

FALSE TRUTH

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And

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All truths are easy to understand
once they are discovered;
the point is to discover them.

- Galileo Galilei

EXT. SAN FRANCISCO - DAY

Fog tumbles over the Golden Gate. The financial district rises out of the mist like the spires of some distant church.

SUPER IN/OUT: 2010

SHELDON (PRELAP)
So just for absolute clarity...

INT. COURTRoom - DAY

ELLIOT CONLON (55), a stoic defense lawyer with a piercing gaze, sits beside MALE DEFENDANT (20s), dressed for court but with the lean, brooding malice of a hardened street criminal.

SUPER IN/OUT: THIS IS A TRUE STORY...

A JUDGE overseas DA LAURA SHELDON questioning a WITNESS.

SHELDON
Is there any doubt that the weapon recovered from the defendant's vehicle is the same as the one presented in the exhibit?

WITNESS
It's the same.

SHELDON
No further questions.

Conlon stands and calmly takes the floor.

CONLON
The chain of custody reports that you and Mr. Williams were the only two people at the lab who handled the weapon, is that correct?

WITNESS
It is.

CONLON
Nobody else beyond who is documented was in charge of the weapon at any point?

WITNESS
No.

CONLON
Mr. Williams signed for the weapon on the 12th.
(MORE)

CONLON (CONT'D)

It was returned to the evidence locker on the 15th and you signed for it on the 16th.

WITNESS

That is correct.

CONLON

You matched the ballistics to the crime on the 16th. Can you recall why this connection was not made by Mr. Williams in the days prior?

WITNESS

Mr. Williams suffered a cardiac event. It took us time to catch up.

CONLON

He was hospitalized until the 18th?

WITNESS

I believe so.

CONLON

So who returned the weapon to the evidence locker on the 15th?

Panic on his face. Sheldon's posture sinks.

WITNESS

I don't, specifically, know.

CONLON

Un-specifically, wasn't the weapon found among evidence from the unrelated Portrero Hill shooting?

WITNESS

Ultimately it was filed correctly.

CONLON

Yes or no, the weapon was misplaced for a period of time.

WITNESS

Yes.

CONLON

Did you misplace the weapon?

WITNESS

I did not.

CONLON

So someone not listed on the chain of custody form handled the weapon besides you and Mr. Williams.

WITNESS

I guess...

CONLON

Were any of the investigating officers at the lab between the 12th and the 15th?

WITNESS

It's possible.

CONLON

Your honor, I have testimony I can bring that will indicate the lead investigator had access to the evidence in this time period... but given that the prosecution cannot account for the evidence for a full three days, there is ample reason to grant the motion to suppress.

SHELDON

Your honor, the state...

The Judge looks toward Sheldon who is clearly frustrated.

JUDGE

Mr. Conlon has made a valid argument. Motion granted...

CONLON

Your honor, my client has been held without bail during this entire debacle.

JUDGE

Very well, Mr. Conlon. The defendant will be released on his own recognizance... Pending further action from the District Attorney's office.

CONLON

Thank you.

The Judge gavels. Conlon's client breaks his formal demeanor and smugly celebrates, much to the Sheldon's chagrin.

Conlon, emotionless, packs up his papers. Just another day in the life of the San Francisco's top defense attorney.

INT. COUNTY COURTHOUSE HALLWAY - LATER

Conlon is walking down the cavernous hall of the court house alongside Sheldon.

CONLON

I know I don't need to tell you that the case is not win-able without the weapon...

Sheldon SIGHS. She knows.

SHELDON

Mike's going to have a second heart attack when he hears.

CONLON

Trying to make me feel guilty?

SHELDON

It's your client who's guilty. But, as usual, free to roam the streets.

CONLON

Be angry at your lab, not me.

SHELDON

Oh I am... but there was a time when you cared about the greater good. I don't know what good getting a murderer off on a technicality does for anything...

CONLON

Keeping you guys honest is always good. And let's not kid ourselves, justice is a technicality...

BURNS (PRELAP)

Burrrrrrrrrrr.

INT. THE OLYMPIC CLUB, CITY CLUBHOUSE - DAY

Conlon holds court with a table of friends, BURNS, TRESSEL, HAMILTON, LIU - all in expensive suits and the look of city power brokers - in the lounge of the prestigious club.

BURNS

Conlon's so cold it's giving me shivers!

HAMILTON

You must've got to Sheldon for her
to take a swing like that.

CONLON

I've been known to bring out
certain elements in people.

TRESSEL

Maybe she has a point?

HAMILTON

Uh oh...

CONLON

Glad to hear such solidarity in the
DA's office!

The others LAUGH.

TRESSEL

Did you believe you were keeping
law enforcement in check when you
got the obstruction case dismissed
against Chief Gorham?

LIU

Shots fired!

TRESSEL

Just curious where your line is.

CONLON

My line? Do you know another lawyer
who has taken up as many civil
rights cases as I have?

TRESSEL

That was over a decade ago.

HAMILTON

Okay guys...

TRESSEL

Look, I have nothing against
someone taking the money. I'm not a
communist... but I don't go around
acting like Atticus Finch either.

CONLON

I think what Tressel means to say is "thank you and your magnificent defense of Chief Gorham, the city of San Francisco owes you a debt of gratitude that I am willing to personally pay with season tickets to the Giants and my first born."

TRESSEL

Just humor me, is there a criminal heinous enough that you would not take their case? Hypothetically?

CONLON

Everyone deserves a defense.

TRESSEL

I figured you'd say that.

CONLON

Asking a question you already know the answer to? Turns out you are a lawyer after all.

LIU

Now that that's settled, let's settle the bill...

CONLON

I'd get it, but I think Tressel may have an ethical crisis over how his prime rib was paid for.

LAUGHTER as Tressel takes the punch and offers his card.

TRESSEL

Alright, *mea culpa*, on me. Didn't mean to ruffle the feathers of the city's prized legal peacock.

Conlon smiles it off, but is thinking about the conversation.

INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - DAY

JENNIE ASPELIN, (40s) Filipina descent, is visibly upset as she speaks into her cell phone.

JENNIE

No, there's been no improvement with Johan.

Her husband KRISTIAN ASPELIN, (30s) Swedish-American, paces somberly nearby. Something is very wrong.

JENNIE (CONT'D)
 They haven't said much... it's a
 freak thing and now his brain...

Their son LUKAS (2) is with him. Kristian walks Lukas out of
 ear shot of Jennie. Kristian has a pronounced Swedish accent.

KRISTIAN
 (quietly, to Lukas)
 Come with me buddy, let's see
 what's out the window...

JENNIE
 ... he's unresponsive. They don't
 know if he'll... I...
 (choking up)
 I have a sinking feeling about the
 whole thing. I don't know...

She looks at Kristian as she listens.

JENNIE (CONT'D)
 He said it felt adversarial.
 Like... an interrogation maybe.

EXT. UNION SQUARE - MOMENTS LATER

Andrew Hamilton, one of Conlon's friends, is walking near the
 Powell street cable car with phone is pressed to his ear.

HAMILTON
 Who was adversarial? This Doctor...
 Stewart or whoever?
 (beat)
 Child Protective Services... okay.

Hamilton thinks on his feet.

HAMILTON (CONT'D)
 Alright... listen... I'm coming
 over right now. Where are you?
 (beat)
 Fourth floor, Radzam building.
 Okay. Kristian shouldn't talk to
 anybody else about this.

Hamilton hangs up and about-faces.

INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - MOMENTS LATER

Jennie hangs up and looks to Kristian.

JENNIE
 Drew is on his way over.

KRISTIAN
Is that necessary? What did he say?

JENNIE
He was concerned. He said not to
talk to anyone else.

A look of dread grows on Kristian.

INT. CONLON'S OFFICE - DAY

Conlon sits in his office in a moment of personal reflection. He stares out, brooding on something.

On the walls are pictures spanning his career. A different career than we might have imagined. PHOTOS of him protesting. PHOTOS of him standing in court beside radical defendants like the Symbionese Liberation Army and Black Panthers. PHOTOS of him wearing a robe instead of a suit in court. A FRAMED set of handcuffs, ostensibly from his own arrest.

Conlon used to be a RADICAL and SOCIAL JUSTICE ACTIVIST. And he used to care about something else too -

Most of the photos on his desk and in his office are of HIS FAMILY. His son MALCOLM, his grand kids... and in a separate, almost shrine-like corner, there are of photos of Conlon's WIFE. Their wedding, honeymoon, and with the family & dog.

And one photo that really sticks out, Conlon dancing with her... except she is in a hospital gown and has IVs tubes in her arm. She is frail looking, but they are both smiling.

Conlon stares at this shrine in a longing way that betrays it is not of a living person... but a memorial.

His legal assistant, SAM, enters.

SAM
Your one-thirty is here. And I'm not sure how this happened but you have two seven thirties. A client and dinner at Malcolm's. Which do you want me to move?

CONLON
Reschedule with my son.

SAM
You want to call him or should I?

CONLON
If I do it'll turn into a thirty minute conversation...

Sam returns to their desk.

INT. MALCOLM'S HOUSE - LATER

KIDS chase each other around a warm, lived in family home. A CELL PHONE on a table RINGS. MALCOLM CONLON, 30s, answers.

MALCOLM
Dad? ... Oh, hi Sam...

We see Malcolm deflate.

MALCOLM (CONT'D)
I understand. Thanks for the call.

As he hangs up, his wife HEATHER (30s) steps in. She can tell from her husband's body language that something is wrong.

HEATHER
He moved it again?

MALCOLM
I'll freeze the other steak.

He walks stoically towards the kitchen.

INT. UCSF CHILDREN'S HOSPITAL LOBBY - LATER

Hamilton walks into the lobby.

ATTENDANT
Can I help you?

HAMILTON
Andrew Hamilton to meet Kristian
and Jennie Aspelin.

ATTENDANT
Yes, just sign in here.

She finishes printing out THE STICKER BADGE and hands it over, just as the sliding doors open behind him.

THREE POLICE OFFICERS in uniform - WHETTLE, RICE and MURPHY.

Hamilton clocks them immediately as they approach. Hamilton steps aside to listen as he affixes his badge.

OFFICER WHETTLE
I'm looking for Doctor Stewart.

ATTENDANT
He's on the fourth floor, his
office is to the left.

Hamilton enters the elevator and holds the door for the officers. He has a look of dread as they step in... this is not a coincidence and it is definitely NOT GOOD.

INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - MOMENTS LATER

The doors open and the Officers head to Stewart's office.

Hamilton turns right and immediately sees Kristian and Jennie through the glass in a private room. They're holding each other. A couple enduring an immense tragedy. Hamilton hesitates, not wanting to interrupt... but he has to.

IN THE PRIVATE ROOM -

HAMILTON

Jennie.

They both turn... lost for a beat, then composing themselves.

JENNIE

Drew?

HAMILTON

Sorry to barge in, but there's no more time. The Police are here.

JENNIE

What?!

HAMILTON

They're with the doctor right now then they're probably going to arrest Kristian.

JENNIE

What do we do?

KRISTIAN

I don't understand... this was an accident. It was all an accident.

HAMILTON

Don't panic. Just remember this...

(to Kristian)

Exercise your Miranda rights and keep quiet.

The gravity crushes Kristian. Jennie's head is spinning.

INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - MOMENTS LATER

Child Protective Services Detective ALEXIS GOLDNER (38) exits the elevator and meets the Officers and DOCTOR STEWART (62).

They exchange a look, which is all they need, and move quickly towards the room where the Aspelins and Hamilton are.

IN THE PRIVATE ROOM -

The Three Officers and Goldner storm into the room and stand in an almost militaristic formation.

Kristian faces them, mimicking their aggressive posture in defiance of the accusations against him.

GOLDNER

Kristian Aspelin, you're under arrest. You're being charged with Child Endangerment. Specifically, you are being charged with inflicting unjustifiable physical harm. Do you understand?

Kristian stares silently at Goldner.

GOLDNER (CONT'D)

Kristian, do you understand what you're being charged with?

Kristian looks to Jennie, then to Goldner. He nods. The Officers close in. Defeated, Kristian removes his wedding ring, wallet and keys. He hands them to an apoplectic Jennie before he is handcuffed.

GOLDNER (CONT'D)

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer before answering any questions. If you cannot afford one, one will be appointed to you.

Deep emotions stir in Kristian as he absorbs their words.

GOLDNER (CONT'D)

Do you understand these rights?

Kristian's words catch in his throat.

KRISTIAN

Can I please say goodbye to my son?

Goldner is unsure, but defers to her humanity.

INT. JOHAN'S HOSPITAL SUITE - MOMENTS LATER

They march a cuffed Kristian in. Goldner, the Officers, Hamilton and Jennie follow. They surround a crib containing BABY JOHAN, just two months old, in an unresponsive coma. The mark from a head injury is clear.

Kristian leans in.

OFFICER WHETTLE
Sir! Step away from the baby.

The words run through the room like an electric shock as they treat Kristian, not as a father, but as a threat.

But Kristian won't listen. The Officers move to restrain, but Goldner signals to hold off for a moment.

Kristian's lips gently touch his son's forehead-- YANK. He is taken away. Jennie, in tears, chases after them.

INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - MOMENTS LATER

Hamilton follows Jennie as she watches the Officers and Goldner lead Kristian away to the elevators.

JENNIE
You did nothing wrong! You're a
good Dad! Be strong, and be
careful. I will get you out!

The hospital staff watches with a combination of horror and curiosity as Kristian disappears with the cops and Jennie frantically searches for her phone.

JENNIE (CONT'D)
I have to call his parents...

HAMILTON
Jennie, I to have to ask...
How are your finances?

Jennie pauses... she's surprised by the blunt question.

HAMILTON (CONT'D)
Bail is going to be high. Very
high. And... you'll need a
different lawyer than me.

JENNIE
What do you mean different?

HAMILTON
A criminal lawyer. A good one.

A new horrible reality is beginning to sink in.

INT. THE OLYMPIC CLUB, CITY CLUBHOUSE - DAY

Conlon, clad in a tuxedo, walks to his usual table where BURNS, TRESSEL, HAMILTON and LIU are having a drink.

BURNS

Someone's looking all shaken, not stirred. Who are you off to kill?

TRESSEL

Whose body count is bigger? Bond or Conlon's client roster?

CONLON

(rubbing it in)

Just thought I'd slum it with you all for a drink before I head to the Governor's Ball.

BURNS

You'd make a good aristocrat.

Hamilton stands.

BURNS (CONT'D)

See, you've already got Hamilton saluting.

HAMILTON

Can I have a word with you quickly?

CONLON

Sure...

They step aside.

HAMILTON

Friends of mine need your services.

CONLON

What are the charges?

HAMILTON

The husband has been arrested for assaulting his two-month old... the boy is in a coma. He may die.

CONLON

A would-be child murderer?
You really do think I'm just the Bay Area's garbage man...

HAMILTON

It's not like it sounds. The Aspelins are a good family. I've known them for years. I don't want to see them torn apart over what I believe had to be a freak accident.

CONLON

Come on, you know it doesn't matter what we believe. It matters what we can prove and what they can afford.

HAMILTON

Jennie is in banking, Kristian is in tech... they do well. Kristian is from quite a family in Sweden. His father works at the institute that awards the Nobel Prize in Medicine. They can afford you.

Conlon considers.

EXT. PETER ASPELIN'S HOUSE - NIGHT

A grand architectural masterpiece nestled among the stark, frigid beauty of the Swedish landscape. A PHONE is RINGING.

INT. PETER ASPELIN'S HOME - NIGHT

A warm glow illuminates PHOTOS of PETER ASPELIN (68), Kristian's father, dressed well at Medical Society Events. White coats with colleagues. Diplomas from the top Swedish institutions. Swedish Radiology Society Excellence Awards.

Then an earlier photo of HIS FAMILY. His wife LINDA (60s), their SONS, including Kristian. All strong Scandinavian men.

The cell phone stops ringing as we find Peter answering it.

PETER

Jennie. We've been so worried. How is Johan? How are you both?

As he listens his face shifts. The logic board of this scientific mind glitching. He cannot believe his ears.

PETER (CONT'D)

How can that be? What's the charge?

Peter walks to a table, produces a note pad from a drawer and finds a pen. Linda, concern in her eyes, appears nearby.

PETER (CONT'D)
If they don't believe Kristian,
then what is their explanation for
Johan's injury?

He listens and WRITES A PHRASE ON THE NOTE PAD:

"SHAKEN BABY SYNDROME"

PETER (CONT'D)
I am going to get on the first
flight I can to San Francisco.

He hangs up and looks to his wife. He remains completely calm, a man used to dealing with complex problems.

PETER (CONT'D)
The police have arrested our son.
They are accusing him of abuse.

LINDA
How could they think that?

Peter tears off the page, stares at "SHAKEN BABY SYNDROME."

PETER
That's what I need to figure out.
We should start packing.

Peter picks up his phone again and dials. He waits...

PETER (CONT'D)
Sorry for the late call, Karl. I
need an urgent favor.

INT. KARL'S HOUSE - MOMENTS LATER

KARL (60s), in a Danish modern lounge chair, drink in hand.

KARL
Of course Peter, what is it?

PETER (V.O.)
What do you know about "shaken baby
syndrome?"

KARL
It is the diagnosis for brain
damage that results from forcefully
shaking a toddler. It is sometimes
called whiplash shake syndrome.
Abusive head trauma is preferred.

PETER (V.O.)

Is the diagnosis always a result of abuse?

KARL

Yes. That's the origin of the diagnosis. It differentiates a more aggravated or violent injury from something routine or accidental.

PETER (V.O.)

Have there been cases where an accident was mistaken for abuse?

INT. PETER ASPELIN'S HOME - NIGHT

KARL (V.O.)

Not off the top of my head. It is a serious diagnosis. Not something one would make frivolously. There are three symptoms... the triad.

PETER

Can you send me all the literature you have on it? I need to understand the science. Studies, statistics, whatever there is...

KARL (V.O.)

Absolutely. What is this about?

PETER

It's about my son. It's about Kristian.

INT. CONLON'S OFFICE - DAY

Jennie and Peter sit opposite Conlon.

CONLON

Pleasure to meet you both. Andrew Hamilton speaks very highly...

Peter's eyes are wandering over Conlon's degrees and commendations from various civic organizations.

Jennie looks at the photos of his family and dog. Both are relieved by those, and intrigued by the framed handcuffs.

JENNIE

Drew is an old friend.

PETER

His recommendation was emphatic.

CONLON

Thank you... perhaps the best way to start is to have you tell me about your husband's case.

JENNIE

I was on my way home...

INT. MUNI CAR - NIGHT (FLASHBACK)

Jennie rides in the San Francisco metro system. Her phone DINGS and she realizes she has several missed calls from KRISTIAN. She dials him back.

KRISTIAN (V.O.)

Jennie!

JENNIE

Kristian? What's the matter?

KRISTIAN (V.O.)

There's been an accident with Johan, Lukas is with me and we are following the ambulance.

JENNIE

What happened?

KRISTIAN (V.O.)

I was holding him and got knocked over. I lost control of the baby. I think he hit his head.

JENNIE

Is he okay?

KRISTIAN (V.O.)

I'm not sure. Where are you?

JENNIE

Near the West Portal station.

KRISTIAN (V.O.)

Get off and I will pick you up.

Jennie rushes up as the train pulls to the station.

EXT. WEST PORTAL STATION - LATER (FLASHBACK)

Jenny rushes to Kristian and Lukas in the car with its flashing hazards and FIRE DEPARTMENT ESCORT. Very ominous.

JENNIE (V.O.)

Johan was taken to SF General.

INT. KRISTIAN'S CAR - MOMENTS LATER (FLASHBACK)

He starts to drive to the hospital following the SFFD van.

JENNIE
So what exactly happened?

KRISTIAN
I have to drive. I will tell you
everything at the hospital.

Jennie sits anxiously as Kristian drives erratically.

INT. HOSPITAL LOBBY - NIGHT (FLASHBACK)

Jennie storms in holding Lukas' hand with Kristian in tow.

JENNIE (V.O.)
We got there around 7:30.

Jennie speaks with the FRONT DESK ATTENDANT.

JENNIE (V.O.)
I think he was in the trauma bay,
they were giving him a CT scan so
we went to the waiting area.

INT. SF GENERAL HOSPITAL, WAITING AREA - LATER (FLASHBACK)

Jennie sits with Lukas at her feet. Kristian is beside her, his body language sunken - grief and guilt ridden.

JENNIE
What happened?

Kristian doesn't respond at first. His mind is elsewhere.

JENNIE (CONT'D)
Kristian?

She touches him and he returns to the present.

KRISTIAN
Sorry... Gus knocked me over while
I was holding Johan.

JENNIE
Where?

KRISTIAN
In the kitchen. He got into the
fridge. It was a huge mess. Johan
was crying.

JENNIE

Were you wearing socks?

KRISTIAN

Was I what?

JENNIE

On the tile... I've told you--

KRISTIAN

Are you serious right now? No... I wasn't wearing socks.

Jennie just stares at him. Kristian is coming apart.

KRISTIAN (CONT'D)

I just fell, Jennie. There was a mess. I was holding Johan. I know I should have put him down... but he was crying... he just kept crying for you. It just happened so fast.

(beat)

I went backwards. He hit his head on the tile... It was an accident.

Jennie reassures him with a loving touch.

JENNIE

I know... these things... they can happen to anyone... but we have some of the best doctors in the world here and I'm sure if he seemed okay then it'll be okay.

Kristian exhales hard, trying to release all the tension.

JENNIE (V.O.)

Our friend Jason came to take Lukas while we waited...

LATER

Jennie and Kristian, now without Lukas, wait.

JENNIE (V.O.)

It was hours. But we felt, based on what paramedics said to Kristian, that Johan would recover...

LATER

Jennie and Kristian are hugging a long goodbye.

JENNIE (V.O.)

At three-thirty in the morning one of us had to go relieve our friend from watching Lukas. I let Kristian go, he'd been through enough.

Kristian leaves somberly. Jennie remains anxiously.

INT. SF GENERAL HOSPITAL, OFFICE - DAY (FLASHBACK)

An exhausted Jennie and Kristian sit opposite Doctor Stewart.

JENNIE (V.O.)

Finally the next day we spoke with Doctor Stewart about Johan.

STEWART

Unfortunately, his condition has worsened. We're going to transfer him to UCSF Children's Hospital. They have a more specialized ICU.

JENNIE

What do you mean? Worse how?

STEWART

He's unresponsive. Brain activity is limited to only a small area of the stem, which usually signifies a severe loss in capacity.

JENNIE

Is that temporary?

STEWART

I've never personally seen anyone recover from that.

Devastation washes over them.

JENNIE

So... he's brain dead?

STEWART

It's too early to make a diagnosis, but I want you to begin to deal with the likelihood of that.

Kristian looks away, staring out the window like a zombie. Stewart evaluates this... scrutinizes Kristian.

INT. SF GENERAL HOSPITAL, ICU - LATER (FLASHBACK)

Kristian and Jennie hold each other as they stand over Johan.

The sight of the vulnerable infant filled with tubes is horrible. Jennie can't maintain her composure. Kristian tries to comfort her as his mind wanders to dark places.

JENNIE (V.O.)
I suppose I had a feeling something
was wrong... something about how
Stewart behaved toward Kristian.

KRISTIAN
You should go home. Shower, change.
Meet me over at UCSF Children's.

Behind them, Doctor Stewart stares at Kristian.

JENNIE
Okay. Call me if... if anything...

Kristian nods.

JENNIE (V.O.)
If I had known... I don't know. I
didn't expect Kristian to get
cornered like that.

Jennie leaves and Doctor Stewart approaches Kristian.

STEWART
Mr. Aspelin, may I speak with you?

JENNIE (V.O.)
Kristian said Doctor Stewart spoke
to him alone after I left. He
wanted to get the story of what
happened in Kristian's words.
Afterwards, Kristian rode over with
Johan to the Children's Hospital.

INT. UCSF HOSPITAL WAITING AREA - DAY (FLASHBACK)

Jennie returns to find Kristian more agitated.

JENNIE (V.O.)
He was agitated when I returned.

JENNIE
Any news?

KRISTIAN
Let's get some air.

EXT. UCSF CHILDREN'S HOSPITAL, SMOKING AREA - DAY (FLASHBACK)

Kristian and Jennie share a cigarette.

JENNIE (V.O.)
I can't remember the last time we
had a cigarette together... the
stress was just eating at us.

KRISTIAN
I had a strange conversation with
Doctor Stewart.

JENNIE
What about?

KRISTIAN
He said Johan is in very bad
condition... And because of that he
wants me to talk to some people
from Child Protective Services.

JENNIE
Why?

KRISTIAN
I think, maybe, it is routine for
things like this?

JENNIE
Things like what?

KRISTIAN
For when a child... might not
survive.

The grief is overwhelming and clouding their judgment of
Kristian's escalating legal vulnerability.

JENNIE (V.O.)
It hit me when they showed up...

INT. UCSF HOSPITAL WAITING AREA - DAY

Child Protective Services Detective Alexis Goldner enters
with social workers MARY ALICE MEANS (40) and ERIC MORGAN
(53). All have the distinct mannerism of government workers.

Jennie looks on as they indicate for Kristian to join them.

JENNIE (V.O.)
There were three of them. How can
anything routine need a detective
and two social workers?

LATER

Kristian exits a conference room and returns to Jennie.

JENNIE (V.O.)
He was with them a long time...

Kristian's grief has shifted to confused worry.

KRISTIAN
That was... intense.

JENNIE
What do you mean?

KRISTIAN
It was adversarial. Very
adversarial.

JENNIE
Kristian please tell me exactly
what they said. What do they think
happened to Johan?

KRISTIAN
Something called "Shaken Baby
Syndrome."

INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)

Jennie is exhausted from the retelling.

JENNIE
So I called Drew. He rushed over...
and then Kristian was arrested.

Conlon takes the story in without comment or judgment.

CONLON
Thank you, I know that must not be
easy to relive. I wish I could say
that it would be the last time.

JENNIE
I know it's early, but... how does
this all look for Kristian?

CONLON
I'll be honest. This is a unique
case for me. I'm new to this
"Shaken Baby" angle. But at the
core it is still an assault case.
I've handled a number of those, and
nobody in the area has a better
track record of success than me.
(beat)
Do you have any questions?

Jennie's eyes wander from his photographs to the handcuffs.

JENNIE
I'm weirdly curious about the
handcuffs.

Conlon smiles, almost embarrassed.

CONLON
I was arrested protesting the
shooting of an unarmed boy by
police. A long time ago when I
represented some... radical groups.

Jennie doesn't comment on this, Conlon can't figure whether his past is a plus or a minus to her.

CONLON (CONT'D)
I thought it was important to keep
the system honest... for everyone.
(then)
I still do...

But does he? Jennie seems to think so, whether or not Conlon thinks it of himself.

JENNIE
I'm curious why you haven't asked
if I thought my husband was
innocent?

CONLON
Because you're here, for one. But
more importantly, there is a common
misconception that my job is
somehow to prove that your husband
is innocent. That's not my job.

PETER
What do you mean?

CONLON
A plea is guilty or not guilty. We
need only demonstrate the weakness
of prosecution's case... every case
has a weakness. A place where a
wrong assumption or a mistake is
made... and I find it every time.

JENNIE
I think we're lucky to have you.

CONLON
We'll get started right away.

Peter and Jennie stand and make their way out, Peter glancing over the photos in Conlon's office one last time. Sam enters.

CONLON (CONT'D)
 Start pulling case files on
 parental abuse cases... anything
 shaken baby related.
 (beat)
 And get me Terry Sciortino.

Sam walks out as Conlon turns toward the photos of his WIFE.

SAM (O.S.)
 Terry for you...

Conlon picks up.

CONLON
 Terry, can I buy you lunch?

EXT. CONLON, ELDRIDGE & SLOSS LLP - MOMENTS LATER

Peter and Jennie exit Conlon's law offices onto the street.

JENNIE
 You seem... concerned.

PETER
 He seems like a good lawyer.

JENNIE
 Drew says he's literally the best
 in the area... and he seems to
 value family. He will understand
 what we're going through.

PETER
 He's... very confident.

INT. TADICH GRILL - DAY

Conlon sits opposite TERRY SCIORTINO (50s) in the buzzy, old school San Francisco institution dating to 1849.

CONLON
 You seen many of these cases at the
 Public Defenders office?

TERRY
 Oh yeah. We get 'em.

CONLON
 Would love to have your list of go-
 to experts on this sort of thing.

TERRY

Sure, I can send you our list. But if it's a shaken baby case there's one guy you really want to get... Doctor Steven Gabaeff.

Conlon writes this down, pauses after writing G-A-B...

TERRY (CONT'D)

A-E-F-F... but you should know he's a little specific about the cases he takes.

CONLON

Specific how?

TERRY

It depends on the... circumstances of your client. But, if I'm really being honest with you, I think you should drop the case.

CONLON

Drop the case? Why?

TERRY

They're big losers. DA's office loves these things... they have a very high conviction rate. It's almost hopeless.

CONLON

I've had tough cases...

TERRY

Not like this.

CONLON

What's so unique about it?

TERRY

You get stuck having to go after the science of shaken baby, or the diagnosis by the doctors. They bury you in testimony from police, child protective services, pediatricians. It's a well-oiled prosecution machine. No jury acquits someone convincingly accused of attacking their kid in that environment.

CONLON

Sounds like a lot of plea deals.

TERRY

That's the thing, there are no good deals to be had. Did you hear me when I said they have an extremely high conviction rate? And it looks great politically to say you don't cut deals with child abusers.

Conlon thinks on this.

TERRY (CONT'D)

And there's another thing that you, particularly, should understand...

CONLON

Let me guess, they'll run me out of town with pitchforks?

TERRY

You joke, but listen, I'm assigned to these cases as a humble public servant. I don't get the brunt.

CONLON

The brunt of what?

TERRY

The frenzy. This is a hot-button issue, Elliot. People get emotional. A guy like you... they will drag you through hell for defending this guy.

CONLON

They can get in line with the rest of my fan club.

TERRY

I know you secretly relish the haters... but with child abusers it's a whole other level. Like defending the Redcoats after the Boston Massacre. The vitriol...

CONLON

Didn't John Adams win, get the Redcoats acquitted, and go on to be President?

Terry rolls his eyes.

TERRY

Well... I hope you are as lucky as he was. I mean it.

CONLON

Luck has nothing to do with it.

INT. ASPELIN HOME - DAY

POLICE PHOTOGRAPHER is taking pictures of the Aspelin home.

Jennie is in an adjacent room with Lukas, trying to pretend they aren't there. She has her laptop with Excel spreadsheets open and windows with her online bank account information.

She's going over the family finances. She pulls up a DOCUMENT where she has a list of "SELLABLE ASSETS" and their values. She starts typing, in the last resort column... THE HOUSE.

PHONE RINGS. She doesn't recognize the number. She answers.

JENNIE

Jennie Aspelin.

REPORTER (V.O.)

I'm calling with the Chronicle and I was wondering if you could confirm that your husband has retained the council of Conlon, Eldridge & Sloss and whether Elliot Conlon is handling the case--

JENNIE

Where did you get this information?

REPORTER (V.O.)

Do you have a comment?

Jennie hangs up. Not a moment later, the phone RINGS again. Again she doesn't recognize the number... she doesn't answer.

INT. CONLON, ELDREDGE & SLOSS LLP - LATER

Conlon walks through his office when Sam approaches.

SAM

You've had some calls from reporters asking about the Aspelin case... and Malcolm called.

CONLON

About the Aspelin case?

SAM

That's what they said...

ELDRIDGE (60s), with the commanding presence of a senior partner with his name on the building, walks up.

ELDRIDGE

You sure know how to pick 'em. Try to give me a heads-up if I'm going to get called to comment on our representation of a child abuser.

CONLON

This is ridiculous. The wife was just here... I haven't even met with her husband yet.

ELDRIDGE

Her husband, that's this Kristian Aspelin guy? Someone with DA or the cops must've leaked it. Good press and votes to rile up the public.

INT. CONLON'S OFFICE - MOMENTS LATER

Conlon sits down to unwind for a second. He turns on his computer and goes to a LOCAL NEWS SITE.

There is a picture of their offices next to Kristian's police booking PHOTO and a headlines: ASPELIN TO BE DEFENDED BY TOP BAY AREA CRIMINAL LAWYER. He picks up his phone.

INT. SAN FRANCISCO CHRONICLE OFFICES - MOMENTS LATER

RAY HORVATH (50s) an editor for the paper, sits at his desk. His phone rings, he recognizes the number. He answers.

HORVATH

I know what this call is about.

INTERCUT AS NECESSARY - CONLON / HORVATH CONVO

CONLON

I'm trying to figure out where this story came from... I haven't even met with the guy yet.

HORVATH

Are you taking the case?

CONLON

Yes... but no official comment. I wanna know why you guys are all over this like flies on shit?

HORVATH

I'm sure you need no tutorial in the relationship between controversy and readership.

CONLON

But where did the tip come from?

HORVATH

Are you familiar with the National
Shaken Baby Foundation?

CONLON

I've barely heard of the diagnosis
and you're telling me there's a
national foundation for it?

HORVATH

Oh yes, and the Bay Area chapter is
very active. They have a blog and
Aspelin is their next target.

Conlon types on his computer, doing a quick search.
Immediately gets the local chapter's blog, which has the
headline "DEADLY DAD HIRES NOTORIOUS MURDER LAWYER"

CONLON

Glad they're able to remain
dispassionate about this...

HORVATH

Not to scare you, but... they can
be pretty militant. They make MADD
and PETA look tame.

CONLON

You forget I've represented actual
militants... so unless they plan to
bomb my office, I'm not worried
about some stalkers with a blog.

HORVATH

Just letting you know they make
trouble... and they make news.

CONLON

All I care about is if you're going
to make our squash game tomorrow.
If you don't think I'll make you
forfeit, think again... there are
tourney ranks at stake.

INT. ASPELIN HOME - DAY

SCREAMING as Lukas runs around the house, seeking attention.
Peter and Linda swoop in to try to distract Lukas as Jennie
appears close to losing her mind and composure.

We see that she has SOME FORM FROM THE HOSPITAL REGARDING JOHAN. Something she is AGONIZING OVER.

LUKAS

Noooooo, I want Mommy. I want Mommy!

PETER

Mommy is busy helping get your father home... don't you want to see your father?

LUKAS

Yes...

PETER

Then let your mother concentrate.

Jennie shoots Peter a gracious look. Peter looks at the paperwork Jennie has.

PETER (CONT'D)

I thought they hadn't made a declaration yet?

JENNIE

It's... a nightmare. Apparently this all needs to be sorted out before that happens... I...

LUKAS

And Johan... when do we see Johan?

Jennie begins to SHAKE WITH GRIEF as she stares at the paper. Peter takes Lukas over to Linda who eagerly awaits playtime with her grand son. Lukas innocently shifts to playtime.

Jennie tries to muster the strength... and we see the paperwork she is agonizing over. It is a form giving CONSENT FOR JOHAN'S ORGANS TO BE DONATED IN THE EVENT OF HIS DEATH.

LINDA

We'll know more about your brother later. Why don't you show me how to play with these toys?

Jennie, quivering with sadness, finally makes a decision.

SHE ELECTS TO DONATE HIS ORGANS.

INT. SAN FRANCISCO COUNTY JAIL - DAY

Conlon waits as GUARDS remove Kristian's restraints in a meeting room. He is surprised by Kristian's height, at nearly six and half feet he towers over the guards who brought him.

Blonde, big, yet haggard and gaunt from rough prison nights. Nothing about Kristian's appearance says innocent to Conlon.

KRISTIAN
Thank you for helping us.

CONLON
How are you?

KRISTIAN
This place is terrible. How can people be treated this way?

CONLON
After the bail hearing we can get you out.

KRISTIAN
How many days for all that?

CONLON
Unfortunately there is only so much we can control about this process. For now, tell me everything you can about what happened.

Kristian takes a breath as he relives what brought him here.

KRISTIAN
I brought the kids home from daycare and gave Lukas a bath...

INT. ASPELIN HOME - NIGHT (FLASHBACK)

A BABY IS SCREAMING in another room as Lukas bounds, hair wet and PJs, after a large GOLDEN RETRIEVER named GUS.

KRISTIAN (V.O.)
Jennie was late. Johan was colicky.

MASTER BEDROOM

Kristian tries to settle Johan down. He rocks Johan in his arms, but it's no use. Johan SCREAMS.

KRISTIAN
I'll be sure to forward your complaint to whoever is in charge of the MUNI...

Kristian changes Johan's diaper. Still screams. Bounces him gently, tries funny faces, his favorite toys... nothing. Johan continues to SCREAM in his crib.

Kristian dials JENNIE on his cell phone. Voicemail.

KRISTIAN (CONT'D)
I'm sure she's close my little man.

SCREAMS continue... then from the other room, SKITTER THWOMP!
Kristian rushes out of the bedroom.

LIVING ROOM

KRISTIAN (V.O.)
The dog and Lukas were out of
control...

There are Legos all across the floor. The dog is barreling
around the room as Lukas throws a ball.

KRISTIAN
Lukas! What have I said about
throwing things in the house?

Kristian puts an iPad in front of Lukas as he tries to
wrangle the riled up golden retriever.

KRISTIAN (CONT'D)
Watch Bob the Builder, okay? I need
to deal with your brother.

Kristian walks into--

KITCHEN

Where he heats formula in the microwave. Waits for the DING.

MASTER BEDROOM

Kristian is back with Johan, trying to feed him but Johan
won't take the bottle. He writhes in Kristian's arms.

KRISTIAN (CONT'D)
Come on, man. Work with me.

But it's not happening. Kristian puts the bottle down.

KRISTIAN (V.O.)
And then I heard something...

CRASH! Kristian holds Johan close to him and dashes out.

KITCHEN

The refrigerator is WIDE OPEN. The dog and Lucas have pulled
a bunch of food out that is now all over the floor.
Strawberries, leftover pizza, yogurt, things KEEP FALLING.

KRISTIAN
Gus! Down! Lukas!

He holds the baby chest-to-chest in his left arm as he walks over and kneels. He pushes the dog away with his right arms and then takes the Yogurt from Lukas.

KRISTIAN (CONT'D)
Stop that! Lukas you know better!
Why aren't you watching Bob?

LUKAS
I'm hungry!

Lukas scrambles away and Kristian crouches down, hastily re-packing the fridge. Gus nips at pizza remnants. Then...

The big golden retriever KNOCKS INTO KRISTIAN. KRISTIAN LOSES BALANCE and FALLS BACKWARDS. JOHAN SAILS over Kristian's shoulder and out of view.

KRISTIAN (V.O.)
Johan became lighter than air and
then my arm was empty. It was the
most terrifying moment of my life.

Kristian turns and sees Johan splayed out on the tile floor against some cabinets. He is not screaming. Johan is SILENT.

KRISTIAN (V.O.)
He hit the tile floor and just...
laid there.

Lukas looks on. Kristian is frozen in shock for a minute, then snaps into panicked Dad mode.

KRISTIAN
Oh God! Johan! Oh my God!

Kristian rushes over and picks Johan up. The baby is alive, but dazed. There is a HUGE RED MARK on the side of his head.

KRISTIAN (CONT'D)
Shit! What have I done! Johan!

He rushes Johan out of the kichen to the--

MASTER BEDROOM

Kristian places Johan in the crib and examines him. Johan is breathing. He CRIES OUT. Phew!

KRISTIAN (CONT'D)
Oh my son, are you ok?

But then Johan GOES LIMP AGAIN! Kristian tries to bring him back around, but it isn't working.

KRISTIAN (CONT'D)
Oh no... oh no... come on Johan...

He grabs the phone and dials 9-1-1.

DISPATCHER (V.O.)
911 emergency.

Kristian's voice is frenzied, he speaks rapidly.

KRISTIAN
I need an ambulance right away. I had an accident with my son.

DISPATCHER (O.S.)
Ok, slowly, what kind of accident?

KRISTIAN
The dog knocked me over and the baby went over my shoulder onto the floor... I didn't see what happened to him. He was knocked out for a moment. He's only a few months old.

DISPATCHER (O.S.)
Is the child breathing?

KRISTIAN
I don't know.

DISPATCHER (O.S.)
Where is the child now?

KRISTIAN
He's laying on the bed. I picked him up. He is moving a little bit.

DISPATCHER (O.S.)
You have to tilt the child's head back slightly and check the airway.

Kristian does this and we see -- Johan is breathing.

KRISTIAN
He is breathing, more like snoring, but he looks... he looks dazed. His body and limbs are all limp.

DISPATCHER (O.S.)

Sir, I am going to ask you to stay on the line a minute longer, the ambulance is on the way.

Tears are welling in Kristian's eyes. Lukas watches in confusion, picking up on the fear and panic.

LUKAS

Daddy?

KRISTIAN

It's OK, buddy. It's gonna be OK.

LATER

KRISTIAN (V.O.)

The paramedics arrived around seven o'clock...

POUNDING FOOTSTEPS up the stairs, as Kristian stands in the open doorway. PARAMEDICS enter. ANDREW SAITZ (39), A burly man in a SFFD Navy blue shirt is leading TWO PARAMEDICS. Kristian directs them to Johan. THREE GUYS from THE FIRE DEPARTMENT follow. Lukas perks up --

LUKAS

I am Lukas Aspelin, it's nice to meet you...

He shakes each one of their hands.

The Paramedics surround Johan and start checking his vitals --

SAITZ

What happened?

KRISTIAN

(rushed, scattered)

I was knocked over by the dog, in the kitchen. He fell over my shoulder. It was so fast. I didn't see how he landed. I think he hit his head. Is he going to be okay?

SAITZ

Mr. Aspelin, please try to be calm, these guys know what they're doing.

KRISTIAN

I'm sorry. This is just... a lot.

The concerned Paramedics work as the Firemen stand and watch. One of them flicks Johan's foot and he CRIES OUT!

PARAMEDIC

That's a really good sign. We'll take him in the ambulance to the emergency room at SF General. Can you follow us there?

KRISTIAN

Yes, of course.

INT. KRISTIAN'S CAR - MOMENTS LATER

Kristian is freaking out. A FIREMAN notices and helps him get Lukas into the car seat.

Kristian tries to pull himself together as he starts the car.

EXT. ASPELIN HOME - MOMENTS LATER

Kristian's car follows the ambulance and Fire Dept escort. LIGHTS FLASHING and SIREN'S WAILING.

THE HOMELESS and AFTER WORK CROWD alike carry on in their lives as Kristian's seems to be unraveling before him.

INT. SAN FRANCISCO COUNTY JAIL - DAY (RETURN TO SCENE)

Conlon is jotting things down as Kristian takes a break.

CONLON

So Johan was responsive when the paramedics arrived?

KRISTIAN

It seemed so. They flicked his foot, he cried. They said that was good. But I guess he wasn't. Now they say he may never come back...

Kristian speaks with a deadness. A result of either his complete emotional and physical exhaustion and hopelessness or, if one is cynical, as evidence of a waning performance.

Conlon scrutinizes and makes mental calculations, but Kristian's innocence or guilt doesn't seem to concern him.

CONLON

What happened at the hospital leading up to your arrest?

KRISTIAN

I picked up Jennie and we went there together. We waited for hours with little information.

(MORE)

KRISTIAN (CONT'D)
 A friend took Lukas home. Things took even longer, so I went home.

CONLON
 When did you return?

KRISTIAN
 In the late morning. For our conversation with Dr. Stewart.

CONLON
 Tell me about the conversations you had with him and with CPS.

KRISTIAN
 I told him everything that I told you about what happened. But... he kept picking what I said apart...

INT. STEWART'S OFFICE, PEDIATRIC FLOOR - DAY (FLASHBACK)

Kristian is speaking to Stewart who has a very guarded, imposing stance toward an unassuming Kristian.

KRISTIAN
 ... he hit the floor and became quiet and limp. He had been crying before this and... so that was scary. So I pick him up, you know, and he wasn't making a sound and so I tried to wake him up...

STEWART
 How did you try to wake him up?

KRISTIAN
 I rocked him a little, you know.

STEWART
 Rocked?

KRISTIAN
 Yes.

STEWART
 Can you demonstrate what you mean?

Kristian motions with his arms a horizontal rocking motion.

KRISTIAN
 I was trying to bring him back.
 They taught us that in CPR class.
 First thing you do is gently shake.

STEWART

So you were shaking the child?

KRISTIAN

Yes, like this.

Kristian mimics the motion again as Stewart stares through Kristian with a laser focus. It is off-putting to Kristian, and a nervousness takes over his manner.

STEWART

Have you ever handled the child
that way before?

KRISTIAN

Handled?

STEWART

Jiggled him, shook him... like when
you were running to the fridge
during the chaos, were you bouncing
him? Was his head moving freely?

KRISTIAN

I mean it's possible... but nothing
that would cause harm.

STEWART

Of course. Have you ever shaken or
dropped the child before this?

KRISTIAN

I've never dropped him before. I
suppose I shake him after feeding.

STEWART

After feeding?

KRISTIAN

To burp him, soothe him.

STEWART

Are you alone with the child when
you do this?

KRISTIAN

Yes, when he wakes up in the night
I always try and feed him first.
Then rock him to sleep.

STEWART

Rocking... right.

KRISTIAN

But nothing that can hurt a child.
I mean, everything I've done are
normal things a father does.

STEWART

Listen Kristian. Nothing about this
is normal. The severity of Johan's
injuries... your story cannot
account for that. Understand? So...
you need to tell the truth.

KRISTIAN

I just told you the truth.

Stewart is not convinced.

STEWART

Since Johan's recovery is unlikely,
I would like you to speak with
Child Protective Services and tell
them what happened.

KRISTIAN

Of course, whatever you need.

INT. SAN FRANCISCO COUNTY JAIL - DAY (RETURN TO SCENE)

Conlon takes a breath. He understands the level of damage
Kristian did to himself in that conversation.

CONLON

Who used the word "shake" first?

KRISTIAN

I don't know... I guess I did.

CONLON

Anything else stand out about this
conversation?

KRISTIAN

He was very obsessed about details,
how long did it take me to call 9-1-
1... like exactly how many minutes
after the fall. I started to feel
like everything I did was wrong...
(beat)

I realize now that he doesn't
believe me... that he thinks I
must've done something to Johan.

CONLON

This Doctor Stewart, did you know he was the Director of the Child Advocacy Center of San Francisco? Or that he was in charge of reviewing and prosecuting suspected child abuse cases at the hospital when you spoke to him?

KRISTIAN

No... I didn't know any of that.

CONLON

So then what happened...

INT. AMBULANCE - DAY (FLASHBACK)

Kristian stares at his infant son Johan, still attached to all manner of tubes, as they travel across town to UCSF.

KRISTIAN (V.O.)

They transferred Johan to UCSF Children's hospital. I rode over in the ambulance. That's where Child Protective Services spoke to me.

INT. CONFERENCE ROOM, UCSF HOSPITAL - DAY (FLASHBACK)

Goldner, Means, and Morgan, the detective and social workers we met earlier, wait as Kristian enters the conference room and sits opposite them. It's a three-on-one power play and Kristian is feeling the intended effects.

GOLDNER

Kristian, I'm Alexis Goldner. I'm from the Juvenile Division of San Francisco Police Department. This is Eric Morgan and Mary Alice. We work together these cases.

Kristian nods to them.

GOLDNER (CONT'D)

So we're here because I was notified by the hospital that an incident occurred with your son. And we're just trying to figure out what happened. So we know you were caring for the two children last night and your son was fussy...

We see Kristian start the story he's had to relive endlessly. There is no more energy or urgency in his body language.

KRISTIAN

Yes... Johan was crying for his
mother... more than usual...

He continues to tell the story as the detectives scrutinize.

KRISTIAN (V.O.)

They were particularly interested
in how I stop Johan from crying...
I went through our usual routine.
Feeding, diaper, bath... rocking.

We see Kristian pantomiming rocking Johan.

KRISTIAN

And when nothing works, I try to
just move him around. See if that
calms him.

GOLDNER

How would you describe the motion
you just showed us?

Kristian does the motion.

KRISTIAN

This? Rocking?

GOLDNER

But not shaking? Have you ever
shaken the child?

KRISTIAN

I suppose I have... when I've been
frustrated late at night when he's
been upset... you know... to break
him out of his state.

Goldner thinks about how to proceed.

GOLDNER

Would you mind showing us?

She produces a TEDDY BEAR and hands it to Kristian.

Kristian takes the Teddy and demonstrates what seems like a
very normal rocking/bouncing of a fussy child. It doesn't
seem at all violent. Goldner is unsure what to make of it.

GOLDNER (CONT'D)

That's exactly what you do?

KRISTIAN

Basically.

GOLDNER

When you get frustrated, when he
won't stop crying. What then?

KRISTIAN

I put him down usually. Just let
him lay there.

GOLDNER

You told us that you shake him
sometimes late at night.

KRISTIAN

Yeah, sometimes. Back and forth.

GOLDNER

Show us the shaking.

Kristian rocks the Teddy back and forth.

KRISTIAN

Like this...

(beat, in a baby voice)

Daddy is here, Johan. Everything
will be...

Kristian stares at the Teddy Bear in his arms, arms that may never hold his son again. It is affecting him, but he restrains the powerful emotions.

KRISTIAN (CONT'D)

Everything will be alright Johan,
my son... I love you, everything
will be alright...

Goldner observes him, his restraint coming off more as detachment and ambivalence.

GOLDNER

Do you get frustrated with your
children a lot?

KRISTIAN

I don't think so.

GOLDNER

Is it possible that when you've
shaken him, in the moment of
frustration, that you were...
maybe... stronger, more forceful
than you thought? More forceful
than you're showing us right now?

KRISTIAN

I suppose it is possible. I've been thinking about this ever since my conversation with Doctor Stewart. How he said the fall couldn't do this... I wonder if there was something already wrong...

GOLDNER

When did you last shake the child in frustration?

KRISTIAN

Not recently... maybe last week.

GOLDNER

And would you say you used that same... that same back and forth motion, that shaking motion, when last you were frustrated with him?

KRISTIAN

Probably.

MARY

I just want you to know, we really appreciate you being so forthcoming about this. We can tell that you love your children, that you want to be honest. Some frustration is normal when dealing with infants and other stress in your life.

KRISTIAN

I just don't know why I didn't put him down before going to the kitchen... I should have--

MARY

Hindsight will kill us every time. We can get hung up on "should've," the best thing we can do now... the best thing for Johan, is to figure out what was done.

KRISTIAN

I understand.

MARY

So we need to know about this incident that you said happened last week, or something from last night you aren't remembering? What these things may have contributed.

KRISTIAN

I don't think anything I could've done could cause what Doctor Stewart is talking about... I've never done anything that violent.

GOLDNER

You told us sometimes you shake the baby in frustration.

KRISTIAN

Maybe in the past... but not recently... and I don't see how that could possibly be relevant.

GOLDNER

What do you mean maybe in the past?

KRISTIAN

Like a month ago, maybe. But it was so light and gentle. I don't see how it could cause any of this. And he was fine up until this fall.

GOLDNER

And now you're saying that last night you were not shaking him?

KRISTIAN

I rocked him while putting him to sleep... I told you that.

GOLDNER

But not shaking?

KRISTIAN

Shaking, rocking... I showed you what I was doing, I showed you how I put him to sleep.

Kristian demonstrates again. In frustration he does the motion with the Teddy more rapidly. Goldner has seen enough.

GOLDNER

Do you have any questions for us?

KRISTIAN

Yes... who are you? I mean... what is your role in this?

MARY

As we said, we're with Child Protective Services.

GOLDNER

I'm from the juvenile division, I'm
the police.

KRISTIAN

Is it mandatory for you to be
involved... because it was an
accident with a child?

MARY

Yes. Absolutely.

GOLDNER

This is a serious incident,
Kristian. And it is our job to find
out what happened. Anything
involving severe trauma with
children. When you have swelling,
and bleeding to their brain and
retinal hemorrhages. These symptoms
raise questions.

KRISTIAN

Of course.

MARY

Those injuries don't come from the
accident you described. So that's
why CPS gets involved.

GOLDNER

Any time a story doesn't match the
evidence... it creates suspicion.

KRISTIAN

So where do these injuries come
from if not the fall?

MARY

They're consistent with what's
called Shaken Baby Syndrome.

GOLDNER

And so we're concerned.

KRISTIAN

I'm also concerned.

MARY

Of course. We're all parents in
this room. We get it. Believe me.

KRISTIAN

The shaking was really quite light... I showed you...

MARY

Most parents don't shake a baby to calm it down, it is an act of frustration. It's like when a baby has a burn and someone says they put the baby down and the sun burned them. It doesn't make sense.

KRISTIAN

No, that doesn't make sense.

MARY

Exactly.

KRISTIAN

No, I mean nothing you just said makes any sense. What does that situation you described have to do with what happened to Johan? I don't understand your logic at all.

MARY

We want to know what happened.

KRISTIAN

I told you what happened... I fell, Johan fell out of my arms...

MARY

A little fall doesn't do this, Kristian. It doesn't.

GOLDNER

That's why the hospital called us. They have to when these things happen. Our job is keep children safe. Understand?

KRISTIAN

Of course, and I'm trying to help.

MARY

We have concerns about your other son until we sort all this out. Is there someone, or somewhere else that he could stay for the moment?

This has taken a hard turn and Kristian is still processing.

KRISTIAN

Maybe. You'll have to ask my wife.

MARY

Okay, I'll talk to her because
there are different ways we can go.

GOLDNER

There are some things you can
facilitate that would help me and,
I think, help you. We'd like to
take some photographs of you house.
Things like that.

MARY

I know you've not dealt with CPS
before. Just know this is protocol.
This is what normally happens when
we get involved.

KRISTIAN

Right.

GOLDNER

We just have to investigate.

KRISTIAN

Investigate... I see.

Kristian, finally, at the very end of this conversation is
realizing the peril he is in.

INT. SAN FRANCISCO COUNTY JAIL - DAY (RETURN TO SCENE)

Conlon finishes jotting things down. He doesn't betray his
thoughts. Kristian analyzes him, self-conscious about how
much damage he may have done to his case.

CONLON

How would you describe your state
in this interview?

KRISTIAN

My state?

CONLON

Yes... were you emotional at all,
or were you pretty much matter of
fact like you are with me now.

KRISTIAN

I am Scandinavian, you know? There
is a stoicism to us. When you feel
depressed, or sad...

(MORE)

KRISTIAN (CONT'D)
 you deal with it on your own.
 That's Viking men. You don't
 complain.

CONLON
 In court, a little less Viking and
 a little more heart on sleeve could
 go a long way. You don't want to
 get the Arthur Meursault treatment.

KRISTIAN
 I don't understand.

CONLON
 Camus. The Stranger. He was
 convicted of a murder because he
 didn't cry at his mother's funeral.

KRISTIAN
 What are you saying?

CONLON
 I'm saying the conversation
 could've gone better. It could've
 gone worse too. We'll lean on the
 semantics of shaking versus
 rocking, the language barrier,
 leading you to self-incrimination.

KRISTIAN
 Right. I mean, this was all just a
 terrible accident. People will see.

Conlon doesn't put much faith in Kristian's innocence.

CONLON
 People will see that the
 prosecution cannot be sure of what
 happened... that's what matters.

INT. UCSF CHILDREN'S ICU - DAY

Doctor Stewart marches down the hall ominously with a NURSE in tow. They are heading towards the comatose Johan.

Doctor Stewart examines the infant. They shine a light in the eye, check other vitals. It doesn't look good.

INT. ASPELIN HOME - DAY

Jennie is making Lukas lunch. Peter continues to read material on SHAKEN BABY SYNDROME. Linda is looking sadly at a photo of Kristian holding Johan shortly after his birth.

INT. SQUASH COURTS - DAY

Conlon SERVES and, after a short volley, wins the round against Horvath. Winded and sweating he shakes hands.

HORVATH

Friendly heads up, we're going to run the piece with or without comment from your side.

CONLON

We'd appreciate if the press wouldn't try to convict him before he's even been arraigned.

HORVATH

Do you intend to challenge the medical diagnosis?

CONLON

I'm not saying one way or another.

HORVATH

What do you say then?

CONLON

We have many unanswered questions about that night, once all the facts are in, it will be clear.

As they walk out of the court Conlon passes by Tressel and Liu. They wave to each other as they head to the squash tournament bracket posted on white board nearby. With Conlon's victory he is set to play Tressel next.

CONLON (CONT'D)

We're squaring off next.

TRESSEL

In more ways than one.

Conlon towels off, unsure where Tressel is going with this.

TRESSEL (CONT'D)

I'm assigned to the Aspelin case.

CONLON

Don't let it keep you up. I don't want any excuses after our match.

TRESSEL

When you're on my side of things, you sleep just fine.

INT. UCSF CHILDREN'S ICU - DAY

Doctor Stewart looks at Johan's chart with the Nurse. He shakes his head in disappointment.

STEWART

Let it be noted by The City of San Francisco and the State of California that Johan Aspelin is incapacitated of brainstem functioning without the possibility of a working reticular activating system. Please contact the mother.

The Nurse writes in the file. Stewart takes the file. Looking towards the bottom he finds a byline that says ORGAN DONOR.

STEWART (CONT'D)

Prepare the patient for surgery.
I'll call Doctor Goldwasser.

(beat)

Let something good come of this.

EXT. FINANCIAL DISTRICT - DAY

Jennie is exiting an office building when her cell phone starts to BUZZ. She recognizes it as the hospital's interchange and frantically answers.

JENNIE

Jennie Aspelin.

NURSE (V.O.)

I'm with the Children's Hospital,
we have news regarding your son...

Jennie almost buckles over, she knows where this is going.

NURSE (V.O.)

If you want to get any other family on the line, or wait until you can be with someone I am happy to--

JENNIE

Well his father's in jail so why don't you just give me the news...

NURSE (V.O.)

Johan has passed on, I'm very sorry for your loss.

Jennie's face contorts as her heart screams silently from within her.

NURSE (V.O.)

I know there is nothing that can assuage the pain of losing a child, but I thought you'd like to know that we have a recipient for his lungs in Arizona and his heart in Washington. Your decision to make Johan a donor is going to save the lives of other children. Hopefully that will bring you some peace.

Tears are streaming down Jennie's face as she gives up trying to compose herself in public.

JENNIE

Thank you for letting me know.

She hangs up. Crushed. Around her, the world appears to continue on as normal... but for her, one world has been destroyed and she has been thrown into a horrible new one.

A world without Johan.

INT. RECLINING SAUNA - DAY

Conlon, draped in a bath sheet, tries to relax in the wood clad room on a wicker reclining chair. His mind is active, thinking. He is restless. Anxious.

Other MALE CLUB MEMBERS sit in the chairs nearby, reading books or newspapers. Conlon notices a HEADLINE - "DA ASSURES 'NO LENIENCY FOR CHILD ABUSERS'" Conlon leaves the sauna.

INT. CONLON'S OFFICE - DAY

Conlon checks his phone. He has a TON of missed calls. The office, Malcolm, and a lot of unknowns. Sam closes the door.

CONLON

The office catch on fire or something?

SAM

Or something... they pronounced Johan Aspelin dead.

Conlon's posture sinks.

CONLON

Christ. Well... we knew it was a significant possibility.

(beat)

Better batten down the hatches, we're on a child murder case now...

SAM

A box came over from the DA. It's
on the floor next to your desk.

Conlon notices the discovery materials. On the top are DATED folders labeled "TRANSCRIPT - ASPELIN 9-1-1 CALL" and "TRANSCRIPT - GOLDNER/ASPELIN INTERVIEW."

There is a small envelope with a handwritten message "FOR ELLIOT" on it. Conlon opens it.

It is a brochure for PRESCRIPTION SLEEP AIDS. A clear prank from Tressel. Conlon throws it in the trash.

In exasperation he turns and looks at the PICTURES OF HIS WIFE. The two of them with YOUNG MALCOLM. A different time... a better time... a time when, perhaps, he felt better about what he did. A time the photos of his activist days reflect.

Emotion seems to swell as he looks at her photo staring back, perhaps in judgment. He turns away from the photos and plucks one of the folders out of the box.

INT. CITY COURTROOM - DAY

The court is packed. CLERKS, LAWYERS and BYSTANDERS mill around as a cattle call of cases are being wheeled through.

Conlon enters as an emaciated looking Kristian is walked in by the bailiff in shackles. Across the aisle Tressel and his team settle for what should be a perfunctory hearing.

Goldner, Means and Morgan are in the audience along with Doctor Stewart. There is also a police investigator named KEVIN JONES among them. Opposite them are Jennie, Peter and Linda Aspelin. They look at Kristian with deep concern.

JENNIE

He does not look well.

Peter looks at his son with concern, then scans the room.

CLERK

The Court will now hear, State of California vs. Kristian Aspelin.

The Prosecution Crew stands up. Peter notices Doctor Stewart perk up. He leans to Jennie.

PETER

Is that Doctor Stewart?

JENNIE

Yes.

Peter sizes up Stewart as his mind turns. Across the aisle, Conlon stands as everyone shuffles through the bottleneck.

INT. CITY COURTROOM - DAY

JUDGE DANZIGER (60's) Rail thin and conservative in his hairstyle, examines the file through wire rim glasses. A beat, then he looks up at the Prosecution.

JUDGE DANZIGER
Mr. Tressel, you may proceed.

TRESSEL
Your Honor, The State of California has issued a one count felony complaint against Mr. Aspelin, alleging "assault by force that a reasonable person would know would likely cause great bodily injury resulting in pain and death".

JUDGE DANZIGER
Mr. Conlon, how would your client like to plead?

CONLON
Not guilty, your honor.

JUDGE DANZIGER
I'm setting a bail hearing for...
12pm on November 17th.

CRACK! He bangs the gavel and everyone shuffles back out.

Peter, Linda and Jennie watch as Kristian is led by the bailiff in shackles out of the courtroom.

Conlon, meanwhile, is more interested in the conversation going on between Goldner, Means, Morgan and Tressel.

With Kristian gone, Peter turns his attention to Doctor Stewart as people shuffle out of the courtroom.

INT. UCSF CHILDREN'S HOSPITAL, SURGERY PREP - DAY

DR. GOLDWASSER (50's) is scrubbing up. A NURSE helps him to dress with his mask, head-lamp, microscopic surgical glasses and rubber gloves.

INT. SURGERY ROOM - CONTINUOUS

They enter to find more NURSES and DR. YORN waiting for them.

Johan is lying on his back on the Operating Table, draped for the procedure. The Doctors share a look with each other that seems to say - make this count.

Goldwasser takes a SCALPEL. Just the visual juxtaposition of an infant with this implement is an act of violence

INT. COURTHOUSE CORRIDOR - CONTINUOUS

Peter approaches Doctor Stewart.

PETER
Doctor Stewart, may I have a word?

Stewart turns, without a word, to Peter.

PETER (CONT'D)
I've been reading the material on this Shaken Baby Syndrome and I have some questions I'd like to raise with you if at all possible.

STEWART
I'm sorry, who are you?

PETER
I'm Peter Aspelin, Professor--

STEWART
Aspelin? No. I'm afraid not.

PETER
Please. There are some pressing scientific considerations here...

STEWART
And what pretense gives you the audacity to question me about the science of my profession?

PETER
Doctor... we are both men of science. I am a Dean of the Karolinska Institute, surely--

STEWART
Is that supposed to mean something to me?

PETER
Only if the Nobel Prize in Medicine means anything to you, I suppose.

Stewart is knocked back but shows no intent of softening.

STEWART

Well, we have a saying here... if
you can't do, teach.

Stewart walks away leaving Peter stunned by his abrasiveness.

INT. HOSPITAL CORRIDOR - DAY

Uniformed HOSPITAL STAFF carry the individually labeled coolers quickly down a hospital corridor- HEART, LUNGS, ABDOMINAL ORGANS.

EXT. CITY COURTHOUSE - DAY

Conlon exits the courthouse and is blind-sided by a small crowd of REPORTERS and ACTIVISTS who buzz around him.

The small group of people have signs that say things like "BABY KILLER" "GOD WILL HAVE THE FINAL VERDICT" and "KRISTIAN KILLS KIDS, CONLON COUNTS CASH." It's vicious and awful. Even Conlon is stunned as a CACOPHONY of QUESTIONS are YELLED.

CONLON

Neither me nor my client have anything to say at this time. I ask that you all please--

PROTESTER

Murderer!

CONLON

Please remember this is a family in unimaginable grief and respect--

PROTESTER 2

Burn in hell!

Conlon gives up and pushes through the crowd.

I/E. HOSPITAL RECEIVING / AMBULANCE - DAY

The coolers are loaded into the ambulance quickly and carefully. Once this rapid process is complete, the doors are shut and the ambulance takes off with LIGHTS and SIRENS.

EXT. COURTHOUSE LOADING BAY - DAY

Kristian is loaded onto a prisoner transport van in the cavernous utility area of the courthouse.

NEWSCASTER (V.O.)

... in San Francisco things are heating up for tech exec Kristian Aspelin charged in the assault of his infant who was pronounced dead at UCSF's Children's Hospital...

EXT. SAN FRANCISCO COUNTY JAIL - DAY

The prison transport arrives at the jail and CORRECTIONS OFFICERS take charge of Kristian. Leading him from the vehicle into the cramped facility that abuts a freeway.

NEWSCASTER (V.O.)

Aspelin appeared in court today to plead not guilty to the charges alongside his lawyer, Elliot Conlon, whose reputation for high profile criminal defenses makes him no stranger to area headlines.

EXT. SAN FRANCISCO AIRPORT TARMAC - DAY

The ambulance is waved through security and drives directly onto the airport tarmac.

NEWSCASTER (V.O.)

It is Conlon's reputation for success of defendants accused of violent crimes that concerns the child abuse awareness advocates who descended on the court today...

It stops near small aircraft prepped to take off immediately upon receiving their cargo. We follow one SPECIFIC EMT as he takes a cooler onto one of the small planes. Its twin turbo prop engines FIRE UP.

INT. SAN FRANCISCO COUNTY JAIL - DAY

Kristian passes many INMATES staring at him MENACINGLY as he is lead through the jail corridors.

NEWSCASTER (V.O.)

... the demonstration was organized by a local chapter of the National Shaken Baby Foundation, whose stated aim is to raise awareness for abuse and make it difficult for abusers to evade justice.

EXT. SEATTLE - DAY

The ambulance races along the highway towards the Seattle skyline rising between the Puget Sound and Mount Rainier.

NEWSCASTER (V.O.)

... a spokesman was quoted as saying "the world needs to make it clear that it is bad business to assist these monsters in any way."

INT. SAN FRANCISCO COUNTY JAIL - DAY

Kristian is led, not to the general population area of the jail, but somewhere new... somewhere he is unfamiliar with.

NEWSCASTER (V.O.)

"There are certain images conjured around child abusers," the group said. "Those charged in connection with "shaken baby syndrome" often don't fit the profile." Which is why, they say, it is even more important to go after them.

His face begins to show signs of concern.

EXT. SEATTLE CHILDREN'S HOSPITAL - DAY

The ambulance races into the hospital receiving area. The organ cooler is RUSHED into the building by an EMT.

INT. SURGERY ROOM, SEATTLE CHILDREN'S HOSPITAL - DAY

The cooler is carried into a room by an EMT in SCRUBS where SURGEONS surround an INFANT who is already prepped for an operation to receive the organ.

INT. SAN FRANCISCO COUNTY JAIL - DAY

Kristian is brought to SOLITARY CONFINEMENT, he is perplexed.

KRISTIAN

Why am I here?

CORRECTIONS OFFICER

Protocol demands that an inmate spend a day in isolation before being admitted to the psych ward.

KRISTIAN

Why am I not being held here?

CORRECTIONS OFFICER

Because we can no longer keep you
safe in gen pop... hasn't anyone
explained this to you?

KRISTIAN

No! Nobody explains anything to me!

CORRECTIONS OFFICER

A place like this can be rough on
guys like you...

Kristian stares out as the door to his cell is closed on him.

He is alone, in the darkness with only his dark thoughts and grief. The tight confines of his solitary cell seem even tighter in comparison to his massive frame.

Finally, alone with his thoughts, the stoicism fades. He crumples to the floor and BREAKS DOWN with grief.

INT. ASPELIN HOME - DAY

Jennie is staring blankly at the television.

NEWSCASTER

We'll be tracking the Aspelin case--

CLICK. The TV shuts off. Peter is holding the remote.

PETER

Enough of that, I think.

Jennie nods. Enough indeed.

INT. CONLON'S OFFICE - DAY

Conlon is going over files in the Aspelin case when he suddenly recognizes the time.

CONLON

Sam!

Sam enters.

CONLON (CONT'D)

I'm going to be late to this
lunch... why didn't you--

SAM

It's been rescheduled... sorry, I
should've mentioned, it's been a
hectic day with your calendar.

CONLON
Rescheduled until when?

SAM
T-B-D... They said if it was urgent
maybe they could do a call... also
your dinner is being rescheduled.
And all your appointments tomorrow.

CONLON
My entire calendar the next few
days has canceled? What is this?

SAM
Except Doctor Gabaeff.

Conlon gives a look of "who?"

SAM (CONT'D)
The shaken baby expert.

CONLON
Okay... well, see if the good
doctor is willing to meet sooner.

Sam walks out as Conlon pulls up his calendar and finds many things crossed off and placed in the "TO SET" sidebar.

INT. GABAEFF HOME - DAY

A well-appointed suburban home revealing comfortable but not gratuitous affluence. It is lived-in and warm. Children have grown up here... and we see their PHOTOS on the walls. FIVE SONS and a DAUGHTER, all but one grown and moved out. Their experiences linger in the air and are soaked into the walls.

We push through until we find... DR. STEVEN GABAEFF (60's). A well-aged and studious man. He's making breakfast for his youngest son, MILES (12), who sits watching TV.

There's a DOORBELL. Gabaeff plates his son's breakfast, hands it over and goes to the door to find Conlon outside.

GABAEFF
Come in, Mr. Conlon.

Gabaeff leads Conlon into --

DINING ROOM - CONTINUOUS

They sit opposite each other at the dining room table.

CONLON

Thank you for meeting. They speak highly of your work in this subject at the Public Defenders office.

GABAEFF

I do a lot of these for them. So, tell me about your case.

CONLON

Sure. Father says he fell in the kitchen while cleaning up a mess. His infant son was in his arms and it resulted in a head injury that ultimately left him brain dead.

GABAEFF

And the pediatrician, I'm guessing, asserts that this fall could not have caused such a deadly injury.

CONLON

Exactly. They say this has to have been caused by abuse.

GABAEFF

Of course. So let me ask you... do you think your client did it?

Conlon is taken aback.

CONLON

Excuse me?

GABAEFF

Does it look like your client is innocent? I can help you, but if the client seems guilty to me I don't testify to get him off. That's the way I play it.

This is the first time that the question of Kristian's innocence has really mattered.

CONLON

Uh... well. He believes he could not have caused this.

GABAEFF

What do you believe?

Conlon is reticent to say... but finds a way to answer.

CONLON

That he is sincere in his belief.

Gabaeff studies him. A very lawyerly answer.

CONLON (CONT'D)

But I have to be honest, he didn't help himself in conversations with the doctors and police. He all but confessed to shaking the child...

GABAEFF

That's quite common in these cases.

Conlon can't read Gabaeff's meaning on this, does he believe in Kristian's innocence or guilt? Either way, he clearly doesn't feel that this meeting is going well.

GABAEFF (CONT'D)

I'll need to go over copies of the medical and case files. See what I can do for you. That work?

CONLON

Sounds fine. Thank you.

Conlon produces copies from his satchel.

CONLON (CONT'D)

The cases you've been on in the past... how have they gone?

GABAEFF

You've not handled one of these before I take it?

CONLON

Nothing with Shaken Baby... no.

GABAEFF

Well... they are hard cases.

(beat)

The ones I've been on, the results have been mixed. The prosecution has a terrible advantage. They have pseudoscience, the word of certain doctors, of police who believe the doctors... it's tough.

CONLON

So I hear.

GABAEFF

You need a sympathetic judge and someone in the jury who can hear reason and take emotion out of the equation. And even then... people lose most of these cases. And that's not the worst part.

(off Conlon's look)

In nearly every case I've seen that's been lost, or won, the surviving family unit is destroyed because the accusations themselves are destructive.

CONLON

Must be hard to keep coming back to these cases. Why do it?

GABAEFF

Because the science used to prosecute these cases is a lie. The whole diagnosis is false.

Conlon is surprised by how adamant Gabaeff is.

CONLON

Really...

GABAEFF

You simply cannot shake a baby violently enough to cause these injuries without also causing very obvious injuries to the neck. But these pediatricians who make the diagnosis would have you believe the opposite.

Conlon now understands why Terry was adamant about Gabaeff.

CONLON

If that's true... you're saying all these cases--

GABAEFF

They're ruining peoples lives with false science. It's tearing apart countless families needlessly. It has to stop. It just has to stop.

(beat)

That's why I work these cases. Someone has to get the truth out into the world.

CONLON

Well.... I certainly hope you can be
of service to ours.

GABAEFF

So do I. You understand, of course, my credibility on the stand must be maintained. I've had attorneys who didn't tell me everything and if it goes undetected, it comes back hard on the stand on the next case with attacks; attacks on me personally, based on me not having all the information. When the attacks work, I get knocked by the DA with the judge and jury, and an innocent defendant can be found guilty. Getting on the wrong side of the truth is a way of going backwards on the bigger issue.

CONLON

I understand.

They stand and Gabaeff shows Conlon to the door.

GABAEFF

Why did you take the case, if you
don't mind my asking?

Conlon is beginning to wonder that himself, he says the first thing that pops in his mind.

CONLON

For a friend... anyway, I look
forward to hearing from you.

Conlon leaves and Gabaeff closes the door. He walks past the dining room and is immediately compelled by the case files. He walks in and starts reading immediately.

I/E. CONLON'S CAR / GABAEFF HOME - DAY

Conlon sits in his car in the Gabaeff's driveway for a moment, aggravated with himself... with this situation... with everything. He looks at a printed EMAIL from TERRY with a list of EXPERT WITNESSES.

DOCTOR STEVEN GABAEFF is the first name. Conlon writes a QUESTION MARK next to it and takes out his PHONE and dials OFFICE. As it rings over speaker, he puts the car in reverse.

CONLON

Gabaeff will get back to us...
maybe. Who else is lined up?

SAM (V.O.)

The child abuse experts won't come near us, a couple of other doctors have declined, but pointed us toward Gabaeff, and a few from further down Terry's list seem game. Oh, and we got our first mail threat today, so there's that.

CONLON

What's it say?

SAM (V.O.)

It's just a photograph of our office in an envelope. Vague but clear. Simple yet effective.

CONLON

And I was beginning to think we weren't getting enough attention.

INT. CITY COURTROOM - DAY

Conlon eyes Tressel ferociously. Beside him is Kristian, in SHACKLES. Thinner even than before. His face pale and blank.

Muted SUPPORTERS, including Jennie, Peter, Linda and friends like Hamilton are in the audience. So are a number of DETRACTORS, including Goldner, Morgan and Means and quite a few people with the agitated looks of reluctant silence.

Danziger presides with ambivalence.

TRESSEL

Your honor, The State feels that given the defendant's means, his family's wealth and deep connections abroad, that a significant flight risk exists and bail should not be an option.

A SULLEN MOOD sets in among his friends as Kristian remains despondent. Conlon is visibly incensed by this suggestion.

CONLON

Objection Your Honor. My client has no prior convictions or criminal record. His family, his son, his career all remain in the area.

JUDGE DANZIGER

Does the State have cause for such an extraordinary request?

TRESSEL

The severity of the crime and the historically high likelihood of conviction in these cases in conjunction with the defendant's intolerance for prison.

CONLON

If intolerance for prison were a metric to determine flight risk then bail could be denied in every case brought before this court. And if conviction rates are to be material in this matter, perhaps someone should remind my friend across the aisle of my record before he overstates his chances.

JUDGE DANZIGER

I'm inclined to agree with Mr. Conlon. Is there objection to release being set at two million?

The amount is extreme, the Aspelins are aghast.

CONLON

Your Honor, we ask bail be set at seven hundred and fifty thousand.

TRESSEL

Objection, in the assessment of the CPS interview, Detective Alexis Goldner stated the defendant's recollection seemed rehearsed.

CONLON

Objection. Relevance.

TRESSEL

She's an expert in reading people, particularly in these cases.

CONLON

If law enforcement's story was immutable then why have a trial?

JUDGE DANZIGER

Overruled, Mr. Tressel.

CONLON

There has been extraordinary emphasis placed on my client's affluence inside this courtroom and out. Any implication of flight risk here is being wielded as pretense to punish my client financially in service of a prejudicial narrative. I reiterate my request for bail set at seven hundred fifty thousand.

JUDGE DANZIGER

All right Mr. Conlon. Bail is set at seven hundred fifty thousand.

A win, if only a hollow one. Conlon takes a deep breath and looks to his client. His family can breathe a little easier.

PETER

(to Jennie)

Your government uses the justice system to extort its citizens for revenue. This is unbelievable.

JENNIE

We have to get him out. Look at him. He'll die in there.

Peter and Linda share a knowing look with her.

INT. ASPELIN HOME - DAY

Jennie is looking over bank statements, trying to figure out how she can afford bail. Peter comes in with Hamilton.

PETER

Your friend stopped by.

Jennie is happy to see him but it's hard for her to show it.

HAMILTON

How are you?

JENNIE

Did you see him in there? Every day he's in there I feel--

He hands her an envelope.

JENNIE (CONT'D)

What's this?

HAMILTON

It's still a fraction of what
you'll need in the long run... but
it's a start.

She opens it and is shocked.

JENNIE

Drew... we can't accept--

HAMILTON

Consider it a zero interest loan.

JENNIE

Thank you... I had no idea what
this... what this was going to be
like. It's like he's already been
convicted. The coverage is--

HAMILTON

Don't pay attention to it. It's bad
now... but they'll lose interest.

JENNIE

I don't know... I feel like our
lives, everything we thought they
would be... it's all...

(beat)

I think we're going to have to sell
the house, Drew. I don't see anyway
around it. Even with our savings
and everything... it's not just
bail, the cost of the defense, the
experts... everything...

HAMILTON

Innocent until proven guilty, but
they never talk about how much
innocence costs... if you need
anything else don't hesitate.

He leaves. Jennie looks around at the house. Their dream
house. She starts to internalize the notion of leaving it.

INT. UCSF PSYCH WARD, DISCHARGE - DAY

The haggard Kristian exits sheepishly to find Jennie and
Conlon waiting for him in the lobby. Kristian manages a
meager smile, a tear-filled Jennie rushes to embrace him.

CONLON

A few things we should go over...
 Due to the nature of the charges
 against Kristian, he will not be
 allowed to live at home.

JENNIE

What?

CONLON

He's an accused child-abuser. I'm
 sorry, there is no way around it.

KRISTIAN

We'll figure it out...

JENNIE

He needs to be able to see his
 son... to raise him. I need him!

CONLON

And he can... but, his visits will
 be supervised by a social worker.

(beat)

And Lukas will have his own lawyer.

JENNIE

Why does Lukas need a lawyer?

CONLON

To represent him should the state
 decide he is in danger at home.

JENNIE

In danger... at home?

CONLON

And the worst of it is the lawyer
 is picked by CPS and they usually
 go along with the accusations.

Jennie and Kristian are too exhausted to be angry. They just
 let this news sink in like everything else.

CONLON (CONT'D)

At this point all we can do is
 keeping moving the ball forward...

They walk towards the exit to the building. Outside they HEAR
 ACTIVISTS JEER and SHOUT HATE.

JENNIE

How can Kristian have a fair trial
 in all this... vitriol?

CONLON

Sometimes a jury can surprise you with their ability to hear the truth through the noise.

JENNIE

Nobody cares about truth. They see what they want to see.

CONLON

Court is not like the movies. It's a methodical, dispassionate, and often lethargic process. And for good reason. Don't let the mouth-frothing fringes get to you, that's not the system. The system is facts and arguments and we haven't even received the most important fact.

(beat)

The cause of death from the medical examiner. If that comes back inconclusive, the prosecution won't have a leg to stand on.

JENNIE

And if it doesn't?

CONLON

Then you'll both be even happier that I'm your lawyer.

With that confidence he leads them through the doors.

However, as soon as they look away from him, we see the confidence start to ebb from his face.

INT. THE OLYMPIC CLUB, CITY CLUBHOUSE - DAY

Conlon makes his way to his usual table, he passes Tressel on the way out which surprises him.

CONLON

Going the wrong way, aren't you?

TRESSEL

Afraid not. Also, I sent some additional discovery over.

(considers, then)

You should've let this one go...

Conlon is perplexed as arrives at the usual table to find it:

EMPTY. Weird. He checks his watch. Nope, the time is right. Then, he catches a glimpse of Hamilton.

CONLON

So Tressel's taking a powder and
everyone else is AWOL...

HAMILTON

(regretful)

They're not coming.

CONLON

Brooks Brothers having a sale?

HAMILTON

Look Elliot, it means a lot to me
that you took the case, I want you
to know that. I had no idea...

CONLON

Get to the punch line, Drew.

HAMILTON

They think the climate around you
has become too stifling... you know
how they are. They don't want to
explain to their wives that they've
been dis-invited from their social
calendar over this... please know
I'm not speaking for myself.

CONLON

They're icing me over Aspelin?

Hamilton nods.

CONLON (CONT'D)

Is that a joke? Of all my clients,
this one is the line in the sand?

HAMILTON

You know better than anyone how
fleeting these things are.

CONLON

The world is losing its damn mind.

INT. CONLON'S OFFICE - DAY

Conlon waltzes in with Sam in tow.

CONLON

Something come from Tressel?

SAM

Yes actually, just did...

Sam hands Conlon a courier package which he rapidly opens. He starts perusing it immediately. His face shows concern.

SAM (CONT'D)
What is it?

CONLON
Kevin Jones' investigation into
Kristian Aspelin...

SAM
Who is Kevin Jones?

CONLON
Homicide investigator. I gotta dive
in, keep digging up relevant cases.

Sam walks out as Conlon starts scrutinizing the files.

LATER

Conlon pours over files. Partially empty cups of coffee and take-out containers surround him. Gone are the days of power lunches for now. He reads and makes notes on a pad nearby.

He writes: ANDREW SAITZ - PARAMEDIC...

SAITZ (PRELAP)
Up the stairs was a 3 or 4 year old
who very happily said hello...

INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)

Kevin Jones, whom we saw at the courtroom, is speaking to ANDREW SAITZ, a burly SFFD Paramedic who we saw at the Aspelin's. There is a TAPE RECORDER between them.

SAITZ
We went to the back room. Engine
#40 was back there with the father.
The child was on the bed, non
responsive.

INT. ASPELIN HOME, BEDROOM - NIGHT (FLASHBACK)

The back-up Paramedics arrive. Kristian is standing stoically nearby... whether shock or ambivalence is unclear.

SAITZ (V.O.)
They were trying to stabilize him
but he was slipping in and out.

The Paramedics are at work. Johan is completely lethargic, then suddenly wakes up CRYING, then passes back out.

JONES (V.O.)
What did the father say happened?

INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)

SAITZ
Stuff fell out of the fridge, he was distracted and fell and dropped the infant. He brought the infant to the bed and called us.

JONES
He said the items from the fridge caused his fall?

SAITZ
Yes... he heard noises in the kitchen, was distracted, and dropped the child. But we went through the kitchen and didn't see anything on the floor.

JONES
And he said he dropped the child... next to the crib?

SAITZ
Yes... he told the story like four times while we were there. In the bedroom next to the crib.

INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)

Conlon has a flabbergasted reaction to this. He writes down on the pad: "BEDROOM??? CRIB??? WHERE IS DOG?? WHERE IS LUKAS?? KITCHEN FLOOR CLEAN???"

JONES (PRELAP)
What was his demeanor like?

INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)

SAITZ
He was anxious... but not like I usually see when parents are dealing with an unresponsive kid.

JONES
Unpack that a bit more.

SAITZ
Sure. He was anxious but collected. His mind seemed elsewhere.

INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)

Conlon writes on the pad: "DEMEANOR" and underlines it. He scans forward in the files.

WIRTZ (PRELAP)
No, I do remember something about
the kid in the kitchen...

INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)

Jones is now sitting opposite another Paramedic, WIRTZ.

WIRTZ
The kid, and the dog. The guy was
going on about that, something
about bringing the baby in the
kitchen and dropping him there.

JONES
Andrew Saitz remembered the father
saying he dropped the child in the
bedroom near the crib, he said the
father repeated that four times.

WIRTZ
That's not what I remember.

JONES
And his demeanor?

WIRTZ
He was obviously very upset. He
seemed shocked.

JONES
Would you say that shock could also
read as calm or indifferent?

WIRTZ
No.

JONES
Was there any mess in the kitchen?

WIRTZ
Maybe... I don't remember.

INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)

Conlon shakes his head. Writes "RELIABILITY OF PARAMEDIC V KRISTIAN? JONES LEADING? MESS IN KITCHEN?" He continues...

FIREFIGHTER (PRELAP)
 The mess I remember was a Lego
 table right near the radiator.

INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)

Jones is now talking to a Firefighter who we recognize.

FIREFIGHTER
 Clear fire safety violation.

JONES
 What were your other first
 impressions?

INT. ASPELIN HOME - NIGHT (FLASHBACK)

A totally different scene than the Paramedic remembers. The Firefighters walk in. Lukas is SCREAMING, the DOG BARKING, there are toys all over the floor in the doorway. Kristian appears to be in a FRANTIC PANIC.

FIREFIGHTER (V.O.)
 It was chaos. The other kid was
 terrible. This guy, this father or
 whatever, was totally overwhelmed.

JONES (V.O.)
 So his demeanor was panicked?

FIREFIGHTER (V.O.)
 Yes and no...

BEDROOM - LATER (FLASHBACK)

The Firefighter is watching Kristian talk, but he is very stoic and calm seeming as he tells the story.

FIREFIGHTER (V.O.)
 With the kids he was animated, but
 once we got there... once he had
 time to think about what was going
 on with his child, he became
 withdrawn. Didn't seem bothered.

JONES (V.O.)
 Do you remember where he said he
 dropped the kid?

FIREFIGHTER (V.O.)
 I remember him saying he was in the
 kitchen. But he may have also said
 he was next to the crib.

INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)

JONES

He said both?

FIREFIGHTER

No, I think one of the other guys
said he heard something different.

JONES

But you heard him say crib?

FIREFIGHTER

Yeah. But talk to Mike Carion, he's
got this guy figured out.

(beat)

You know... it's carpeted in there.
By the crib. How does a kid die
from falling on that?

JONES

You think that's why he changed his
story? From the bedroom to the
kitchen? Make it more plausible?

FIREFIGHTER

Makes sense, doesn't it?

LATER

Jones sits opposite Michael Carion, another SFFD responder we recognize. He has a sagacity. An older, more seasoned look.

CARION

I can't say for sure. Whole house
was a mess. Kitchen too. I don't
tend to focus on those details.

JONES

What details do you focus on?

CARION

The people. That's my job.

JONES

You've been on the job a long time?

CARION

I been with SFFD for twenty-
years... Army medic before that.

JONES

So you've seen people in stressful
situations... life and death stuff.

CARION

You could certainly say that.

JONES

And how did the father strike you?
Normal reactions to high stress?

CARION

No. He was weird... like he wasn't all there. Back at the firehouse I told the guys he reminded me of Lenny from 'OF MICE AND MEN.'

JONES

I haven't read it...

CARION

Lenny's like this big oaf, not right in the head, you know? He can't handle the things normal people can. But he's huge and he doesn't know his own strength or how to react to tense situations and so he accidentally kills things... animals, people.

Jones stares at Carion. Slam dunk.

INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)

Conlon's posture sinks. He writes: "Who can counter Carion narrative on Aspelin demeanor?"

He flips back to the list of interviews in the file and finds Trisha Smith - ASPELIN NANNY. He writes down "Nanny!" as he flips to it. A last hope.

INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)

The NANNY sits opposite Jones, tape recorder between them.

NANNY

I didn't see Kristian until the next morning... he was dropping off Lukas and then left. That was it.

JONES

How did he seem?

NANNY

Sad. How else would he seem?

JONES

Describe what you mean by sad.

EXT. NANNY'S HOUSE - DAY (FLASHBACK)

A stoic Kristian hands off Lukas to the Nanny.

NANNY (V.O.)
Quiet. Reserved.

JONES (V.O.)
Distant?

NANNY (V.O.)
Yes.

There isn't much interaction before Kristian turns and walks away... as enigmatic and reserved as ever.

JONES (V.O.)
Would you say that is abnormal for Kristian? To be quiet and distant?

NANNY (V.O.)
No. He's a stoic guy by nature.

JONES (V.O.)
So how could you tell he was sad?

INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)

NANNY
Wouldn't you be sad if your kid was dying?

JONES
Of course, but the question is was Kristian sad? Or was he normal?

NANNY
He was less energetic.

JONES
And the kids? Behavior problems?
Unusually bad tempers?

NANNY
Nope. Happy, healthy kids. They're very sweet.

Jones is flummoxed by this.

INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)

Conlon is equally flummoxed. He crosses out "Nanny" from his note pad. He looks over his notes, things are getting worse.

INT. RENTAL HOME - DAY

We move through an unfamiliar home... but we recognize the ASPELINS BELONGINGS STACKED around it in various states of being unpacked. This is their new, smaller, home.

Lukas races by with a toy as Jennie goes through mail.

A bunch of stuff forwarded by the Post Office from their previous address... the familiar yellow sticker affixed across envelopes and a painful reminder of how their lives have changed since this all began. Then, she comes across something unexpected. A letter from:

THE CALIFORNIA TRANSPLANT DONOR NETWORK

She opens it, begins reading... we see the letter begins with: "Dear Donor Family..."

MOTHER (V.O.)

We have received the wonderful gift
that you and your loved one so
unselfishly gave.

EXT. SEATTLE, WASHINGTON AREA - DAY

The beautiful Puget Sound. The city rising in the distance.

MOTHER (V.O.)

This gift is like no other we have
received in this lifetime or that
we'll ever receive.

EXT. SUBURBAN SEATTLE NEIGHBORHOOD - DAY

Hard to imagine that tragedy could ever happen here.

MOTHER (V.O.)

While we may not know you, we know
things about you that many around
you will never see. We understand
that light and love in you are much
deeper than one could imagine.

EXT. SUBURBAN HOME - DAY

A modest house in the neighborhood.

MOTHER (V.O.)

We will always remember you and
your loved one, and in our
remembering, we will be called to
always act to our highest good.

EXT. BACKYARD - DAY

A MOTHER and FATHER sitting beside an INFANT GIRL rolling around on a play mat in the shade.

MOTHER (V.O.)
We live in gratitude of your absolute, inconceivable generosity.

We push in close on the INFANT and notice on her otherwise unblemished skin is a HUGE SCAR ON HER CHEST.

INT. RENTAL HOME - DAY

MOTHER (V.O.)
In deepest gratitude, your recipient.

Jennie is overwhelmed with emotion. Tears STREAM down her face... then she reaches the postscript.

MOTHER (V.O.)
With your permission, we'd like to know more about you if possible.
Let the agency know and we can communicate.

Jennie wipes her eyes and stares at the last message. Her face hollows out and she becomes conflicted. She puts the letter down and thinks.

INT. CONLON'S OFFICE - DAY

Conlon continues his work. Sam is now back in the room.

CONLON
It's a disaster. We can get into the weeds with the first responder accounts... but the nuances of their contradictions will get lost in Kristian being compared to fucking Steinbeck's murdering simpleton Lennie Small...

SAM
What firemen are sitting around making literary comparisons?

CONLON
The kind that get called as witnesses in murder trials evidently... and this detective, he knows how to gild the lily. Listen.
(reading)
(MORE)

CONLON (CONT'D)

Jones to the hospital attendant on duty that night. "Does the family of an infant in critical condition typically arrive this much later than the ambulance?" Answer: "No, they're usually right behind if they were present at the accident."

SAM

But Kristian said he picked up his wife on the way...

CONLON

Sure... but even if we convincingly explain away these details, the overall image will be that we are arguing with every single aspect of a narrative made up largely by first responders, doctors and law enforcement in favor of one told by the guy who maybe murdered his son.

SAM

Maybe we're missing something here? Something medical?

CONLON

So let's run through the prosecution's chronology again...

CONLON (CONT'D)

(reading)

Paramedics say Johan was between nine and eleven on the Glasgow coma scale in the ambulance...

SAM

Is that good or bad?

CONLON

It's out of fifteen, so not great not catastrophic...

INT. AMBULANCE - NIGHT (FLASHBACK)

Saitz and Wirtz are working with Johan.

SAITZ

His arms are stiff...

WIRTZ

Brain damage? Internal bleeding?

SAITZ

I think he's having a seizure...

CONLON (V.O.)

At 7:20 PM Johan is examined at ER.

INT. HOSPITAL, EMERGENCY ROOM - NIGHT (FLASHBACK)

Top of the line equipment. An ER DOCTOR examines Johan while the EMT's and TEAM OF NURSES hustle to help.

DOCTOR

He's awake and breathing, but we're gonna have to get a CT, we've got to intubate him, call anesthesia.

CONLON (V.O.)

He's moved to trauma bay and by 7:24 the anesthesiologist is there.

The ER Doctor is gone, but the Nurses standby monitoring the baby's condition when -- a studious ANESTHESIOLOGIST, DR. CAROL FRANKLIN (46) walks in with RORY WEXLER (26) A resident, cocky and self assured. Franklin supervises Wexler as he looks at the tools, then the NURSE.

WEXLER

(irritated)

Why didn't the ER Doctor do this?

Wexler picks up the intubation tube.

FRANKLIN

He's breathing, what do you need the tube for?

NURSE

We're getting a head CT scan.

WEXLER

Okay, give him the meds.

The Nurse administers a SEDATIVE as Wexler continues to firm up the intubation process with a LARYNGOSCOPE and a STILET.

He starts by giving the baby extra oxygen, but works impatiently. Then Wexler places the PLASTIC TUBE down his throat. The routine procedure seems harsh on such a small baby, but the TUBE GOES IN. Wexler listens on BOTH SIDES OF HIS CHEST with A STETHOSCOPE.

FRANKLIN

Do you hear it on both sides?

WEXLER
(indignant)
Yes.

NURSE
Chest X-ray Doctor?

Without turning around --

WEXLER
Yes.

INT. CT SCAN ROOM - LATER (FLASHBACK)

Johan is being scanned.

CONLON (V.O.)
Intubation, chest x-ray, CT scans
are given... all routine. Then, at
midnight, comes our favorite
Harvard MD... Chris Stewart.

INT. EMERGENCY WARD - NIGHT (FLASHBACK)

Doctor Stewart strides in and puts on a white lab coat
hanging on the coat rack and moves briskly down the halls and
into the ICU. He's in the ZONE.

INT. HOSPITAL ICU - CONTINUOUS (FLASHBACK)

STEWART
Where is the baby?

A NURSE, JANET REYES (42), is on duty.

REYES
Here, doctor. Follow me.

Through the double doors. HE PULLS BACK THE CURTAIN --

Johan is not moving. The Doctor examines Johan. He shines a
light in his eyes -- one pupil is DILATED. We see from his
reaction, an OMINOUS SIGN.

STEWART
We need another CT.

LATER

CONLON (V.O.)
3:05 AM, Stewart checks results.

Dr. Stewart compares TWO DIFFERENT SCANS of Johan's head,
with The Chief Pediatric Resident - DR. AMY BECK (36).

STEWART

The first scan showed a small SDH and he was awake. The second looks like the brain has massive low oxygen damage.

BECK

How could that have happened?

STEWART

I don't know and at this point with these findings it doesn't matter. Look here, we have subdural hematoma, brain bleeding, probably retinal bleeding in both eyes. Cerebral edema, swelling and low oxygen damage.

BECK

We need to keep a close eye on the father. Did you hear his story?

STEWART

He claims to have dropped the boy, but this, this is catastrophic. Not possible from what he described.

BECK

Do you think he's lying?

STEWART

He has to be. Call CPS and the Police.

Beck nods, Stewart shifts his weight, grimacing.

STEWART (CONT'D)

In the meantime we wait and see how the baby's condition progresses.

Beck leaves. Stewart stands uneasily in the silence. Waiting.

INT. DOCTOR BECK'S OFFICE - LATER (FLASHBACK)

CONLON (V.O.)

3:45 AM...

She sits there a moment, contemplating, considering. Looking at A PHOTO on her desk of her own family - TWO LITTLE GIRLS and a NICE LOOKING HUSBAND. She picks up the phone.

CONLON (V.O.)

And Kristian's life as he knew was over...

INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)

Conlon stares at the file. The litany of medical details in the notes that he just paraphrased.

He has post-it notes all over the file, with personal notes to himself written on them.

SAM

It doesn't sound like they have an ironclad theory on what could cause such a precipitous decline.

CONLON

Do they need one? They feel their evidence proves Kristian is lying... and if he's lying--

The PHONE rings. Conlon sees it's Malcolm. He considers, at this point he could use the break from work...

CONLON (CONT'D)

(into phone)

I don't think I've ever been so happy to hear from you...

INT. MALCOLM'S HOUSE - SAME TIME

Malcolm smirks on the phone.

MALCOLM

Work is getting that bad, huh?

INTERCUT AS NECESSARY - CONLON/MALCOLM CONVO

CONLON

I've... been terrible. I know that.

MALCOLM

It's fine, Dad.

Conlon looks over all the photos of his family in the office.

CONLON

No, I've been spinning my wheels too much. Neglecting things... important things.

MALCOLM

You don't have to say that... I know how it is... how it has to be... it's fine. There's just... been a lot in the news.

(MORE)

MALCOLM (CONT'D)
Thought you could use a friendly
call in what I'm sure is... an
intense time.

The words hit Conlon hard, his son nailed it. He glances over
at the files from Tressel. A friendly voice was much needed.

CONLON
You have no idea...

MALCOLM
I won't ask. But let me know if you
need anything.

Conlon thinks.

CONLON
Why don't you bring the family over
dinner... for a whole day. Kids can
swim. Get your brother to come too.

MALCOLM
When were you thinking?

CONLON
I'm wide open.

MALCOLM
Can I check with everyone and get
back to you?

CONLON
Of course.

He hangs up and sits with himself for a moment.

He looks over the file with the whole narrative about the
death of Johan. He grows frustrated and closes the files.

INT. MISSION POLICE STATION - DAY

Jennie and Lukas are led to a drab, sterile room where a
COLLEGE KID with a courier bag, looking like he got lost on
the way to Survey of Western Civ, waits.

JENNIE
Oh, sorry... this is where--

KID
You're in the right place, you must
be Jennie Aspelin.

Jennie is mortified as she starts to realize...

KID (CONT'D)
I'm with CPS and will be
supervising Kristian's visit today.

JENNIE
I see...

Jennie does everything to contain her anger.

LATER

Kristian plays alone with Lukas. The institutional setting creates a dark mood, but Lukas doesn't seem concerned, just happy to see his father.

Jennie and College Kid watch from the other side of a window.

JENNIE (CONT'D)
Twice a week for an hour isn't
enough. You realize I need to take
half a day off work and pull Lukas
out of preschool to be here?

KID
You should know that complaining to
me won't change anything.

JENNIE
So I just take this treatment?

KID
I don't think you understand, Lukas
is a ward of the state right now.
You could lose him entirely...

Jennie looks like her heart was removed from her body right before her eyes. Behind them Lukas is playing with DINOSAURS.

POW! Lukas slams the BIG DINO down on the SMALL DINO!

LUKAS
Daddy Dino stomps on Mommy Dino!

This sends a shockwave up Kristian's spine. He snaps his head to find College Kid and Jennie mid-conversation. Did he hear?

Kristian gently takes the dinosaurs away.

KRISTIAN
Let's play another game, okay?

LATER

Jennie holds a sleeping Lukas in her arms, talking with Kristian in a hushed tone.

KRISTIAN

I'm nervous the whole time, what if he pulls away or flinches...

JENNIE

I know... I tried talking to them, but nothing gets through. How the hell do they let some grad student, some kid, decide our fate?

KRISTIAN

Maybe I should wait 'til this is over to see Lukas.

JENNIE

I can't do this alone Kristian.

(beat)

We need you. Don't let them change who you are.

KRISTIAN

I found a place in Redwood City. Though none of our friends would ever admit it, I think I'm wearing out my welcome... and...

JENNIE

What is it?

KRISTIAN

I can't stop researching the case. I'm scared, Jennie... these cases--

Jennie embraces him.

JENNIE

Shhh, shh. Conlon is optimistic. He knows better than we do...

INT. CONLON'S OFFICE - NIGHT

A very NOT optimistic Conlon is still plodding through files. His face exhausted and regretful as Sam enters the office.

CONLON

Anything?

SAM

The most similar cases, where they are challenging the science or the diagnosis, end in conviction. The acquittals... well, I haven't found an applicable one.

CONLON

You should have heard Gabaeff. He says the science is false... and he's totally confident. Is that possible? Is it possible that all these cases were prosecuted on false pretenses? I don't see how...

SAM

It's... hard to believe. And I mean that literally. Is he a quack?

CONLON

No. Gabaeff came from Terry. He would never send me any D&Ds.
(off Sam's look)
Donalds and Daffys.

SAM

So... you believe the unbelievable? I thought you didn't want to go near the anti-science defense?

CONLON

It doesn't matter anyway since we won't get Gabaeff. He's not coming anywhere near this.

SAM

Why do you think that?

CONLON

Because our client looks guilty as hell and he's not one of these guys who just sells his testimony to help get people off. He's really trying to change the world... and let's be honest, our Viking friend is not the best poster boy.

SAM

So what's our defense then?

CONLON

Besides praying to patron saint of medical examiners?

He shifts around some paper in the files.

CONLON (CONT'D)

There is one thing... so the first responder accounts are all over the place, total fucking Rescue 9-1-1 Rashomon, while the rest of the testimony is monolithic.

SAM

From Stewart, Goldner and company?

CONLON

Yes. The doctors, detectives and CPS are all saying pretty much the exact same thing in the same way. It's the well-oiled prosecutorial machine everyone warned me about.

(beat)

Kristian's story doesn't match the symptoms, blah blah blah, has to be abuse and oh, by the way, Kristian mighta kinda sorta confessed...

SAM

Makes sense, they got their stories straight and they had a big assist from Kristian's fumbled interview.

CONLON

More like his fumbled culture barrier. They accuse Kristian of rehearsing and here we have doctors and cops pre-agreeing on a story... but there might've been dissent. Read Eric Morgan's statement...

Sam reads...

SAM

So he doesn't vilify Kristian as forcefully as the others. So what?

CONLON

A much lighter touch than Goldner on Kristian's "rocking" vs. "shaking" semantics disaster. He implies Kristian's posture of innocence seemed earnestly held, even if his story doesn't add up.

SAM

So a slower moving guillotine...

CONLON

That's about as overt of a statement of "I don't think Kristian is lying" that we're going to get. I think Morgan has doubts.

SAM

Do you think you can get him to break with the party line on this?

CONLON

Worth a try.

SAM

And if he does, how do you counter the prosecution when they say he's only sympathetic to Kristian because they're both men?

Conlon deflates. He rubs his face and turns around, facing the photos of his WIFE in the corner.

CONLON

I need to go sweat this one out...

INT. RENTAL HOME - NIGHT

Jennie is staring at the letter from the Donor Network.

Then, with resolve, she sits and starts writing.

JENNIE (V.O.)

I'm writing first to thank you for your letter... it has brought be solace in an extremely volatile time. I'm guessing you know nothing about the circumstances of how your daughter received this heart...

She takes a moment... this is the toughest part. She wipes tears and continues.

JENNIE (V.O.)

I wanted to tell you before you became aware on your own. My husband was knocked over by our dog while holding our son. The pediatrician believes the symptoms are "Shaken Baby Syndrome..."

INT. STEAM ROOM - NIGHT

It's empty at this hour. Conlon sits in the cloud of steam.

But he is not relaxed. He is brooding on the case.

JENNIE (V.O.)
 ... a narrow set of three symptoms
 they call "The Triad" which they
 believe are only caused by this
 specific form of abuse with no
 possibility of anything else...

INT. KRISTIAN'S REDWOOD CITY APARTMENT - NIGHT

Kristian is up late on his laptop in his apartment with almost no furniture. He is frenzy-eyed as he reads on the internet about SHAKEN BABY CASES.

JENNIE (V.O.)
 These charges are unfounded. But it
 isn't my intention to write you in
 hopes of swaying your feelings
 about Shaken Baby Syndrome.

As he reads he gets more and more nervous.

INT. SUBURBAN HOME - NIGHT

The Infant Girl with the scar sleeps in her crib.

JENNIE (V.O.)
 It's a polarizing topic and if you
 and your family have strong
 opinions about it, better you know
 our situation now.

A light comes in under the door...

IN THE NEXT ROOM

The Mother sits up and reads... the letter from Jennie.

JENNIE (V.O.)
 I would not be able to handle it if
 you find out about us later and
 abruptly cut ties. My apologies for
 delivering the news in this way, I
 truly wish circumstances were
 better for all of us. Sincerely,
 Jennie Aspelin.

She puts the letter down, then she goes to her computer and starts to Google: "ASPELIN SHAKEN BABY"

All the news comes up, all the vitriol. It's terrible.

EXT. CONLON'S HOUSE - DAY

Conlon sips on a tropical cocktail as his GRANDCHILDREN swim in the pool with Heather and his other son's wife, GRETCHEN.

His younger son, BOBBY, dives in and chases the kids. Malcolm emerges from the house with a couple of beers.

MALCOLM

I think it means a lot to the kids.
To have this time here with you.

CONLON

I know...

MALCOLM

We haven't really done this since
Mom... you know, after a while, the
kids asked if you died too.

That stings.

CONLON

Maybe I did...

Conlon finishes his drink, looks at the empty glass.

CONLON (CONT'D)

You want something from inside?

Malcolm holds up the beers. Conlon nods and makes his way through the open glass double doors of his beautiful house.

Malcolm watches with concern.

INT. CONLON'S KITCHEN - CONTINUOUS

Conlon starts to make another drink when his phone DINGS.

Text from Sam - "CHECK EMAIL"

He does... finds the email she must mean. It is titled: SF CORONER'S REPORT JOHAN ASPELIN.

He takes a deep breath as he opens it. He scans the email... flashes of text...

This unfortunate 3 and a half month old baby // Skin that is plain and unblemished // Face is symmetric, intact, unremarkable // The visceral and parietal pleurae are intact and unremarkable with a smooth glistening serosa.

Conlon hones in on:

CAUSE OF DEATH: CLOSED HEAD/NECK INJURY. MANNER: HOMICIDE

Conlon puts his phone down abruptly and carelessly. He knocks a glass off the counter by accident, BREAKING it. He doesn't move to clean it up, he just stares as Malcolm comes in.

MALCOLM

Are you okay Dad? I heard--

He sees the glass, and his father's vacant expression.

MALCOLM (CONT'D)

Let's go for a walk...

He bends to clean up the mess, Conlon snaps out of it.

CONLON

I'll get that.

EXT. CONLON'S NEIGHBORHOOD - DAY

They walk around Conlon's posh SF neighborhood.

MALCOLM

You're obviously worried you're going to lose this case.

CONLON

It's worse than that... I'm worried that even if I win, I lose.

MALCOLM

What do you mean?

CONLON

I haven't had a case I've really felt good about winning in a while. I've just been winning to win. And one day you wake up and find yourself trying to get a possible child murderer off and you're not even doing a good job of it... this isn't the way I saw myself when your mother was around.

MALCOLM

You never talk like this.

CONLON

I did to your mother. She always knew all my doubts, and she always talked me out of my spirals.

(beat)

(MORE)

CONLON (CONT'D)
 I feel like I was this great
 tightrope walker, and when she died
 it was like I lost the net below
 me... and now I have to keep
 moving, if I pause just for a
 second, I'll realize there is
 nothing below... and I'll fall.

Conlon's catharsis has been a long time coming.

MALCOLM
 When was the last time you went to
 see her?

CONLON
 I don't remember...

Malcolm takes a breath. This is a new dynamic in their relationship.

MALCOLM
 Do you remember when my first
 girlfriend back in high school
 broke up with me and I came to you
 to complain about how horrible she
 was for doing that to me and you
 remember what you said?

CONLON
 Do I want to know?

MALCOLM
 You said people can do what we
 want, but we can't want what we
 want... that it wasn't about me and
 the sooner I get over my own ego
 and realize we have no control over
 other people the happier I'll be.

CONLON
 I borrowed from Schopenhauer.

MALCOLM
 The point is, you've been thinking
 about this case wrong.

CONLON
 Oh really?

MALCOLM
 You're thinking about it in terms
 of you. You wanted to win an
 impossible case, another belt
 notch...

(MORE)

MALCOLM (CONT'D)
I don't think you ever considered
Aspelin's guilt or innocence a part
of the equation.

CONLON
You'd be surprised how little that
usually matters in these things...

MALCOLM
Kristian's wife has stayed by his
side this whole time... do you
think she's the type of person that
would be so wrong about him?

Conlon looks at his son, see's where he is going.

CONLON
I don't.

MALCOLM
And if she's right and Kristian is
innocent, then there must be a big
problem in the system that is
destroying untold lives. A problem
that seems impossible to correct
and yet must be corrected...

(beat)
And that sounds like the sort of
case that the father whom my mother
knew and loved would've taken up.

This resonates with Conlon.

INT. CONLON, ELDRIDGE & SLOSS LLP - DAY

Conlon marches into the office. He passes Sam.

CONLON
Go ahead and forward the Coroner's
report to Gabaeff from my email...
might as well rip the Bandaid off.

Sam nods as Conlon enters --

INT. CONLON'S OFFICE - CONTINUOUS

He digs through the files. Finally producing an audio tape
which he puts into a nearby recorder and starts to listen.

It is the 9-1-1 call Kristian made.

DISPATCHER (V.O.)
911 emergency.

KRISTIAN (V.O.)

I need an ambulance right away. I had an accident with my son.

DISPATCHER (V.O.)

OK, slow down, sir, what kind of accident?

KRISTIAN (V.O.)

The dog knocked me over and the baby went over my shoulder. I didn't see what happened to him...

Conlon rewinds... he plays that part over.

KRISTIAN (V.O.)

The dog knocked me over and the baby went over my shoulder.

DISPATCHER (V.O.)

Is the child breathing, sir?

KRISTIAN (V.O.)

I don't know.

Click. He stops the tape. Rewinds... listens intently, to the quiet panic in Kristian's voice.

KRISTIAN (V.O.)

I don't know.

Conlon thinks. How can anybody possibly know how they will react in these situations? He reads Eric Morgan's statement.

CONLON

Mr. Aspelin's account is inconsistent with the injuries sustained by the victim, and though his position may appear earnestly held, the evidence points to only one possible conclusion... earnestly held...

Conlon turns and looks at the photos of his wife. Thinks.

INT. HOSPICE - DAY (FLASH)

A younger-looking Conlon sits beside his EMACIATED WIFE, bald from chemo. His SONS behind him, the exhausted looks of grieving family on their face. Conlon clutches his wife's hand... he's SOBBING UNCONTROLLABLY... big heaving sobs.

INT. CONLON'S OFFICE - MOMENTS LATER (RETURN TO SCENE)

He looks at his wife's photo.

CONLON

That's how I felt. But how did I look?

He thinks back again...

INT. HOSPICE - DAY (FLASH)

The same scene as before... only this time, Conlon holds his wife's hand with an expressionless face. His grief, insurmountable as it is, is actually all internal...

INT. CONLON'S OFFICE - MOMENTS LATER (RETURN TO SCENE)

He nods to himself, reaching a pinnacle, as Sam walks in.

SAM

I sent the report to Gabaeff...
should we get the family?

CONLON

I'll handle it...

(then)

What does the method of our grief
say about us? Does it say anything?
Is a man guilty of murder because
he didn't cry at his mom's funeral?

INT. RENTAL HOME - DAY

An exhausted, sad looking Jennie is struggling through her morning routine. As she sips coffee she peruses the letter from the donor network... then something occurs to her.

She grabs her laptop, and pulls up a folder JOHAN. She scans through the ORGAN DONATION PAPERWORK.

LATER

Jennie is on the phone.

JENNIE

I'm trying to find out why I
haven't received any notification
that my son's lungs were
successfully donated like I did
with his heart. I know they were
requested almost immediately.

NETWORK ADMIN (V.O.)
 If you give me just a moment I'll
 pull up the file... Johan Aspelin?

JENNIE
 Yes.

As Jennie waits she watches Lukas playing by himself.

NETWORK ADMIN (V.O.)
 Yes... so sorry for the confusion.
 The lungs were requested but they
 weren't used.

JENNIE
 Why not?

NETWORK ADMIN (V.O.)
 It says the lungs were not viable.

JENNIE
 How come? He had a brain injury.
 Why aren't the lungs viable?

NETWORK ADMIN (V.O.)
 That's all the information we have.

The conversation ends abruptly. Jennie is suspicious of all this, but she barely has a moment to think when her phone suddenly RINGS AGAIN startling her. It's Conlon. She answers.

JENNIE
 Hi.

CONLON (V.O.)
 I have some updates, do you have
 some time today?

JENNIE
 I have time right now.

CONLON (V.O.)
 I'll stop by.

EXT. CLEARING - DAY

Conlon hangs up his phone in the bright clearing where he stands. He steps forward, an incredible amount of emotion emerging on his face. We see that he is in a GRAVEYARD. And he is standing over the grave of his wife... MARY CONLON.

He crouches beside, overwhelmed. Touches the dirt.

CONLON

I'm sorry... I'm so sorry I just, I got lost... without you... coming here, I worried it would remind me how lost I was...

Then he lets it all out, everything bottled up for years.

CONLON (CONT'D)

But I'm trying to come back now... I'm trying to be the man you knew... the man I knew... the man our family needs... I'm trying...

INT. RENTAL HOME - DAY

Jennie shows Conlon in. She's unpacked a bit more than last we saw. She started with the family pictures... Conlon notices this.

CONLON

The Medical Examiner's report came.

(beat)

He says it was a closed neck/head injury... it was homicide.

Jennie is CRUSHED. She almost falls over.

JENNIE

How can they be so wrong? How can a whole system be so wrong?

Conlon is truly impressed by her resilience.

CONLON

Kristian is lucky to have you. Your bond is very strong. Reminds me of the bond I had with my late wife.

JENNIE

It hasn't been easy.

CONLON

I imagine you've had doubts.

JENNIE

I have. But not about Kristian... not about who he is and whether he could do this, not on accident, and certainly not on purpose.

Conlon listens intently.

JENNIE (CONT'D)

He's like the male version of me... our backgrounds may seem different, but we're so alike. We come from strong families. We both wanted to be parents of a large family. Before we were married we talked about wanting four children... and you know, it wasn't easy. I thought we were going to have to adopt.

Conlon looks over the photos Jennie had unpacked. The family posing together. Kristian, Jennie, Lukas and infant Johan. Kristian with his parents and siblings when he was younger. Jennie with his family, with her own family.

JENNIE (CONT'D)

He's a wonderful father. That was imparted to him by his own parents. And that's the worst part of all this... to watch how this is undermining who he is, making him question himself... lose himself.

As Conlon looks over the photos he IMAGINES HIS OWN FAMILY in them... him, his wife, their sons... imagine one of them disappearing... imagines the horrors they are going through.

And from somewhere deep within him, a new resolve emerges.

CONLON

The coroner's report is wrong. And we're going to prove it.

Conlon turns, Jennie considers something and then speaks up.

JENNIE

I think you should know, I spoke to the transplant network and they told me that Johan's lungs were not donated... despite being requested. They said they had been damaged. But that doesn't make sense.

CONLON

No, it doesn't. I'll look into it.

Conlon is intrigued as he makes his way out.

INT. CONLON'S OFFICE - DAY

Conlon marches in, he's a man on a mission. Sam is in tow.

SAM

So in most cases where defendants were acquitted they proved that something else caused the injuries. Underlying conditions, rare genetic diseases... a wide range.

CONLON

But we don't have an exact answer for what happened to Johan.

SAM

But neither does the prosecution, and these cases show how regularly doctors get this stuff wrong.

CONLON

I hear you. But Tressel is going to blow into that courtroom with Stewart and the whole shebang exerting absolute medical authority. And I don't think an "embrace the mystery" defense is going to hold up against that...

SAM

Barring some undiscovered piece of information about Johan's medical past I don't know that we can get any more certain than that.

Conlon thinks...

CONLON

Get me Gabaeff's number...

INT. GABAEFF HOME - MOMENTS LATER (INTERCUT AS NECESSARY)

Gabaeff is pouring over the documents in the Aspelin case when his phone rings. He answers.

GABAEFF

Gabaeff.

CONLON

Dr. Gabaeff, Elliott Conlon.

GABAEFF

Yes, hello. Sorry I haven't gotten back to you about the medical examiner's report... I was hoping to find some good news for you in the files before responding... unfortunately I haven't yet.

Conlon grimaces. Not a great start.

CONLON

Thank you, yeah that was a tough break for us, but that's not actually what I'm calling about.

GABAEFF

What can I do for you?

CONLON

You know, we're trying to see if maybe there were some... other conditions, underlying or whatever, that contributed. Anything that could account for his symptoms.

GABAEFF

Of course.

CONLON

We're specifically curious about his lungs and how could they have been damaged in this accident?

GABAEFF

I don't believe the lungs were damaged. That wouldn't make any sense, medically speaking.

CONLON

Right, yet the transplant donor network told Jennie Aspelin that Johan's lung weren't viable, exact words, despite earlier being told they had a donor in Arizona.

Gabaeff glances around the piles of files.

GABAEFF

I don't have any transplant records here at all... you must not have the complete medical records.

Conlon's face lights up... something is amiss here.

GABAEFF (CONT'D)

It's not unheard of for hospitals to leave out records they don't want you to see... you should subpoena all records, unedited.

CONLON

Absolutely. Thank you, Doctor.

INT. CONLON'S OFFICE - CONTINUOUS

Conlon looks like a shark who smells blood in the water.

SAM
What is it?

CONLON
We need to get a court order...
looks the hospital has been holding
out on us.

INT. JENNIE'S OFFICE - DAY

Jennie is on the phone.

JENNIE
Well who can I speak to about
getting these records?
(beat)
No, I already spoke to the UCSF and
they sent me back to SF General...
(beat)
I already spoke to them too...

INT. GABAEFF HOME - DAY

Gabaeff is going over the files even more carefully and with
more scrutiny than he has before. He glances at the
chronology, writing:

7:20 ER EXAM, then 7:24 INTUBATION / CT SCAN... then he scans
through. He seems a bit perplexed. He writes: 12AM STEWART
EXAM. Next he writes: "DETAILED LOG BOOKS 8PM-12AM ?"

INT. CONLON'S OFFICE - DAY

Conlon is on the phone.

CONLON
This isn't optional. It's called a
court order not a court suggestion.
(beat)
That's unacceptable. Don't make me
take drastic measures here.

He hangs up in frustration as Sam walks into the room.

SAM
I'll be back.

CONLON
Where are you going?

SAM

To cause some trouble. Can I have a copy of the court order?

Conlon smirks.

INT. HOSPITAL - DAY

Sam marches past reception into a restricted access area as a DOCTOR exits. A STAFFER runs after her.

HOSPITAL STAFFER

Excuse me? You can't go in there!

She holds up the court order.

SAM

This facility is defying a court order, I'm not going anywhere until it is obeyed... if you have me forcibly removed then you better free up your calendar because we'll be dragging everyone involved before a judge to sort this out.

The Staffer silently reaches for the wall phone.

INT. GABAEFF HOME - DAY

Gabaeff is reading through files when the DOORBELL RINGS. He walks over and answers and finds SAM standing with SEVERAL BOXES OF FILES.

SAM

The missing files... and, I suspect, a lot of junk. There are several more boxes in my car.

GABAEFF

When they can't conceal, they inundate... here, let me help.

Gabaeff carries a box into his house.

INT. KRISTIAN'S REDWOOD CITY APARTMENT - NIGHT

Kristian has his laptop open, his cellphone pressed to his ear. As it rings he tries to calm himself, but he's cracking.

PETER (V.O.)

Kristian?

KRISTIAN

Hello Papa.

There is an awkward silence.

INT. PETER ASPELIN'S HOME - MORNING (INTERCUT AS NECESSARY)

PETER
Is there news?

KRISTIAN (V.O.)
No... I...

Peter tries to read between the lines.

PETER
Kristian, what is troubling you?

Another long beat.

KRISTIAN
All I do is read cases of father's accused of abuse. Last night I read about the O'Shell family from Colorado. The father was suspected after his wife brought their 3 month old daughter to the hospital with 11 broken bones. When it seemed likely he would be charged, he lost it thinking about his wife raising their daughter alone without his income. He shot his wife and himself. Turns out their daughter had muscular atrophy... there was no abuse.

(beat)
They do this over and over again to people... they're doing this to me!

A long, awful silence.

PETER
You've got to practice restraint. We are looking into the cases in Sweden. My colleagues and I are reviewing the science. We're in contact with Dr. Gabaeff and you have a brilliant lawyer. Stand up straight. Stay together.

KRISTIAN
Yes Papa. You're right.

They hang up, and Kristian starts to break down. He stares at the laptop as all the LIGHTS AROUND HIM DIM, until his tear-streamed face is lit only by the laptop. Then that light, too, slowly fades... leaving Kristian sobbing in darkness.

INT. CONLON'S OFFICE - DAY

Conlon is reading papers when his phone RINGS. He answers.

GABAEFF (V.O.)
Mr. Conlon.

CONLON
Dr. Gabaeff, I've been eagerly
awaiting hearing from you.

Sam walks into the room in anticipation.

GABAEFF
I have some bad news and good news.

Conlon braces.

GABAEFF (CONT'D)
The bad news is that all of this
could've been avoided... Johan
should be alive and well today.
(beat)
The good news is your client is,
without a doubt, an innocent man.
Stop by, we have a lot to discuss.

CONLON
Absolutely.

Conlon hangs up. He looks at Sam and cracks a huge smile.

CONLON (CONT'D)
We got 'em.

Sam YELPS with joy.

INT. GABAEFF HOME - DAY

Conlon sits with Gabaeff at the table surrounded by the case.
A computer with XRAYS OF JOHAN'S LUNGS is up.

GABAEFF
I've been recreating what happened
from mislabeled nurse and attendant
notes buried all over the files.
(beat)
Once I started looking down that
path, it became clear what happened
here. I'll walk you through what
REALLY happened to Baby Johan...

INT. HOSPITAL, EMERGENCY ROOM - NIGHT (FLASHBACK)

We're back with NURSE, WEXLER and FRANKLIN at the intubation.

GABAEFF (V.O.)
 Johan was responsive in the ambulance. But there are two major incidents that led to his decline.

WEXLER
 Why didn't the ER Doctor do this?

Wexler picks up the intubation tube.

FRANKLIN
 He's breathing, what do you need the tube for?

NURSE
 We're getting a head CT Scan.

WEXLER
 Okay, give him the meds.

GABAEFF (V.O.)
 Minutes after Johan was admitted to SF General, Doctors botched the intubation.

But now we watch as Wexler puts the intubation tube in... with a SECOND, MORE FORCEFUL PUSH.

FRANKLIN
 Do you hear it on both sides?

WEXLER
 Yes.

FRANKLIN
 Check again please.

WEXLER
 I know what I heard.

GABAEFF (V.O.)
 SF General can treat trauma, but relatively few of those patients are babies.

INT. GABAEFF HOME - DAY

GABAEFF
 People make mistakes when they listen to babies breathing.
 (MORE)

GABAEFF (CONT'D)

They have small chests. If you're rushed you might think you hear both sides but it's really just one. That's why you get an x-ray to be sure. Which they did. Here it is.

He pulls up the X-RAYS of JOHAN'S LUNGS. He points to the tube is pushed far beyond the branch of the Right Upper Lung cutting off air to over 5/6ths of Johan's lungs.

GABAEFF (CONT'D)

It's clear. The intubation caused the total collapse of one lung and partial of the other. He was not getting five-sixths of his oxygen.

CONLON

Why didn't they do anything?

Gabaeff points to the "review line" on the x-ray.

GABAEFF

Because nobody saw this X-Ray. It should've been reviewed and initialed... as you can see, that line is blank. Nobody saw it.

INT. HOSPITAL - NIGHT (FLASHBACK)

Nurse Reyes and a RESPIRATORY THERAPIST check on Johan, something is not right. They note the time: **10:30 PM**

GABAEFF (V.O.)

But at 10:30 PM they realized something was wrong...

RESPIRATORY THERAPIST

Oxygen is very low...

Therapist places a stethoscope on his chest. She moves it to the left, then right comparing signs. Her face reads something is amiss. She delicately places her fingers on the intubation tube and pulls it out a short distance.

GABAEFF (V.O.)

They retracted the breathing tube three centimeters... that's a lot in an infant. But it was too late.

Again, he listens on both sides of his chest. They look at each other, then the Therapist notes the adjustment.

INT. GABAEFF HOME - DAY (RETURN TO SCENE)

Gabaeff points to notes that show dosages of two medications VERSED and RECURONIUM.

GABAEFF

There's more. The other fuck up was the medication. Versed is a sedative and Rocuronium is a long acting paralyzer. They overdosed him on both. Double the correct dose of the paralyzer and eight... eight times the appropriate dose of the sedative.

Conlon is floored.

GABAEFF (CONT'D)

Johan suffocated for hours. Every time he tried to breathe they gave him more of the drug... it was only by chance that they discovered the breathing tube problem. Nobody looked at the X-ray that could have saved him.

CONLON

My God...

GABAEFF

It's no wonder Stewart couldn't understand what he was seeing in the 3 AM CT scan... seven hours later Johan no longer had a small brain bleed of minimal consequence with swelling at the top of his head at the point of impact... now he had a diffuse brain injury due to insufficient oxygen.

(beat)

And when they don't understand, they default to abuse.

CONLON

The hospital killed the child and didn't even know it.

GABAEFF

Oh... I think they knew it. The X-rays are usually read the next day by a Radiologist, and they should have called immediately.

(MORE)

GABAEFF (CONT'D)

The picture was clear then, but they covered it up and let it fall on Kristian. This information was never relayed to the ICU, or maybe they found out and decided to blame him to avoid being responsible and having the legal liability.

INT. CONLON'S OFFICE - DAY

Gabaeff and Conlon are telling this information to Kristian and Jennie.

GABAEFF

Johan was without proper oxygen for two and a half hours, his cause of death was not a closed neck/head injury but a botched intubation and sedative overdose which destroyed the brain by asphyxiation.

JENNIE

We have to sue.

CONLON

That's the bad news, you can't sue.

KRISTIAN

What? Why? This is malpractice!

GABAEFF

When Shaken Baby became a thing in the 70s, Pediatricians pushed a change through court rulings that extended the immunity of reporters of child abuse to the investigating doctors themselves. It opened the door to the reckless cavalier false accusations we see in your case.

JENNIE

Including killing their patient and blaming it on the father?

GABAEFF

The only doctors in all of medicine to pull this off. Emergency Doctors would have liked to have that one too, but we couldn't, and we shouldn't for the sake of the patients.

(MORE)

GABAEFF (CONT'D)

By the time resistance mounted in the medical community to shaken baby syndrome, ten years had gone by and DAs all over the country had prosecuted too many people on in it to go back... and many of those same DA's had now become judges.

(beat)

Shaken Baby was never real to begin with... and then they protected the fraud with the full force of the Child Protection Act... the damage it's done is immeasurable.

CONLON

For now we need to just focus on getting the case thrown out.

GABAEFF

Let's put a team together and we can win on the science and the facts. Once they know that we know they killed the baby, they'll drop it... they don't want the public to know the truth here.

CONLON

One thing is sure, the DA hates losing more than they love winning. Their careers depend on winning.

INT. PETER ASPELIN'S HOME - NIGHT

Peter's phone rings. He answers.

CONLON (V.O.)

I'm going to get right to it, Mr. Aspelin... the medical examiner has ruled this a homicide and we have to go for the jugular.

PETER

I see.

CONLON

We're going after the diagnosis, the science of Shaken Baby. It is the path of most resistance... but doing anything else is playing their game, and the game is rigged. If we're going to do this, I'm going to need some serious scientific fire power.

PETER

I've been waiting in anticipation of you making this call. I've been working diligently with colleagues in Sweden. We have some interesting findings about SBS that I'll share with you. The diagnosis is bogus and there is a groundswell here... I only hope it can reach far enough to lift my son out of peril.

CONLON

We'll make sure it does.

Conlon hangs up.

INT. COURTRoom - DAY

Conlon stands in court. Tressel at his post. They share a KNOWING look.

CONLON

Your honor, I'd like to motion for a dismissal...

DANZIGER

On what grounds?

CONLON

May we approach?

Conlon, Tressel and Danziger discuss.

EXT. THE OLYMPIC CLUB, CITY CLUBHOUSE - LATER

Conlon takes out his phone.

INT. SAN FRANCISCO CHRONICLE OFFICES - MOMENTS LATER

Horvath is working when his phone RINGS. He answers.

HORVATH

Conlon, what can I do for you?

CONLON

I'm going to give you a hell of a story...

HORVATH

I'm all ears...

INT. THE OLYMPIC CLUB, CITY CLUBHOUSE - DAY

Conlon marches in and goes over to where Tressel and his former friends are all sitting.

SUPER IN/OUT: SEVERAL MONTHS LATER

There's an awkwardness. Liu makes a performance of reaching for a chair from nearby but Conlon doesn't sit.

CONLON

Your office has been giving me the due dick around... I know they have no intention of trying this case, what the fuck is the hold up?

BURNS

Elliott. Sit down, take a load off.

CONLON

No thanks. I can't take a load off. Not while my client is still living out in Redwood City. While he can only see his child on state supervised visits. While he's still on the hook for a crime committed by doctors who will never have to answer for it!

A scene is forming. Others in the room begin to leer at the raised voices from the prestigious table.

TRESSEL

I'm not on Aspelin anymore... take it up with someone who cares.

CONLON

You're forgetting your lines, Tressel. You're the one who is supposed to care and I'm the cynical defense lawyer who is in it for money and glory. Remember?

He turns away from the table and walks away leaving a sheepish looking Tressel.

INT. MISSION POLICE STATION - DAY

Kristian and Jennie are playing with Lukas... STILL being supervised by child services.

SUPER IN/OUT: ON YEAR LATER

LUKAS

Papa how come you don't live with us like other Papas?

KRISTIAN

It's only for now. I will come home again, it'll be just like before.

LUKAS

Before?

KRISTIAN

Yes, like when I lived with you before.

LUKAS

But you've never lived with us.

Kristian is shocked.

KRISTIAN

Yes I did... remember? In the old house? With Johan? Do you remember Johan?

LUKAS

Yeah... but you never lived in Mommy's house.

KRISTIAN

That's true... but I look forward to you showing me all the fun things there are to do there.

Jennie's phone RINGS. It's CONLON.

JENNIE

Conlon?

Kristian perks up as Jennie answers.

CONLON (V.O.)

We did it... we finally did it.

INT. CONLON'S OFFICE - SAME TIME

Conlon is standing in his office, smiling wide.

CONLON

We got the medical examiner to change the manner of death...
(with chagrin)
...to "undetermined."

JENNIE
Is that enough?

CONLON
It's enough...

INTERCUT AS NECESSARY

Tears of happiness stream down Jennie's face. Kristian realizes what must've happened, he's filled with buoyancy.

JENNIE
Thank you... thank you so much.

Conlon smiles wide through the phone.

INT. COURTRoom - DAY

Conlon stands beside Kristian opposite a different Prosecutor in front of Danziger. In the audience are Peter, Linda, Jennie, Lukas, Hamilton and other FRIENDS. Gabaeff. Morgan.

And... sure enough... Doctor Stewart.

COURTRoom CLERK
The Judge will now hear, The State of California vs. Kristian Aspelin

DANZIGER
After further review of evidence, and the consent of the San Francisco District Attorney's office... This case is dismissed.

There is no great expression of victory. The process has been so arduous, that the relief hasn't even set in... and, of course, they are still not out of the woods.

CONLON
Now we turn our attention to the juvenile case. I'll be in touch.

But Kristian has spotted Doctor Stewart skulking out of the courtroom. He marches after him but is stopped by his father.

PETER
Let it be.

KRISTIAN
I can't believe he would show up.

Peter's fatherly protective instinct breaks through his Scandinavian stoicism.

INT. COURTHOUSE CORRIDOR - MOMENTS LATER

Peter approaches Stewart.

PETER

Dr. Stewart... I'm surprised to see you here. But also pleased. I hope you have seen the error of placing ideology above science.

STEWART

We made the right call given the information we had.

PETER

It's unfortunate you believe that, because you will certainly make the same irresponsible mistake again...

Stewart starts to walk away.

PETER (CONT'D)

But part of me should also be thanking you.

Stewart's ego kicks in. He stops. Peter has him.

STEWART

Oh really?

PETER

Had this horrible tragedy not befallen my innocent son, I never would have exposed this dangerous pseudo-science for what it is in Sweden. We've eliminated Shaken Baby Syndrome as a diagnosis.

STEWART

You've what? Why would you do that?

PETER

Because I am a man of science, Doctor Stewart. Not a self-important narcissist. Good day.

Peter rejoins Kristian, Jennie and Linda. As they open the doors we see there are NO CAMERAS, NO NEWS VANS, NO JOURNALISTS OF ANY KIND. They exit into quiet sunlight.

INT. SAN FRANCISCO CHRONICLE OFFICES - NIGHT

Horvath is sitting opposite his EDITOR-IN-CHIEF in the stately office that the head of the paper would have.

EIC

The DAs office won't comment on these details... I'm not sure how comfortable I am dragging a reputable doctor and a whole hospital through the mud.

HORVATH

But this is the truth...

EIC

Are you sure? The last thing we need is a Dan Rather debacle.

HORVATH

You don't have to worry about that.

EIC

And this stuff questioning the diagnosis, the paper doesn't need to make enemies with the National Shaken Baby Foundation.

HORVATH

What is our role here if not to expose issues like these?

EIC

This issue... it's a hornets nest. We'll run the news of the case being dropped in the Metro blotter... but we're not running a feature on this, or Shaken Baby.

Horvath is disappointed. He leaves and goes to:

HORVATH'S DESK - MOMENTS LATER

Horvath picks up his phone.

HORVATH

Elizabeth, it's Ray Horvath at the Chronicle. We have something important but we're not going to pursue it, I thought you might want to look into it... have you been following the Aspelin case?

INT. COURTROOM - DAY

CONLON (V.O.)

But it wasn't over... the juvenile case against Kristian lingered on.

A different JUDGE. Same Conlon and Kristian.

SUPER IN/OUT: TWO YEARS AFTER THE ACCIDENT

CONLON (V.O.)

The Judge refused to grant another continuance, and so in order to reunite Kristian with his family after over two years, we plead out.

Conlon and Kristian stand.

CONLON

My client acknowledges that he was in possession of the child when the child was injured, that those injuries may have led to the circumstances in which he died.

Kristian winces hearing this, it is a tremendous injustice.

CONLON (V.O.)

It was the only way to get him home... his name was added to the child abuse register.

(beat)

It would take three more months, a two-day trial and a three hundred page motion to finally remove his name from the register and clear his name. But we prevailed.

INT. NEW ASPELIN HOME - DAY

Jennie and Kristian play with NEW TRIPLETS and Lukas. They are TOGETHER and they are HAPPY.

CONLON (V.O.)

Jennie and Kristian went on to have triplets... their dream of having four children realized.

We see Lukas is building an ANGEL out of LEGOS. He completes it and then leads his parents with it to a nearby corner of the room. They have a SHRINE TO JOHAN. To always keep him in their hearts. There is a photo of the four of them there.

And a couple of photos of the GIRL FROM WASHINGTON WHO RECEIVED HIS HEART AS SHE HAS GROWN SINCE THE OPERATION.

Lukas places the Lego Angel on the shrine between a photo of Johan and a photo of Kristian, Jennie, Lukas and the triplets. We push in on the latter photo...

We pull back out from the photo and reveal we are now inside--

INT. CONLON'S OFFICE - DAY

A copy of the photo of the Aspelins with Lukas and the triplets is NOW ON CONLON'S WALL. We see Conlon has been telling this to his son, Malcolm, who is in his office.

CONLON

Finally, something good happened to the Aspelin's quickly.

Malcolm is beaming. His father seems his old self again.

MALCOLM

Where you want to eat? The club?

CONLON

I canceled my membership.

Conlon and his son stand and leave. We push in on the photo of the happy ASPELINS with LUKAS and their TRIPLETS.

FADE TO BLACK.

SUPER:

There are 1300 cases of Shaken baby prosecuted per year with 50-60% conviction rates. Most cannot afford the expert team and analysis the Aspelin's had. Many of those that do still result in a conviction.

Because of the Aspelin's case, the medical community in Sweden did a full review of the science behind Shaken Baby Syndrome and determined it was insufficient to continue prosecuting it as a diagnosis. They published their results to a tsunami of criticism from the pediatrician's who promote shaking abuse. The battle is still going on.

The convictions that continue to this day in the United States can carry a life sentence, and in most cases, result in the complete destruction of the surviving family unit.

There is a rising tide of doctors, lawyers and judges who believe shaken baby is a false truth and fight every day to convince the world of this fact. They do this because the science does not support the diagnosis. Period.

This film is dedicated to the life of Johan Aspelin who's soul touched so many in the wake of his tragic and untimely death. May his passing be not in vain.

THE END