTEGA, 16, and small, leans back in his chair.

MIGUEL
Miguel Ortega. What's come loudy?

LEWIS
Cum laude. With honors. It's Latin.

DARIUS
How many lawyers on each team?

LEWIS

I'm the teacher. I ask the questions.

SAMANTHA

I can't waste my time in here unless you're prepared to get us past round two, Mr. Eames.

LEWIS

You think Coach Brooks guarantees a win before a football game? There are no guarantees in life, people.

PAULA HOLLADAY, 16, and white, seated near the window, peers over her glasses.

PAULA

Paula Holladay. What's the State's burden of proof in a criminal case?

LEWIS

Burden of proof in a criminal case?

DARIUS

Answering a question with a question shows your ignorance.

Samantha, annoyed, stands, gathering her belongings.

SAMANTHA

I have a Chemistry quiz tomorrow.

LEWIS

(abruptly)

To win a conviction in a criminal case, a prosecutor must prove beyond a reasonable doubt that the defendant committed the crime in question. Beyond a reasonable doubt isn't 51% nor is it 100% beyond all doubts.

(Students freeze, stunned by his response)

It's what a reasonable man would perceive.

(holds up a tilting pen)

Somewhere in the 75% range.

MIGUEL

Yo. What's hearsay?

LEWIS

Test over. Everyone sit down. We have an assignment to cover.

Samantha sits as Lewis picks up the binder.

DARIUS

You can't coach us if you don't know hearsay.

Lewis's ego takes control as:

LEWIS

Federal Rules of Evidence define hearsay as, and I quote: 'a statement, other than one made by the declarant while testifying at trial or a hearing, offered in evidence to prove the truth of the matter asserted.' It's not admissible. There are exceptions pursuant to Rule 803, Availability of Declarant Immaterial, and Rule 804, Declarant Unavailable, such as former testimony, statements made under belief of impending death... Satisfied?

The students just stare in dismay.

DARIUS

You don't know what any of that shit means, do you?

LEWIS

(pointing at Miguel)
Today's topic.

MIGUEL

Opening statements and my name is Miguel Ortega.

As students open their books, Lewis points to Paula.

LEWIS

What is the purpose of an opening statement?

DARIUS

Her name's Paula Holladay.

LEWIS

Miss Holladay.

PAULA

An opening statement explains the evidence you're presenting at trial and what the evidence will prove.

LEWIS

Continue.

As Paula reads from her statement, Lewis moves to his desk.

PAULA

Ladies and gentlemen of the jury...

LEWIS

Who is Miss Holladay addressing?

SAMANTHA/DARIUS

The Judge.

The students exchange looks, surprised by Lewis's knowledge.

Lewis looks at Paula and nods.

PAULA

May it please the court. Ladies and gentlemen of the jury...

We MUTE Paula as Clem whispers to Darius:

CLEM

Someone's been watching reruns of *Law & Order*.

EXT. SCHOOL PARKING LOT - DAY

Football PLAYERS in old practice jerseys jog toward the field. Lewis, carrying a briefcase, stops, seeing Tyrus, carrying his helmet.

LEWIS

Mr. George. A minute?

Tyrus slows to a walk.

TYRUS

What's up, Mr. E.?

LEWIS

Thanks for your leadership during the lock down yesterday. You kept your cool in a tense situation.

TYRUS

You want to see something cool,
come to my game Friday.

As Tyrus puts on his helmet and jogs off, Lewis considers.

EXT. MRS. EAMES' HOUSE - NIGHT

Gates Mills. A turn-of-the-century mansion on a large estate.
European cars jam the circular driveway.

As Lewis walks toward the front door, he stops and pulls a
"McGuire for District Attorney" sign from the yard.

INT. ENTRANCE HALL - NIGHT

ESTHER, 60, and the uniformed housekeeper, approaches Lewis.

LEWIS

Am I late, Esther?

ESTHER

Not unless you want to get drunk
before the speech.

LEWIS

What speech?

ESTHER

I'll get you a double.

INT. LIVING ROOM - NIGHT

KATE EAMES LYLE, 35, his visibly pregnant sister, approaches
Lewis as he enters, scanning the crowd.

KATE

How's the new job?

LEWIS

If children really are our future,
we're in big trouble. I have the
most apathetic group of students.

KATE

They're kids, Lewis. Be patience.

LEWIS

I lost all patience when I was
ordered to coach mock trial.

KATE

(as she hugs Lewis)
So your self-imposed exile from all
things law related has finally
ended. Thank God.

LEWIS

It temporary, Kate. My principal's
a bully.

KATE

Name and address. I'm writing him a
thank-you note.

LEWIS

(eyes the guests)
These people aren't family members.

KATE

They're contributors to Mike
McGuire's campaign.

Esther thrusts a cocktail at Lewis whose face drops.

ESTHER

Incoming.

As Esther bolts, ROWENA EAMES, 64, strolls toward her
children, the epitome of old money.

LEWIS

You lied to me, Mother. You said we
were having a family dinner.

ROWENA

It's time you return to law, Lewis.
Mike can help restart your career.

LEWIS

I will never return to law.

Kate steps between them, gesturing "time-out."

KATE

No squabbling in front of the
guests.