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"PUBLIC DEFENDER"

Copyright 1974 by Miramar Beach Productions,
1504 Miramar Beach
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The following is a treatment of a kind of documentary film about a public defender and nine defendants he represents in a small coastal California city. Actors will play the defendants; a real-life public defender with film-acting experience will play himself.

The lawyer who is the public defender lives with his girlfriend in a small wooden house on the beach. The defendants are street people of the 1970s. Adult bookstore clerk Gordon Spain is charged with showing and selling obscene movies; Mildred Sanchez and her son Manuel with forging drug prescriptions; Billy Houston with burglarizing a laundry room; George Crumb with selling heroin; Harry and Wanda Stover with stealing pistols; and homosexuals Robert Sawyer and Charles Dennis with oral copulation. We see the defendants as their public defender sees them in Municipal Court for arraignments and preliminary hearings, and in Superior Court for plea bargaining and trial by jury.

Miramar Beach Productions will put out a screenplay in the near future.

1. Night. An empty city beach is lined with honky-tonk bars, penny arcades, stores and hot dog stands. The camera stops at the Beachfront Adult Bookstore.

2. Inside the bookstore Gordon Spain is perched high behind a little pulpit-like counter from which he can see the several middle-aged male customers leafing through magazines and peering in movie machines. No one speaks.

3. Outside, suddenly, police cars converge on the bookstore. Car doors fly open, and patrolmen and detectives with pistols and shotguns rush the place.

4. The silence inside is shattered as the police enter. The detective leading the assault goes straight to Spain. "I'm Sergeant Bogan," he says. "I have a search warrant

for these premises. May I see your identification?" Spain hands Bogan cards. "Are you Gordon Spain?" Bogan asks.

Spain: "Yes, but I just work here."

Bogan: "You're under arrest, Mr. Spain, for exhibiting and distributing obscene materials. Please step over and place your hands against the wall."

Policemen corral the customers, and photograph them before they leave. They dismantle the movie machines from the partitions, and carry the machines, and reels of film, and piles of magazines, outside. Bogan handcuffs Spain. On his way out, Bogan says: "Check the partitions with a black light for semen stains, boys."

5. Early morning. Music. Opening titles appear over shots of Jack O'Keefe jogging along the ocean.

"Public Defender."

"A film by..." and so forth.

6. A long gray bus with barred windows passes through an electrically operated gate in a high chain-link fence and enters a jail yard. The bus comes to a stop next to a side door in one of the buildings.

7. Number Four Tank inside the county jail. Inside the tank prisoners sleep in tiers of bunks, except Spain, who stands at the door peering through the bars. He wears jail clothes with COUNTY JAIL stenciled on the shirt. A sheriff's deputy unlocks the door and motions Spain out. Spain exits the tank. The deputy closes the door behind him, and they both walk down the hall, Spain leading.

8. Outside in the jail yard about 15 prisoners gather near the bus. They queue two-abreast and get handcuffed to a chain that runs the length of the line down the middle. They are watched by several deputies. One of the prisoners' faces is George Crumb's. Another's is Billy Houston.

Spain exits the side door. The deputy behind him orders him to stop, then handcuffs him to the chain. The chained prisoners board the bus. They are locked in, and the bus pulls out of the yard.

9. O'Keefe finishes tying his tie in front of his bathroom mirror. "How cold is it this morning?" he asks.

Evelyn, off camera, answers. "Step outside and see for yourself."

O'Keefe passes through the house, gets his coat and puts it on. Evelyn is in the kitchen preparing something orange in the blender. O'Keefe walks out on the porch.

10. Outside is the ocean. O'Keefe is on the porch of an old wooden beach house. Down the beach we see more houses, behind the houses the mountains, and behind the mountains the red morning sun. He breathes the fresh sea air. Evelyn, carrying two glasses and the blender pitcher, enters the porch and joins him. She gives him a glass, and pours them both breakfast.

Evelyn: "Will you be in court this morning?"

O'Keefe: "Yes, I have arraignments and preliminary hearings."

11. Shots of the prisoner bus speeding to its destination. Finally the bus stops next to the courthouse, where it is met by more deputies. The chained men slowly, clumsily alight. When they are off, they silently wait in line on the sidewalk for the command to move. Three secretaries on their way to work sneak glances at the men. Then, on signal, the line crosses the street and begins across the

courtyard. When the end of the line moves out of the frame, we see O'Keefe approaching on his bicycle.

O'Keefe, narrating: "Public Defenders represent people in trouble with the law who can't afford to pay for a lawyer, which accounts for 60 percent of people in trouble with the law. The only people in trouble we represent are people who are already locked up, or who could be locked up. We don't represent people in so-called civil disputes over money, or marriages, or custody of children."

12. Inside the courthouse, the line of prisoners crosses the lobby. Several people wait for the elevator, including Mildred Sanchez and her son, Manuel Sanchez. Mildred is a short, fat Mexican woman in her fifties; Manuel is a short, fat Mexican man in his twenties. When the prisoners pass, the elevator doors open, and Mildred, Manuel and the others crowd in. Then O'Keefe appears, and manages to squeeze himself and his bicycle in, too.

O'Keefe: "Our people are broke, and usually can't afford bail. Most are already locked up when the judges appoint us to represent them. The rest are in danger of being clamped in a cell at their next court appearance. They are all unattractive. Overweight. Underweight. Short.

Ugly. They never look like television criminals. They are never interesting looking like Faye Dunaway and Warren Beatty. A real-life pair of thieves turns out to be a middle-aged Mexican woman and her slightly mentally retarded son."

13. The public defender's office waiting room. Several people are seated on benches. O'Keefe, Mildred and Manuel enter. Mildred and Manuel stop at the desk of Lucy, the receptionist. O'Keefe removes some thick legal files from his mailbox, then, still walking his bicycle, disappears into an interhallway.

O'Keefe: "We don't call our people 'clients.' Somehow that word doesn't fit. We call them defendants, which is what they are because charges against them have been filed and they have to defend themselves."

14. An office cramped with desks, chairs, file boxes, etc. O'Keefe sits at a desk talking to Mildred and Manuel. Nearby is his bicycle. Other lawyers in the office interview other defendants.

O'Keefe: "Mildred and Manuel Sanchez are charged with theft and forgery. The police reports say that Mildred stole blank prescription forms from her doctor's office, and forged his name to prescriptions for amphetamines and tranquilizers. Then Manuel took the phoney prescriptions for his mother to the drugstore to have them filled. The pharmacist happened to remember the prescription forms reported stolen, called the police, and Manuel and Mildred were arrested. Mildred and Manuel don't dispute what is in the police reports; they just don't want to have to go to jail. Their preliminary hearing is this morning."

15. A small courtroom, mobbed and noisy. Spain, Houston and Crumb and the rest of the prisoners sit quietly in the jury box. In the front open area are bailiffs, clerks, lawyers, and a D.A. The audience section is filling with witnesses and spectators. O'Keefe enters, followed by Mildred and Manuel.

O'Keefe: "Arraignments and preliminary hearings are in Municipal Court. The DA calls some of his witnesses -- mainly policemen -- and they testify about what they saw the defendant do and heard the defendant say. The DA calls

his witnesses reluctantly because if there is later going to be a trial the DA would rather his witnesses come as a surprise to the defendant at the trial. After the witnesses testify, the judge decides whether the charges should be dismissed or the defendant should be held to answer them. Eighty-five percent of the time the judge decides the defendant should be held to answer."

O'Keefe goes over to the jury box and talks to Houston.

O'Keefe: "Billy Houston is charged with burglary. His bail was set at \$5000, which, of course, he can't afford. If the judge holds him to answer the burglary charge, which I expect the judge will do, Houston's next and only hopeful chance of getting cut loose will be by a jury. But not before three months because that is the earliest his case will go to trial."

O'Keefe approaches the DA. "No deals, O'Keefe," the DA says.

O'Keefe: "Houston will plead guilty to trespassing. Dismiss the burglary."

DA: "Sorry, Jack. I can't do it."

O'Keefe: "Alright. He'll waive his preliminary hearing. Just don't oppose a motion to reduce his bail to \$500."

The DA thinks very hard about that for a minute.
Finally, he says okay.

A loud buzzer blasts.

A bailiff: "Extinguish all cigarettes and cigars,
put away all magazines and newspapers, and be quiet please."

Two short buzzer blasts and the judge enters the
courtroom from a side door and takes the bench.

Judge: "Gordon Spain?"

Spain: "Here."

Judge: "A complaint has been filed charging you with
exhibiting and distributing obscene materials. Do you have
a lawyer?"

Spain: "Can I ask a question?"

Judge: "First answer my question: Do you have a lawyer?"

Spain: "How do I get out on my OR?"

Judge: "Do you have a lawyer?"

Spain: "No."

Judge: "Do you have money to hire one?"

Spain: "No."

Judge: "Public defender appointed. Have a seat.

Next case is..."

Spain goes back to his seat and O'Keefe goes over and
talks with him. After a moment O'Keefe goes to a man standing
in the back of the courtroom.

O'Keefe narrating: "OR stands for Own Recognizance. A defendant doesn't have to post bail when he's released on his own recognizance. One probation officer disapproves or approves all OR release requests, so I have to see him because the judge never disagrees with him."

Judge: "People versus Crumb."

DA: "Ready for the people."

O'Keefe goes to the front. "Mr. Crumb is present in court, your honor." Crumb moves past the other prisoners in the jury box to take his seat next to O'Keefe at counsel's table.

Judge: "People may present evidence."

DA: "Narcotics agent Polish."

16. Polish in the witness stand testifying: "Before Informant Fourteen left our unmarked car, I searched him and gave him \$50 in recorded county funds. He proceeded down Fulton to the corner of State. Defendant was waiting there in a parked black Volkswagon. Fourteen entered and remained inside for approximately five minutes. Then he returned to our car, where he was searched again."

DA: "Did he still have the \$50?"

Polish: "No, but we did find two small balloons containing a beige powdery substance that tested positive for heroin."

DA: "Did this happen just once?"

Polish: "No. Twice. On two successive Saturday nights."

DA: "No more questions."

Judge: "Cross?"

O'Keefe: "What is Informant Fourteen's name and address?"

DA: "Objection."

Judge: "Sustained."

17. Manuel Sanchez waits outside the courthouse. Spain exits the courthouse and walks off-camera. Then Mildred Sanchez comes out handcuffed, flanked by a woman deputy and O'Keefe, who has his bicycle. O'Keefe talks with Mildred as they walk. Then Houston exits the courthouse, and follows O'Keefe.

O'Keefe: "Mildred didn't make it. The judge, like a lot of judges, is a conservative religious family man. A mother-son drug case was too much for him. He listened

to the testimony and saw red. When it was over, he held Mildred and Manuel to answer, and raised Mildred's bail to \$10,000. Mildred was immediately taken into custody."

The deputy locks Mildred in the back seat of a patrol car, gets in herself, and drives away. Manuel silently watches. Houston joins O'Keefe, and they continue down the street together.

O'Keefe: "The book says the only purpose of bail is to insure the defendant's next court appearance. The judge raised Mildred's bail to punish her, which the book says he can't do. Judges are always ignoring the book in criminal cases because they are so emotional and political. I don't have to tell you we have to ignore the book too."

18. Houston and O'Keefe reach the corner. O'Keefe mounts his bicycle and pedals away. Houston crosses the street into a business district, and starts eyeballing and putting the squeeze on pedestrians. One reaches in his pocket and gives Houston some change.

O'Keefe: "I even have to ignore books written for defense lawyers because the authors assume all defendants are rich mafiosos. They say, never waive a preliminary hearing because it is an excellent opportunity to discover

the prosecution's case. But what if you're Billy Houston and waiving your preliminary hearing is the only way you're going to avoid sitting in jail for three months? I would rather discover the prosecution's case on the street than in court, anyway."

19. Houston enters a supermarket. He picks up a frozen Boston cream pie and a large can of Hawaiian Punch. In the process, he manages to conceal a package of cheese under his shirt. He goes to the cashier stand and pays for the pie and punch.

A store detective is watching Houston leave the cashier stand and head for the door. The detective follows Houston outside.

20. Shots of O'Keefe traveling on his bicycle.

O'Keefe: "Houston's arrest report says Toakey, the manager of an apartment house, saw Houston at two in the morning trying to pry open one of the coin-operated washing machines. Toakey told his wife to call the police. After a few moments, Houston left the machine and got in his car. The police came, found Houston in his car, and arrested him

for burglary. The police claim Houston was hiding; Houston claims Houston was sleeping.

21. Outside the supermarket. The detective is suspicious, but unsure about exactly what Houston did when Houston was inside. The detective follows Houston a short distance, but Houston ignores him. Houston walks away down the street.

22. An apartment house carport. O'Keefe looks at a torn-apart coin-operated washing machine. He has a small camera and a small tape recorder. He photographs the carport. Then he walks over to Toakey's apartment-office. He starts the tape recorder, and rings the bell.

O'Keefe: "Whenever I interview a DA testifier, I make a tape recording for two reasons. If the testifier later changes his story at trial, I can play the tape for the jury. And the tape is some protection against a false charge of obstructing justice."

Toakey answers the door.

23. More shots of O'Keefe traveling on his bicycle. The tape recorder is strung around his shoulder; he listens to the cassette with an ear jack.

O'Keefe: (a recording) "Are you positive the guy you saw in the car was the guy you saw in the carport?"

Toakey: "It must have been."

O'Keefe: "You mean you were not watching him every second?"

Toakey: "I left the window for a second to tell my wife to call the police."

O'Keefe: "What did the person in the carport look like?"

Toakey: "Like the guy...the person...the police arrested."

O'Keefe: "The police arrested the guy in the car. I mean the person you saw in the carport."

Toakey: "I didn't get a good look at him."

O'Keefe: "William Houston is the young man they arrested."

Toakey: "So I've heard."

O'Keefe: "Is it possible another man could have been in the carport? In fairness to William Houston?"

Toakey: "Possible."

O'Keefe: "Can we step over to the carport? If it was not Houston, maybe you can show me how he could have slipped away."

Close shot of O'Keefe. Toakey is saying something about he "only has a few minutes." Over Toakey's line, we hear the off-camera voice of a girl -- Wanda Stover: "Hey, Mr. O'Keefe, I was at your office looking for you. Got a minute? I want to talk to you."

24. Wanda standing on the sidewalk in a rundown section of town. O'Keefe dismounts, removes his ear jack, and goes over to her. A group of hare krishna chanters is nearby.

O'Keefe: "How did you get out of jail?"

Wanda: "My mother bailed me out."

O'Keefe: "And your husband, Harry?"

Wanda: "He's still in jail. He wants to see you."

O'Keefe: "I want to see where and how you and Harry got arrested and searched. Do you have a car?"

Wanda: "Yes. Do you want me to take you out to the Mission?"

O'Keefe: "Yes, when I get some time. Can you call me?"

Wanda: "I sure can."

O'Keefe: "Okay, I'll see you later." He mounts his bicycle and pedals away.

25. O'Keefe bicycles along a dirt road. He comes to a PRIVATE ROAD NO TRESPASSING sign and proceeds past it. At the end of the road he stops, walks over to the edge of a high bluff overlooking the ocean.

O'Keefe: "We represent two fellows arrested on the beach for what the law until recently called the crime against nature. Four deputies say they watched the little one orally copulate the big one for one hour before they moved in for the kill. Oral copulation is punishable by ten years in the penitentiary."

He takes out his binoculars and looks at a few scattered bathers.

O'Keefe: "People ask me: How can you defend someone you know is guilty? I say, I would have difficulty defending someone I knew was innocent because of the horror of a conviction, but I have never defended anyone I knew was innocent. Everyone I defend is guilty because the Penal Code is so long and covers so much. I enjoy defending someone I know is guilty because I believe 95 percent of the Penal Code is an invasion of privacy."

26. Reception room of the county jail. O'Keefe signs in at the counter, receives a red badge, then lifts the receiver of a nearby telephone. "This is Jack O'Keefe."

I'm a lawyer, and I'd like to see Robert Sawyer."

Deputy's telephone voice: "Please stand by, sir."

Several people are seated and milling around.

Deputy: "You can proceed back now, Mr. O'Keefe."

O'Keefe hangs up and proceeds back.

27. O'Keefe walks down a hallway in the jail. Behind him and above him a small television camera follows his movement.

28. A deputy in the jail's console room watches O'Keefe on a television screen.

29. At the end of the hallway O'Keefe reaches a closed steel door. To the side is a small sign - RING FOR DEPUTY and push button. O'Keefe pushes it.

30. The bell rings in the console room until the deputy lifts his receiver. "Can I help you, sir."

O'Keefe's telephone voice: "O'Keefe, lawyer, badge 712. Visiting Robert Sawyer."

31. A windowless room. Loud metallic clank. The steel door opens and O'Keefe enters. The door shuts behind him. Two chairs and a small desk with all the drawers pulled out are the only furniture. Sawyer is seated at the desk. O'Keefe sits in the other chair.

Sawyer: "Have you seen Charles? Is the kid alright?"

O'Keefe: "I haven't seen him. Why?"

Sawyer: "Because the other inmates know he's gay. He could be raped. I don't know how the others found out. The desk sergeant told us to tell them we were busted for passing bad checks."

O'Keefe: "Have the other inmates bothered you?"

Sawyer: "Hell no. I'm not gay. When can you get me out of this madhouse?"

O'Keefe: "We'll try to suppress the deputies' observations as an illegal search because they were on private property when they watched you and Charles. We'll try but we probably will be unsuccessful. We can also try to make a deal with the DA. The deal would be you and Charles plead guilty to something and get released on probation."

Sawyer: "Plead guilty to what?"

O'Keefe: "Hopefully not oral copulation because you would have to register as a convicted sex criminal every-

where you went for the rest of your life. I can probably get the DA to take a guilty plea to something else."

Sawyer: "What?"

O'Keefe: "Maybe assault."

Sawyer: "Assault?"

O'Keefe: "You wouldn't have to register with an assault conviction."

32. Outside the Mission a gaggle of school children trail their teacher across the large lawn. When they pass we see Wanda and O'Keefe standing near a parked junk car with all its doors open. Wanda is showing him what happened, and he is taking pictures.

O'Keefe: "Wanda and Harry Stover were about to leave the Mission like tourists when a policeman who had arrested Harry before appeared beside their car. According to the policeman, they were acting suspiciously, so he searched their car and found two antique Spanish pistols, which turned out to be missing from their places inside the Mission."

33. Shots of Wanda and O'Keefe inside the Mission in the museum section. They look at the two empty spaces where the antique guns once were.

O'Keefe: "Some hippie-dude on the beach is their defense, which is a very popular defense with defendants caught red-handed with the goods. The police arrest the defendant in possession of stolen property. But the defendant claims he did not steal it. So his lawyer asks him what he was doing with it. And he says he bought it. So his lawyer says good, and asks him from whom and where did he buy it. And then the defendant says: I didn't get his name. Some hippie-dude on the beach. Wanda says that's how Harry got the Spanish pistols."

34. A wino sleeps on the sidewalk outside the seedy Mayfair Hotel. Wanda drops off O'Keefe, then speeds away. O'Keefe enters the hotel.

35. The Mayfair's lobby. Old people with vacant expressions sit on dirty furniture. O'Keefe goes past the unattended front desk and up the stairs.

36. You can almost smell the second-floor hallway. O'Keefe stops at room 208, knocks on the door. A voice from the room: "Who is it?"

O'Keefe: "Jack O'Keefe. I have some information for you." A man opens the door. "Are you Rufus Soote?"

Soote: "Yes, what do you want?"

O'Keefe: "I'm George Crumb's lawyer. He's facing life. I have to talk to you. Can I come in?"

Soote: "I suppose."

O'Keefe enters the room and closes the door.

37. Inside room 208, Soote and O'Keefe sit on twin beds and talk while O'Keefe's tape recorder is running on a chair between them.

O'Keefe: "We discovered on our own that Informant Fourteen was Rufus Soote, 208 Mayfair Hotel. Soote is a junkie himself, but informs on others to keep the heat off his back. The narcs asked him to try to buy heroin from Crumb because the narcs heard Crumb was a dealer. Soote confirms on tape what Crumb has told me: Soote also tells me the narcs paid him \$30 for his trouble, which he used to buy heroin for himself. None of this surprises me because narcotics agents always work like this. People report robberies and murders, but who reports narcotics law violations? Nobody does, so narcotics agents would never make arrests without the Rufus Sootes. You wonder why laws,

which have to be enforced in this manner, are ever passed. Nitwit narcotics laws comprise a big chunk of the Penal Code."

38. Lucy, the receptionist, is seated at her desk in the public defender's office waiting room. The benches are crowded with defendants, but Houston is the only one we recognize. Lucy answers the telephone: "Public defender's office...Who's calling, please? Just a moment, Dr. Goodfellow."

39. The cramped interoffice O'Keefe shares with other lawyers. A mass of open lawbooks are piled on O'Keefe's desk; he has to tunnel through them to find his buzzing telephone. "Who is it, Lucy?" O'Keefe asks. "Good. I've been waiting. Hello, Stanley? Did you think we taught the DA a lesson? Apparently not, because we have another obscenity case. The same facts. Defendant was a sales clerk in an adult bookstore. A detective purchased reels of eight millimeter color film, then arrested him under Penal Code Section 311.2. Can you testify? Terrific. I'll meet you at the airport. You can stay with me and Evelyn. Goodbye."

Lucy enters as O'Keefe packs his bicycle to leave.
"Before you leave, here's the minute order denying your suppression motion in the Sawyer and Dennis case," Lucy says.

O'Keefe: "I expected that."

Lucy: "Here's another one denying your motion in the Stover case."

O'Keefe: "I guess I expected that, too."

Lucy: "Gordon Spain called and wanted to know what is happening in his dirty movie case."

O'Keefe: "Stanley Goodfellow will testify for the defense."

Lucy: "Mr. Houston is outside waiting to see you."

O'Keefe: "I'll catch him on the fly."

40. Lucy and O'Keefe enter the waiting room. Houston stands. "I looked at the apartment house and got a statement from Toakey the manager," O'Keefe says. "It may be enough to make the DA hesitant to go to trial. We'll find out on deal day."

Houston: "Do you have any spare change?"

O'Keefe gives Houston a quarter.

41. A very large old courtroom. Prisoners are seated in the jury box; amongst them are Harry Stover, Crumb, Sawyer and Charles Dennis. Mildred Sanchez is seated in a chair nearby. Wanda Stover, Houston, Manuel Sanchez and Gordon Spain are in the audience section. Activity in the room is centered around the DA. He and a girl are seated at a table; a large metal box stuffed with files is in front of them. Lawyers are lined up waiting to talk to him. O'Keefe, holding several files under his arm, is second in line.

O'Keefe: "Superior Court, Department Two. The day for the defendant to plead guilty in exchange for a deal. Half the time the deal the defendant gets depends on where he sits. If he's in the jury box, he's in jail, which is where he's likely to stay. If he's in the audience section, he's likely to get probation."

The lawyer in front of O'Keefe moves out and O'Keefe moves in.

DA: "Who have you got, Jack?"

O'Keefe: "George Crumb." The girl quickly goes through the files in the box and hands one to the DA.

DA: "What's your offer?"

O'Keefe: "Plead guilty, one count, selling heroin. State prison suspended three years, probation three years, six months county jail condition of probation, credit for time served."

DA: "Unacceptable."

O'Keefe: "What's your offer?"

DA: "One year county jail condition of probation."

O'Keefe: "What useful purpose will six additional months serve?"

DA: "He deserves five to life."

42. Judge's chambers. Walls of books. The judge is behind his desk; and the DA and O'Keefe enter.

O'Keefe: "The judge takes pride in keeping his court calendar clear. The State Judicial Council even sent him a commendation letter. So if we can't agree on a deal, he tries to force one on us. We have to give him a crack at every case we can't deal out ourselves."

The judge is looking at a file. "What's the problem in People versus Houston?"

DA: "O'Keefe wants a walk."

O'Keefe: "Houston is charged with burglary. In the first place, the washing machine was under a carport. It

was not really inside anyplace. It is not clear anyplace was entered. And without an entry, you do not have a burglary. In the second place, the manager cannot identify Houston as the man he saw in the carport. Still, we'll plead guilty in exchange for probation to save the time and expense of a trial."

Judge: "Have you seen the carport and talked with the manager?"

DA: "No."

Judge: "Is the defendant in custody?"

O'Keefe: "No."

Judge: "What did you have in mind?"

DA: "We think he should do more than the four days he's done."

O'Keefe: "If he has to go back to jail, he'd just as soon have a trial."

Judge: "I think Jack's offer is not unreasonable."

DA: "Whatever you say, your honor."

43. The large courtroom. O'Keefe stands in front of the defendants in the jury box. "Harry Stover," O'Keefe exclaims.

Harry: "Yea man."

O'Keefe: "I was able to bring the DA down to eight months. That's as low as he would go."

Harry: "What about Wanda?"

O'Keefe: "I told the DA she had nothing to do with the pistols. So she'll plead guilty and get no jail time unless she violates probation."

Harry: "When will I get out?"

O'Keefe: "In four months. You'll get credit for time served and for good time at the end."

Harry: "What about the hippie-dude on the beach who sold us the pistols?"

O'Keefe: "He stays on the beach. Will you accept the deal?"

Harry: "I guess."

O'Keefe: "Robert Sawyer and Charles Dennis. The DA agreed to your both pleading guilty to felony assault, credit for time served, probation for three years."

Sawyer: "When do I get out?"

O'Keefe: "Today."

Sawyer: "Alright."

O'Keefe: "Is that alright with you, Charles?"

Dennis: "Yes sir."

Loud buzzer. The judge takes the bench. "People versus Mildred Sanchez and Manuel Sanchez." O'Keefe and the Sanchezes stand before the judge. The DA is seated at counsel's table.

O'Keefe: "A negotiated plea, your honor. Both defendants plead guilty to count two, forgery. Count one, theft, is dismissed. Imposition of sentence suspended three years, probation three years, time served a condition of probation."

DA: "Agreeable to the people."

Judge: "Are Mildred Sanchez and Manuel Sanchez your true names?"

Mildred and Manuel: "Yes, sir."

Judge: "Have you any reason why sentence should not be imposed?"

Mildred and Manuel: "No, sir."

Judge: "The judgment of this court is that imposition of sentence be suspended for three years, that you be placed on probation for three years, and..."

O'Keefe: "Time served in the county jail be..."

Judge: "Time served in the county jail be a condition of probation."

44. Stanley Goodfellow and O'Keefe relax on O'Keefe's porch on the beach. Evelyn brings them beer and cheese, and joins them. O'Keefe narrates over their conversation.

O'Keefe: "Applying contemporary community standards, the predominant appeal of a picture must be to the prurient interest to be legally obscene. No one had the foggiest notion of what the community standards were until Stanley Goodfellow went around the state ringing doorbells and asking occupants whether the dirty pictures he showed them appealed to the prurient interest. He became instantly popular with public defenders when he reported 55 percent of his respondents did not feel his pictures appealed to the prurient interest. Now he makes a living testifying for the defense in obscenity cases."

Evelyn asks, "How often do you testify, Stanley?"

Goodfellow: "Once every couple weeks."

O'Keefe: "When you're on the stand, I'll ask whether the films appeal to the prurient interest applying contemporary community standards. How will you answer?"

Goodfellow: "No."

O'Keefe: "Shall I stop or ask you why?"

Goodfellow: "Stop. It is more effective to let the reasons come out on cross examination."

Evelyn: "What's the prurient interest?"

Goodfellow: "That's the \$64 question."

45. The jury box in a courtroom. Instead of prisoners, this jury box is filled with jurors. The room is dark, except for a light that flickers on the jurors' faces.

In another, wider shot we see Sergeant Bogan and the DA operating a movie projector. Spain and Goodfellow and O'Keefe are seated at counsel's table. Everyone in the courtroom watches the film on the screen that has been set up.

O'Keefe: "The DA is introducing Exhibit A in the trial of People versus Spain because Spain refused to plead guilty in exchange for probation. Exhibit A is the first of 28 films the police seized from the Beachfront Bookstore, so we'll look at 27 more before the prosecution rests. Spain is facing 14 years because each film carries six months."

We see the film is about a Fuller Brush salesman and a housewife. The housewife is in her bedroom reading a sexy paperback when the salesman rings the doorbell. She invites him in. He shows her his brushes, but she has other ideas. They immediately undress and have sexual intercourse.

Intercut with shots of the film are reaction shots of jurors, judge, Bogan, O'Keefe and Spain. Also, we see the audience section is rapidly filling to capacity.

46. O'Keefe makes his closing argument to the jury. "The question is not whether the films may be upsetting. The question is whether Gordon Spain is a criminal when all he did was work as a clerk in a bookstore. Gordon Spain is obviously not a criminal. Therefore the prosecution must not have proved these films to be obscene beyond a reasonable doubt, which is borne out by the defense evidence. We presented six expert witnesses who testified in their opinion the films were not obscene. Psychologists and film critics. Dr. Goodfellow conducted and reported a state-wide poll that supported his opinion. Even a Presbyterian minister testified for the defense. Haven't we at least raised a reasonable doubt? The prosecution has simply failed to prove the kind of case we require before branding a fellow man a criminal the rest of his life."

47. The DA makes his closing argument to the jury. "You had to watch four and a half hours of filth and depravity. Every sort of obscene ugliness is shown in these films.

Semen and filth everywhere. If these films are not obscene, no film is obscene, because these films show every kind of perversion imaginable. It is a crime in this state to exhibit or distribute films like these. The legislature has made it a crime. If you happen to disagree with the law, you can work for its repeal; but you should enforce the law while it is on the books. If you failed to do that, you would violate your oaths as jurors. The films are obscene. The defendant exhibited and distributed them. The defendant is guilty. Don't worry about penalty or punishment; that's for the judge to decide.

48. O'Keefe is sleeping on the couch in his living room. The telephone is ringing; Evelyn answers it.

"Jack," Evelyn says, "the jury has a verdict. Jack, wake up!"

O'Keefe struggles to open his eyes because he is exhausted.

49. Night. Evelyn and O'Keefe exit the beach house. They hurry up a small boardwalk to the street to Evelyn's car, get in and drive off.

50. O'Keefe and Evelyn run down a dark empty corridor in the courthouse. Spain is waiting for them outside the courtroom, which they enter.

51. Everyone inside the brightly-lit courtroom is seated and waiting. Evelyn sits in the audience section; O'Keefe and Spain sit and counsel's table.

Judge: "Mr. Foreman, has the jury reached a verdict?"

Foreman: "Yes."

Judge: "Have you signed it?"

Foreman: "Yes."

Judge: "Please read it."

Foreman: "We the jury find the defendant, Gordon Spain, not guilty of all counts."

Judge: "Thank you. The jury is excused. Court is adjourned."

52. O'Keefe and Evelyn exit the courthouse and walk to the car. "Congratulations," Evelyn says. "You should take a few days vacation."

O'Keefe: "I can't. I'm in court tomorrow."

Evelyn: "What do you have?"

O'Keefe: "Arraignments and preliminary hearings."

End titles appear as they get in the car and drive
into the night.