

~~ANNABETH
Means Marinelli never called Baxter to
testify, right?~~

~~MAUREEN
Exactly.~~

~~ANNABETH
So why would Marinelli rush to add
Baxter to the witness late in the
trial? Why go through all that trouble
and then not call Baxter?~~

~~MAUREEN
Let's ask him.~~

FYI

FYI

1/7

"CLOSE TO HOME" MARINELLI

16

INT. PROSECUTOR'S OFFICE - CONLON'S OFFICE - DAY 3
Conlon, Annabeth and Maureen meet with Marinelli.

CONLON
Turley is trying to use the Hopkins
case to defend Peters for killing Kelly
Joffe.

MARINELLI
Peters was angry about the verdict. I
don't see how my trial strategy is
relevant.

FYI

FYI

CONLON
I asked Annabeth and Maureen to review
the Hopkins files.

MARINELLI
Okay. Find anything useful?

ANNABETH
Who was Nick Baxter?

MARINELLI
Baxter? Name's not turning on any
lights.

FYI

MAUREEN
He's on your amended witness list, but
you never called him to testify.

FYI

MARINELLI
Now I remember. Didn't pan out.

(CONTINUED)

ANNABETH

His deposition isn't in your files, either.

MARINELLI

Didn't depose him. My investigator interviewed him.

MAUREEN

No record of that either.

Conlon steps in, realizing AB and Maureen are a little accusatory and Marinelli knows it...

CONLON

There something behind this witness we should know about, John?

MARINELLI

There's nothing there. Baxter was a bartender, served a few drinks to Hopkins one night and allegedly heard Hopkins rambling on about killing his wife. We did a little digging and determined Baxter wasn't credible.

CONLON

Why not?

MARINELLI

His story didn't add up, for one thing. And he'd perjured himself in a child custody case. Hellman would have ripped him apart.

ANNABETH

Did you mention Baxter to the Peters?

MARINELLI

Not specifically.

ANNABETH

You sure? You assured them Hopkins was going to be convicted, right? You didn't mention Baxter then?

MARINELLI

Say what you're trying to say, Annabeth.

FYI

FYI

2/7

FYI

FYI

"CLOSE TO HOME" MARINELLI

FYI

FYI

ANNABETH

You built up the Peters' hopes. That made Hopkins' acquittal more devastating than it had to be. You should have at least looked into Baxter's credibility before you told them you had a strong witness.

FYI

MARINELLI

There's a lot of things I wish I'd done different. But for you to suggest I didn't do everything I could to win that case is just plain wrong. I should have won it, but I didn't. And if Bob Peters wants to put killing Kelly Joffe on me because of that -- well, I can't believe we're even having that conversation.

FYI

CONLON

Just lifting every rock, John. Turley's trying to use the Hopkins case to get her client off. Cheap, but effective move -- we just want to make sure we don't give her any ammo.

3/7

FYI

MARINELLI

Anything else I can help you with, let me know.

Marinelli heads for the exit.

FYI

ANNABETH

John. This isn't personal.

Marinelli nods, keeps walking.

ANNABETH (CONT'D)

One more thing, then. How'd you find Baxter so late in the trial?

MARINELLI

My investigator found him.

ANNABETH

Who was that?

FYI

FYI

MARINELLI

Pitts.

CONLON

Thanks.

(CONTINUED)

"CLOSE TO HOME" MARINELLI

PITTS

If Marinelli had called him. He never did.

RAY

He said you determined Baxter wasn't credible.

PITTS

That's a load. Baxter's story was good. My two cents: he would have been a powerful witness against Hopkins if Marinelli had put him on the stand. But hey, what do I know?

ED

You got any idea how Marinelli found Baxter?

PITTS

Maybe.

(off look)

Baxter told me I wasn't the only guy asking him questions about Dale Hopkins.

RAY

Somebody get there first?

PITTS

(nods)

A private investigator who worked for Hopkins' attorney.

ED

Doug Hellman?

PITTS

That's him.

Off Pitts.

Annabeth confronts Marinelli.

ANNABETH

Pitts didn't find Baxter. You did. Tell me how.

START →

(CONTINUED)

"CLOSE TO HOME" MARINELLI

4/7

MARINELLI

Why do you care so much about Baxter?
He's a witness I never called in a case
that's over against a defendant who
can't be re-tried.

ANNABETH

Because the man who killed Kelly thinks
exposing something you did in the
Hopkins case is going to get him
acquitted.

(then)

How did you find Baxter?

Marinelli sits, reflects for a beat, moved almost to tears,
ready to say something big...

MARINELLI

I loved Kelly Joffe.

ANNABETH

What?

MARINELLI

We were in a relationship. I cared
about her.

ANNABETH

I didn't know that.

MARINELLI

No one did. We started dating during
the trial. We'd been together almost
four months when she was killed.

ANNABETH

Why didn't you recuse yourself from the
case?

MARINELLI

By the time we realized where things
were going, that would have led to a
mistrial. Hellman didn't want that.
Neither did I -- Kelly and I would have
both been fired.

ANNABETH

Did Kelly tell you about Baxter?

Marinelli's silence answers the Annabeth's question.

5/7

"CLOSE TO HOME" MARINELLI

(CONTINUED)

MARINELLI

(sharp)

No. Kelly would never have done that. She was incredibly ethical. We never discussed the Hopkins case. Ever.

ANNABETH

Then what happened?

MARINELLI

One night she was staying at my apartment. When she was in the shower, I looked through her briefcase. I found Hellman's private investigator's report about Baxter.

ANNABETH

Why do something like that?

MARINELLI

I'm not proud of it. I was losing the trial. The Peters were calling me every day, coming into the office - desperate for good news. And the idea that Hopkins was going to get away with murdering their daughter made me sick. It was so stupid. But once I knew that Hopkins had tried to hire Baxter to kill his wife, I knew putting him on the stand would win the case for me. I had to use him.

ANNABETH

But you didn't. Why not?

MARINELLI

Hellman. He saw Baxter on my witness list and confronted me. He said he knew Kelly and I were involved and accused me of betraying Kelly to discover Baxter.

ANNABETH

Let me guess -- Hellman came up with the solution?

MARINELLI

Ultimatum was more like it. He told me either I forgot about calling Baxter or he'd go to the judge.

(CONTINUED)

6/7 "CLOSE TO HOME" MARINELLI

18

CONTINUED: (3)

18

ANNABETH

If he wasn't willing to go to the judge, you should have.

MARINELLI

I know that now, but Hellman convinced me it was the best thing to do.

END.

Off Marinelli.

19

INT. HOSPITAL - RECOVERY ROOM - NIGHT 3

19

Hellman in bed. Annabeth enters.

HELLMAN

No flowers?

Annabeth doesn't smile.

ANNABETH

Marinelli told me what you did.

Pause. Hellman smiles.

HELLMAN

And you don't think I was fair?

ANNABETH

You should have gone to the judge.

HELLMAN

And ruined Kelly's career because she fell in love? Please, Annabeth. I protected Kelly and I protected Marinelli.

ANNABETH

You protected your case, too, didn't you? You blackmailed Marinelli into dumping a crucial witness.

HELLMAN

Blackmailed him? He cheated and no judge would have let Baxter testify after that. Hopkins would still have been acquitted, and Kelly would still be dead.

(then)

I didn't kill her, Annabeth.

Beat.

7/7

"CLOSE TO HOME" MARINELLI

(CONTINUED)