

A Matter of Circumstance  
A Play in Two Acts by Robert K. Goddard

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## CHARACTERS

BAILIFF:	A uniformed officer of the court. (40s/50s)
DEPUTY:	A uniformed deputy sheriff. (Late 20s to 40s)
COURT CLERK:	An officer of the court. (30s/50s)
COURT RECORDER:	(30s/40s)
JURY:	Twelve people from the audience.
B.J. ROLLINS:	The judge. (50s/60s)
MAX BARNES:	The defendant, a high-school graduate plus trade school for construction. (30s)
BRADLY SCOTT:	The prosecutor. (40s/50s)

## WITNESSES, IN ORDER:

BETTY JEAN SIMMONS	Mary Lou's older sister. (40s)
DR. NORTON:	Flint County Medical Examiner. (50s/60s)
ELIZABETH JONES:	Mary Lou's next-door neighbor. (60s/70s)
LUCIEN BERGERON:	The former employer of the late Mary Lou Barnes. (50s)
MATT TAYLOR:	A Flint County Deputy Sheriff. (30s)
ETHAN JOHNSON:	A detective sergeant with the Flint County Sheriff's Department. (40s)
EUGENE WILSON:	An employee of The Flint County Waste Management Authority. (early 20s)
SALLY HOLLAND:	A lieutenant and lead crime scene investigator for the Flint County Sheriff's Department. (40s/50s)
JOSEPH BLAIR:	A former employee of Max Barnes. College student. (20-22)

MATEO CHUA: A former employee of Max. (Mid 20s)

PAUL FONTENOT: A heavy-set, tough looking guy. (40s)

#### IN THE AUDIENCE

MONA WIGGINS: Deputy Wiggins' widow. (30s)

#### SETTING AND TIME

SETTING: Riverdale, Mississippi, near Jackson, in the main courtroom of the Flint County Circuit Court.

TIME: The present, the first Tuesday morning in September.

ACT I

Ten o'clock on a Monday morning in September.

A seat on or near the middle of a row near the stage should be reserved. MONA WIGGINS will occupy this seat during the entire play. As members of the audience arrive, they will have an opportunity to view the play from the jury box and decide a verdict by signing a list on display in the lobby. Members of the stage crew can escort those who sign up backstage.

Attorneys must stand when addressing the JUDGE and must ask permission to approach the bench. When examining or cross-examining witnesses, the movements of the attorneys are left to the Director's discretion, in order that their faces be as visible to the audience as possible. When reviewing their notes or putting exhibits on the TV screen (or overhead projector) the attorneys should be at the podium.

At Rise: The lights go up and the scene is a standard courtroom. SCOTT is seated at his table. The uniformed BAILIFF is standing by the side of the witness stand. The uniformed DEPUTY is standing by the door from which all witnesses will enter and exit. As each witness is called, the Deputy will open the door and summon that witness. The CLERK, and RECORDER are in their places. MAX BARNES is sitting alone at his table.

JUDGE

Wearing robe, enters from behind the bench.

BAILIFF

All rise!

Everyone on stage stands.

BAILIFF (Cont'd)

Hear yea, hear yea, hear yea. The Circuit Court of the Twentieth District of Mississippi is now in session; the honorable Judge B.J. Rollins presiding.

The JUDGE scans the courtroom, sits, and nods to the BAILIFF.

BAILIFF

Be seated!

Everyone sits.

JUDGE

(looks again at table where MAX is sitting)

Mr. Barnes, where is your attorney?

MAX

I told her—

JUDGE

*Stand when you speak to me!*

MAX

(stands and bumps the table)

We had an argument, just before you came in, and I fired her.

JUDGE

(glares at the court officials)

Why didn't someone tell me about this?

CLERK

Your Honor, I saw her go out, but I thought she was taking a quick break before the trial began.

JUDGE

She didn't say anything to you?

CLERK

No, your Honor.

JUDGE

(perturbed)

Well, looks like there's not going to be a trial here today.

MAX

Your Honor, I want to represent myself.

JUDGE

*What?* Well, I *strongly* advise against that.

MAX

Your Honor, I've been through five public defenders and all any of them wanted to do was plea bargain for a life sentence. Not one of them had the heart to fight for me. To plea bargain, I'd have to admit that I'd killed the mother of my children...and I'm not going to do that!

JUDGE

Well, you do have the right to represent yourself, but be advised that *ignorance* of court procedure and the law are no excuses. If I allow you to defend yourself, and you lose, you cannot file an appeal based on poor legal defense or mistakes made by your lawyer, namely *yourself*.

MAX

I understand all that, your Honor. I've got my former lawyer's notes to go by and I'm not a dummy. All I've got to lose is my life, and it is *my* life that's at stake here.

JUDGE

Very well, then. Let's get on with it. Bailiff, you can seat the jury now.

MAX returns to his seat and the BAILIFF calls in the jurors.

JUDGE

The case before this court is the state of Mississippi versus Maxwell G. Barnes. The state has charged Maxwell Barnes with the murder of Mary Lou Barnes, the assault and attempted murder of Flint County Sheriff's Deputy Mathew A. Taylor, and the premeditated murder of Flint County Sheriff's Deputy Edward A. Wiggins. The state is represented by the Honorable Bradly Scott, and the defendant is representing himself.

(to the Jury)

You are the jurors who will decide this case. Pay close attention to the testimony of the various witnesses and the evidence presented. Each of you has been provided with a notepad and a pen so you can take notes as the trial progresses.

(pause)

Is the prosecution ready?

SCOTT

Yes, your Honor.

JUDGE

Is the defense ready?

MAX

Yes, your Honor.

JUDGE

Mr. Scott, you may begin your opening statement.

SCOTT

(rises and crosses to the jury box)

Members of the jury, the crimes for which the defendant has been charged are linked like stepping-stones in a garden pond, as the murder of Mary Lou Barnes led to the attempted murder of Deputy Matthew Taylor, and then the premeditated murder of Deputy Wiggins in futile attempts to cover his trail.

(beat)

Maxwell Barnes had an argument with his former wife, Mary Lou Barnes in her mobile home, on the night of April 19<sup>th</sup>, and in a rage, struggled with her and broke her neck. Immediately afterward, he left the scene in his loud pickup truck.

(beat)

Shortly afterward, he decided to hide the body and make it appear she had abandoned her children and run away, so he went back to Mary Lou's trailer. But fearing her neighbor would hear his loud truck, he parked behind a metal building about a quarter of a mile away and walked back to the trailer park.

(beat)

He placed Mary Lou's body in a contractor's trash bag, packed a couple of suitcases with her clothes and personal items, loaded it all in Mary Lou's Toyota Camry, drove to the metal building and retrieved a shovel from his truck. Then, drove the Toyota to the swamp at the end of Dry Creek Road; a place where he often hunted, intending to bury the body and the suitcases there.

(beat)

But at the end of Dry Creek Road, he was surprised by Deputy Matt Taylor, who he knocked unconscious with his shovel, and then shot twice in the chest. Fearing backup was in route to the scene, he drove out on Goat Farm Road, where he tossed Mary Lou's body and possibly her suitcases, over a bridge into the swollen waters of Dry Creek. He then drove the Camry back to the abandoned metal building where he'd left his truck and drove his truck back to his apartment.

(beat)

Over the weekend, the defendant learned Deputy Taylor had been wearing body armor and only suffered a concussion and some bruises but had not seen his attacker's face, or just couldn't remember seeing it.

(beat)

The hospital released Deputy Taylor on Sunday, April 21<sup>st</sup>. The next day, Monday morning, April 22<sup>nd</sup>, fearful that Deputy Taylor's memory of the incident would eventually return, the defendant went to Deputy Taylor's home out on Three Hill Road to murder him.

(beat)

But he found Deputy Ed Wiggins fishing off the pier at the pond behind the cabin and mistook him for Deputy Taylor. The defendant approached Deputy Wiggins and shot him

SCOTT (Cont'd)

through the heart, with the same gun he used on Deputy Taylor on Friday night out on Dry Creek Road.

(pause)

The state will prove that the defendant, Maxwell Barnes, committed the crimes I have described, beyond a reasonable doubt, with credible witnesses and a preponderance of evidence.

MAX

The state must prove my guilt *beyond a reasonable doubt*. I will show you that *lots of doubt* exists in this case.

JUDGE

That's it?

MAX

Uh...yeah.

JUDGE

(to the CLERK)

Have all witnesses been sworn in?

CLERK

Yes, your Honor.

JUDGE

Proceed, Mr. Scott.

SCOTT

The state calls Betty Jean Simmons.

SIMMONS enters and takes the stand.

Ms. Simmons, what was your relationship to Mary Lou Barnes?

SIMMONS

She was my younger sister.

SCOTT

When was the last time you saw your sister alive?

SIMMONS

It was about three-thirty in the afternoon, on Friday, April 19<sup>th</sup>. She brought her two girls over after school and asked me to keep them over the weekend.



SCOTT

Was that a normal occurrence?

SIMMONS

Oh, yes. I've kept the girls on many weekends, before and after their divorce.

SCOTT

Did she say why she wanted you to keep her children?

SIMMONS

Yes. She said she was flying down to New Orleans with Paul Fontenot for the weekend and had to buy some new clothes and get her hair done

SCOTT

And that was the last time you saw her?

SIMMONS

Yes.

SCOTT

When was she supposed to pick the children up?

SIMMONS

Well, she didn't say...but she usually picked them up early on Sunday evenings.

SCOTT

When did you become worried about your sister?

SIMMONS

When she didn't pick up the girls that Sunday evening. I called her cellphone, but she didn't answer.

(beat)

So, on Monday morning, I called her again, but she still didn't answer. So, I got the girls dressed and took them to school. After I dropped them off at school, I called Mr. Bergeron, her boss, and he...(sniff)...said she hadn't reported to work that morning. After lunch, I called her boss again and got Fontenot's number, but he didn't answer. I...(sniff)...kept hoping she'd call all that day, but...(sniff)...she never did.

(beat)

About six that evening...(sniff)...Fontenot called me back. He said she stood him up that Friday night, and wouldn't answer his phone calls, so he went to New Orleans without her. He...(sniff)...was a little angry about that.

(beat)

So, I called the sheriff's department and reported her as missing. Then I had to go down to the sheriff's department on Tuesday morning and sign a missing person report.

(she begins crying)

SCOTT

That's okay, Ms. Simmons. Now you take a couple of deep breaths and compose yourself.

SIMMONS

(wipes her eyes and gains control)

I'm...I'm okay...now.

SCOTT

Do you know what led to your sister's divorce from the defendant?

SIMMONS

It was money problems. Max was a licensed contractor and only built "spec" houses. At the time they got married, he was only building two houses at a time. After they'd been married about a year, Mary Lou badgered him into building several houses at a time, because she wanted a big house in the country and horses.

(beat)

When the housing boom ended, Max was caught with more unsold houses than he could pay the interest on. The bank foreclosed on all of them, along with their country home and horse farm.

SCOTT

How do you know that?

SIMMONS

Because I was present during some of their arguments, and I saw how they were living before the housing market collapsed.

(beat)

Mary Lou joined the tennis club and began socializing with the well-to-do members, joining them in trips to Europe and weekends in Cancun and other resort areas. Of course, she had to buy the *right* clothes from the *right* shops and dine in the *right* places.

(beat)

I know this because I saw the clothes, the house, the horses, her new BMW, and I kept their children on weekends when she was traveling, and partying and Max was working.

SCOTT

So, how did that lead to a divorce.

SIMMONS

(pauses for a deep breath)

Max blamed Mary Lou for their bankruptcy because she badgered him into building too many houses and her spending had kept him from accumulating a cash reserve.

(beat)

And Mary Lou couldn't keep pace with her friends any longer, and they all drifted away. That seemed to devastate her more than the financial loss and more than her losing her marriage...and Max bitterly resented that.

SCOTT

But didn't the defendant continue building houses?

SIMMONS

No, he's been working as a framing subcontractor, which requires very little capital and has much less financial risk.

SCOTT

Was there any other cause of tension between Mary Lou and the defendant?

SIMMONS

Well...yes...there was. After Max began making decent money framing houses, he tried to get Mary Lou to move out of that trailer. He even offered to build her a nice little house in a subdivision, but she wouldn't accept that.

SCOTT

Why not?

SIMMONS

Because she wanted another house in the country, with at least ten acres for a horse, and Max wouldn't go that deep into debt again.

SCOTT

And how do you know all that?

SIMMONS

Because she confided in me, that she was going to shame him into building what she wanted.

SCOTT

(refers to notes)

Did you ever see Mary Lou and the defendant fighting?

SIMMONS

Not fighting...no...but I saw a lot of yelling and screaming.

SCOTT

Did you ever observe signs of physical violence on Mary Lou, like bruises, black eyes, broken bones, and so forth?

SIMMONS

Oh, yes! A couple of times after their financial troubles began, I went over to their place to check on her, and I saw bruises on both her arms.

SCOTT

Did you ask her about them?

SIMMONS

No.

SCOTT

Thank you, Ms. Simmons. I tender the witness, your Honor.

MAX

Did you ever see me hit Mary Lou or get rough with her?

SIMMONS

*What's going on here?* How can he question me?

JUDGE

Mr. Barnes is representing himself in this trial.

(looks at the DEPUTY at the witness door)

As each witness is called, tell each one that the defendant is representing himself.

MAX

I repeat, did you ever see me hit Mary Lou or get rough with her?

SIMMONS

No.

MAX

Where on Mary Lou's arms did you see bruises?

SIMMONS

(points to the ulna on each arm)

Between her hand and her elbow, here and here.

MAX

Okay...okay. But wouldn't she have bruises there if she tried to hit me, and I blocked her arms with mine...like this?

(demonstrates blocking moves with his arms)

SIMMONS

Uh...well uh...yes, I suppose so.

MAX

There's no supposing about it because I never hit Mary Lou!

SCOTT

*Objection!* He's testifying.

JUDGE

Sustained. Recorder, strike the defendant's last sentence.

MAX

(after a short pause to recover)

You said you often kept our children on weekends, didn't you?

SIMMONS

Yes.

MAX

Are you keeping them now?

SIMMONS

Yes.

MAX

Under what authority?

SIMMONS

You gave me legal guardianship over them until you are released.

MAX

That's all, your Honor.

SCOTT

No redirect, your Honor.

JUDGE

You are dismissed, Ms. Simmons.

(beat)

Proceed Mr. Scott.

SCOTT

The state now calls Dr. Claude Norton

NORTON enters and takes the stand.

SCOTT

Dr. Norton, please state your occupation.

NORTON

I'm the Medical Examiner for Flint County.

SCOTT

Did you visit the scene in the Dry Creek Swamp where deputies found Mary Lou Barnes's body?

NORTON

Yes, I pronounced her dead at the scene and later, performed an autopsy at my laboratory.

SCOTT

What was the cause of death?

NORTON

The victim's spinal cord had been severed between Vertebra C-1 and C-2, ending her brain's ability to control the body's respiratory and cardiovascular functions, which in turn resulted in a loss of blood flow to the brain, which in its turn ceased to function, resulting in death. In other words, she died of a broken neck.

SCOTT

Could you describe the condition of her body at the time you examined her?

NORTON

Yes. She had multiple cuts in her skin from contact with roots, small branches of trees and other obstacles when she was swept along in the flooded waters of Dry Creek from the thunderstorm that night.

SCOTT

How do you know she was already dead when her body received those bruises and cuts?

NORTON

There were no traces of blood and no bruises around those wounds, which means they were incurred after her death.

SCOTT

What did you estimate was the time of Mary Lou Barnes's death?

NORTON

Between nine and ten o'clock on the night of April 19<sup>th</sup>.

SCOTT

Is it possible Mary Lou was still alive when her body was dumped over the Dry Creek Bridge on Goat Farm Road?

NORTON

No. If she had died on impact with the water, or afterward, the few seconds of life left to her would have caused water to enter her lungs. I found none.

SCOTT

Did you send any evidence to the state crime lab for testing?

NORTON

Yes. I sent samples from swabbing inside her mouth and throat, clippings of her hair, and scrapings from beneath her fingernails, to the state crime lab for comparison to samples of the defendant's blood and saliva sent to the lab by Lieutenant Holland.

(beat)

The shredded remains of a large trash bag were still wrapped around her body. I sent the remains of that bag to the crime lab.

SCOTT

Dr. Norton, did you also visit the Dry Creek Road Crime Scene where the body of Deputy Wiggins was found?

NORTON

Yes. I pronounced him dead at the scene.

SCOTT

What was the cause of death?

NORTON

His heart was torn apart from the impact of a hollow point bullet fired into his chest at extremely close range.

SCOTT

Did the bullet exit his body?

NORTON

Yes.

SCOTT

What is your estimate of the time of Deputy Wiggins' death?

NORTON

Between nine and nine-thirty on the morning of April twenty-second.

SCOTT

I tender the witness, your Honor.

MAX

Dr. Norton, could Mary Lou's neck have been broken by a technique a special forces soldier or a professional wrestler might know?

NORTON

Yes.

MAX

Is there any way you could tell if that's what happened to Mary Lou?

NORTON

No.

MAX

But you can't rule that possibility out, can you?

NORTON

No.

MAX

Did you perform an autopsy on Deputy Wiggins' body?

NORTON

No.

MAX

Why not?

NORTON

There was no need for an autopsy. It was plain the gunshot killed him.

MAX

Well...Deputy Wiggins could've been on drugs, couldn't he?

NORTON

Possibly...but it was clear—

MAX

No more questions, your Honor.

SCOTT

No redirect, your Honor.

JUDGE

You may step down, Dr. Norton.

NORTON exits.

SCOTT

The state calls Elizabeth Jones.



JONES enters, with the aid of a walker, and takes the stand, assisted by the BAILIFF, who moves the walker aside, out of his way.

SCOTT

Ms. Jones, please tell the court where you live.

JONES

At the Shady Acres Trailer Park out on De Soto Road.

SCOTT

Were you acquainted with Mary Lou Barnes?

JONES

Yeah, her and her two young'uns lived right beside me.

SCOTT

(places Exhibit 101 on the TV screen)

Ms. Jones, the TV screen shows a drawing of your trailer and Mary Lou Barnes's trailer.

(with the cursor, points at the windows)

Now your kitchen window here, and her living room window over here. Does this look about right to you?

JONES

(nodding)

Yeah, that's the way it is.

SCOTT

Could you see into Mary Lou Barnes's trailer through your kitchen window?

JONES

Well now, I don't spy on people, but at night-time, I could see right into that livin' room.

SCOTT

Have you ever seen Mary Lou's ex-husband, Max Barnes?

JONES

Yeah, lots of times.

SCOTT

Do you see him in this courtroom?

JONES

(pointing at MAX)

That's him right yonder.

SCOTT

Did you see him visit Mary Lou's trailer on Friday, April nineteenth, this year?

JONES

Oh, yeah. He come to pick them young'uns up at 'bout five-thirty, but they wasn't home, so he left. Then he come back 'bout nine that night. His pickup truck was so loud I couldn't hear my TV.

SCOTT

After he went inside, were you able to watch your TV in peace again?

JONES

Lord, no! He weren't inside more than a minute or two when I heard them yellin' at each other. So, I went to the kitchen and looked over there.

SCOTT

Could you make out what they were yelling about?

JONES

It was 'bout her not havin' the young'uns for him to pick up at five-thirty, like she was s'posed to, and when she finally did come home, the young'uns wasn't with her.

SCOTT

How long did they argue?

JONES

Two or three minutes, I reckon...then he calmed down, and I went back to my TV chair.

(deep breath)

But 'bout the time I got to my TV chair, they started yellin' again, so I went back to my kitchen and saw they was tusslin' with each other.

SCOTT

What do you mean by *tussling*?

JONES

Well, he was holdin' both her arms and was shakin' her—like you'd shake a bad young'un. Then he yelled "I'll not have that man around my girls!" real loud, right in her face.

(deep breath)

Well, sir, she got a hand loose and clawed him good. Then he got her turned 'round and pulled her back where I couldn't 'em see no more.

(shaking her head)

It got real quiet over there, so I went back to watchin' my TV. Then I heard the trailer door slam shut and heard his truck start up and take off.

SCOTT

About what time was it when the defendant left?

JONES

(with a smug look)

It was seventeen after nine, 'cordin' to my TV.

SCOTT

Did you hear any sounds from Mary Lou's trailer after the defendant left?

JONES

No.

SCOTT

Did you see or hear anyone else drive up, or park between the trailers, or knock on her door after the defendant left?

JONES

No.

SCOTT

What time did you go to bed?

JONES

A little after 'leven. I turned the TV off, took my pain pill and went on to bed.

SCOTT

Did you look out your kitchen window at Mary Lou's trailer again before going to bed?

JONES

Yeah, when I took my pain pill at the kitchen sink, I that saw her lights was out and her car was gone.

SCOTT

(removes Exhibit 101 from the screen)

I tender the witness, Your Honor.

MAX

Ms. Jones, did you see me break Mary Lou's neck?

JONES

Well...no, I didn't.

MAX

Do you watch TV a lot?

JONES

Yeah...I reckon so.

MAX

Do you ever fall asleep watching TV...especially at night?

JONES

(grinning)

Yeah...sometimes.

MAX

So it's possible you fell asleep after I left Mary Lou's trailer the night she was killed, and that's why you didn't see or hear anything next door, including Mary Lou's car being driven away?

JONES

(rolls her eyes)

Well...yeah...I reckon.

MAX

(puts Exhibit 101 on the screen)

See these two spaces here, the one between Mary Lou's trailer and the woods by the road... and the one right behind your trailer, right here.

JONES

Yeah.

MAX

There's enough space in both these places to park a car, isn't there?

JONES

Yeah.

MAX

Can you see either one of these two spots from anywhere in your trailer?

JONES

Well,...no...I don't reckon so.

MAX

Then somebody could've been parked in either of these two spaces while I was in Mary Lou's trailer...or after I left, and you wouldn't have known it, would you?

JONES

No, I wouldn't.

MAX

Or somebody could've parked their car behind the metal building up the road, and walked back to Mary Lou's trailer, like Mr. Scott claims I did, while I was in the trailer...or after I left, and you wouldn't have known that either, would you?

JONES

I reckon not.

MAX

And that *somebody* could have gone into Mary Lou's trailer after I left, broke her neck, and left with the body...in Mary Lou's car without you knowing it...especially if you were asleep—couldn't they?

JONES

Well...yeah...I reckon so.

MAX

(refers to notes)

Did you ever see other men visiting Mary Lou?

JONES

(nodding vigorously)

Oh, yeah.

MAX

Did you ever get a good look at any of their faces?

JONES

Well, no...I hardly ever saw their faces 'cause they always come at night...and sometimes I didn't hear them come up.

MAX

Did you ever see a Flint County Sheriff's vehicle parked at Mary Lou's trailer?

JONES

Well...no, I didn't. But sometimes I'd hear somebody drive up, but I wouldn't get up to look.

MAX

That's all, Ms. Jones.

SCOTT

No redirect, your Honor.

JUDGE

Ms. Jones, you are dismissed.

The BAILIFF assists JONES with her walker as she leaves the stand and exits.

SCOTT

The state now calls Lucian Bergeron.

BERGERON enters, wearing a suit and tie, and takes the stand.

SCOTT

Mr. Bergeron, please state your occupation.

BERGERON

I practiced law for many years, but now I'm a venture capitalist.

SCOTT

Were you acquainted with Mary Lou Barnes?

BERGERON

Yes, she was my bookkeeper, office manager, and secretary for about four and a half years.

SCOTT

When was the last time you saw her alive?

BERGERON

Just before noon on Friday, April nineteenth. She took the afternoon off.

SCOTT

Did you ever meet the defendant?

BERGERON

Only once, and that was enough.

SCOTT

Do you see Mary Lou's ex-husband here in the courtroom?

BERGERON  
(pointing at MAX)

That's him.

SCOTT

You said you had seen the defendant only once. When was that?

BERGERON

It was at my office, about six-thirty pm on the Friday that she was killed.

SCOTT

Can you describe that meeting?

BERGERON

I was working late when he barged in, looking for Mary Lou who he said was supposed to have his girls ready for him to pick up at five o'clock. I told him she had taken the afternoon off and I hadn't heard from her since then. He stepped closer and I detected a strong smell of alcohol. He glared at me for a moment, then said, "This is the last time she's going to pull this stunt, 'cause I'm going to break her damned neck!" Then—

MAX

(stands abruptly and shouts)

*That's a damned lie!*

JUDGE

(rapping gavel, calls out loudly)

*Order! Order! You Sit down!*

MAX

(still standing)

But he's lying, Judge! I never said anything like that.

JUDGE

(scowling at MAX)

You stay seated at your table unless you have a *proper* objection to make. Is that clear?

MAX

I thought I made a *proper* objection.

(sits down)

JUDGE

No, you did not. You can challenge what the witness said during your cross examination. And the proper way you are to refer to me in this courtroom is "*your Honor!*"

(to the jury)

You must ignore the defendant's comments regarding Mr. Bergeron's testimony.

(to the recorder)

Strike everything after the witness' last line.

(beat)

You may continue, Mr. Scott.

SCOTT

Please continue, Mr. Bergeron.

BERGERON

Well, after he threatened to break Mary Lou's neck, he left, slammed the door, and drove away in that loud pickup truck.

SCOTT

I tender the witness, Your Honor.

MAX

(refers to notes)

You said that you had practiced law. Was that in New Orleans?

BERGERON

(puzzled)

Well...yes.

MAX

Did you have a partner named Thibodeaux?

SCOTT

Objection! Lack of foundation.

MAX

Your Honor, may I approach the bench?

JUDGE

You and Mr. Scott approach the bench.

SCOTT and MAX approach the JUDGE and hold a short conversation that can't be overheard. Scott and Max appear to be arguing, then the Judge waves for them to return to their respective positions. Max is smiling and Scott is frowning.

JUDGE

Objection overruled. The witness must answer the question.

BERGERON

(scowling)

Yes, Thibodeaux was my partner.

MAX

Didn't Thibodeaux die of a broken neck when he fell down the stairs in his home ten years ago?



SCOTT

Objection! Not relevant!

JUDGE

Overruled. Witness must answer the question.

BERGERON

Yes, he did.

MAX

Was something wrong with him?

BERGERON

Well, he had been diagnosed as being in the early stages of Alzheimer's' disease. He just quit coming to the office a couple of months before that... and then he was gone...

MAX

Were you the beneficiary of a life insurance policy on Thibodeaux?

BERGERON

(shifts uneasily in his chair)

Well...yes.

MAX

Was the payout on that policy five-million-dollars?

BERGERON

Yes.

MAX

Thibodeaux named you executor of his estate, didn't he?

BERGERON

(glares at MAX)

Yes.

MAX

His estate was worth about twenty million dollars, wasn't it?

BERGERON

Yes.

MAX

He left everything to his grandchildren and you were to manage the estate until the youngest one was twenty-one, and then you had to turn everything over to them, right?

BERGERON

Yes...but what's that got to do with—

MAX

And you've been earning a hefty annual fee as executor, right?

BERGERON

Yes.

MAX

So, with the life insurance money...and your fees from the estate, you made a lot of money from your partner's death, didn't you?

BERGERON

Yes.

MAX

(studies notes)

Uh...earlier, you said you were now an uh...venture capitalist. Could you explain what that is?

BERGERON

I invest in or make loans to enterprises that banks regard as too risky, like land development, start-up businesses, restaurants, and nightclubs.

MAX

Do other people put money in your...uh, investments?

BERGERON

Of course.

MAX

So, you manage a lot of money, right?

BERGERON

Yes.

MAX

Have you checked your books and bank accounts to see if Mary Lou had been embezzling from you or your investors?

BERGERON

(surprised)

Why...no.

MAX

Why not?

BERGERON

I had no reason to do so.

MAX

Did anyone from the sheriff's department or the prosecutor's office ask you that same question?

BERGERON

No.

MAX

Did anyone from the sheriff's department or the prosecutor's office ask to see your financial records?

BERGERON

No.

MAX

Was Mary Lou blackmailing you or trying to blackmail you?

BERGERON

*What!* That's ridiculous!

MAX

He didn't answer my question. Uh...I...motion to strike his answer.

JUDGE

Granted. Strike the answer from the record.

MAX

Again, Mr. Bergeron, did Mary Lou try to blackmail you—yes or no?

BERGERON

No.

MAX

(refers to notes)

You know Paul Fontenot, don't you?

BERGERON

Yes.

MAX

I think he owns or manages *Le Bon Tome*, a nightclub and restaurant in Jackson. Is that one of your investments?

BERGERON

Yes.

MAX

Okay, then...does he come to your office a lot?

BERGERON

Yes.

MAX

Did Mary Lou flirt with him?

BERGERON

Yes.

MAX

Were they seeing each other away from your office?

BERGERON

Yes.

MAX

Why did you lie about me saying I was going to break Mary Lou's neck?

BERGERON

It's not a lie! You did say that.

MAX

I didn't say that or anything—

SCOTT

*Objection!* Testifying!

JUDGE

Sustained. Strike the defendant's last comment.

MAX

Why can't I refute what he said that I said? Uh...your Honor.

JUDGE

You can't testify about anything while you're acting as your own attorney. You can only testify while in the role of a witness, which you have declined to do.

JUDGE (Cont'd)

(beat)

Now, if you agree to be a witness and subject yourself to being examined by Mr. Scott, you can testify about what you said or didn't say at that time.

MAX

Well...I guess I'm through with this witness...your Honor.

JUDGE

Redirect, Mr. Scott?

SCOTT

Mr. Bergeron, is it customary for law firms to have life insurance policies on all the principals?

BERGERON

Yes.

SCOTT

And was Mr. Thibodeaux listed as the sole beneficiary of a one-million-dollar life insurance policy on you, just as you were the beneficiary of his?

BERGERON

Yes.

SCOTT

Why was the policy benefit on your partner for so much more than the policy on you?

BERGERON

When we became partners, he already had a reputation for being successful in wrongful death and negligence suits against healthcare providers. So, we carried a larger policy on him because I wanted protection from loss of expected revenue in the event something happened to him.

SCOTT

As to Mr. Thibodeaux's death, did the police and the insurance company investigate the accident?

BERGERON

Yes, and both concluded his death was accidental.

SCOTT

No further questions, your Honor.

JUDGE

You are dismissed, Mr. Bergeron.

BERGERON exits.

SCOTT

The State now calls Deputy Matthew Taylor.

TAYLOR, in uniform, enters and takes the stand.

SCOTT

Deputy Taylor, how did you come to be at the dead-end of Dry Creek Road on the night of April 19<sup>th</sup>?

TAYLOR

Well, at about ten forty pm or so, while heading west on Copiah Road toward Riverdale, I met a vehicle going in the opposite direction. I noticed in my rearview mirror that it turned north, onto Dry Creek Road. When I reached the next spot where I could, I turned around to follow the car and see what the driver was up to.

SCOTT

Why?

TAYLOR

That's a gravel road that dead ends in a clearing in the Dry Creek Swamp. There's no reason for anybody to go down there at night, so I thought they might be going down there to dump garbage...or do a drug deal.

SCOTT

Did you catch up with the vehicle?

TAYLOR

Yeah, it was a Toyota Camry and was backed up to the trees at the far side of the clearing. I shined my spotlight on the Camry but didn't see anybody in or around it. I asked the dispatcher for backup and got out to investigate.

SCOTT

What time was it when you asked for backup?

TAYLOR

It was ten minutes after eleven.

SCOTT

Alright, then what?

TAYLOR

I approached the vehicle on foot and saw two suitcases on the back seat. I shined my light

TAYLOR (Cont'd)

into the trees behind the Camry but didn't see anybody. So, I walked around to the rear of the vehicle to get the tag number.

(deep breath)

Then I heard a noise behind me and turned...just in time to see the blade of a shovel coming at my head. The next thing I remember is waking up in the emergency room.

SCOTT

What was the extent of your injuries?

TAYLOR

Well, a concussion...two broken ribs where I'd been shot in the chest...I was wearin' body armor under my shirt...and a fracture in my left arm from the handle of the shovel when I threw my arm up to block it.

SCOTT

Did you see your assailant's face?

TAYLOR

No. All I saw was that shovel coming at my head.

SCOTT

When were you released from the hospital?

TAYLOR

On Sunday afternoon ...about five thirty.

SCOTT

What time did you go to bed that night?

TAYLOR

Around eleven.

SCOTT

Did you sleep late on Monday morning?

TAYLOR

No. I was jarred awake by a gunshot...then I heard a loud vehicle, like a truck, going back up my driveway toward Three Hill Road.

SCOTT

Did you note the time?

TAYLOR

It was seven minutes after nine, per my cellphone.

SCOTT

Did you investigate?

TAYLOR

Yeah, but I was still groggy, so it took me about five minutes to get my pants on, grab my gun off my nightstand and get out the front door. Then I saw Ed's Wiggins' patrol Bronco parked in front of my cabin.

SCOTT

Why would Deputy Wiggins be at your place that early in the morning?

TAYLOR

Well, when Ed worked the graveyard shift, he'd sometimes stop by my place before going home and fish off my pier. It helped him wind down after a long night.

SCOTT

And that was okay with you?

TAYLOR

Oh, yeah. He helped me build my cabin and the fishing pier, so I let him fish anytime he wanted.

SCOTT

Okay, what about the gunshot?

TAYLOR

I walked around back to ask him about it and found him sprawled out on the pier with a bullet hole in his chest.

(beat)

I checked to see if he was still alive...which he wasn't, then I ran back inside for my cellphone and called the sheriff. After that, I went back out on the pier and guarded the crime scene until Lieutenant Holland and her crew got there.

SCOTT

I tender the witness, your Honor.

MAX

(studies notes for a few minutes)

JUDGE

Mr. Barnes, are you going to cross examine Deputy Taylor?

MAX

(recovering his composure)

Uh...yeah, I am...your Honor.

(beat)



MAX (Cont'd)

Deputy Taylor, weren't you and Deputy Wiggins in the same Special-Forces reserve unit?

TAYLOR

Yeah.

MAX

Didn't both of you serve two tours together in Afghanistan?

TAYLOR

Yeah.

MAX

Okay...alright. Now, as part of your hand-to-hand combat training, were you and Deputy Wiggins taught how to break an enemy's neck?

TAYLOR

Well...yeah...we were taught a lot of things.

MAX

You and Deputy Wiggins were *best* friends, weren't you?

TAYLOR

Yeah.

MAX

Was Deputy Wiggins cheating on his wife, as far as you know?

SCOTT

Objection! No foundation!

MAX

Your Honor, if Deputy Wiggins had been cheating on his wife, it might have been with Mary Lou Barnes. Since that's a possibility, we need to look into it.

(beat)

I can't ask Deputy Wiggins, because he's dead, so I'm asking his best friend, because Wiggins might've bragged about it.

JUDGE

Objection noted, but the witness must answer the question.

TAYLOR

(shrugs and sighs)

Well, he bragged—

SCOTT

Objection! Counselor is asking for hearsay.

JUDGE

Overruled. The witness may answer.

TAYLOR

Yeah, he bragged that he was...but he never said who she was...and I never asked. I was friends with his wife, too, so I finally told him I didn't want to hear about it anymore.

MAX

You dated Deputy Wiggins' wife when you were in high school, didn't you?

TAYLOR

Well...yeah...a few times...but she wasn't his wife then.

MAX

Did you ever go over to Wiggins' house to watch football games, or for drinks?

TAYLOR

Yeah.

MAX

Was his wife around at those times?

TAYLOR

Yeah.

MAX

After Deputy Wiggins bragged about cheating on his wife, did you make a move on her?

TAYLOR

*No!*

MAX

Were you romancing Mary Lou Barnes at any time in the past year?

TAYLOR

Absolutely not!

JUDGE

Move on, *Counselor*.

MAX

(refers to notes)

How'd you get home from the hospital?

TAYLOR

Deputy Jenny Hardin gave me a ride home.

MAX

Did she take you by a pharmacy on the way home?

TAYLOR

Yeah.

MAX

Was that to fill a prescription for hydrocodone?

SCOTT

Objection! No foundation.

MAX

Your Honor, the witness testified that it took him about five minutes to get out of bed, dressed, and out the door, after hearing the gunshot on the morning Deputy Wiggins was killed because he was groggy. I'm trying to determine just how groggy...and...and what caused him to be groggy, because it has a...uh...bearing on the reliability of his testimony about what he heard that morning.

JUDGE

Objection overruled. Witness must answer the question.

MAX

Did you go by the pharmacy to fill a prescription for hydrocodone?

TAYLOR

Yeah.

MAX

Did you take one of those pills after you got home?

TAYLOR

Yeah.

MAX

Did you drink any beer or whiskey between the time you got home and the time you went to bed?

TAYLOR

I had a six-pack of beer.

MAX

Did you take another hydrocodone tablet about the time you went to bed?

TAYLOR

Yeah.

MAX

And you said earlier, that you went to bed at around eleven, right?

TAYLOR

Yeah.

MAX

So, how much time passed between hearing the gunshot that woke you up and the sound of the truck leaving your property the morning that Deputy Wiggins was killed?

TAYLOR

It seemed like a couple of minutes.

MAX

Was the truck motor running when you heard the gunshot?

TAYLOR

I...I can't say...

MAX

Did you hear a door on the truck slam shut?

TAYLOR

I...I can't say.

MAX

Did you hear the truck motor start up?

TAYLOR

I can't say...

MAX

You said that when you got home from the hospital, you took a hydrocodone tablet, drank a six-pack of beer, and then took another hydrocodone tablet before you went to bed—all in the span of five and a half hours, didn't you?

TAYLOR

Yeah.

MAX

Isn't it possible that, because of all the beer and drugs you had before going to bed, your mind was a little muddled, you weren't fully awake, and you got confused about the order in which you heard the truck leaving and the gunshot? And maybe you heard the gunshot *as the truck was leaving*?

TAYLOR

Well...I...I reckon that's possible.

MAX

(refers to notes)

Did you hear Deputy Wiggins drive up to your cabin on the morning he was killed?

TAYLOR

No.

MAX

Did you hear the loud truck drive up?

TAYLOR

No.

MAX

Then isn't it possible the killer arrived in a vehicle with a quiet motor and parked in front of your cabin *after* Deputy Wiggins came up, and hid in the woods by the pond *before* you heard the gunshot?

TAYLOR

Well...yeah.

MAX

And you said it took you about five minutes to get out of bed, get dressed, and get out your front door after hearing the gunshot, didn't you?

TAYLOR

Yeah.

MAX

Because of the alcohol and drugs you had before going to sleep, isn't it possible you were a little confused about the passage of time...and it might've taken you seven or eight...or even ten minutes to get out the front door?

TAYLOR

Well...I...maybe so.

MAX

Then isn't it possible that when the killer heard my truck come up, he stepped out of the woods, confronted Deputy Wiggins on the pier, shot him in the heart, and during the *about five to ten minutes* it took you get out the door, made it back to his car and drove away?

TAYLOR

Yeah...I guess so...but I don't—

MAX

That's all Deputy!

(to the JUDGE)

I'm through with him, your Honor.

SCOTT

Deputy Taylor, if you were confused because of the alcohol and drugs you consumed before going to bed that Sunday night, it could just as well have taken you *less* than five minutes to get dressed and out your door after hearing the gunshot on Monday morning, couldn't it.

TAYLOR

Oh, yeah.

SCOTT

No more questions, your Honor.

JUDGE

Deputy Taylor, you are excused.

TAYLOR exits.

SCOTT

The state now calls Ethan Johnson.

JOHNSON, wearing a blazer, polo shirt and jeans, enters and takes the stand.

SCOTT

Mr. Johnson, please state your occupation.

JOHNSON

I'm a detective with the Flint County Sheriff's Department.

SCOTT

Did you arrest the defendant on the morning of April 23<sup>rd</sup>?

JOHNSON

I did.

SCOTT

How did that come about?

JOHNSON

Sheriff Swanson asked me to follow up on a missing person report filed by Betty Simmons, Mary Lou Barnes's older sister...which I did.

SCOTT

What did you learn?

JOHNSON

Well... she wasn't home, and her car wasn't there. Her next-door neighbor, Elizabeth Jones, told me Mary Lou and the defendant had a fight the previous Friday night...which she observed from her kitchen window.

(gestures)

Well, it was looking more and more like it was her car Taylor encountered at the Dry Creek Swamp and that Max Barnes was probably the driver. So, I called for backup and drove out to the new subdivision where Mary Lou's sister had said the defendant was framing houses.

SCOTT

Was he there?

JOHNSON

Oh, yeah. my backup was right behind me when I got there, and we parked behind the defendant's pickup truck. He got to us in a hurry, and seemed annoyed.

SCOTT

How could you tell?

JOHNSON

Well...he kind of got in my face... and demanded to know if Mary Lou had filed a complaint against him. That's when I spotted the claw marks on his face, and asked how he got them.

(beat)

Well, he admitted he and Mary Lou had a little spat on Friday night. Then—

SCOTT

Did you ask him what it was about?

JOHNSON

Oh, yeah. He said Mary Lou told him she was seeing Paul Fontenot, and he told her he wasn't going to allow his two girls to be around Fontenot, even if he had to go to court to

JOHNSON (Cont'd)

get custody of the kids. That's when she flew into a rage and clawed his face.

(pause)

He claimed he just grabbed her arms and spun her around so she couldn't claw him again, and held her until she calmed down, then left. I told him she hadn't filed a complaint, but her sister had filed a missing-person report on her.

(waves his hand)

Well, he made light of that...said that was nothing unusual for her. He said just give her some time and she'd turn up.

SCOTT

Had he calmed down a little?

JOHNSON

Yeah, a little. But I had spotted a shovel with a pointed blade in the bed of his truck. That was the type of shovel Lieutenant Holland said was used to start the shallow grave at Dry Creek. When I asked him if the shovels in the truck were his he said, "*Every damned tool in the truck belongs to me!*"

(beat)

Then I asked him if he'd been out on Three Hill Road on Monday, the day before, and he claimed he'd gone out there at nine that morning to see a man named Williams, who approached him at a convenience store on Saturday about a framing job. He said Williams told him the slab was already poured, but when he got out there, there was no slab, so he left.

(pause)

As he told me the directions Williams gave him, I recognized the location to be Deputy Taylor's place out Three Hill Road. That put him at the crime scene at the time Deputy Wiggins was killed.

((beat)

I informed him we were taking him in for questioning in the assault on Deputy Taylor, the murder of Deputy Wiggins, and the disappearance of his former wife.

(pause)

After he was booked in, I got a warrant from Judge Peterson and requested GPS history on his cell phone for that Friday night from his phone carrier.

SCOTT

What good would that do? He could have intentionally left it at home before going back to Mary Lou's trailer to hide her body.

JOHNSON

Yeah, and that's why I was shocked when the GPS report showed his phone was pinged by a tower near the Dry Creek Swamp at ten forty-five pm, which was about the time Deputy Taylor saw Mary Lou's Toyota turn onto Dry Creek Road.

SCOTT

What does that mean?



JOHNSON

It means the defendant had lied about being at home at the time Deputy Taylor was assaulted and was at the Dry Creek Road Crime Scene at the time Deputy Taylor was shot.

SCOTT

(puts Exhibit 105 on the screen and goes to table for Exhibit 105 and hands it to the witness)

Can you identify this document?

JOHNSON

(looks the report over and returns it)

It's the GPS tracking report on the defendant's cell phone.

SCOTT

Thank you, Detective.

(returns the report to the table and takes it off screen)

I tender the witness, your Honor.

MAX

Detective Johnson, when you told me about the results of the GPS tracking on my cellphone, did I give you an explanation?

JOHNSON

(with a sneer)

Yeah.

MAX

What was my explanation?

JOHNSON

Well, first you remembered you couldn't find your cell phone to plug it in to the recharger when you went to bed that Friday night, so you assumed you'd left it on the seat in your truck, and that's where you found it on Saturday morning.

(derisive chuckle and casual hand flip)

Then, a day later, you told me that you must've left it on the seat in your truck when you went into Mary Lou's trailer...and that the person who killed Mary Lou must have been hiding by her trailer, heard you and her arguing, and took your cell phone and a trash bag from the box in your truck so he could use them to frame you.

MAX

Why didn't you believe me?

JOHNSON

Well, it was obvious that you made that story up after the initial interview.

MAX

(refers to notes for a moment)

When you asked me if the tools in the bed of my truck were mine, did I check out the bed of my truck to see exactly what was in it?

JOHNSON

No.

MAX

So, you just assumed I knew exactly what was in the bed of my truck, didn't you?

JOHNSON

Well...yeah...you seemed pretty sure of yourself.

MAX

Was my truck parked on the road in front of the house me and my crew were framing?

JOHNSON

Yeah.

MAX

Then isn't it possible that somebody could've put that shovel with the pointed blade in the bed of my truck that morning when I was busy...or even on the day before that...or maybe while it was parked in front of my apartment?

JOHNSON

Yeah, but I—

MAX

So, isn't it possible...and...and reasonable, that I didn't know that shovel was in the bed of my truck when you asked if I owned everything in it?

JOHNSON

Well, yeah...I guess...

MAX

How about Williams, the man the who came up to me at the convenience store and conned me into going out to Three Hill Road that Monday? Did you even look for him?

JOHNSON

How? There are hundreds of men named Williams living in the county who could have fit the description you gave us, which was really vague, and you didn't see what kind of vehicle he was driving, didn't have a phone number we could call, and couldn't give us an address.

MAX

Was Mary Lou's cell phone ever found?

JOHNSON

Yeah, it was on the floor beneath the coffee table in her living room.

MAX

Did you examine Mary Lou's cell phone and Facebook page looking for someone who might have had a motive?

JOHNSON

She didn't have a Facebook account, but I did call each of her contacts and other recent callers and interviewed them, but all of them lacked motive and opportunity and had alibis.

MAX

Was Deputy Wiggins' phone number in her contacts or recent calls?

JOHNSON

Why, no. Why would—

MAX

Was Paul Fontenot's phone number in Mary Lou's contacts or among her recent callers?

JOHNSON

Yeah.

MAX

Did you question Paul Fontenot about his relationship with Mary Lou?

JOHNSON

Yeah.

MAX

What was Fontenot's alibi for the time of Mary Lou's death?

JOHNSON

Two of his employees said he was in his office at the club from about nine that night until well after midnight, when they closed.

MAX

Did you inspect the nightclub to see if he could've slipped out a back door or side door, without being seen?

JOHNSON

No.

MAX

Did you do a background check on Fontenot?

JOHNSON

No.

MAX

Why not?

JOHNSON

He lacked a motive for killing Mary Lou and had good alibis.

MAX

What was his alibi for the Monday morning Deputy Wiggins was murdered?

JOHNSON

According to the private airfield in Jackson, he returned from New Orleans at ten thirty on the morning Deputy Wiggins was killed, so he couldn't have been at the murder scene.

MAX

Did you go out to that private airport to interview the operator or manager and examine the flight logbook?

JOHNSON

No.

MAX

Did you do anything to make sure that Fontenot was the pilot who flew the plane back from New Orleans?

JOHNSON

I relied on what the guy who runs the private airport said.

MAX

Did you ask Fontenot if he owned a 9mm semi-automatic handgun?

JOHNSON

No.

MAX

Did you search his home, his office, and his car for a 9mm handgun?

JOHNSON

No.

MAX

Did you examine Mr. Bergeron's financial records to determine if Mary Lou had been embezzling funds?

JOHNSON

No.

MAX

Why not?

JOHNSON

Because he wasn't a suspect.

MAX

So, wouldn't it be fair then, to say that when you interviewed Mr. Bergeron and Mr. Fontenot...you had already arrested me and...and were convinced I had killed Mary Lou and Deputy Wiggins.

JOHNSON

Well...yeah.

MAX

That's all, your Honor.

JUDGE

Redirect, Mr. Scott?

SCOTT

No, your Honor.

JUDGE

You are dismissed, Detective Johnson.

JOHNSON exits.

SCOTT

The state now calls Eugene Wilson.

WILSON enters, wearing a work uniform,  
and takes the stand.

SCOTT

Mr. Wilson, please state your occupation and employer.

WILSON

I'm a driver for the Flint County Waste Management Authority.

SCOTT

Do you recall where you were working at around nine am Monday, April twenty-second?

WILSON

Yeah. Our normal route, out on Three Hill Road.

SCOTT

Do you ever have problems with vehicles passing you or pulling out in front of you while your men are on the road working because you are moving so slowly?

WILSON

All the time, Man.

SCOTT

Did anything like that happen on the morning of April twenty-second?

WILSON

Yeah, a pickup truck pulled out from a driveway at the top of a Hill, and almost hit us.

SCOTT

Do you know whose driveway that was?

WILSON

Yeah, Deputy Taylor's.

SCOTT

And how do you know that?

WILSON

'Cause his name is on the mailbox and I've seen him come out of there in that patrol Bronco plenty of times.

SCOTT

Was there anything about the pickup truck that you can remember?

WILSON

Yeah, it was a blue Nissan, and it was loud, Man...like somethin' was wrong with the muffler.

SCOTT

Did you get a good look at the driver of that pickup truck?

WILSON

Yeah, I got a good look at the dude's face.

SCOTT

Do you see the driver of that truck in this courtroom?

WILSON

(pointing at MAX)

That's him.

SCOTT

And about what time did you see the defendant come out of that driveway?

WILSON

Well, 'bout ten minutes after nine, 'cause I checked my cellphone to make sure we were on schedule.

SCOTT

I tender the witness, your Honor.

MAX

Mr. Wilson, did you hear a gunshot just before...or just after you saw me come out Deputy Taylor's driveway?

WILSON

(shaking his head)

I don't remember hearin' nothin' but my truck, the compressor on the back, and that loud pickup truck.

MAX

(refers to notes)

Just a moment ago, you told Mr. Scott that you checked your cellphone to make sure you were on schedule, didn't you?

WILSON

Yeah.

MAX

So, on Mondays, are you usually passing Deputy Taylor's driveway at around nine am, give or take ten minutes or so?

WILSON

Oh, yeah.

MAX

No more questions, your Honor.

SCOTT

No redirect, your Honor.

JUDGE

Mr. Wilson, you are dismissed.

WILSON exits.

SCOTT

The state now calls Lieutenant Sally Holland.

HOLLAND enters and takes the stand.

SCOTT

Lieutenant Holland, what is your function with the Flint County Sheriff's Department.

HOLLAND

I'm in charge of crime scene investigation.

SCOTT

Did you perform an investigation of the crime scene out on Dry Creek Road where Deputy Taylor was assaulted?

HOLLAND

I did.

SCOTT

(puts Exhibit 102 on the TV screen)

Do you recognize the drawing on the TV screen?

HOLLAND

Yes, it's my drawing of the crime scene.

SCOTT

Please explain this drawing as I use the cursor to point out places on your drawing.

HOLLAND

(following the cursor)

That broken line is where the assailant had parked his vehicle, according to Taylor and the depressions in the pine straw and leaves. That solid outline represents Taylor's patrol vehicle, and that outline of a human form is where we found Taylor. We removed two spent 9mm slugs from his body armor.

(beat)

And that small circle is where we found two spent 9mm shell casings. And that circle, among the trees behind the assailant's vehicle, is where we found the beginnings of a



HOLLAND (Cont'd)

shallow grave. And that little circle is where we found a tire track that we presumed to be from the assailant's vehicle when he drove around Taylor's vehicle to leave the scene.

SCOTT

So, what did you do with the evidence you found at the scene?

HOLLAND

I sent the two spent shell casings and the slugs to the state crime lab for ballistics testing and fingerprinting.

SCOTT

What about the tire track? And why only one?

HOLLAND

A thick layer of pine straw and leaves covered the entire clearing at the dead-end of Dry Creek Road—it was in a swamp, you know. But this one small bare spot of ground had a recent tire track in it. So, I took a photograph of it for comparison to tires on any future suspect's vehicle.

(pause)

Later, we found that the tread pattern, wear marks and abnormalities on the photograph of the tire track matched those on the driver's side front tire of Mary Lou's Toyota.

SCOTT

What does that mean?

HOLLAND

It means that, without a doubt, Mary Lou Barnes's Toyota Camry was present at the Dry Creek Road Crime Scene.

SCOTT

(replaces Exhibit 102 with Exhibit 103)

Do you recognize this drawing?

HOLLAND

It's the drawing I made of the crime scene on Three Hill Road, where Deputy Wiggins was killed.

SCOTT

Please describe your investigation of that crime scene.

HOLLAND

Behind the cabin you can see the pond and the small pier. Deputy Wiggins' body was lying, face up right there, and Deputy Taylor was standing on the pier.

(pause as if about to cry)

The killer...(sniff)...the killer must have walked right up to Deputy Wiggins and

HOLLAND (Cont'd)

shot...(sniff)...and shot him in the chest.

(pauses to wipe her eyes and takes a deep breath)

I also saw a spent shell casing resting atop of one of the lily pads by the pier, where it landed after ejection. One of my assistants retrieved the shell casing. I also sent that spent shell casing to the state crime lab.

SCOTT

Did you find the slug that killed Deputy Wiggins?

HOLLAND

No.

SCOTT

Did you find any other evidence at the crime scene, like tire tracks, footprints, or something dropped by the killer?

HOLLAND

No, because a thick layer of gravel covered the driveway, and the areas around the cabin, pond and fishing pier were covered with a thick layer of St. Augustine grass. And we found nothing discarded or accidentally dropped by the killer.

SCOTT

How did you find Mary Lou's Toyota Camry?

HOLLAND

The owner of a metal building just north of Mary Lou's trailer park reported an abandoned vehicle on Wednesday morning, April 24<sup>th</sup>. I checked it out and confirmed it was her vehicle.

SCOTT

What evidence, if any, did you find when you examined Mary Lou's vehicle?

HOLLAND

The only fingerprints we found were made by Mary Lou or her children, which indicates the killer wore gloves in the car, and we found a small spot that could have been dried blood on the vinyl floor covering in the trunk of the car.

(pause)

We removed the vinyl cover from the trunk and sent it to the state crime lab, along with samples of Deputy Taylor's blood and Mary Lou's blood, for DNA matching against the stain on the vinyl and any DNA they could find on the shovel.

SCOTT

Were there any tire tracks around Mary Lou's car?

HOLLAND

No, because the driveway off the road was concrete all the way to the back corner of the building and a thick layer of gravel covered the ground behind the building where the Camry was parked.

SCOTT

Did you examine the interior of Mary Lou Barnes's trailer?

HOLLAND

Yes. We found no signs of violence, but we did find her cell phone on the floor beneath the coffee table in the den, which, I believe, was checked out by Detective Johnson.

SCOTT

Lieutenant Holland, Deputy Taylor reported seeing two suitcases on the back seat of the Toyota Camry. Were the two suitcases ever found?

HOLLAND

No, the defendant must have discarded them somewhere other than where he dumped the body.

SCOTT

Did you examine the defendant's pickup truck on the morning Detective Johnson arrested him?

HOLLAND

Yes.

SCOTT

Did you find any evidence in his truck?

HOLLAND

Yes. We found an old shovel with a pointed blade, a Kahr 9mm semiautomatic handgun with a full clip, and a partial box of Atlas, fifty-five-gallon, heavy-duty contractor's trash bags,

(beat)

I sent all that to the state crime lab and asked them to analyze the shovel for traces of DNA, and if they found any, to determine if it matched DNA of Deputy Taylor or Mary Lou Barnes. I also asked them to determine if the Khar handgun fired the spent shell casings and spent slugs from the two crime scenes and whether the trash bags in the box were a match for the one wrapped around Mary Lou's body.

SCOTT

(shows Exhibit 104 to the witness)

Is this the shovel with the pointed blade that you found in the bed of the defendant's truck?

HOLLAND

(looks the shovel over and returns it)

Yes.

SCOTT

(holds the shovel up for the jurors to see)

This shovel is the state's Exhibit 104.

(returns Exhibit 104 to evidence table)

Did you search the defendant's apartment?

HOLLAND

Yes. I found a partial box of Remington, Golden Saber 9mm Luger hollow point bullets. The box originally contained twenty-five rounds, but only five remained in the box. They were identical to the spent shell casings found at the two crime scenes.

SCOTT

How many rounds were missing from the box of 9mm bullets?

HOLLAND

Twenty.

SCOTT

(takes Exhibit 106 from table and gives it to witness)

Do you recognize this document?

HOLLAND

(glances at the cover and thumbs through it)

Yes. It's the State Crime Lab's report on the samples we sent them.

SCOTT

(takes the report and holds it while speaking)

What were the crime lab's findings.

HOLLAND

Well, the lab found Deputy Taylor's DNA on the backside of the blade of the shovel and on the vinyl from the trunk of Mary Lou's Toyota Camry. Which means that it was the shovel used to strike Deputy Taylor.

(beat)

The defendant's DNA was found in the samples taken from Mary Lou's fingernails. The remains of the trash bag found with Mary Lou's body matched the pattern and size of those in the partial box of Atlas, 55-gallon trash bags.

(beat)

But the lab reported that the 9mm Khar handgun we found in the defendant's truck *did not* fire the spent shell casings and slugs found at the Dry Creek Road Crime Scene and the Three Hill Road Crime Scene.

SCOTT

(swaps Exhibit 107 for Exhibit 106 and gives it to witness)

Can you tell the court what this is?

HOLLAND

(thumbs through the report and returns it)

It's the state crime lab's report on the results of tests they conducted on a Model 92, 9mm Beretta.

SCOTT

Why would the lab send that report to you?

HOLLAND

When the lab discovered the Khar I sent them didn't fire the shells and slugs I sent them, they test fired all the 9mm guns in their possession at the time.

(beat)

The lab found that the shell casings and spent slugs I sent them had been fired by a Beretta Model 92, semiautomatic handgun sent to them by the Riverdale Police Department.

SCOTT

Puts Exhibit 107 back on the table, picks up Exhibit 108 and puts it on the screen, then holds the exhibit and up in the air.

This is the state's Exhibit 108, which is an affidavit signed by Officer Eli Spires, of the Riverdale Police Department, who is unable to testify at this time as he is in the hospital being treated for gunshot wounds incurred in the performance of his duties.

(beat)

Your Honor, may I read this affidavit aloud?

JUDGE

Proceed.

SCOTT

"I, Officer Eli Spires of the City of Riverdale Police Department, do hereby swear that I found a Beretta model 9mm semiautomatic handgun, serial number A107093Z, in the possession of Joseph Blair at approximately eleven-forty-two on the evening of April 22<sup>nd</sup>, when I performed a search of his vehicle during a routine stop for suspicion of driving while intoxicated. Upon questioning, Mr. Blair stated that he took the gun from Max Barnes's truck earlier that same night.

(beat)

Subsequently, I traced the serial number of that weapon to a list of handguns stolen from a gun store in New Orleans five years ago."

SCOTT (Cont'd)

(beat)

As you can see on the TV screen, the affidavit is properly witnessed and notarized.

(removes Exhibit 108 from the TV screen)

And now we know the source of the Beretta that was used to murder Deputy Wiggins.

(returns Exhibit 108 to the table)

Now, per the crime lab's report, how many rounds were in the Beretta handgun that was used on Taylor and Wiggins?

HOLLAND

The clip would hold fifteen, but there were only twelve rounds in it, per the state crime lab.

SCOTT

How many spent shell casings were found at the Dry Creek Road and Three Hill Road crime scenes?

HOLLAND

Three.

SCOTT

How many rounds were in the clip of the Khar handgun from the defendant's truck?

HOLLAND

Five...that's all it would hold.

SCOTT

So how many Remington, Golden Saber 9mm Luger hollow point bullets were in the two guns *and* used at the crime scenes?

HOLLAND

Twenty.

SCOTT

And tell us again, how many Remington, Golden Saber 9mm Luger hollow point bullets were missing from the box found in the defendant's apartment.

HOLLAND

Twenty.

SCOTT

I tender the witness, your Honor.

MAX

Ms. Holland, does the Flint County Sheriff's Department require that all handguns used by Department personnel while on duty, be of a certain caliber?

HOLLAND

Yes. All handguns carried while on duty are required to be 9mm.

MAX

Did you test Deputy Taylor's hands for gunpowder residue on the morning Deputy Wiggins was killed?

HOLLAND

*What!* Are you suggesting that Taylor may have killed Deputy Wiggins?

MAX

Your Honor, the witness didn't answer my question.

JUDGE

Ms. Holland, you must answer the question.

HOLLAND

No! We didn't test him for gunpowder residue.

MAX

Was Deputy Taylor's service weapon checked out to determine if it had been fired on the Monday morning Deputy Wiggins was killed?

HOLLAND

No, we had no reason to.

MAX

Was Deputy Taylor's cabin and personal vehicle searched for another 9mm handgun that could have been used to kill Deputy Wiggins?

HOLLAND

*No!*

MAX

(refers to notes)

Well, now. Isn't it supposed to be standard procedure when investigating a shooting at a murder scene, to test for gun powder residue on the hands and clothing of *everybody* present at the time the crime was committed and to perform ballistics testing on all firearms present at the scene, even if they were found in a vehicle or in Deputy Taylor's cabin in this case?

HOLLAND

Well...yes, it is...normally.

MAX

Then you didn't follow *standard* procedure at the Three Hill Road Crime Scene, did you?

HOLLAND

But I—

MAX

Yes or no!

HOLLAND

No!

MAX

When a gun, like a Beretta 9mm, is fired, the shell is ejected at high speed, isn't it?

HOLLAND

Normally, yes.

MAX

It'd be almost impossible for the shooter to catch an ejected shell casing, wouldn't it?

SCOTT

Objection! Calls for an assumption.

JUDGE

Sustained.

MAX

(refers to notes)

Couldn't the spent shell casing found on the lily pad in the pond, have been thrown onto the lily pad by hand instead of ejected from a handgun?

HOLLAND

Well, yes.

MAX

Was the bottom of the pond by the pier searched to make certain there wasn't another spent 9mm shell casing in the pond near where the body was found?

HOLLAND

*What?* No!

(shakes her head in disbelief)

Why in the world would we do that?

MAX

Because if somebody was framing me for the murder of Mary Lou, the shooting of



MAX (Cont'd)

Deputy Taylor, and the killing of—

SCOTT

Objection! Counsel is testifying!

JUDGE

Overruled! The witness opened the door with her question. You may continue, *counselor*.

MAX

You should've checked the bottom of the pond to make certain there wasn't another 9mm spent shell casing there, because whoever put that shovel and my cellphone back in my truck, probable did it late that Friday night, and most likely planted that 9mm Beretta in my truck at the same time.

(beat)

To keep framing me, the killer would have to use another 9mm gun on Deputy Wiggins and the shell casing could've fallen into the pond and sunk to the bottom. So, the killer would've left an old spent shell casing from the Friday gun where you would easily find it—*like in plain sight on a lily-pad*.

(beat)

And maybe the killer had to throw more than one old spent shell casing from the Friday gun into the pond before one landed on a lily pad. So, if you found one or more spent shell casings from the Friday gun at the bottom of the pond, and a spent 9mm shell casing from another gun on the bottom of the pond, it would have proved that someone was framing me.

(beat)

By the time I thought of this possibility, too much time had passed during which the shell casings could have been removed from the pond. And, since the crime scene hasn't been guarded, anything found in the pond by my side would be tainted.

(removes Exhibit 103 from screen)

When you took custody of my pickup truck, was it parked on the side of the road by the construction site where I was working?

HOLLAND

Yes.

MAX

And I denied knowing the shovel was in the back of my truck, didn't I?

HOLLAND

Yes.

MAX

Isn't it possible then, that someone trying to frame me, could have put the shovel used against Deputy Taylor in the bed of my truck at that construction site...or at my apartment?

HOLLAND

Yes, it's possible, but I doubt—

MAX

Did you find my fingerprints on the shovel?

HOLLAND

No.

MAX

Did you find *any* fingerprints on the shovel that is the state's Exhibit 104?

HOLLAND

No.

MAX

You examined my hands and shirt sleeves for gunpowder residue, didn't you?

HOLLAND

Yes.

MAX

Did you find any traces of gunpowder residue?

HOLLAND

No.

MAX

You sent all my clothes to the state crime lab for testing for gun powder residue or trace metal residue, didn't you?

HOLLAND

Yes.

MAX

Did any of that clothing test positive for gunpowder residue or trace metal residue?

HOLLAND

No.

MAX

Didn't I freely admit that I had visited Mary Lou in her trailer on Friday night of April nineteenth?

HOLLAND

Yes.

MAX

Did you find my fingerprints on anything inside Mary Lou's trailer...or on the front doorknob?

HOLLAND

No.

MAX

Did you find *any fingerprints at all* on the front doorknob or the glass top on the coffee table?

HOLLAND

No.

MAX

Why not?

HOLLAND

I assumed you had wiped everything clean.

MAX

Why would I do that, when I knew the Jones woman heard me drive up, saw me go into the trailer, and probably heard us arguing?

HOLLAND

People do strange things while under stress.

MAX

(refers to notes)

Ms. Holland...if I...I mean if a man bought a new Khar 9mm semiautomatic handgun that had a clip that would only hold five rounds...and just one box of twenty-five 9mm hollow point bullets...and then did some target practice...in the woods or some other safe place...and fired three full clips of bullets at some cans...or bottles...and then reloaded the clip before driving away, how many rounds would be left in the box?

SCOTT

Objection! Calls for an estimation.

MAX

Bullcrap! It calls for nothing but simple math!

JUDGE

Motion denied. Witness must answer.

HOLLAND

Five.

MAX

And how many would be missing from the box?

HOLLAND

Twenty.

MAX

And how many rounds were missing from the box you took from my apartment?

HOLLAND

Twenty.

MAX

No more questions, your Honor.

SCOTT

Redirect, your Honor?

JUDGE

Proceed.

SCOTT

How about the defense's assertion that someone could've placed the shovel in the defendant's truck to frame him?

HOLLAND

We could not find anyone else with a motive to commit the crimes charged against the defendant, and then try to frame him.

SCOTT

Can you explain how the defendant could have shot Deputy Taylor and Deputy Wiggins and not have gunpowder residue on his hands or clothing?

HOLLAND

Yes. He had twenty-four hours after shooting Deputy Wiggins, in which to remove gunpowder residue from his hands and arms and discard clothing...or he could have worn gloves and discarded them afterward.

SCOTT

No further questions, your Honor.

JUDGE

You may step down, Lieutenant Holland.

HOLLAND exits.

SCOTT

The state now calls Joseph Blair.

BLAIR, neat and clean-cut, enters and takes the stand.

SCOTT

Mr. Blair, are you acquainted with Max Barnes?

BLAIR

Yeah, I worked for him in the summer a year ago—between semesters.

SCOTT

Do you see him in this courtroom?

BLAIR

(pointing at MAX)

Yeah, that's him.

SCOTT

(picks up the Beretta and shows it to witness)

Is this the gun that officer Spires found in your vehicle on the night of April twenty-second?

BLAIR

(looks closely at the weapon)

Yeah, that's it.

SCOTT

How do you know this is the same gun that Officer Spires took from you?

BLAIR

Because I remember that pair of scratches on the bottom of the clip.

SCOTT

(returns the weapon to his table)

The gun just identified by the witness is the state's Exhibit 110 and is the gun the state crime lab identified as the weapon used to fire the two spent shell casings and slugs found at the Dry Creek Road and Three Hill Road Crime Scenes.

(beat)

Mr. Blair, how did the weapon you just identified come into your possession?

BLAIR

I took it from beneath the driver's seat of Max Barnes's truck at around ten o'clock on Monday night, April 22<sup>nd</sup>.

SCOTT

Okay, Mr. Blair, why did you steal the gun?

BLAIR

A friend of mine called me and said he had enough cash to buy some drugs, but didn't want to make the buy alone. I told him I'd drive but he said we needed a gun in case the dealer tried to rob us.

(breathes deeply)

I remembered that Max kept a gun under the driver's seat of his truck, so I drove by his apartment complex and saw his pickup parked in front of his apartment. I used a coat hanger to unlock the driver's side door, reached beneath the seat, and took the gun.

SCOTT

Were you alone at the time?

BLAIR

Yeah. I picked my friend up after that on the way to Jackson.

SCOTT

How did you know the defendant kept a gun under the seat in his truck?

BLAIR

When I worked for him between semesters a year ago, he called me and asked me to come by the Toyota place and pick him up one morning on my way to the job site. He said they were putting a new alternator in his truck.

(beat)

We had to load his tools in my trunk, so we'd have them at the job site, and when he got in my car, he had a gun with him. He said he didn't want to leave it under the seat in his truck because someone might steal it. I got a good look at it that day. It was the same gun I took from his truck...the one you just showed me...the Beretta.

MAX

(jumps to his feet and shouts)

*You lying punk!*

MAX rushes around the table toward BLAIR. Blair jumps to his feet to defend himself. The BAILIFF and the DEPUTY rush to intervene.

JUDGE  
(rapping gavel)

*Order by God! Order!*

MAX  
(straining to break free of restraint)

*I've never owned a Beretta, you lying, sack of—*

The BAILIFF and DEPUTY grab MAX from behind and pull him away from BLAIR and back to his table. Max, still irritated, shakes his head in disbelief.

JUDGE  
(glaring at MAX)

I'm ruling you in contempt of court and fine you a thousand dollars. And I will have you handcuffed to your table if you continue to interrupt like this.

(to the JURY)

In your deliberations, you must not consider the defendant's actions and outbursts like this, while Mr. Scott is conducting his examination of witnesses.

(beat)

Recorder, strike everything after the witness' last words.

(glares at MAX for a moment)

You may continue, Mr. Scott.

SCOTT

What apartment complex was the defendant living in when you took the gun from his truck?

BLAIR

It was Riverchase, near the intersection of Riverdale Drive and Lake Road.

SCOTT

How do you know it was the defendant's truck?

BLAIR

'Cause it was the same blue Toyota pickup truck he was driving when I worked for him.

SCOTT

Now, Mr. Blair, why didn't the Riverdale police charge you with the murder of Deputy Wiggins when they learned the gun used to murder him was found in your possession?

BLAIR

Ha! They wanted to but I was in my physics class that morning when Deputy Wiggins was killed—and they verified it. And I didn't steal the gun until that night.

SCOTT

I tender the witness.

MAX

(studies his notes for a moment)

When the police arrested you on that Monday night, what did they charge you with?

BLAIR

(looks worried and shifts position)

Uh...possession of illegal drugs...with intent to distribute.

MAX

That charge could lead to a long prison sentence, couldn't it?

BLAIR

Yeah...it could.

MAX

How is it that you're not in jail?

BLAIR

The Riverdale Police Department dropped the charges.

MAX

Did they do that to get you to testify against me in this trial?

SCOTT

Objection! Not relevant.

MAX

Your Honor, surely, since my life is at stake here, I'm entitled to have the jury know that felony charges were dropped to get a witness to testify against me.

JUDGE

Objection overruled. The witness must answer the question.

MAX

Again, did the Riverdale Police Department agree to drop the felony charge against you if you testified against me in this trial?

BLAIR

Yeah.

MAX

At the time you made that agreement, did you know I'd been charged with murdering my wife and that Deputy Wiggins?



BLAIR

Yeah.

MAX

(having a difficult time maintain control)

So, you lied about seeing me with a Beretta when you worked for me, and you lied about when you took the Beretta from my truck, just so your testimony would be more valuable, didn't you?

BLAIR

*No!* I'm not lying!

MAX

Well, *I know* you're lying, because I *never* owned—

SCOTT

*Objection!* He's testifying, your Honor.

JUDGE

Sustained. Strike the defendant's last comment.

MAX

(waves his arm in frustration)

No more questions, your Honor.

SCOTT

No redirect, your Honor.

JUDGE

You may step down, Mr. Blair.

BLAIR exits quickly.

SCOTT

Your Honor, the state rests its case.

JUDGE

Very well, Mr. Scott.

(beat)

Court is hereby recessed until ten o'clock tomorrow morning, at which time Mr. Barnes will present his defense.

CURTAIN

Act 2

Scene 1

The next morning at 10:00 a.m.

The curtain rises with the JUDGE, court officials, attorneys, jury and MAX in their places.

JUDGE

Call your first witness, Counselor.

MAX

I call Mateo Chua.

CHUA enters, casually dressed, and takes the stand.

MAX

Mr. Chua, what is your occupation.

CHUA

I'm the lead framer on Joe Hinton's framing crew.

MAX

Who did you work for before that?

CHUA

I worked for you, Max.

MAX

How long did you work for me?

CHUA

'Bout five years.

MAX

Why did you leave me to work for Joe Hinton?

CHUA

'Cause you was locked up, couldn't make bail, and I needed to work.

MAX

Did you know I kept a gun under the seat in my truck?

CHUA

Yeah.

MAX

Did you ever see it?

CHUA

Yeah, I saw it slide out from under your truck seat one time when I was with you, and you had to stop real quick to keep from hitting a dog.

MAX

(picks up the Karr and the Beretta from the table)

Do either one of these guns look like the one you saw in my truck?

CHUA

Yeah, that little one looks like the one I saw.

MAX

(shows the two guns to the jury and holds up the Kahr)

The witness has identified the 9mm Kahr, which the crime lab found *was not* the one used on Deputies Taylor and Wiggins, as the only handgun he ever saw in my possession.

(places the guns on the table and picks up the shovel)

Sheriff's deputies found this shovel, which is the defense's Exhibit 201, in the bed of my truck on the day I was arrested. What purpose did this shovel serve?

CHUA

(shows surprise)

Max, you...uh...you know what we used it for.

MAX

Yeah, yeah, but the jury doesn't know...so tell them.

CHUA

Well, when we finished a job, we had to clean up the slab...you know, sweep up all the nails, sawdust, pieces of wood, and other such stuff, into piles with a push-broom. Then we'd scoop up the piles of trash with shovels like this. Some of the pieces of wood were too big and heavy to sweep up, so we'd just scoop them up with the shovels.

MAX

And why did we use this type of shovel for that?

CHUA

(grinning)

Well, 'cause the blade of the shovel will fit flat on the slab, and you can just shove it across the floor and scoop up the scraps of wood and other stuff.

MAX

(swaps the shovel for the pointed blade shovel)

Have you ever seen this shovel before?

(approaches the witness and shows him the shovel)

CHUA

Well, it looks like one that I saw in the bed of your truck on the day before they arrested you.

MAX

Had you ever seen this shovel before that Monday morning?

CHUA

No.

MAX

Would you ever want to use a shovel like this to clean up a slab?

CHUA

No way, man. A shovel like that just wouldn't work.

MAX

Why not?

CHUA

(grinning broadly)

'Cause the blade on that shovel is pointed and rounded...and wouldn't lay flat on the slab...and the pieces of wood, and stuff would just slide around the point of the blade.

(waves his arm in dismissal)

You couldn't clean up a slab with that shovel.

MAX

In all the years you worked for me, did you or anyone else on my crew ever use a shovel like this one?

CHUA

No way. That's a digging shovel...and we don't dig.

MAX

(to the Jury)

This shovel is the state's Exhibit 104, and per the state crime lab, is the shovel used on Deputy Taylor at the dead-end of Dry Creek Road.

(returns the shovel to the table and refers to notes)

Did you see me leave the jobsite on the Monday morning before I was arrested?

CHUA

Yeah, 'cause when you first got there, you told me we had to get everything we needed out of your truck, 'cause you had to be somewhere at nine and didn't know how long you'd be gone.

MAX

Did I tell you where I was going?

CHUA

Yeah, you said you had to meet a man out on Three Hill Road about a framing job.

MAX

How long was I gone?

CHUA

Well, 'bout an hour and a half, 'cause you left at 'bout eight-thirty...and got back just before ten.

MAX

What did I say about getting the contract?

CHUA

You said it was just a prank.

MAX

During the time you worked for me, did you ever see me drink beer or whiskey?

CHUA

Just on Fridays, when you'd have an ice chest full of beer in your truck and we'd all have a couple of cold beers after work.

MAX

Was that on every Friday?

CHUA

No, 'cause you wouldn't have the cooler of beer in your truck on Fridays when you was going to have your girls.

MAX

I tender the witness, your Honor.

SCOTT

Isn't it possible the defendant bought the digging shovel, as you call it, some time ago and kept it stored at his apartment?

CHUA

Well...yeah, I reckon.

SCOTT

Isn't it possible the defendant also owned the Beretta that is the state's Exhibit 110 at the time you saw the smaller gun slide from underneath the seat in his truck?

CHUA

Yeah, I reckon so.

SCOTT

A moment ago, you said the defendant didn't bring beer to the job site when he was going to have his children for the weekend, right?

CHUA

Yeah.

SCOTT

But the defendant could've had beer or whiskey after leaving the job site on those Fridays and you wouldn't have known about it, would you?

CHUA

No.

SCOTT

During the time you worked for the defendant, did you ever see him lose his temper?

CHUA

Well, yeah...sometimes he'd get a little upset about something we did wrong...or something the general contractor wanted changed, and he'd yell at us and throw things around.

SCOTT

Mr. Chua, were you and the defendant friends outside of working hours?

CHUA

Yeah, we hunted and fished together...sometimes.

SCOTT

Just sometimes?

CHUA

Well...in turkey seasons, we went together lots of times.

SCOTT

So, you were hunting buddies then, weren't you?

Yeah. CHUA

No further questions, your Honor. SCOTT

Redirect, your Honor? MAX

Proceed. JUDGE

On the times when you saw me lose my temper, did I ever hurt anybody, or threaten to hurt anybody on my crew? MAX

No...I never saw you do anything like that. CHUA

That's all, your Honor. MAX

Mr. Chua, you are dismissed. JUDGE

CHUA exits.

I call Paul Fontenot. MAX

Fontenot enters, wearing a dark suit, with a dark polo shirt buttoned to the top, with hair combed straight back and slicked down, and takes the stand. FONTENOT

Your Honor, permission to treat Mr. Fontenot as a hostile witness? MAX

Permission granted. JUDGE

Mr. Fontenot, are you an owner and manager of *Le Bon Tome*, a nightclub and restaurant in Jackson? MAX

Yeah. FONTENOT

MAX  
Were you acquainted with Mary Lou Barnes?

Yeah. FONTENOT

MAX  
Did you meet her at Mr. Bergeron's office?

Yeah. FONTENOT

MAX  
Did you ever go out with her?

Yeah. FONTENOT

MAX  
Did you give her a lot of cash the day before she was killed?

Yeah. FONTENOT

MAX  
How much did you give her?

Three thousand. FONTENOT

MAX  
Why?

FONTENOT  
(with a sly grin)  
Why does any man give a woman money?

MAX  
Answer the question Mr. Fontenot!

FONTENOT  
I gave her the money because we were going to New Orleans for the weekend and I



FONTENOT (Cont'd)

wanted her to get some decent clothes and get her hair done, because I wanted her looking sharp when she went out with me.

MAX

Then why was she hanging around her trailer so late?

FONTENOT

She was supposed to show up at my club at ten thirty that night and I was going to fly us down in my private plane.

MAX

What did you think when she didn't show up?

FONTENOT

(with a wave of dismissal)

I thought she'd changed her mind.

MAX

Did you call her to find out what her problem was?

FONTENOT

Oh, yeah. I called her cell phone, but she didn't answer. So, I just left it at that. Besides, there were other women at the club that would fly down there with me.

MAX

Did you fly down to New Orleans anyway...with another woman?

FONTENOT

Yeah, but we didn't leave until about nine on Saturday morning.

MAX

Did you ever say anything to Mary Lou about marrying her, or building her a new house?

FONTENOT

What? No! I never told her anything like that—where'd you get that ridiculous idea?

MAX

(picks up Exhibit 202 and holds it up)

This is the defense's Exhibit 202, which is a house plan book that contains plans for houses of three thousand square feet and up, that was found on Mary Lou's coffee table. A couple of pages in this book have been earmarked.

(puts Exhibit 202 back on the table)

And you maintain that you had not said anything to Mary Lou that would lead her to believe that you were going to buy or build her a new house, married to her or not?

FONTENOT

I neither promised nor hinted at anything like that.

MAX

Did you ever visit Mary Lou at her trailer?

FONTENOT

No.

MAX

Why not?

FONTENOT

We always went out to a restaurant or she came to my club or my house.

MAX

(refers to notes)

You've had sort of a violent past, haven't you?

FONTENOT

Depends on what you mean by violent.

MAX

You were a linebacker on a college football team, weren't you?

SCOTT

Objection! There's no foundation for this line of questioning.

JUDGE

Objection overruled. The witness must answer the question.

FONTENOT

Sure, I played football—so what?

MAX

And after college, you worked as a bouncer in a nightclub, didn't you?

FONTENOT

Yeah.

MAX

And after that, you became a professional wrestler, didn't you?

FONTENOT

Yeah.

MAX

During your training as a professional wrestler, did you learn how to keep from accidentally hurting an opponent, like breaking his neck?

FONTENOT

Yeah.

MAX

And after wrestling, you became a private investigator, didn't you?

FONTENOT

Yeah.

MAX

One of your main clients was the law firm of Thibodeaux and Bergeron, down in New Orleans—correct?

FONTENOT

Yeah.

MAX

And you made collection efforts on some of their clients, didn't you?

FONTENOT

Yeah.

MAX

And some of those collection efforts involved the use of brute force, didn't they?

FONTENOT

(with a wave of his hand)

No charges were ever filed against me!

MAX

I'll take that as a yes.

(beat)

And even now, you occasionally bounce a guy out of your own nightclub, don't you?

FONTENOT

Yeah.

MAX

Do you do any work for Mr. Bergeron now, like making certain that people who obtain money from him live up to the terms of their agreement.

FONTENOT  
(smirks)

Yeah.

MAX  
When he goes to New Orleans or New York, do you often go with him?

FONTENOT  
Yeah.

MAX  
In what role?

FONTENOT  
For security.

MAX  
Did the Flint County Sheriff's Department interview you about the murder of Mary Lou Barnes, the shooting of Deputy Taylor, and the murder of Deputy Wiggins?

FONTENOT  
Yeah.

MAX  
Was the woman who went with you to New Orleans one of your alibis?

FONTENOT  
Yeah.

MAX  
Do you own a 9mm semiautomatic handgun?

FONTENOT  
Yeah.

MAX  
Do you do much target practice?

FONTENOT  
Yeah.

MAX  
Where do you practice?

FONTENOT  
In the woods behind my house in the country.

MAX

What do you do with the spent shell casings?

FONTENOT

I throw them in the trash.

MAX

Did Detective Johnson ask you if you owned a 9mm semiautomatic handgun?

FONTENOT

No.

MAX

Did Detective Johnson search the area where you do your target practice?

FONTENOT  
(shrugs shoulders)

I don't know.

MAX

No more questions, your Honor.

SCOTT

No questions for the witness, your Honor.

JUDGE

Mr. Fontenot, you may step down.

FONTENOT exits, glaring at MAX.

MAX

Uh...well...I...rest my case.

JUDGE

(raps gavel one time)

Court is hereby recessed until ten o'clock Monday morning, at which time the attorneys will make their closing arguments.

(raps gavel)

CURTAIN

## Act 2

### Scene 2

Monday morning at 10:00 a.m.

At rise: The JUDGE is on his bench, the other court officials are in their places, the jury is in seated, SCOTT and MAX are at their tables.

JUDGE

The court will now hear closing statements.

(beat)

Mr. Scott, you may proceed.

SCOTT

Puts a large poster on a tripod in front of the jury box. The poster has a tic-tac-toe grid drawn on it. To the left of the grid even with the horizontal lines, are the words Opportunity, Means, and Motive, printed in large letters. Across the top of the grid between the vertical lines, are the words Mary Lou, Taylor, and Wiggins, printed in large letters.

The defendant had the *opportunity* to murder Mary Lou Barnes, because Elizabeth Jones testified that she saw him in Mary Lou's trailer on the night of her death at the approximate time she was murdered *and* the defendant has admitted being there.

(checks opportunity under Mary Lou on chart)

The defendant had the *means* to commit the crime, as he is a muscular man with great strength and could easily overpower Mary Lou and break her neck.

(checks means under Mary Lou on chart)

As for *motive*, the defendant was angry because his children weren't available for him to pick up that Friday afternoon, began drinking heavily, and went to her workplace to find her. Lucien Bergeron, her employer, testified that the defendant smelled of alcohol and said he was going to break Mary Lou's neck when he found her.

(takes a deep breath)

Elizabeth Jones testified that she observed the defendant and Mary Lou fighting later that evening. The crime lab found the defendant's DNA under her fingernails and Dr. Norton determined the cause of her death was a broken neck, just as the defendant had threatened.

(beat)

And Lieutenant Holland found in the defendant's truck, a partial box of the same brand

SCOTT (Cont'd)

and type of trash bag that was found wrapped around Mary Lou's corpse.

(checks motive under Mary Lou on the chart)

As for the defendant's *opportunity* to assault and shoot Deputy Taylor, we know that when he returned to Mary Lou's trailer to dispose of her body, he parked his *loud* truck at the metal building up the road from the trailer park to keep Ms. Jones from hearing him return. Therefore, he had to use Mary Lou's vehicle to take her body out to the dead end of Dry Creek Road to bury her.

(beat)

And we know from the report by the defendant's cellphone provider, that his cellphone pinged on a tower in the vicinity of the Dry Creek Crime Scene at about the time that Deputy Taylor witnessed Mary Lou's Toyota Camry turn off Copiah Road onto Dry Creek Road.

(beat)

And a tire track from Mary Lou's Toyota Camry was found at the Dry Creek Road Crime Scene by Lieutenant Holland.

(checks opportunity under Mary Lou on the chart)

As for the defendant's *means* to assault Deputy Taylor, the shovel used to strike Deputy Taylor in the head was found in the bed of the defendant's truck, and the state crime lab found Deputy Taylor's blood and DNA on that shovel and on the floor covering from the trunk of Mary Lou's Toyota Camry.

(beat)

As for the defendant's *means* to shoot Deputy Taylor, we know Joseph Blair testified that he took a Model 92, 9mm Beretta semiautomatic handgun from the defendant's truck on the night of April twenty-second. And the state crime lab proved the bullets that struck Deputy Taylor were fired by that same Beretta handgun.

(beat)

And we know from Joseph Blair's testimony, the defendant had possession of that gun the previous summer.

(checks means under Taylor on the chart)

As for the defendant's *motive*? He was surprised by Deputy Taylor while trying to dispose of Mary Lou's corpse and tried to kill him.

(checks motive under Taylor on the chart)

As to the defendant's *opportunity* to kill Deputy Wiggins, we know that the defendant was present at the Three Hill Road Crime Scene at the approximate time of the murder, from the testimony of Eugene Wilson, *and* the defendant *admitted* to being there at about that time.

(checks opportunity under Wiggins on chart)

As to the defendant's *means*, we know the state crime lab proved the spent shell casing found at the scene was fired by the same Beretta used on Deputy Taylor.

(checks means under Wiggins on chart)

The defendant's *motive* for killing Deputy Wiggins was clear. He went to Deputy Taylor's place to kill the only person who could have seen him at the Dry Creek Road crime scene, and the man he thought he had killed the previous Friday night, but found Deputy Wiggins, in uniform, and killed him by mistake.

(checks motive under Wiggins on chart)

SCOTT (Cont'd)

SCOTT draws lines through all check marks on the chart, in all directions, indicating tic-tac-toes for everything, then turns to face the jury.

Game over! A complete shutout.

(pause)

Now, the defendant is going to suggest *other* suspects...*other* motives...and *what ifs*...in his efforts to confuse you and create doubt about his guilt.

(beat)

Don't fall for it.

(pause)

There is a method that scientists use to test competing theories. It's called "Occam's Razor", and most of the time, it cuts right through the haze.

(beat)

Simply put, Occam's Razor says that in complicated situations, the simplest explanation is usually the correct one.

(beat)

While under the influence of alcohol, the defendant argued and fought with his ex-wife, and overcome by rage, broke her neck. Everything that happened afterward stems from that one act of rage. It can't be any simpler than that.

(beat)

Therefore, you must return guilty verdicts on all charges.

Returns to his seat, leaving the tripod and poster in place.

JUDGE

Mr. Barnes, you may proceed.

MAX

(with some notes in his hand)

I didn't kill Mary Lou and I—

SCOTT

*Objection!* Defendant is testifying.

MAX

*What?* Can't I—

JUDGE

Sustained. Strike defendant's opening words.

MAX

(shifts through his notes to a new page)



MAX (Cont'd)

No witness has testified seeing me kill Mary Lou...nor driving her Toyota the night she was killed...nor seeing me assault and shoot Deputy Taylor...nor seeing me shoot and kill Deputy Wiggins.

(beat)

Dr. Norton testified Mary Lou's time of death was between nine and ten pm on Friday, April 19<sup>th</sup>. Ms. Jones testified that I left Mary Lou's trailer at nine seventeen, which leaves *forty-three minutes of opportunity* for somebody else to enter her trailer and kill her.

(beat)

Remember, Ms. Jones testified that she didn't see or hear anything after I left Mary Lou's trailer. During cross-examination, she admitted that someone else could've arrived after I left or could've been outside Mary Lou's trailer while I was arguing with Mary Lou, and she wouldn't have known it.

(beat)

So then, its possible someone could've been planning on killing Mary Lou, and when he heard us arguing, decided to frame me and took my cellphone and a contractor's trash bag from my truck.

(beat)

And that person would have used Mary Lou's car to move her body, and after dumping her over the Dry Creek Bridge, driven to my apartment, returned my cellphone, and planted the shovel and Beretta in my truck.

(shifts through notes and bypasses some)

Remember, both Detective Johnson and Lieutenant Holland testified during cross examination, that they could not find anyone other than me, with a motive to kill Mary Lou.

(beat)

And remember, Detective Johnson testified that he was *already convinced* I was guilty when he interviewed Bergeron and Fontenot, *didn't* consider them suspects, *didn't* run background checks on them, and *didn't* double check their alibis.

(beat)

And remember, Bergeron testified that *nobody* asked to see his financial statements nor bank records, and Fontenot testified that *nobody* asked him if he owned a 9mm Beretta.

(shifts through notes again)

Maybe Mary Lou discovered Bergeron was stealing money from the trust he was managing...or from his investors...or cheating on his income tax returns and tried to extort money from him. Or maybe she began stealing from Bergeron, knowing he couldn't go to the law without exposing his own crimes.

(beat)

If so, Mr. Bergeron would've had a motive to kill Mary Lou...or have Fontenot...or somebody like him, do it.

(beat)

And it would give Bergeron a reason to lie in his *unverifiable testimony* about my reeking of alcohol and threatening to break Mary Lou's neck.

(beat)

And it would explain how she got the money to buy all those new clothes...and her

interest in house plan books...as she would have been expecting a large payoff.

(studies notes for a few seconds)

Other motives for somebody else to murder Mary Lou could be *passion* or *revenge*.

Remember, Ms. Jones testified that Mary Lou sometimes had male visitors at night.

(beat)

Maybe Mary Lou threatened to tell a married lover's wife about their affair to keep him from ditching her...or maybe she dumped one lover for another who had more money...or maybe she tired of a lover and ditched him.

(refers to notes)

Investigators failed to follow normal procedures at the Three Hill Road Crime Scene, by not testing Deputy Taylor for gunpowder residue...by not testing his service weapon for recent use...and did not search his house and personal vehicle for another 9mm handgun that could have been used on Deputy Wiggins.

(beat)

Investigators failed to consider the possibility that the spent shell casing found on a lily pad in Deputy Taylor's pond had been placed there instead of being ejected from a handgun.

(beat)

Furthermore, investigators failed to learn that Deputy Taylor's testimony about being awakened by a gunshot and what he heard afterward is *unreliable* due to his extensive use of alcohol and drugs the night before...and that he could've been lying.

(refers to notes)

Mr. Blair's testimony about seeing me with the Beretta more than a year ago is...is *unverifiable*. And his testimony about taking it from my truck *after* Deputy Wiggins was killed is also *unverifiable*.

(beat)

And Mr. Blair has a good motive to lie, as he admitted during cross examination that his testimony saved him from a prison sentence of seven or more years.

(beat)

Mr. Chua had no reason to lie about seeing me with the smaller gun when he worked for me. And remember his testimony about seeing the shovel in my truck for the first time on the morning when Wiggins was killed...and us never using a digging shovel like the one used on Deputy Taylor.

(refers to notes for a noticeable time)

JUDGE

Are you done, Mr. Barnes?

MAX

Uh...no...your Honor. I'm about to finish up.

(pause)

Mr. Scott *speculated* that I parked my truck at the metal building and walked back to Mary Lou's trailer so Ms. Jones wouldn't hear my *loud truck* when I returned.

(beat)

So, isn't there *reasonable doubt* I would drive that *same loud truck* to Deputy Taylor's cabin on that Monday morning to *surprise* and *kill* him...as Mr. Scott has also claimed?

(beat)

And isn't it *reasonable* to believe that *anybody* planning to murder Mary Lou would have parked his vehicle elsewhere, so it wouldn't be seen... like at the metal building up the road?

(beat)

And both Detective Johnson and Lieutenant Holland, admitted during cross examination, that the shovel could've been planted in my truck.

(beat)

Well, isn't it *reasonable* to believe the Beretta and shovel would've been *planted* in my truck at the same time my cellphone was returned, which was sometime before I woke up on the Saturday morning of April twentieth?

(beat)

And if I had shot Deputy Taylor that Friday night, isn't there *reasonable doubt* that I'd keep the gun and shovel knowing I'd be the prime suspect when Mary Lou was reported missing?

(beat)

And isn't it *reasonable* to believe that someone trying to frame me, would make certain his fingerprints wouldn't be found on the shovel, the Beretta, and the rounds in the Beretta, as per the crime lab's report?

(beat)

So, isn't there *reasonable doubt* about the competence and thoroughness of the investigation that led to the charges against me?

(beat)

And isn't there reasonable doubt that I committed the crimes charged against me?

(beat)

And, since the prosecution has stated that all the charges against me are linked, isn't *reasonable doubt* as to my guilt on *any one* of those charges, reasonable doubt about all of them.

(to the judge)

I'm done, your Honor.

#### JUDGE

Members of the jury, regardless of what you may have heard, you can find someone guilty based solely on circumstantial evidence, provided you believe it is overwhelming.

(beat)

In the United States a defendant does not have to prove that he or she is not guilty. The burden of proof rests on the state, which must prove beyond a *reasonable doubt* that a defendant is guilty. Under the Laws of the State of Mississippi, neither I nor the prosecution, nor the defense, can define what constitutes "reasonable doubt" for you. Each of you must decide what it is.

(beat)

Any verdict, whether guilty or innocent, must be unanimous, or if after significant deliberations, you cannot reach a unanimous verdict, you will report that you are hopelessly deadlocked.

(beat)

Should you wish to re-examine any of the evidence that has been presented, or review any of the testimony of the witnesses, use the phone in the jury room to tell the court officer what you need. Now retire to your quarters for deliberation.

(raps gavel)

Court is now adjourned until the later of ten o'clock tomorrow morning or when jury deliberations have ended.

*CURTAIN*

ACT 2

Scene 3

At rise, all the witnesses shown below are on-stage in the dark. Each witness will be spotlighted in turn and will say their lines. After each line, the first bass E on a piano will be struck and held for a several seconds before allowing them to fade

SIMMONS

Max blamed Mary Lou for their bankruptcy because her spending had kept him from accumulating a cash reserve.

BERGERON

He said, "This is the last time she's goin' to pull this stunt, 'cause I'm goin' to break her damned neck!"

JONES

Well, sir, she got a hand loose and clawed him good, then he got her turned 'round and pulled her back where I couldn't them see no more.

NORTON

In other words, she died of a broken neck.

TAYLOR

I heard a noise behind me and turned just in time to see the blade of a shovel coming at my head.

JOHNSON

I noticed a shovel with a pointed blade in the truck bed. That was the type of shovel Lieutenant Holland said was used to dig the shallow grave at Dry Creek.

HOLLAND

The DNA on the shovel and the piece of vinyl matched DNA from the sample of Deputy Taylor's blood.

JOHNSON

The GPS tracking map showed his phone was pinged by a tower near the Dry Creek Swamp...

HOLLAND

We removed two spent 9mm slugs from his body armor.

TAYLOR

I was startled awake by a gunshot then I heard a loud vehicle, like a truck, going back up my driveway...

WILSON

Yeah, I got a good look at the dude's face. That's him right yonder.

HOLLAND

The state crime lab found that the Model 92, 9mm Beretta fired all three of those spent shell casings and the two slugs.

BLAIR

I got a good look at it that day. It was the same gun I took from his truck...the one you just showed me...the Beretta.

CURTAIN

Act 2

Scene 4

Wednesday morning.

Before the curtain rises, the stage manager will instruct the jury to take no more than four show-of-hand votes. If no unanimous vote occurs, the verdict will be what the majority decides on the last vote. The stage manager will then write the verdict on a piece of paper and give it to the foreman of the jury. The curtain should be down for only a few minutes to keep the interest of the audience.

At rise: The JUDGE is on his bench, the jury is in seated, the BAILIFF, DEPUTY, CLERK, RECORDER, SCOTT and MAX are in their normal positions. DEPUTY TAYLOR is sitting a few seats away from MONA WIGGINS.

JUDGE

Will the foreman of the jury please rise.

FOREMAN stands, holding a folded sheet of paper provided by one of the stage crew prior to curtain rise.

Has the jury reached a verdict or verdicts?

FOREMAN

(rises and remains standing)

Yes, your Honor.

The BAILIFF takes the folded sheet of paper from the FOREMAN and gives it to the JUDGE, who studies it for a moment, then gives it back to the Bailiff, who returns it to the foreman.

JUDGE

(to MAX)

Defendant, please rise.

MAX stands.

Will the foreman please publish the verdict.

**OUTCOME (A)**

FOREMAN

The jury finds the defendant, Max Barnes, not guilty on all charges.

MAX

(thrusts both arms up in victory signal)

*Damned straight!*

JUDGE

(raps gavel)

The defendant is hereby released from custody and this court is adjourned.

**OUTCOME (B)**

FOREMAN

The jury finds the defendant, Max Barnes, guilty on all charges.

MAX

(clasps both hands to his head)

*No! This can't be happening!*

(shakes a fist in the air)

I'm going to file an appeal immediately.

JUDGE

As is your right, *Counselor*.

(raps his gavel one time, loudly)

This case is closed, and court is hereby adjourned.

MONA WIGGINS

(stands abruptly and shouts)

*I can't take this anymore!* My husband killed Mary Lou...and I killed him to keep him from killing Matt Taylor.

JUDGE

(startled)

*What?* You killed who?

TAYLOR

(stands and yells at her)

*No! Shut your mouth!*

(rushes toward her)



MAX

*Let her talk!*

JUDGE

*Arrest that woman!*

The BAILIFF and the DEPUTY rush downstage and down the front steps toward the woman and to keep DEPUTY TAYLOR from reaching her.

WIGGINS

(raving hysterically as she is being escorted out of the courtroom)

I followed him that Friday night and I saw him go into Mary Lou's trailer and I went home and when I saw the news that Saturday I knew it was him that killed her 'cause she was blackmailing him over his drug dealing and that he was going to kill Taylor and I got there before he did and parked on that dirt road and walked through the woods to the pond and shot him before he could kill Taylor and he covered it up for me so I'd get his full pension and I know I'm going to hell and I couldn't stop myself and I hate myself and I hate Taylor and...and...

END OF PLAY

