

You're the Jury: The State vs Max Cooper

Steve and Susan Shear





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ArtAge Publications

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YOU'RE THE JURY: THE STATE VS. MAX COOPER

by Steve Shear and Susan Shear

SYNOPSIS

Peter Lambert moved into a tranquil community and soon began terrorizing the neighbors. Max, an upstanding member of the community, soon found himself in a feud with Peter that escalated to one fateful night that ended with Max shooting Peter in the shoulder, causing Dean Palan, an innocent bystander, to veer off the road and die. Arrested for the attempted murder of Peter Lambert, and the death of poor Dean Palan, Max contends that he "didn't know the gun was loaded with real bullets," and that his wife, Savannah, switched the blanks for the real thing. Savannah was outraged by the accusation even though she had a flirtatious reputation and was rumored to have been 'involved' with Peter. The State argues that rage and revenge were involved in this exciting courtroom drama laced with humor, in which the audience, as the jury, must deliver the verdict. Three different endings are provided depending on the jury's outcome.

CAST

OFFICERS OF THE COURT

JUDGE FRANCIS HART

JODY GREENSTREET, Bailiff

TERRY STONE: Attorney for the Defense

ALEX RHODES: Attorney for the Defense

LESLIE LARUE: Attorney for the State

DALE LANE: Attorney for the State

CONNIE JOHNSON: Attorney for the State

DEFENDANT

MAX COOPER

WITNESSES

REGGIE BRINWALLER: State Witness
AVERY SUMMERS: State Witness
LONNIE JACOBSON: State Witness
PETER LAMBERT: State Witness
VAL BAKER: State Witness
CARRIE BRUBAKER: State Witness
NOLAN HINKLE: State Witness
LOREN WINER: Defense Witness
SAVANNAH COOPER: Defense Witness

RUDY OLIVER: Reporter

PRODUCTION NOTES

At most 18 actors, many gender and age neutral roles, doubling possible, e.g., four actors can play all the witnesses except for the Coopers. With the exception of Max and Savannah Cooper, Peter Lambert, and Nolan Hinkle, all other roles are gender neutral MALE OR FEMALE, and have gender neutral first names. In the script, this is written as "M_. [name]." Please also insert your own local names in place of the items in brackets, such as "[KNSB] Television," and "[SaddleBrooke community, just north of Tucson, Arizona]."

Attorneys can carry legal pads on stage and refer to their lines periodically. Some witnesses can have notes as well, so long as they're referring to notes makes sense for their character.

Setting: A Courtroom in which the audience takes the role of the Jury. The actors' set includes a Judge's Bench, a Witness Stand, a Bailiff's Box, an Exhibit Table, and Attorneys Tables and Chairs.

PROLOGUE

(After the audience is seated, Witnesses enter and take seats along the walls in the audience, then the Reporter, RUDY OLIVER, enters holding a hand-held microphone.)

RUDY: This is Rudy Oliver reporting live for [KNSB] Television on the sensational trial of Max Cooper who is accused of shooting and wounding his neighbor, and causing the death of an innocent man here in the [SaddleBrooke community, just north of Tucson, Arizona]. And he did this all in the name of rage and revenge according to the State Prosecutors. Will Max Cooper be convicted? The community is holding its breath, waiting for the outcome of this amazing case.

(Defense Attorneys and MAX COOPER enter)

RUDY: *(RUDY rushes toward MAX)* Ladies and Gentlemen, the Defendant, Max Cooper, just entered the courtroom with his two attorneys, Terry Stone and Alex Rhodes. Let's see if they'll talk to us... Mr. Cooper, are you confident that the jury will acquit you?

MAX: No comment. I have nothing to say to the press. *(heads for table followed by his Attorneys)*

RUDY: *(approaches Attorneys)* M_. Rhodes, M_. Stone, how confident are you of an acquittal?

STONE: Max Cooper is NOT guilty. We are quite confident the jury will arrive at the same conclusion. *(STONE abruptly leaves RUDY and heads for the defense table.)*

(RHODES follows STONE and sits at the defense table)

(Prosecution team enters)

RUDY: *(RUDY approaches LANE)* Ladies and Gentlemen, let's see if we can get a word from the Prosecution... M_. Lane, how do you feel about your case for the State?

LANE: M_. Oliver, how nice to see you. Our team is confident that we will prevail, that Max Cooper will find himself behind bars before the day is over.

(Entire Prosecution team heads for the Prosecution table)

RUDY: (*whispering*) I'll be back after the verdict is in and from time to time in between. This is Rudy Oliver signing off for now. (*RUDY exits or sits*)

ACT ONE

BAILIFF: (*BAILIFF enters and remains standing at the bailiff box and wraps his gavel*) Hear ye, hear ye, the Court is now in session. All rise. (*BAILIFF motions for all, including the audience, to rise*) Superior Court Number Four of the State of [Arizona]. The Honorable Judge Francis Hart presiding.

JUDGE: (*The JUDGE enters the courtroom and remains standing as the audience and all others including the Attorneys and Defendant stand. The judge sits and all do the same.*) The State vs. Max Cooper. M_. LaRUE, M_. Lane, M_. Johnson, are you ready?

LARUE: Ready, Your Honor.

LANE: Ready, Your Honor.

JOHNSON: Ready, Your Honor.

JUDGE: M_. Stone, M_. Rhodes?

STONE: Yes, Your Honor.

RHODES: Yes, Your Honor.

JUDGE: The Bailiff will swear in the Jury.

BAILIFF: (*walks to center stage*) Jurors, please raise your right hands. Do you solemnly affirm that you will consider all the evidence in this case, follow the instructions given to you, deliberate fairly, and impartially and reach a fair verdict under the pains and penalties of perjury...[and the elimination of any dessert at recess].

JURORS: I DO.

BAILIFF: You may be seated. (*The BAILIFF motions to the Jurors to take their seats. BAILIFF sits*)

JUDGE: (*JUDGE directs his/her attention to the Jury*) Ladies and Gentlemen, you are the Jurors who will try this case. I charge you with the duty of listening to the testimony carefully. At its close you will deliberate and vote upon your verdict in accordance with the evidence and the instructions I shall provide, and you will pronounce your judgment to the best knowledge of your hearts and minds. You are to determine whether the Defendant, Max Cooper, is guilty or not guilty of Count One, assault and battery, and Count Two, murder in the second degree. Counsels for the State, you may now proceed with your opening Statement.

LARUE: (*stands and walks the courtroom*) Your Honor, Ladies and Gentlemen of the Jury, my name is Les LaRue and I along with my co-counsels represent the State. The evidence in this case will show that on October 4, [____], at approximately 5:30 in the evening, harsh words were spoken between Max Cooper and Peter Lambert. As a result, the Defendant, Max Cooper, INTENTIONALLY, and with malice in his heart, shot and wounded Peter Lambert with a Smith & Wesson revolver that HE, the Defendant, purchased just weeks earlier.

The evidence will further show that AS A RESULT of that shooting, that cold and callous crime, Peter Lambert's Dodge pickup rolled back onto the road killing Dean Palan. And why would one man shoot another man in cold blood, and in broad daylight? I will tell you why, Ladies and Gentlemen. Just two powerful reasons—RAGE and REVENGE.

Now, for this cold and callous crime, we are asking you to return two guilty verdicts. First, a guilty verdict of assault and battery because Max Cooper did indeed intentionally shoot and wound Peter Lambert. Second, a guilty verdict of MURDER IN THE SECOND DEGREE because Max Cooper committed a FELONY resulting in Dean Palan's death.

Thank you Ladies and Gentlemen of the Jury. (LARUE sits)

JUDGE: M_. Stone, M_. Rhodes, would you like to make an opening Statement for the Defense?

STONE: We will defer our opening statement until after the State presents its case, Your Honor.

JUDGE: In that event, the State may proceed.

JOHNSON: (*stands*) I would now like to call my first witness, Deputy Reggie Brinwaller.

BAILIFF: (*stands*) Deputy Reggie Brinwaller.

(*BRINWALLER enters and stands by the witness chair*)

BAILIFF: (*approaches BRINWALLER*) Please raise your right hand. Do you solemnly affirm to tell the truth, the whole truth, and nothing but the truth under the pains and penalties of perjury?

BRINWALLER: I do. (*BRINWALLER sits in the witness chair*)

(*BAILIFF sits*)

JOHNSON: (*approaches BRINWALLER*) Please state your name and occupation.

BRINWALLER: My name is Reggie Brinwaller and I am a police officer with the [Pinal County] Sheriff's Department. (*BRINWALLER refers to notes as he/she gives testimony*)

JOHNSON: In the course of your duty, Deputy Brinwaller, what were you called upon to do at approximately 5:30 in the evening of October 4th last?

BRINWALLER: In response to a 911 emergency call reporting what was thought to be an automobile accident, my partner, Ralph Green, and I were dispatched to [Catalina Hills Drive] within the [SaddleBrooke] community. My partner, Ralph and I arrived at the scene several minutes before two fire trucks and an ambulance.

JOHNSON: And what did you find upon arriving at the scene?

BRINWALLER: As we came over the third hill, I observed a midnight gray Lexus SUV with [Arizona] vanity plate [LUV SB] parked just beyond the north edge of the road facing south, and close by was a blue Dodge pickup facing in generally the same direction, but a good five feet into the middle of the road. Seconds later I could see a red convertible overturned in the embankment across the road and a body in the field not far from the convertible.

JOHNSON: And the body, that was Dean Palan, the owner and driver of the red convertible?

BRINWALLER: Yes. He was pronounced dead at the scene.

JOHNSON: Was there anyone else at the scene?

BRINWALLER: The paramedics discovered Peter Lambert in the Dodge pickup right away, only semiconscious and bleeding. He had been shot in the shoulder and was taken to the hospital shortly thereafter.

JOHNSON: Who else did you find at the scene?

BRINWALLER: Dr. Avery Summers, the person who made the 911 call. I also found the Defendant, Max Cooper, and his wife, Savannah Cooper, huddled together in the front seat of the gray Lexus. He was in the driver's seat bent over and his wife was seated next to him.

JOHNSON: Before we go any further, Deputy Brinwaller, let me show you a diagram that has been marked Exhibit 1 for identification. (*JOHNSON picks it up from the exhibit table*) Do you recognize it?

BRINWALLER: Yes. It shows the Defendant's Lexus SUV on the side of the road, Peter Lambert's Dodge pickup in the road, and Dean Palan's convertible overturned in the embankment. The X marks where Mr. Palan's body was found.

JOHNSON: Thank you Deputy Brinwaller. (*Johnson returns the diagram and picks up a revolver at the exhibit table*) I am now handing you this Smith & Wesson revolver, Exhibit 2, for identification. Do you recognize it?

BRINWALLER: Yes. I found it on the Defendant's lap while he was still crouched over. Later, we established that the revolver was owned by and registered to Max Cooper.

JOHNSON: Thank you again Deputy Brinwaller. That will be all. Your witness, M_. Stone. (*JOHNSON returns the revolver to the exhibit table and then sits*)

STONE: (*Stands and approaches the witness*) Deputy Brinwaller, did either Max Cooper or his wife say anything to you as you approached their vehicle?

BRINWALLER: The Defendant never looked up, but I could hear him crying that he didn't know the gun was loaded. He kept repeating that. He didn't know the gun was loaded.

STONE: So Max Cooper kept saying he didn't know the gun was loaded. And Mrs. Cooper, did you hear her say anything to you?

BRINWALLER: No. She just looked up at me and then back over at the Defendant.

STONE: You didn't hear her say she also didn't know the gun was loaded?

BRINWALLER: No, she never said that.

STONE: Don't you find that strange, Deputy Brinwaller? I mean wouldn't you have thought Mrs. Cooper also believed the gun harmless AND WOULD HAVE SAID SO?

LARUE: Your Honor, I object to the question and the inference. The witness is not a mind reader, and I am sure at that moment Mrs. Cooper had other concerns on her mind.

STONE: I withdraw the question. Thank you Deputy Brinwaller. That will be all.
(STONE sits)

JUDGE: You are excused, Deputy Brinwaller.

(BRINWALLER goes to his/her seat)

LANE : (stands) The State calls Avery Summers.

BAILIFF: (stands) Avery Summers.

(AVERY enters, stands in front of the witness box, raises her hand as the BAILIFF approaches. They pantomime the swearing in. They take their seats as LANE approaches)

LANE : Please state your name and occupation.

AVERY: Dr. Avery Summers. I am a retired physician.

LANE: Dr. Summers, on October 4th at approximately 5:30 in the evening you found yourself at the scene of an incident involving the death of Dean Palan. According to your earlier Statement, Defendant's gray SUV and Peter Lambert's blue pickup passed you by on [Catalina Hills Drive]. Can you tell the court what happened next?

AVERY: I was jogging up [Catalina Hills Drive]. Just before it curves I passed both vehicles parked next to one another, side by side. As I passed them I heard yelling—and a minute or so later I thought I heard a gunshot.

(RUDY OLIVER enters the court room, LANE takes his seat, RHODES approaches AVERY, and everyone freezes)

RUDY: Ladies and Gentlemen, here's the latest on the State vs. Max Cooper. Eyewitness, Avery Summers testified that Peter Lambert whispered to her just before the ambulance came, and I quote: "The F'ing hypocrite got me, like he said he would," although Summers didn't know if Lambert was referring to a statement the Defendant, Max Cooper, had just made to Peter Lambert or to a more generalized utterance referring to their ongoing feud. Summers also claimed that Mrs. Cooper never left her car to help poor Dean Palan...or for that matter, Peter Lambert.

(RUDY exits and the courtroom unfreezes)

RHODES: Didn't you find that strange, I mean for Mrs. Cooper NOT to have gotten out of the car to help, especially considering what happened to poor Dean Palan?

LANE: *(stands)* Your Honor...*(sits)*

RHODES: Question withdrawn. I have no further questions. *(RHODES sits)*

JUDGE: You are dismissed, Dr. Summers.

(AVERY returns to his/her seat)

JOHNSON: *(JOHNSON stands)* The State calls Lonnie Jacobson.

BAILIFF: *(stands)* Lonnie Jacobson.

(LONNIE enters, stands in front of the witness box, raises her hand as the bailiff approaches. They pantomime the swearing in. They take their seats after JOHNSON and LARUE whisper to one another during the pantomime, then JOHNSON approaches. *NOTE: during some of the pantomimed oaths you might want to create short diversions like this.)*

JOHNSON: Please state your name and occupation.

LONNIE: Lonnie Jacobson. I am a retired restaurant owner and widow[er]. Judge, I'm so nervous. If it's okay, I have a few notes here in case I forget something important.

JUDGE: That's fine, M_. Jacobson. Proceed Counselor.

JOHNSON: (*from table*) M_. Jacobson, you are familiar with both Peter Lambert and the Defendant, Max Cooper. Is that correct?

LONNIE: Yes, it is.

JOHNSON: Can you explain to the court why that is?

LONNIE: Unfortunately, I was one of the residents in [SaddleBrooke] who was almost run off the road by Peter Lambert. I was coming into my neighborhood one morning when I saw him in my rearview mirror. For a moment I thought he was going to plow into me but then, all of a sudden, he veered into the other lane and cut back in front of my car, forcing me on to the shoulder. I slammed on my brakes and stopped just before the embankment. Had I not stopped, I would have surely been killed — and it would have been that hooligan's fault.

JOHNSON: Did you report the incident to the Police?

LONNIE: No. I thought it was one of those crazy workmen late for work. It was only after I learned I was not the first victim that I thought more about the incident. It was Max Cooper who organized us, the "fearsome five" we were called later on. I don't know about fearsome because all of us were scared to death of Peter Lambert. Max was not only scared but really angry. I don't think I've seen any one so angry at another person. Judge, I'm so nervous, I wonder if I could have a glass of water?

JUDGE: Certainly. Bailiff, could you please get a glass of water for M_. Jacobson?

(*The BAILIFF hands LONNIE a glass of water, he/she takes a sip and hands the glass back after thanking the BAILIFF*)

JUDGE: Are you all right to continue, M_. Jacobson?

LONNIE: Yes, I want to finish. Now, where was I? Oh yes — Max managed to have Peter Lambert arrested. At the hearing, he did all the talking and, truthfully, the way Peter Lambert looked at him at the time, I was glad it was Max and not me.

JOHNSON: (*approaches LONNIE*) So, the way Peter Lambert looked at the Defendant, was scary?

LONNIE: It sure was—and Max was really rattled. I think he regretted what he had done, especially once Peter Lambert was out on bail. We're not sure when his trial will be, but Max told me Peter has been continuously threatening him.

STONE: (*stands, then sits*) Your Honor, I must object. The witness's last comment is utter hearsay.

JUDGE: Objection sustained. The jury will disregard the witness's last comment.

LONNIE: I'm sorry, Judge.

JOHNSON: One last question, M_. Jacobson. Did the Defendant ever say he would KILL Peter Lambert?

STONE: (*stands*) Your Honor, I object. Counsel is leading the witness. (*sits*)

JUDGE: Objection sustained. Rephrase the question, M_. JOHNSON.

JOHNSON: M_. Jacobson, did Max Cooper ever tell you how he FELT about Peter Lambert?

LONNIE: Yes. He told me several times, usually under his breath, that people like Peter Lambert should not be breathing air on this planet.

JOHNSON: So, the Defendant didn't think that Peter Lambert should be breathing air on this planet. Thank you, M_. Jacobson. I have no further questions. (*JOHNSON sits.*)

(*STONE stands*)

LONNIE: May I get down now? (*LONNIE looks up at the Judge*)

JUDGE: Not quite yet.

STONE: (*from the table*) What about Mrs. Cooper, the Defendant's wife, did she ever tell you how she felt about Peter Lambert?

LONNIE: Well, I didn't get to know her as well as Max, but on one occasion she said she hated his guts for spreading rumors that the two of them were having an affair.

STONE: So, Savannah Cooper said she hated Peter Lambert's guts. Thank you M_. Jacobson.

STONE: And Max Cooper, did you find him to be a violent man?

LONNIE: No, I didn't, but...

STONE: Thank you M_. Jacobson. That will be all. (*STONE sits*)

JOHNSON: (*JOHNSON jumps up*) M_. Jacobson, you didn't find the Defendant to be a violent man, but what? You started to complete a thought when counsel for the Defense so rudely cut you off.

LONNIE: I started to say that Max was not violent but rather—how should I put it methodical, maybe even...vengeful. I wouldn't want to be his enemy that's for sure. The way he went after Peter Lambert in order to get him arrested, it was as if he was driven by Satan himself—and while I'm a God-fearing woman, I was surely rooting for Satan.

JOHNSON: Thank you, M_. Jacobson. (*JOHNSON sits*)

JUDGE: You're excused, M_. Jacobson.

LONNIE: Thank you. (*she steps down, relieved that it's over*)

LANE: (*stands*) The State now calls Peter Lambert.

BAILIFF: (*stands*) Peter Lambert.

(*PETER enters and walks through the audience, picks up a glass of wine from a Juror's table, prearranged, takes it up on stage and drinks it defiantly as he faces the Jurors.*)

JUROR: Hey, that's my glass of wine, what's going on here? I paid good money for that...(Standing, then sits in disgust)

(*PETER takes a final drink, leaving some in the glass, places the glass on the Judge's bench, gives another defiant fist to the Juror. He then stands next to the witness chair where he is sworn in via pantomime.*)

LANE: (*approaches PETER*) Please state your name and occupation.

PETER: Peter Lambert. I am a construction worker, presently unemployed. (*PETER has a sling on his left arm*)

LANE: Your address please.

PETER: 11727 [Saddlebag Drive].

LANE: And you live with your mother in [SaddleBrooke]?

PETER: Yeah, I do.

LANE: Can you tell the court how that came about and how long you have been living with her?

PETER: I had health problems and lost my job in [Los Cruces]. Then I couldn't find work at all. Almost a year before the shooting, I was forced to move in with Ma.

LANE: And the evening of October 4th, can you tell us what happened?

PETER: The Coopers, you know Mr. [SaddleBrooke] big shot and his 'charming' woman passed by our house, Max gave me the bird so I jumped into my pickup and followed close behind.

LANE: Did you have anything in mind?

PETER: Ya darn right. I wanted to scare the hell out of UPSTANDING Max. He was the bastard...the jerk who railroaded me into the clinker. I wound up spending two nights in the County jail before Ma could make bail. You know what that's like?

LANE: Max Cooper railroaded you into jail. Please explain.

PETER: He and a bunch of others, those [SaddleBug] creeps, got in cahoots and claimed I tried to run them off the road. It's a bunch of you know what. Hell, they drive like fricken' snails. I was driving close. Having fun, INJECTING a bit of excitement in their lives before sundown and they turned into bedbugs. The next thing I know, the cops where pounding at Ma's door.

LANE: So the Defendant really had it in for you?

RHODES: (*stands*) I object, your Honor. (*sits*)

LANE: I withdraw the question. At the scene of the incident, you told Avery Summers, one moment, let me read my notes, and I quote, "the F'ing hypocrite got me like he said he would." What did you mean by that?

PETER: Simply that. He kept calling me at home ranting about my behavior and saying he would get me—and obviously he did.

LANE: Yes, I guess he did. (*LANE picks up a document from the exhibit table and hands it to PETER*) Mr. Lambert, you have in your hands Exhibit 3 consisting of Max Cooper's telephone statements immediately preceding the shooting. Do you recognize your mother's number?

PETER: (*He takes time to look it over*) Yea. Fourteen times.

LANE: (*LANE returns the telephone statements to the exhibit table and picks up a tape recorder*) I show you this tape recorder, Exhibit 4. Would you please tell the court where it's from, whose voice we will hear and then please play the recorder?

PETER: This recording is from the answering machine at Ma's and the voice you'll hear is Max Cooper. Here goes. (*MAX'S voice on tape, threatening PETER*) LISTEN SCUMBALL, IF YOU DON'T LEAVE ME ALONE, YOU WILL PAY DEARLY. GETTING YOU ARRESTED WAS NOTHING COMPARED TO WHAT WILL HAPPEN NEXT)

LANE: Thank you, Mr. Lambert. (*LANE returns the recorder*) Now, let's get back to the evening of October 4th. You were following the Defendant and his wife and wanted to scare them. So what happened?

PETER: Once they realized I was tailing them, they started speeding up and slowing down and weaving, as if to instigate something. When we got near the top of the hill, they pulled over and I pulled up next to them.

LANE: They pulled over or you forced them off the road?

PETER: They pulled over, I DID NOT FORCE THEM OFF THE ROAD.

LANE: I see. So then what happened?

PETER: We had words and then all of a sudden I saw HER. (*PETER stands and points toward SAVANNAH who also stands, assuming she is in view of the jury*)

LANE: You mean Savannah Cooper?

JUDGE: Please, Mr. Lambert, sit down.

(*PETER sits*)

PETER: Yea. I saw her reach into their glove compartment and pull out a gun and the next thing I knew he had it in his hand (*pointing to the Defendant*)

LANE: So he, the Defendant, was in the driver's seat with the gun in his hand?

PETER: Yea. And then he started pointing it at me and we had more words.

LANE: More words? Do you recall what they were?

PETER: Sure. I told him he was nothing but a cuckold and a moron with an out of control wife and that he didn't know which end of that gun was up. And as soon as I started laughing, I heard HER screaming something, and he screamed back at her.

LANE: And then?

PETER: And then I heard the shot and felt my shoulder rip from my body.

LANE: So, there is no doubt in your mind that it was the Defendant who pulled the trigger, not his wife?

PETER: No doubt at all.

LANE: In that case, Mr. Lambert, just a few more questions. You are aware that the Defendant had what are considered rare Rogue Valley rainbow roses in his backyard?

PETER: Sure. Everybody in the world was aware of them.

LANE: Did you cut the plants down sometime in the month of September?

PETER: You bet I did.

LANE: Can you explain to the court why?

PETER: Because I rotted in jail for two nights, all because of him. And I made sure he saw me do it. (*PETER stands and starts to go after the Defendant.*)

(*MAX stands too and starts to go towards PETER. The appropriate ATTORNEYS hold MAX and PETER. JUDGE raps the gavel. All sit again*)

JUDGE: Order in the court...Order...Please control your witness, M_r. Lane.

LANE: And prior to the evening of October 4th, is it true that you were having an affair with Savannah Cooper, the Defendant's wife?

SAVANNAH: (*She jumps up from her seat and starts toward the stage*) That's a lie! We were just friends and that was over and done with a long time ago. I can't stand that ...

JUDGE: (*JUDGE pounds on gavel*) Order in the court. Mrs. Cooper, control yourself or I will have you escorted from the courtroom.

(*SAVANNAH throws her head back indignantly and goes back to her chair*)

LANE: Please answer the question, Mr. Lambert. Were you having an affair with Savannah Cooper?

PETER: Sure, we were really getting it on—hot and heavy, ya know? (*HE looks at the Defendant and laughs*)

SAVANNAH: (*She jumps up from her seat again and walks toward the stage*) That's not true. He's just...

(*One of the other witnesses restrains her and they both sit*)

LANE: This so called hot and heavy—RELATIONSHIP, did you let the Defendant know about it?

PETER: I didn't keep it a secret. I wanted him to lose sleep over it. And they're separated now—which is fine by me. (*He laughs again*)

LANE: Thank you, Mr. Lambert. I have no further questions (*LANE sits*)

RHODES: (*RHODES stands*) This so-called affair with Mrs. Cooper you were bragging about, did she confront you about it?

PETER: Yeah, in the fitness center. She went ballistic and said she'd get even. She said I'd regret going beyond running innocent people off the road.

RHODES: (*approaches PETER*) She went ballistic and said she would get even—I see. And those fourteen telephone calls you say you received from the Defendant's telephone, how many were from Mrs. Cooper?

PETER: I don't remember.

RHODES: (*leaning into PETER*) But some were—and remember Mr. Lambert you are under oath?

PETER: I told you, I don't remember.

RHODES: (*loud*) Is it that you don't remember or you refuse to tell the court, Mr. Lambert?

LANE: (*stands*) Your Honor, Counsel is harassing the witness. He already answered the same question twice. (*sits*)

JUDGE: M_. Stone...

RHODES: Mr. Lambert, you testified earlier that you saw Mrs. Cooper reach into the glove compartment and pull out the gun and the next thing you knew, it was in her husband's hands. Isn't it possible that she shoved it into his hands?

PETER: Sure it's possible—anything's possible. What's the difference? He was the...

RHODES: Thank you. I have no further questions. (*RHODES sits*)

JUDGE: You're excused Mr. Lambert. Proceed with your next witness M_. Lane.

(*PETER starts to exit. He takes his glass from the JUDGE'S bench and drops it off at the table he took it from, after taking one final drink.*)

LANE: (*stands*) The State calls Gilbert Grover.

BAILIFF: *(stands)* Gilbert Grover. Mr. Gilbert Grover, please approach.

(The BAILIFF, aggravated, crosses her hands waiting impatiently for GROVER. The BAILIFF sits and everyone freezes as RUDY enters)

RUDY: Ladies and Gentlemen, in an effort to keep you up-to-date in real time, here's what happening in the Max Cooper Trial. Gun shop owner Gilbert Grover was late, but eventually told the jury SOME VERY IMPORTANT INFORMATION. According to his ledger, the Coopers, both the Defendant and his wife, Savannah, came into his shop together and purchased the revolver allegedly involved in the shooting of Peter Lambert. At the same time, according to his ledger, they bought a box of blanks...and a week later ONE of the Coopers came in and purchased live ammunition. His ledger doesn't say which Cooper it was, but Grover remembered it was the wife, Savannah Cooper, and that she had a note on her husband's business card telling her what kind of live ammunition to buy. Grover remembered seeing it with his own eyes...Got to go now. A fingerprint and ballistic expert will be testifying next.

(RUDY exits and the courtroom unfreezes)

JOHNSON: The State calls Val Baker.

(VAL BAKER enters, stands in front of the witness box, raises her hand as the bailiff approaches. They pantomime the swearing in. They take their seats as JOHNSON approaches. Again NOTE: during some of the pantomimed oaths you might want to create short diversions.)

JOHNSON: *(stands)* Please state your name and occupation.

BAKER: Val Baker. For thirty years I served as both a ballistics and fingerprints expert for the City of Los Angeles and presently I have my own firm that takes advantage of my expertise.

JOHNSON: Thank you, M_. Baker. *(JOHNSON walks to the exhibit table and picks up the revolver and a box of live ammunition)* I show you this Smith & Wesson revolver belonging to the Defendant and ask if you examined it with regard to the slug that was taken from Peter Lambert's shoulder? *(JOHNSON hands the revolver to BAKER)*

BAKER: Yes, I did.

JOHNSON: And what did you conclude?

BAKER: That the slug was, in fact, shot from the Defendant's revolver. The other four cartridges remained in their chambers unfired.

JOHNSON: Thank you, M_. Baker. (*JOHNSON holds onto the revolver and picks up the box of Wadcutter cartridges*) I now show you this box of live Wadcutter cartridges, Exhibit 5, purchased by the Defendant, Max Cooper. (*JOHNSON hands the box to the witness*) First, can you tell me...

STONE: (*stands*) I object, your Honor. We have seen no factual evidence that the Defendant purchased the live cartridges, only Mrs. Cooper's spurious claim she's making on television that her husband made it do it, and we know her to be a prevaricator, to say the least.

JOHNSON: Your Honor, Counsel's disparaging remarks directed at Savannah Cooper are unwarranted. I request they be stricken and disregarded.

JUDGE: Objections sustained on both counts. The jury will disregard Ms. Stone's statement disparaging Mrs. Cooper and M_. Johnson's Statement that the cartridges were purchased by Defendant. M_. Johnson, you may continue with the witness.

(*STONE sits*)

JOHNSON: Now, M_. Baker, would you please show the Court how someone would typically load the cartridges into the chamber of this revolver and you may stand to do so. (*JOHNSON hands the witness the revolver*)

(*BAKER stands*)

BAKER: It's quite simple. A cartridge or bullet, is comprised of a slug and a shell or casing. (*BAKER demonstrates to the jury*) The slug is propelled from the barrel of the gun and the casing remains in its chamber. All you do is swing open the cylinder like this and then drop a bullet into each chamber, one at a time. (*BAKER sits after handing the revolver back to JOHNSON*)

JOHNSON: Thank you for that demonstration. Incidentally, I noticed you handled the casing of the bullet as you inserted it into the chamber. Is that necessary?

BAKER: Yes, of course.

JOHNSON: So, your fingerprints will appear on the casing?

BAKER: Well, yes, unless I happen to be wearing gloves.

JOHNSON: And will your fingerprints still be on the casing after the revolver is shot?

BAKER: More than likely. Remember, it's only the slug that is shot from the chamber, not the casing. The casing remains in the chamber.

JOHNSON: So, more than likely your fingerprints would remain on the casing. Thank you. (*JOHNSON returns to the exhibit table leaving the revolver and retrieves the actual casing from the bullet that wounded PETER LAMBERT*) M_. Baker, let me show you this casing from the bullet that wounded Peter Lambert. For purposes of identification, it's marked Exhibit 7. Did you analyze this casing for fingerprints?

BAKER: Yes, I did.

JOHNSON: And did you find any fingerprints?

BAKER: Yes. I found only the Defendant's fingerprints on it.

JOHNSON: ONLY THE DEFENDANT'S FINGERPRINTS? Interesting. (*JOHNSON returns the casing to the exhibit table*) Finally, M_. Baker, did you inspect this box of live cartridges for fingerprints, the box itself I mean, and if so, what did you find? (*JOHNSON picks up the box that had been left nearby*)

BAKER: I did inspect the box and found fingerprints I didn't recognize, presumably the gun shop owner's, and both Savannah Cooper's fingerprints and the Defendant's.

JOHNSON: SO YOU FOUND THE DEFENDANT'S FINGERPRINTS ON THE BOX OF LIVE AMMUNITION. Thank you M_. Baker. I have no further questions?

(*STONE stands and picks up the box from JOHNSON. JOHNSON sits*)

STONE: M_. Baker, how many of Max Cooper's fingerprints did you find on this box of live ammunition?

BAKER: Just one thumb print and one index print.

STONE: JUST ONE THUMB PRINT AND ONE INDEX PRINT. Where were they?

BAKER: Where were they?

STONE: On the box, exactly where were Max Cooper's fingerprints? In fact, why don't you stand again and show us.

BAKER: (*BAKER stands and holds the box up for all to see*) The thumb was here on one side of the box and the index finger here on the other side. (*BAKER sits*)

STONE: No fingerprints on the flap of the box?

BAKER: No. None.

STONE: So it's quite possible that Max Cooper never opened the box?

BAKER: Well, yes, it is possible.

STONE: And Mrs. Cooper? How many sets of her prints did you find on the box?

BAKER: I don't know. They were all over it.

STONE: So, Savannah Cooper's fingerprints were all over the box! Thank you. No further questions. (*STONE hands the box back to JOHNSON and sits*)

JOHNSON: (*stands and approaches BAKER with the box of live ammunition*) M_. Baker, isn't it equally possible for the Defendant to have opened the box of live cartridges without leaving fingerprints on the flap, for example like this? (*JOHNSON demonstrates*)

BAKER: Yes, of course.

JOHNSON: A few final questions, M_. Baker. (*He picks up a box of Blanks, Exhibit 6*) This box of blanks, Exhibit 6, that the Coopers purchased from the Grover Gun Shop. Did you examine them?

BAKER: Yes.

JOHNSON: Are the live cartridge that wounded Peter Lambert, these here, and the blanks so much alike that a person handling them both wouldn't notice the difference?

BAKER: They are similar but clearly not identical. More important, the live cartridge which has a lead slug at its end is heavier than a blank which is bound with paper. By weight alone any reasonable person should be able to tell the difference.

JOHNSON: So the Defendant should have known the difference when he loaded his revolver. Isn't that so?

STONE: *(stands)* Your Honor, I object ... *(sits)*

JOHNSON: I withdraw the question. Thank you, M_. Baker. *(JOHNSON sits down after taking the box of live cartridges and placing it on the exhibit table)*

JUDGE: You may step down M_. Baker

(BAKER goes to his/her seat)

LARUE: *(stands)* The State now calls Carrie Brubaker.

(CARRIE enters, stands in front of the witness box, raises her hand as the BAILIFF approaches. They pantomime the swearing in. They take their seats as LARUE approaches)

LARUE: Please state your name and occupation.

CARRIE: Carrie Brubaker. Mrs. Carrie Brubaker. I'm retired

LARUE: M_. Brubaker, you live across the street from the Defendant?

CARRIE: Yes, at [62945 East Moonshine Place].

LARUE: Can you tell the Court what you observed on September 22nd at approximately noon, only twelve days before Max Cooper shot Peter Lambert?

CARRIE: I was on my front porch when I saw Max Cooper standing on the street at his mailbox. All of a sudden that nasty, nasty troublemaker, Peter Lambert, came flying down the street in his pickup heading right for Max. He scared the living daylights out of me. At the last second he swerved and kept going, but poor Max was on the ground, white as a ghost.

LARUE: And did you or the Defendant call the police?

CARRIE: Max said he had ways of dealing with that...err, SOB once and for all.
(CARRIE whispers) Son-of-a-bitch.

LARUE: Max Cooper, the Defendant, said he had ways of dealing with Peter Lambert once and for all. Are you sure he said that?

CARRIE: Yes. Those were his words including the SOB word. I don't like to use such words. It's not a [SaddleBrooke] thing to do, using, you know, profane language—except on the golf course.

LARUE: Yes, yes, the golf course is always an exception. Thank you M_. Brubaker. Your witness. *(LARUE sits)*

RHODES: *(RHODES stands and approaches the witness)* M_. Brubaker, how long have you known Max Cooper?

CARRIE: For about three years. That's how long he's lived across the street. I brought over brownies when they moved in. Of course I never received a thank you from his Mrs. *(She looks over at SAVANNAH and sneers)*

RHODES: Thank you for that M_. Brubaker. I'm sure the court appreciates the information and the fact that Mrs. Cooper lacks etiquette.

LARUE: *(stands)* Your Honor. Counsels for the Defense seem to be making a habit out of disparaging Savannah Cooper. *(sits)*

JUDGE: I agree. M_. Rhodes, please refrain from disparaging Ms. Cooper.

RHODES: My apologies, your Honor. Now M_. Brubaker, think for a moment, have you ever found Max Cooper to be a violent man capable of intentionally killing another human being?

LARUE: *(jumps up)* I object, your Honor. The witness has no qualifications to make such an evaluation. *(sits)*

RHODES: Your Honor, we are not asking the witness to psychoanalyze the Defendant, merely describe her observations.

JUDGE: Objection overruled. Please answer the question M_. Brubaker.

CARRIE: I have never thought of Max as being a man capable of murder. I've seen him get really mad, especially when you mention Peter Lambert, but not violent. God forbid someone violent should live in [SaddleBrooke].

RHODES: Thank you. I have no further questions. (*RHODES sits*)

JUDGE: You are excused, M._ Brubaker.

(*CARRIE goes to his/her seat*)

JOHNSON: (*JOHNSON stands*) The State calls Nolan Hinkle.

(*HINKLE enters, stands in front of the witness box, raises her hand as the BAILIFF approaches. They pantomime the swearing in. They take their seats as JOHNSON approaches. Again NOTE: during some of the pantomimed oaths you might want to create short diversions*)

JOHNSON: (*approaches HINKLE*) Please state your name and occupation.

HINKLE: Nolan Hinkle. I'm a retired Sergeant Major in the Marines and part-time physical fitness trainer in town, ma'am/sir.

JOHNSON: Mr. Hinkle, please describe your relationship with the Defendant, Max Cooper and his wife, Savannah Cooper.

HINKLE: I have known Max Cooper since junior high. We've been best friends, and...Savannah and I...are...close. In fact, Savan...I mean the Coopers, were the main reason I moved here.

JOHNSON: Prior to the evening of October 4th were you aware of any animosity between Mr. Cooper and Peter Lambert?

HINKLE: Everyone was aware of the Cooper-Lambert feud...

(*Everyone freezes as RUDY enters*)

RUDY: Ladies and Gentlemen, if you are following this amazing trial put this little bit of information in you pipe and smoke it. Max Cooper's best friend from junior high testified that the Defendant had an uncontrollable temper, was often highly explosive, and threatened to kill Peter Lambert after discovering that the bastard cut down his beloved roses. Those were Nolan Hinkle's exact words.

(*RUDY exits and the courtroom unfreezes*)

JOHNSON: Thank you, Mr. Hinkle, for being so candid. I do have one or two final questions; did the Defendant ever say anything to you regarding Peter Lambert's relationship with his wife?

HINKLE: Yes. Lambert was taunting Max about an affair they were supposedly having and managed to spread that rumor fairly quickly, starting at the fitness center.

JOHNSON: Did the Defendant say he believed Peter Lambert?

HINKLE: At first he didn't, but eventually the rumors must have gotten to him because he did begin to believe them. He even told me so.

JOHNSON: So the Defendant believed his wife was having an affair with Peter Lambert. Thank you Mr. Hinkle. I have no further questions. (*JOHNSON sits*)

STONE: (*stands*) So Mr. Hinkle, when Max Cooper learned about his rose bushes he became so enraged that he said—let me quote you accurately, that he was going to kill Peter Lambert. Did you believe him?

HINKLE: No, of course, not. He was angry at the time. People always say things like that. But now, I—I don't know.

STONE: Mr. Hinkle, have you observed any verbal or physical abuse on the part of Max Cooper towards his wife?

LARUE: (*stands*) I object, your Honor. The question calls for a conclusion? (*sits*)

JUDGE: Overruled. Please answer the question Mr. Hinkle.

HINKLE: Max can be verbally abusive at times, even to me on occasion, although never in front of the folks in [SaddleBrooke]. And, yes, he can say some harsh things to Savannah.

STONE: Has he ever been physically abusive to Mrs. Cooper?

HINKLE: Maybe he got a little rough at times, I'm sorry to say.

STONE: Thank you, Mr. Hinkle. That will be all. (*STONE sits*)

JOHNSON: (*Stands at the table*) The prosecution rests, Your Honor.

JUDGE: Thank you, M_. JOHNSON. Mr. Hinkle you may step down. We shall recess at this time. M_. Stone, M_. Rhodes, please plan to make your opening statement as soon as we reconvene.

(HINKLE goes to his seat)

BAILIFF: *(stands)* All rise. *(motions to all, including the audience, to rise)*

(JUDGE stands)

BAILIFF: There will be a fifteen-minute recess [for dessert]! Please remain seated until the parties leave the courtroom.

(JUDGE, ATTORNEYS, DEFENDANT, WITNESSES, BAILIFF exit)

ACT TWO

(ATTORNEYS, DEFENDANT, and WITNESSES enter and take their places)

(BAILIFF enters)

BAILIFF: All rise. *(audience rises)* Superior Court Number Four of the State of [Arizona]. The Honorable Judge Francis Hart presiding.

(JUDGE enters and sits)

BAILIFF: *(BAILIFF motions for all, including the audience, to sit)*

JUDGE: Counsels for the Defense, you may present your opening statement.

STONE: *(STONE stands and walks the Courtroom)* Your Honor and members of the jury, my name is Terry Stone and I along with Alex Rhodes represent the Defendant, Max Cooper. The evidence will establish that my client had no intention of firing live ammunition at Peter Lambert on the evening of October 4th. Indeed, Ladies and Gentlemen of the Jury, the evidence will show that Max Cooper was convinced that the revolver he AND his wife purchased was as harmless as a child's toy, that in fact he had never purchased live ammunition for the revolver—or any other firearm for that matter, but rather blanks. Yes, it is true he pointed the revolver at Peter Lambert, at the urging of Savannah Cooper I might add, and, yes, he pulled the trigger believing without any doubt in his mind that besides a loud bang NOTHING WOULD HAPPEN.

The State would have you believe that rage and revenge drove Max Cooper to intentionally fire upon Peter Lambert with the desire to injure or even murder him. Ladies and Gentlemen, when all the evidence is in it will show that the rage and revenge Mr. LaRue spoke of in his opening address belonged NOT to the Defendant but rather to his wife, Savannah Cooper, and that her rage and revenge were directed at BOTH Peter Lambert and her husband.

YES, sufficient rage and revenge within Savannah Cooper's heart for you to seriously wonder if it wasn't Savannah Cooper who wanted Peter Lambert dead and her own husband blamed for his death. Thank you Ladies and Gentlemen. *(sits)*

JUDGE: The Defense may now call its first witness.

RHODES: *(stands)* The Defense calls Loren Winer.

(WINER enters, stands in front of the witness box, raises her hand as the BAILIFF approaches. They pantomime the swearing in. They take their seats as LARUE approaches)

RHODES: Please state your name and occupation?

WINER: Loren Winer. I am the director of the [Arizona] Firearms Association which regularly conducts workshops on how to safely handle guns.

RHODES: And how long have you been conducting these workshops?

WINER: Forever it seems. At least fifteen years. I started right after my brother was accidentally wounded by a loaded gun.

RHODES: *(walks to exhibit table and takes a bullet from the box of live ammunition and from the box of blanks, EXHIBIT 6, at the exhibit table; approaches WINER)* M_. Winer, I show you this live bullet from the box, Exhibit 7, purchased by the Defendant's wife and I show you this blank from a box of blanks purchased by Defendant, Exhibit 6. Strictly from a looks standpoint, do they appear similar?

WINER: Well, yes, they both have flat heads, if that's what you mean.

RHODES: *(returns the bullets to their boxes at the exhibit table and returns to the witness with the entire box of blanks)* Look at this box of blanks and let us assume for the moment that the blanks have been entirely replaced with the live bullets by someone other than the Defendant, Max Cooper. Further assume, again for the moment, that Max

Cooper was unaware of that exchange. M_. Winer, in your opinion, is it possible that Max Cooper could have inadvertently loaded his revolver with the live bullets THINKING he was loading it with blanks.

WINER: Certainly, if he was not paying attention and he was not familiar with the differences between blanks and the real thing.

RHODES: Thank you. I have no further questions. (*sits*)

LANE: (*stands*) M_. Winer, given that the Defendant purchased the blanks and sent his wife to purchase the live ammunition, would that in your opinion reduce the chances that he mistakenly loaded his revolver with live ammunition—bullets that can kill?

RHODES: Your Honor, I must object. There is no evidence that Defendant in fact sent his wife to purchase the live ammunition.

LANE: Your Honor that's for the jury to decide and should they believe that to be the case...

JUDGE: Objection overruled. Please answer the question, Mr. Winer.

WINER: Well, it reduces it...certainly.

LANE: And if the Defendant had previously owned a firearm, would that, in your opinion, even more significantly reduce the chances that he mistakenly loaded his revolver with live ammunition—bullets that can kill?

WINER: Again, yes, for sure.

LANE: For sure. If the Defendant had previously owned a firearm, that fact even more significantly would reduce the chances that he mistakenly loaded his revolver with live ammunition, bullets that can kill? Thank you M_. Winer for your expert opinion.
(*LANE sits*)

JUDGE: You may step down, M_. Winer.

(*WINER sits*)

STONE: (*stands*) The Defense calls Betty Doolittle to the stand.

(Everyone freezes as RUDY enters)

RUDY: Ladies and Gentlemen, that was Betty Doolittle, the Cooper's next door neighbor and Savannah Cooper's best friend. During her testimony for the defense, she testified that Max Cooper physically abused Savannah and that Savannah admitted as much to her in confidence. According to Ms. Doolittle, she was convinced Savannah Cooper was having an affair with Peter Lambert until he, Peter Lambert, broke it off. All in all, Betty Doolittle was a great witness for the Defense...until that is the Prosecution got her to testify that Max Cooper could be a violent and a vengeful man and that he knew about Savannah's supposed affair with Peter Lambert...Got to go. *(whispers into his mic)* The rumor is that Savannah Cooper is about to take the stand.

(RUDY exits and the courtroom unfreezes.)

RHODES: *(stands)* The Defense calls Savannah Cooper.

LANE: *(LANE stands in surprise)* I strenuously object. Mrs. Cooper has made clear her refusal to testify based on her spousal privilege.

SAVANNAH: *(SAVANNAH stands as if surprised)*

RHODES: Your Honor...

JUDGE: Counselors, I thought this was settled. Please approach, ALL OF YOU.

(All five ATTORNEYS approach the Judge's bench. They have a side-bar discussion)

JUDGE: *(ponders)* Please step back now. Based on new information brought to the attention of this court, I have decided that the subpoena served on Mrs. Cooper will be honored and that she will be required to testify. Please call your witness once again, M_. Rhodes.

(LANE, JOHNSON, LARUE sit)

RHODES: I call Savannah Cooper.

BAILIFF: *(stands)* Savannah Cooper.

(SAVANNAH enters with a sexy walk and goes belligerently to the witness chair, first strutting through the audience, stopping at several tables and throwing her head back)

BALIFF: (*approaches the witness*) Please raise your right hand. Do you swear to tell the truth and the whole truth under penalty of perjury?

SAVANNAH: Of course I will. Not like some people in this courtroom. (*She looks at MAX*)

JUDGE: A simple yes or no answer will do, Mrs. Cooper. Please sit down.

(SAVANNAH sits. BAILIFF sits)

RHODES: Please state your name and occupation.

SAVANNAH: I am Savannah Cooper with a capital C, a retired English professor with a PhD from Columbia University—and a poet with a capital P.

RHODES: Thank you for that, Ms. Cooper. Your Honor and Counsel for the State, let the record show that the witness refused to come forward on her own volition and had to be subpoenaed. Accordingly, I am requesting that the court allow me to treat her as hostile...poet.

JUDGE: So granted. Please continue counselor.

RHODES: (*approaches SAVANNAH*) Ms. Cooper, isn't it true that approximately ten years ago you legally changed your name from Savannah Gregg to Savannah Cooper and that you have never been legally married to Max Cooper?

SAVANNAH: Yes, that's true.

RHODES: And isn't that because you were and still are collecting the pension of your deceased husband, Jasper Gregg?

SAVANNAH: I am legally entitled to those payments.

RHODES: Weren't you seeing the Defendant, Max Cooper, romantically before your first husband died?

LANE: I object, your Honor. The question has no relevancy to the issues at bar. (*sits*)

JUDGE: Objections sustained. M_. Rhodes, please be careful.

RHODES: Ms. Cooper, were you at any time having intimate relations with Peter Lambert?

SAVANNAH: No, absolutely not—Peter Lambert is nothing but a liar. At one time we were friends—before he began terrorizing the neighborhood. We had lots in common. He was fun-loving, NOT like Max who's so—well...up tight.

RHODES: But you were seeing Peter Lambert, isn't that so?

SAVANNAH: Well, once in a while we met for drinks and danced up at the [Lariat Bar] and we even read poetry to one another, believe it or not. But that stopped once he went off the deep end.

RHODES: So the two of you were not having an affair? And remember you're under oath.

LANE: (*stands*) Your Honor, she has already answered the question. Counsel is harassing the witness. (*sits*)

JUDGE: M_. Rhodes...

RHODES: But you were aware that he was spreading rumors about this 'affair' as the truth, and particularly to your husband?

SAVANNAH: Yes, I was, but he was just trying to sound like a big man and make Max angry.

RHODES: I see. You don't like Peter Lambert do you, Mrs. Cooper?

SAVANNAH: He's certainly made my life miserable—and turned it upside down—but, well he's a guy who likes to have fun—and it just got out of hand.

RHODES: In fact, haven't you told several people that you wished he were dead? And Mrs. Cooper, remember you are under oath and should you testify other than truthfully, I have several other witnesses I can call to the stand.

LANE: (*stands*) Your Honor, I object. Counsel is badgering the witness once again. (*sits*)

JUDGE: M_. Rhodes, you are testing my patience.

RHODES: Mrs. Cooper did you or did you not tell several people you had wished Peter Lambert were dead? (*RHODES gets right into SAVANNAH'S face*)

SAVANNAH: Yes—but obviously I didn't mean it, not literally. (*She doesn't back away*)

RHODES: Really?

SAVANNAH: Yes, REALLY, I did not!!

RHODES: When you were in the Grover gun shop the first time purchasing the revolver, this revolver (*RHODES picks up the revolver from the exhibit table and shows it to the Jury*), Mr. Grover testified that you took out an index card from your purse and read from it. According to that index card you were to purchase either a Smith & Wesson or Colt revolver. How did you come by that infor...

SAVANNAH: I did not take the index card from my purse. He was mistaken. Max handed ME the index card to read after I reminded him he had it. He had left his reading glasses at home. It was Max's idea to get the gun in the first place.

RHODES: Apparently, your recollection and that of Mr. Grover are at odds with one another. He seemed quite clear about what he observed. In any event, Ms. Cooper, isn't it true that a week after you and Mr. Cooper purchased the revolver and blanks, you went back to Grover's and purchased real bullets?

SAVANNAH: Yes, but only at Max's insistence. He even wrote down what I was to buy. We were having a number of burglaries in the neighborhood, they do have burglaries in [SaddleBrooke], believe it or not—and Max decided a gun with real bullets made more sense.

RHODES: Ms. Cooper, isn't it true that you SWITCHED the boxes of blank and real bullets so that Max would accidentally load the gun with the real ones thinking they were blanks? (*RHODES picks up the boxes of blanks and real bullets from the exhibit table and pantomimes a switch before putting them down again*)

SAVANNAH: No, it is NOT true.

RHODES: But YOU purchased the box of real bullets?

SAVANNAH: For Max, M_. Rhodes. I showed him the box to make sure I bought what he wanted, then he put it away.

RHODES: But just two finger prints of his were found on the box. How do you account for that?

SAVANNAH: Rubber gloves, M_. Rhodes. A whole box happened to be sitting on the shelf next to the box of live ammunition that Max put away.

RHODES: Always the right answer at the tip of your tongue, Mrs. Cooper or Mrs. Gregg, whatever your name is? You are one slick lady. One final question. Are you and the Defendant living together—I mean now, as we speak?

SAVANNAH: No, we have been separated since—since shortly after the shooting. It's been difficult. *(she begins to get teary eyed)*

RHODES: No further questions. *(RHODES sits)*

LANE: *(LANE rises, brings SAVANNAH a tissue to wipe her tears)* Mrs. Cooper, were you in any way responsible for real bullets winding up in your husband's revolver?

SAVANNAH: Heaven forbid—NO! I was not.

LANE: Thank you for your candor. I would now like to move to the evening of the shooting. On that evening, at the time Defendant shot Peter Lambert you were in the car with him. Can you tell the Court in your words what happened?

SAVANNAH: As we were leaving the house to go into town, Max saw Peter Lambert out in front of his mother's place and rather than turning left out of the driveway, he made an abrupt right turn down the street, past Peter.

LANE: And then...

SAVANNAH: And the next thing we knew, Peter was following us and Max decided to 'egg him on.' *(uses hand motions and an animated voice)* He first drove fast and then he'd sloooow down and weave, and finally when we got to the top of the hill, Max pulled over to the edge of the road and Peter pulled up beside us. Max seemed delighted.

LANE: Please continue, Mrs. Cooper.

SAVANNAH: They started screaming at one another—and don't ask me what was said. I couldn't take it and closed my ears. But then I heard Max yell (*imitates MAX'S voice*) "get the gun, get the gun, it's in the glove compartment." And so, I reached into the glove compartment and once I had the gun in my hand, Max grabbed it from me.

LANE: According to Peter Lambert, you began yelling at the Defendant once he had the revolver in his hand. Exactly what was it you were yelling?

SAVANNAH: I swear I don't remember yelling anything. Like I just said, it was Max who was yelling. Get the gun, he kept saying—and besides, I assumed the gun only had blanks in it.

LANE: Did Max Cooper knowingly load his revolver with real bullets?

SAVANNAH: NO—well, I mean, I don't know for sure.

LANE: Who else could have, the gun fairy? I ask you again. Did your husband, the Defendant, knowingly load his revolver with real bullets?

SAVANNAH: I don't know—well YES, it's possible.

LANE: Considering Max Cooper's vengeful, conniving mind isn't it possible, Mrs. Cooper, that he concocted this entire switch with the idea of blaming you?

RHODES: (*stands*) Your Honor, I strenuously object... (*sits*)

LANE: Question withdrawn. Mrs. Cooper, did you conspire with Max Cooper in any way to murder or maim Peter Lambert?

SAVANNAH: No, I certainly did NOT! (*She stands and stares into LANE'S face and then sits back down*)

LANE: That will be all. (*LANE sits*)

JUDGE: You may step down, Mrs. Cooper.

(*SAVANNAH slowly stands, opens her purse to put her tissue away*)

STONE: (*stands*) The Defense calls Max Cooper to the stand.

BAILIFF: (*stands*) Max Cooper.

(MAX enters. SAVANNAH drops her tissue on the floor. She hesitates as she picks up her tissue that has fallen on the ground. As she exits, she and MAX come face to face with one another. They give each other spiteful shrugs and then, without words, She exits, strutting once again. MAX walks to the witness chair)

(MAX raises his hand as the bailiff approaches. They pantomime the swearing in. They take their seats as STONE approaches)

STONE: Please state your name and occupation.

MAX: Max Cooper. I am a salesman, a manufacturer's rep.

STONE: Now, let me ask you this, Mr. Cooper. On the evening of October 4th, did you aim a Smith & Wesson revolver at Peter Lambert and pull the trigger?

MAX: Yes, I did—but I swear I didn't know it was loaded with real bullets. I was just as shocked as—as he probably was *(pointing at PETER LAMBERT, if possible)*.

STONE: Why were you shocked? Didn't you load the revolver yourself?

MAX: Yes, I did, but not with live ammunition. I would have never knowingly used live ammunition.

STONE: I'm sorry, did I hear you correctly? Didn't you ask your wife to buy real bullets for you? That's what she said right here on this witness stand.

MAX: No, I did not. When we purchased the gun in the first place, the idea was to scare burglars—and that scumbag Peter Lambert, and that's why we bought blanks.

STONE: So it was your idea to buy the gun?

MAX: NO, it was Savannah's idea to buy the gun and blanks in the first place, and I certainly would never have bought real bullets. She was the one who did all the research about which gun to buy. She had it all on an index card just as old man Grover said. She was always putting notes on index cards.

STONE: Well, if you didn't buy real bullets and you didn't load the gun with real bullets, how did your fingerprints get on the casing of a live cartridge that wounded Peter Lambert?

MAX: Why don't you ask my sweet wife, again? After all she has a Ph.D. from Columbia University! (MAX says this in a voice that mimics SAVANNAH)

STONE: Well, do you have any thoughts? After all, they were your fingerprints.

MAX: The only thing I can think of is she put the real bullets in the box that had the blanks. I wouldn't have known the real from the fake. And when I loaded the gun, I thought I was loading it with blanks.

STONE: But your fingerprints were also on the box of real bullets. How do you account for that?

MAX: When she came into the house she plopped the box on the kitchen table in front of me and said she bought them because of the burglaries. I picked the box up and handed it right back to her, mad as hell, and told her to get rid of them. That was the only time I handled the box. It was the only time I ever saw it—until now, here in this courtroom.

STONE: Very interesting—A SWITCH, yes, very interesting and very tricky. Savannah Cooper is one savvy lady. Mr. Cooper, at the time of the shooting, did you believe that she was having an affair with Peter Lambert?

MAX: No!...I don't know—but I do think she was getting bored with our relationship. I could tell she was beginning to have a wandering eye for other men.

STONE: So, it's not a complete shock to you that she might have switched the boxes of bullets?

STONE: Of course it's a shock. But someone did—and I don't know who else could have—other than the gun fairy as M₋. Lane suggested (He says this as he points at M₋. LANE, attempting to mimic her voice)

STONE: Yes, the gun fairy—maybe so. However, for now, I would like to turn your attention to Nolan Hinkle for a moment. Did you tell him that you would kill Peter Lambert?

MAX: Yes, but that was right after I discovered what Peter Lambert did to my rose bushes. I was mad—we all say things like that. I didn't mean I would kill him for God's sake—and Nolan Hinkle knew that.

(LANE gets a cell phone call and walks away from the table but stays in sight of the Jury. Hopefully the audience thinks it's for real and LANE forgot to silence it)

(The JUDGE, BAILIFF and the other ATTORNEYS freeze and stare at LANE for about five seconds)

STONE: All right. We're jumping around a bit, but hopefully the jurors can follow us. It's extremely important that they do. So, let's go back to the SUV car you and your wife were in the evening of the shooting. As you just heard, Savannah Cooper testified that it was you who wanted the revolver from the glove compartment. Is that your recollection?

MAX: When Peter Lambert was screaming at me, the revolver in the glove compartment was the last thing on my mind. No, that was HER doing, not mine. And she was the one who insisted we drive past his house in the first place.

STONE: Why did she want to drive past his house?

MAX: To 'lure' him up the road. Once he began following us, it was Savannah who kept saying slow down, speed up, weave to the left, weave to the right, don't let him pass, *(He mimics SAVANNAH'S voice)* that is until we got to the top of the hill when she yelled for me to pull over, and you know the rest.

STONE: Not quite. So, it was your wife who wanted to instigate a confrontation with Peter Lambert?

MAX: You're damn right. That's when the bum began getting really nasty and the next thing I knew Savannah was shoving the gun in my hand. I didn't even see her pull it out of the glove compartment.

STONE: Peter Lambert testified that she yelled something at you when you had the revolver in your hand pointing it at him. Can you recall what she was yelling?

MAX: *(He mimics SAVANNAH'S voice)* "Shoot the SOB. Shoot the SOB." She was absolutely frantic.

STONE: Thank you, Mr. Cooper. I have no further questions. *(STONE sits)*

(LANE has just come back from her phone call and is whispering to LARUE at the table)

JUDGE: M_. LaRue...

LARUE: One moment please, your Honor.

JUDGE: M_. LaRue, the Court is waiting...

(LARUE finally stands and goes to MAX)

LARUE: I apologize, Your Honor but M_. Lane just took an important call that may well explain who is telling the truth and who is lying here in your courtroom today. Mr. Cooper, in regards to the so called "switch" that you allege took place between the blanks and real bullets, the director of the [Arizona] Firearms Association testified, and let me quote him/her, "If the Defendant had previously owned a firearm, that fact for sure would reduce the chances that he mistakenly loaded his revolver with live ammunition, bullets that can kill." According to the information M_. Lane just received on his/her cell phone, you in fact had already owned a firearm before you purchased the Smith & Wesson from the Grover Gun Shop. Isn't that true?

MAX: Firearm?

LARUE: It's a gun.

MAX: I know what it is! *(He looks embarrassed and begins to 'hem and haw')* Oh my, I completely forgot about that. That was at least 15 years ago. I was traveling in bad neighborhoods selling expensive equipment. I had the gun for maybe a year or two before I sold it and never bought another one. It was so long ago, I forgot all about it.

LARUE: So the answer is YES, you owned a gun with real bullets fifteen years ago real bullets, not blanks. Is that correct?

MAX: Yes, but...

LARUE: And you just admitted to your own counsel that you knew about the box of real bullets, another fact that would have reduced the chances you could have mistaken blanks for real bullets according to the director of the [Arizona] Firearms Association testified. Isn't that right, Mr. Cooper?

MAX: To hell with those factors. I swear I thought I was loading the gun with blanks and that's the blankity-blank truth!

LARUE: Cute, Mr. Cooper. And speaking of guns, let us go back to the night of the shooting just before you intentionally pulled the trigger on Peter Lambert, causing his blue Dodge pickup to roll into the road, and as a result of that, Dean Palan's convert...

STONE: (*stands*) Your Honor, I object. Counsel seems to be making his closing Statement instead of asking the witness a question. (*sits*)

JUDGE: Yes, M_. LaRue, please ask the witness a question.

LARUE: Mr. Cooper, during those weeks before you intentionally pulled the trigger, hadn't Peter Lambert been terrorizing you because you had him arrested?

MAX: Yes, but I wouldn't have killed him over it.

LARUE: Maybe not—or maybe you would have. After all, you were humiliated when you learned that people had been talking about an affair between your wife and Peter Lambert. Isn't that so?

MAX: There's always rumors going around [SaddleBrooke]. Most are bogus and I made a practice of not paying attention to any of them.

LARUE: Bogus? Didn't you tell Nolan Hinkle you believed those so-called rumors?

MAX: I don't remember telling Nolan that. He must be mistaken.

LARUE: And between the time you purchased the revolver and the time your wife purchased the bullets, didn't Peter Lambert almost run you down?

MAX: He tried to frighten me, not run me down. Had he wanted to run me down, he surely could have. But none of that would have made me want to kill him.

LARUE: (*LARUE gets loud and angry*) Really, but it was you who INTENTIONALLY pulled the trigger. Is that not so, Mr. Cooper?

MAX: Yes, but I thought the gun was loaded with bla...

LARUE: (*a little louder*) Mr. Cooper, given your penchant for extravagant revenge.

STONE: (*stands*) Your Honor, I object.

JUDGE: Sustained.

(STONE sits)

LARUE: (*a bit louder yet*) Mr. Cooper, isn't it true that you concocted this scheme to have Savannah Cooper purchase the real bullets after which you planned to switch them AND BLAME HER, Isn't that the case Mr. Cooper?

MAX: No, it is NOT! I did not concoct a scheme. (MAX stands)

LARUE: (*yelling in MAX'S face*) But your fingerprints are on the bullet casing and on the box of real bullets...AND YOU PULLED THE TRIGGER.

(MAX and LARUE are standing face to face)

MAX: (*yelling louder*) No, I didn't, I didn't concoct...

LARUE: (*louder*) YES, YOU DID.

STONE: (*stands*) Your Honor, counsel is badgering the witness.

JUDGE: (*JUDGE pounds gavel*) Sit down, Mr. Cooper. M_. LaRue, control yourself! PLEASE ASK THE WITNESS A QUESTION!

(MAX sits. STONE sits)

LARUE: I have no further questions. (LARUE sits)

JUDGE: You're excused, Mr. Cooper.

(MAX exits to defense table)

STONE: (*stands*) The Defense rests.

JUDGE: M_. Stone, M_. Rhodes, you may now make your closing Statement to the jury.

RHODES: (*stands and walks the Courtroom*) Is there REASONABLE DOUBT that Max Cooper willfully and with malice shot Peter Lambert with the intention of wounding or even murdering him? YES, THERE IS. Does the evidence support another scenario? YES, IT DOES.

The evidence clearly shows that Savannah Cooper, NOT MAX COOPER, purchased live ammunition, bullets that can kill; that Savannah Cooper hated Peter Lambert, in fact, she wished him dead, and that she might was in an abusive marriage. Did she really have an affair with Peter Lambert? She said no. Peter Lambert said yes. But who's telling the truth? Whether or not they had been having an affair, Ladies and Gentlemen, Savannah Cooper hated Peter Lambert enough to want him dead! She admitted saying that right here, in this courtroom, a short time ago.

It does not take a leap of faith to believe that she replaced the blank bullets with the real ones, knowing that her husband would not notice the difference and knowing that one day he would use it on Peter Lambert.

Yes, Ladies and Gentlemen of the Jury, I submit that the actions of Savannah Cooper MUST create a reasonable doubt as to WHO knew the gun was loaded with real bullets and, accordingly, you MUST find Max Cooper NOT GUILTY of assault and battery and murder in the second degree. Thank you. (*sits*)

JUDGE: M_. LaRUE, M_. Lane, M_. Johnson, the State may now make its closing Statement to the jury.

LANE: (*stands and walks the Courtroom*) Your Honor, Ladies and Gentlemen of the jury. You have just heard from the Defense. Their entire case amounts to one outlandish shrill. I DIDN'T KNOW THE GUN WAS LOADED—WITH REAL BULLETS. That's about as believable as a 1950s science fiction movie.

Ladies and Gentlemen, the Defense wants you to believe that a grown man didn't know the gun was loaded with real bullets, a vengeful and conniving man who admitted he had previously owned a REAL gun with REAL bullets to protect himself, a man that knew both real bullets and blanks were in his house BEFORE he loaded the gun he purchased. This is the very same man who after getting Peter Lambert arrested and thrown in the county jail, was terrorized by him—and terrified of him.

All of this built up within Max Cooper, a man known to have a temper, causing him to purchase a revolver in the first place, not his first gun I might add. No one twisted his arm to do that, Ladies and Gentlemen. As for the bullets—the Defense would have us believe that through some type of mumbo jumbo his wife, Savannah Cooper, pulled a secret switcharoo, replacing blanks with real ones. Only in the movies, Ladies and Gentlemen, could such a scheme have been cooked up. Yes, Ladies and Gentlemen of the jury, it was cooked up for you, hoping you wouldn't see through Max Cooper's charade.

Based on the evidence presented here, it is clear that the Defendant, Max Cooper, willfully and with malice shot and wounded Peter Lambert. Thank you. (*sits*)

JUDGE: Ladies and Gentlemen of the Jury, I shall now ask you to consider your verdict carefully, omitting any and all personal prejudices and sympathies. In order to find the Defendant, Max Cooper, guilty on both counts, a majority of you MUST reach the following conclusion. Based on the evidence, you must BELIEVE, NOT NECESSARILY KNOW AS A MATTER OF FACT, LADIES AND GENTLEMEN, BUT BELIEVE that the Defendant aimed his revolver at Peter Lambert and pulled the trigger believing it was loaded with at least one real bullet.

Was Max Cooper lying when he said he didn't know the gun was loaded—or was he telling the truth? Was Savannah Cooper telling the truth when she said she hadn't made the switch—or was she lying? Did Savannah Cooper purchase the real bullets without telling the Defendant or did she purchase them at Max Cooper's request. These are just some of the questions you must consider.

Now, Ladies and Gentlemen of the jury, I will leave with this reminder AND LISTEN CAREFULLY. THIS IS MOST IMPORTANT. It is perfectly appropriate to have doubts. AND STILL FIND THE DEFENDANT GUILTY. The law does NOT require that the proof of guilt be ABSOLUTE—and in most cases it is not. Lingering doubts that are NOT REASONABLE in view of the evidence will not AND SHOULD NOT exonerate the Defendant. Thank you for your service in this case. The Bailiff will now explain the procedures for jury deliberation.

BAILIFF: (*stands*)

[Assumes Cabaret Style]

Ladies and Gentlemen of the Jury, you will deliberate this case amongst yourselves at your table. After about [15 minutes], your Table Foreperson will poll your table as to whether the Defendant is guilty or not guilty and tally the results, after which the Foreperson will place the results on paper and give the paper to me. Based on the results FROM ALL THE TABLES COMBINED, I will write the verdict and the total count on a separate piece of paper. A guilty or not guilty verdict requires a majority vote, otherwise the jury is 'hung.' During your deliberations, I will move from table to table in the event you have any questions.

JUDGE: Court will stand in recess for the purpose of deliberation and will reconvene in about [15 minutes.] (*raps gavel and stands*)

BAILIFF: Please remain in your seats while the Parties exit. (JUDGE, ATTORNEYS, WITNESSES, DEFENDANT exit. The BAILIFF remains with the Jury. Following the allotted time for deliberation, the BAILIFF collects the counts from each table and writes the final full verdict and the total count on his paper. Again, an overall guilty or not guilty verdict requires a majority of jurors participating. If there is no majority, then the Jury is hung)

(The DEFENDANT and ATTORNEYS enter and go to their respective tables and sit. The WITNESSES enter and go to their respective seats and sit. The JUDGE enters)

BAILIFF: All rise. (motions for all, including the audience, to rise) Superior Court Number Four, Judge Francis Hart presiding.

(JUDGE sits. Once JUDGE sits, the BAILIFF motions for all to sit.)

JUDGE: Court is now in session. Bailiff, has the Jury rendered a verdict?

BAILIFF: Yes, your honor. (hands the verdict and count on one paper to the JUDGE)

JUDGE: Will the Defendant please rise?

(MAX and his ATTORNEYS rise)

[The Following Assumes a GUILTY Verdict]

JUDGE: Max Cooper, you have been found guilty by a jury of your peers. Bailiff, please take charge of the Defendant.

RUDY: (dashes up to stage, takes second piece of paper with the verdict and count from the BAILIFF) Rudy Oliver again. The verdict is in. Max Cooper is found Guilty. (reads the total count) He looks shocked! (HINKLE stands. He is always seated across from SAVANNAH)

MAX: NO!!! This is a mistake...I didn't know...I'm innocent. I'm innocent.

(SAVANNAH runs towards MAX with her arms out as if wanting to embrace him. MAX holds out his arms in anticipation. SAVANNAH runs past him and embraces NOLAN HINKLE)

JUDGE: Order in the Court, order; get ready for Curtain Call.

(BAILIFF escorts MAX out, followed by SAVANNAH and HINKLE arm in arm, the Defense and Prosecution ATTORNEYS, the JUDGE, the REPORTER and the WITNESSES all exit)

CURTAIN CALL

[The Following Assumes a NOT GUILTY Verdict]

JUDGE: Max Cooper, you have been found Not Guilty. You are free to go.

RUDY: *(dashes up to stage, takes paper with the verdict and the count from the BAILIFF.)* Rudy Oliver again. The verdict is in. NOT GUILTY *(Reads count)* Max Cooper goes free. But will the State go after his wife, Savannah Cooper? And there she is, running to her husband; after all that was said in this trial!

(runs to MAX and they hug)

MAX: Ha! Here's to you, Peter Lambert!

JUDGE: Order in the Court. Bailiff, let's get ready for curtain call!

(MAX and SAVANNAH exit followed by the Defense and the Prosecution ATTORNEYS, the JUDGE, the BAILIFF, the REPORTER and the WITNESSES)

CURTAIN CALL

[The Following Assumes a HUNG JURY]

JUDGE: The jury has been unable to reach a verdict, therefore I declare a mistrial and refer the case to the district attorney for further review.

RUDY: *(dashes up the ramp to stage, takes the paper with the verdict and the count from the BAILIFF)* Rudy Oliver again. The verdict is in. It's a hung jury!! A hung jury!! *(reads count)* Max Cooper goes free... for now. But will the State re-try him?

MAX: NO!! NO...I can't go through this again...no...no.

JUDGE: Order in the Court. Order! Bailiff, get ready for Curtain Call.

(MAX exits with Defense ATTORNEYS ATTORNEYS, the JUDGE, followed by the Prosecution, the BAILIFF, the REPORTER and the WITNESSES)

CURTAIN CALL

NOTE: If the show is performed Theatre Style, instead of Cabaret Style, the Bailiff will ask for a show of hands or applause from the audience. Once the verdict is clear, he/she will continue on as written above.

PRODUCTION NOTES

Setting (Cabaret Style)

The play takes place in the courtroom of the Superior Court of the State of [Arizona]. The State, city and community can be easily changed to conform to any actual production venue. The Judge's bench, Prosecution and Defense tables, Bailiff box, Exhibit table and the Witness Stand sit on a stage. This assumes the stage is large enough. If not, the Prosecution and Defense tables can be located on the lower level with the audience so long as easily accessible steps up to the stage can be added. The Audience serves as the Jury and each table is given the opportunity to deliberate at the end of the trial. A Guilty or Not Guilty verdict at each table requires a majority vote and an overall Guilty or Not Guilty verdict by the entire jury requires a majority vote of all the tables. Without these majority votes, there is a Hung Jury. The Witnesses will sit in the audience, either in the back or along the periphery, assuming again easy access to the stage. Otherwise, they should sit on the stage (in the back) or off stage.

Setting (Theatre Style)

The above assumes a 'cabaret style' venue. In a conventional theatre, the Attorneys and the Witnesses remain on stage unless they (the Witnesses) can easily access the stage from the audience. In a conventional theatre, there will be no jury deliberations, but rather a general vote by a show of hands or applause.

Jury Deliberations: (Assumes Cabaret Style)

After trial and before deliberation, each table should select a Foreperson who makes sure everyone at his/her table has read the Judge's instructions (see below) which have been provided at each table.

Judge's Instructions to be printed out, available at each Jury table:

JUDGE: Ladies and Gentlemen of the Jury, I shall now ask you to consider your verdict carefully, omitting any and all personal prejudices and sympathies. In order to find the Defendant, Max Cooper, guilty on both counts, a majority of you MUST reach the following conclusion. Based on the evidence, you must BELIEVE, NOT NECESSARILY KNOW, LADIES AND GENTLEMEN, BUT BELIEVE that the Defendant aimed his revolver at Peter Lambert and pulled the trigger thinking it was loaded with at least one real bullet.

Was Max Cooper lying when he said he didn't know the gun was loaded—or was he telling the truth? Was Savannah Cooper telling the truth when she said she hadn't made the switch—or was she lying? Did Savannah Cooper purchase the real bullets without telling the Defendant or did she purchase them at Max Cooper's request. These are just some of the questions you must consider.

Now, Ladies and Gentlemen of the jury, I will leave with this reminder AND LISTEN CAREFULLY. THIS IS MOST IMPORTANT. It is perfectly appropriate to have doubts AND STILL FIND THE DEFENDANT GUILTY. The law does NOT require that the proof of guilt be ABSOLUTE—and in most cases it is not. Lingering doubts that are NOT REASONABLE in view of the evidence will not AND SHOULD NOT exonerate the Defendant. Thank you for your service in this case. The Bailiff will now explain the procedures for jury deliberation.

Jury Deliberations: (Assumes Theatre Style)

After trial and before deliberation, the Bailiff will tell the audience that they have a few minutes to 'deliberate' the case among themselves. The Bailiff will then ask for a show of hands or applause for guilty or not guilty.

PROPS LIST

Properties

Hand held microphone
Reporter's Writer's Pad and Pen
Judge Gavel
Bailiff Gavel
Three small note pads
Several Pens
Arm Sling
Water Pitcher
Water Glass
Glass of Wine (Cabaret Show Only)
Ledger
Savannah's Purse
Tissue
Cell Phone that rings

Exhibits

Exhibit One: Diagram of Scene of Crime
Exhibit Two: Max Cooper's Gun
Exhibit Three: Copy of Telephone Statements
Exhibit Four: Tape Recorder with recording of Max's phone message
Exhibit Five: Box of Wadcutter Cartridges
Exhibit Six: Box of Blank Bullets
Exhibit Seven: Casing from the Bullet
Two pieces of Paper for the Bailiff to write Verdict and Count (Cabaret Show)
Paper and Pens for Foremen to write down table counts (Cabaret Show Only)
Printed instructions for the Jury at each table (Cabaret Show Only)