

cinemacom west, inc  
abc entertainment center, suite 400  
2040 avenue of the stars  
los angeles, california 90067

(213) 277 4997

NEW JERSEY VERSUS HARRY FINK

by

Edward Murphy

TREATMENT

Satirical comedy-drama that centers around an unattached licentious scotch-guzzling Atlantic City public defender named Peter Moon, 35, who would rather carouse the new casinos and bars on the Boardwalk than defend the down-trodden in the courtroom. Moon carries a book around with him entitled How to Make a Fortune Playing Blackjack. The picture's villain is an uptight over-zealous legal bonehead named Richard Duck, 45, who recently joined the Atlantic County District Attorney's Office. Duck finally passed the New Jersey bar exam in mid-life ... the fifteenth time he took it.

When Moon, redfaced from a lot of scotch, follows a leggy buxom fresh arrival from Las Vegas named Gretchen Good into the "Grand Opening" of an adult bookstore on the Boardwalk next to the merry-go-round, the place gets raided by the DA'S office. This is going to be Duck's first case in court, so he personally leads the raid with drawn service revolver. In the commotion that follows Gretchen jumps out the toilet window and gets

away. As the cops seize the pornographic movies and magazines, Moon tries to give the proprietor, Harry Fink, a little on-the-spot legal advice and gets arrested himself for obstruction of justice. Moon is hauled off screaming he's a claustrophobe. Duck reckons Moon's just another bleeding heart fag public defender.

The next morning Moon and Harry are paddy-wagoned to the courthouse dressed in jail clothes and hooked to "the morning calendar" - a chain of bedraggled prisoners who pass the time sailing lit matches at each other. Moon doesn't look well. He looks ill, in fact.

Duck offers Moon to dismiss the obstruction of justice charge if Moon promises to keep his face out of the case against Harry - 37 counts of "exposing obscene pictures to the view of others." Moon promises and Duck dismisses. But Moon, irate over spending a long claustrophobic night in jail, reneges on his promise and gets himself appointed as Harry's public defender. Then, while Duck is still ineptly protesting Moon's appointment, Moon gets Harry released on his own recognizance. Duck is fit to be tied. When Moon and Harry sashay out the front door of the courthouse, Duck, convinced that they're both "public perverts," has them followed.

Harry is looking forward to Moon successfully defending him at his obscenity trial. Moon however is more interested

in finding Leggy Buxom Gretchen. He enlists Harry's help and eventually does find her - under surveillance of Duck's spy, Sgt. Claudia Finger - working in an Atlantic City cathouse called the Seahorse Motel. Moon is very fond of hookers so he and Gretchen hit it off and go out on the town, loosing Claudia on the way. They have a wonderful time slurping steamed clams in a famous Atlantic City seafood eatery, riding the Boardwalk in a rolling chair and gambling at the Chalfonte-Haddon Hall.

"I grew up in Philly," Moon tells Gretchen, "but I got my first piece in Atlantic City. A hooker named Peril. Spade chick. Lived in an old apartment house at the corner of Baltic and South Carolina. Me and my buddies used to pile in a car and drive down from Philly. We used to make a one hundred and twenty mile round trip just to get laid."

Gretchen, we find out, was born, grew up, married and divorced in Las Vegas. She married a base player named Good and worked as a draftsman. "For five years I worked my fool ass off drawing helicopter fuselages to keep the dude in dope." Finally she got fed up, got divorced and started turning tricks. "I kept the name because it sounds nice. It was the only thing the dude ever gave me."

Moon and Gretchen round out the evening on Moon's furry waterbed in his oversized clamdigger's hootch in the sand dunes. Next morning, Gretchen dresses to go back to work

at the Seahorse, but Moon talks her into staying with him.

Moon continues to outfinesse Duck in court during pretrial motions that Moon has to make because Harry is so insistent on having a jury trial. But Moon doesn't want to have a jury trial. "It just means one hell of a lot of work," he says. Moon wants to wait until Deal Day comes, and make a plea bargain with the prosecution. But Harry doesn't want to hear about plea bargains. He says he definitely ain't pleading guilty. Harry is adamant about having a jury trial. Moon tells Harry he's facing 111 years in jail. That gives Harry pause, but he still ain't pleading guilty. So Moon files a discovery motion and, over Duck's objection, gets temporary custody of the 37 movies Duck and the cops seized as evidence. Moon screens the movies for everybody in the Atlantic City Public Defender's Office - including his expert witness, Dr. Jonathan Glass, a strange man who went around the state of New Jersey recording people's responses to pornographic pictures.

Meanwhile, Duck plots to nail Moon - this time nail him right. Besides believing Moon's a "fag pervert," Duck believes he's Gretchen's pimp. Duck tells Claudia "pimping is a common sideline of fairies." Duck's spies begin to have second thoughts about Duck.

Using Claudia's surveillance information, Duck goes to

the Seahorse armed with a concealed Fargo transmitter, posing as a john in the market for a nooner with the new girl with the big boobs. The madam calls Gretchen at Moon's place. Gretchen is expecting Moon home for lunch soon, but she hops in a cab and shoots over to the Seahorse for some fast bucks. When Gretchen takes \$200 from Duck in the bedroom, Claudia records the transaction in her unmarked police car parked down the street. Then Duck arrests Gretchen for solicitation and prostitution.

Moon speeds through the streets of Atlantic City, cutting in and out of traffic, heading for the Seahorse because he suspects Gretchen went there. When he pulls up in front, Duck marches Gretchen out the front door in handcuffs at gunpoint. Duck is delighted that Moon arrived in time to witness the scene, even though Duck is unable to arrest Moon too. Duck asks Moon, "How come you're here? Are you the pimp? Or just looking for some sport?"

Moon goes off and gets drunk. The madam bails Gretchen out. Moon doesn't want to have anything more to do with Gretchen. But Gretchen finds him in a sweaty Boardwalk singles bar, cries, and promises over raucous hard rock music never to run off again. Moon eventually wanes and they go back together. Gretchen gets a job drawing salt water taffy machinery. But Moon has a new score to settle with Duck.

When Deal Day rolls round, Duck is anxious to make a plea bargain in the case against Harry. If Harry will plead guilty to just one count, the prosecution will dismiss the other 36. But Moon refuses to deal and forces the judge to set the case for trial. The judge, infuriated at Moon's pigheadedness, revokes Harry's own-recognizance status and orders Harry back into custody.

Now Harry is having second thoughts about not having made a plea bargain. "These people want my ass," he says through the bars to Moon. "I can see that." Also, he keeps yakking about the 111 years. Moon says, "Yeah but that's just the maximum - you would get something less than 111 years ... " Moon wants to punish Duck by having a jury trial Moon knows Duck is bound to bungle.

The prosecution's case-in-chief consists of Duck screening 37 pornographic movies for, it turns out, 12 negative somber-faced jurors. One movie, of which we see snatches and pieces, starts out with a guy from "Summit Vibrator Co." trying to sell dildoes to coeds in a sorority house. Now Harry demands Moon accept the prosecution's offer to plead guilty. Only now it's too late. Atlantic County Court Rule 22E provides that once the trial begins, deals are prohibited. If Harry wants to plead guilty now, it will have to be guilty to all 37 counts.

But when Duck finishes screening the 37 movies, something

happens: the trial takes a turn for the defense. Moon calls Dr. Glass and Glass's testimony is very persuasive. Glass testifies that he's a clinical psychologist and he conducted a poll of 1500 households to determine whether sexually explicit material appealed to prurient interests - the legal definition of obscenity. A majority of the people he polled would not state that the material appealed to prurient interests, and in his opinion, based on his study of contemporary standards, the 37 movies seized by Duck - although explicit - are not obscene according to the legal definition of obscenity. Duck's inept attempts to crack Glass on cross-examination just worsen the case for the prosecution.

Duck's closing argument to the jury is lousier than his cross-examination. Moon and Harry are elated. Moon says to Harry the case is in the bag. And Moon's right, it is. As Duck rants and rages, he sees Moon and Harry beaming, so he stops in midsentence and says to the jurors, "I realize this case is a big joke to Mr. Moon and his client ... " Moon jumps to his feet and objects. Before the judge can rule, Duck tells the jurors, "He's been giggling ever since I began my argument!" Moon calls Duck a liar. The judge overrules Moon's objection. Duck, under his breath, tells Moon to stick to pimping. Moon shoves Duck. Duck calls Moon a fairy pimp pervert and shoves him back. Then all hell breaks loose. Moon dives at Duck. The bailiff tries to pull Moon off but goes flying into the reporter. Duck and Moon wrestle into tables and chairs.

Books and papers and file folders fly every which way. The judge is hollering "Stop them ... somebody stop them ... " The bailiff takes out his MACE canister and sprays Moon and Duck as they roll over and over across the floor. People are screaming. The bailiff runs out of MACE. Moon crashes into and pulls down a large bookshelf along with 400 lawbooks. They keep fighting. Duck swings the New Jersey state flag at Moon, but Moon gets it and throws it through a window. More fighting. Moon is winning. The courtroom is a shambles. In a final act of violence, Moon heaves Duck ass over tincups into the vacated jury box ... where he comes to rest.

The next time we see Moon he's locked in the cage with Harry. Harry's disgusted with Moon. "You're the worst lawyer in New Jersey," Harry says. "Don't talk to me." Then Harry and Moon are brought into the courtroom. The jury has a verdict.

Actually the jury has 37 verdicts. All not guilty. Moon is ecstatic. Duck is livid.

To celebrate the victory, Moon throws a night swimming party. Even the jury foreman attends with his wife. Then lightning and thunder signal the coming of a Northeasterner, so everybody moves inside Moon's shack where Harry sets up a projector in the bedroom and shows his pornographic movies. But behind the shack,

atop a sand dune, is an embittered Duck watching through binoculars. He tells Claudia, standing beside him, that if only he could witness one illegal act, he would kick in the door and arrest every "pervert with his pants down" he could catch. Duck can't accept the 37 not guilty verdicts. Besides, he's convinced that "crimes against nature and the State of New Jersey" are going on inside Moon's shack. Only he can't see anything through the curtained windows. Claudia wants to go home.

Then Gretchen comes out the front door to walk on the beach with her drink in the howling wind ... which Duck sees as his one and only chance to get into Moon's shack. Duck has Claudia intercept Gretchen and tell her the DA'S office is willing to dismiss the prostitution charges against her. Claudia brings Gretchen back to Duck and an officer waiting in the paddy wagon parked in the sand dunes. Duck proceeds to try to get Gretchen to admit on tape that Moon's having a sex orgy. Gretchen begins to cry and holler that she wants to go back to the shack. Claudia, realizing Duck has flipped his lid, says okay, blocks Duck and lets Gretchen out. Duck is screaming, "I'm not finished with that whore!" As the paddy wagon pulls away, Duck lunges out and goes after Gretchen.

Meanwhile Moon has left the party and is walking on the beach with his drink, calling for Gretchen.

Duck overtakes Gretchen and tries to get his handcuffs on her.

But she throws sand in his face and takes off running. Duck curses and takes off after her. As he runs, he draws and cocks his service revolver. As Gretchen runs, she hollers "Peter! Peter!"

Moon hears her in the distance, turns and runs in the direction of her voice.

Duck stops running, assumes a stance and draws a bead.

Gretchen comes around a dune and breaks into a broad smile. Moon is standing 50 yards in front of her. Then Duck pulls the trigger. BAAAMMM! Gretchen sinks to the sand like a released piece of meat.

Moon can't believe what he has just seen. He tries to say something but he can't form a word. He dashes forward and falls to his knees beside Gretchen's slumped body face down in the sand. A blue-red glob of blood oozes out and sweels over the behind of her white bikini. Duck walks out of the darkness with his smoking revolver. Moon is about to go for his throat when Claudia and the officer pull up in the paddy wagon. Gretchen lets out a sickening groan.

Claudia calls an ambulance and Duck is taken into custody.

For a while, it looks like Gretchen isn't going to make it. Then she pulls through. She asks Moon if he thinks

Page 11

Duck was aiming for her can.

Gretchen gets two years probation for "soliciting an act of prostitution with Richard Duck." Picture's last scene shows Duck dressed in jail clothes alighting the paddy wagon, part of the morning calendar, walking toward the courthouse. He's charged with attempted murder of Gretchen Good. Down the street, Moon helps Gretchen hobble along the sidewalk. They're also headed for the courthouse. They're going to testify for the prosecution at Duck's preliminary hearing. They watch Duck approach and pass. Duck's made a better adjustment to custody than G. Gordon Liddy. We fade out on Moon and Gretchen watching Duck disappear in the courthouse.