



Ross Barnett

Film Services

Television Drama Series

Fall from Grace

EPISODE 3 of 4

Screenplay by Ross Barnett

based on the novel by Robert Yates

DURATION: 45 minutes

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The series is contemporary (2014). There are numerous locations in N.S.W. and some locations in Melbourne.

Episode 3 of 4

Hands type at a computer keyboard. The camera tilts up to the computer screen and follows the type - occasional errors and corrections are shown. The mouse is used to select variations in type size. No sound except for the tapping of the keys.

The text on the computer monitor shows the credits for the series.

CREDITS APPEAR ON THE COMPUTER MONITOR

The mouse pointer is used to bring up different pages as the credits roll. On completion of the credits, the mouse clicks (audibly) on "save".

FADE TO BLACK
FADE IN

1. INT. - SIMON'S OFFICE, ELIZABETH'S HOUSE, BLUE MOUNTAINS

*Day. On a desk behind a panoramic view of the mountains a thick folder is titled The Queen v. Simon Greenway Young. **Simon** sits down at the desk and opens the folder. **Elizabeth** calls off camera.*

Elizabeth (off camera)

Can I get you a coffee?

Simon

I'm going to need something stronger.

Elizabeth

*(entering and hugging **Simon**)*

Not at this time of the morning, you're not . . . I'll

make you a coffee.

Elizabeth leaves and the sound of a coffee percolator are heard as **Simon** runs his finger down the CONTENTS page of the open folder. He refers to different pages briefly, then opens the drawer of the desk and produces a thick writing pad and pen. Turning to a specific page in the folder, he writes on the pad "Rebuttal - Statement by Moira Dickenson".

Elizabeth

(entering with two mugs of coffee)

May I see?

Simon

(passing her the thick folder)

Sure . . .

Elizabeth

Good grief! A hundred and twenty three pages!
Someone's put a lot of work into this . . . what can I
do to help?

Simon

Just be patient with me . . . no doubt I'll be swearing
a lot.

Elizabeth

(handing back the folder)

Sing out if there anything I can do.

CUT TO

2. EXT. - GARDEN, ELIZABETH'S HOUSE

Day. Elizabeth wears a battered straw hat, tatty man's shirt and cut-off

*jeans as she works on a patch of garden. The two small dogs, Joe and Fluffy, jump up excitedly as **Simon** approaches.*

Simon

I need a break or I'll go mad.

Elizabeth
(standing up)

Heavy going?

Simon

Frustrating . . . fancy a walk?

Elizabeth

Good idea.

CUT TO

3. EXT. - BUSH TRACK, BLUE MOUNTAINS

*Day. **Simon** and **Elizabeth** walk along the track as the two Jack Russells fossick in the undergrowth.*

Elizabeth

So you're saying the girl has lied in her statement?

Simon

Yes, but in a subtle way. Like, there's an element of truth . . . the facts are correct . . . but things have been distorted, changed.

Elizabeth

What they call 'spin' . . . I guess that's only to be expected.

Simon

Is it? Seems bloody dishonest to me . . . for example . . . she says in the statement "After the first time he fucked me - "

Elizabeth

Simon! She doesn't use that language, surely?

Simon

Oh yes she does! . . . anyway, she says "After the first time he fucked me, I said 'I hope I'm not too young for you' and he said 'I'm not bothered about the age thing'" . . . that's wrong, it was the other way round . . . *I* said 'I hope I'm not too old for you' and *she* said 'I'm not bothered about the age thing'".

Elizabeth

(stopping an turning towards Simon)

Run that by me again, I don't get it.

Simon

Okay . . . *her* version . . . the girl says 'I hope I'm not too young for you' and the man replies 'I'm not worried about the age thing' . . .

Elizabeth

Okay . . . and what's your version?

Simon

I said 'I hope I'm not too old for you' and the girl replies

'I'm not worried about the age thing'.

Elizabeth

And that's important?

Simon

(shouting, angry)

Of course it's bloody important! Fuck!

Elizabeth

(hurt)

Simon, I'm sorry . . .

Simon

Okay, another example . . .

Elizabeth

You won't shout at me?

Simon

(laughing)

No guarantees . . . anyway, listen to this . . . she says in her written statement 'He told me he had some mates he would like to bring down to Melbourne for a gang bang'.

Elizabeth

Oh my God! You said that?

Simon

No, that's the point, *she* said it. She said 'Do you have any

mates you can bring down to Melbourne for a gang bang?'

Elizabeth

PENDING said that?

Simon

I thought **PENDING**

Elizabeth

But that's what she said? . . . about a gang bang?

Simon

Yes

Elizabeth

But surely she must remember who said what?

Simon

Precisely, that's the point . . . she's lying, she's put her words into my mouth.

Elizabeth

Then you can get her for perjury, perverting the course of justice or something.

Simon

How can I prove what was said ? . . . there's no proof whatsoever.

Elizabeth

But surely people will believe your version?

Simon

Think about it . . . imagine you don't know me . . .
who's version would you believe?

Elizabeth
(pondering)

Oh my!

CUT TO

4. INT. - SIMON'S OFFICE, ELIZABETH'S HOUSE

Day. Lunchtime, Simon looks somewhat dishevelled pouring over the folder and scribbling notes.

Elizabeth
(entering with a tray of sandwiches and drinks)

Lunch. Take a break.

Simon
(handing Elizabeth the open file)

Have a look at this.

Elizabeth

Mmmmm . . . these are messages from the Adult Friend
Finder website?

Simon

That's what the police claim, but look closer . . . look
at the top.

Elizabeth

Hotmail . . . email to Detective Darke . . . and your point is?

Simon

They're not messages from the Adult Friend Finder website at all . . . they are simply alleged messages typed into a Hotmail email . . . she could say anything she likes, anything at all.

Elizabeth

You mean these aren't messages from the website?

Simon

Of course they're not. I doubt very much if the police have seen her website profile, and certainly not any messages there, if they still exist.

Elizabeth

But the police wouldn't rely on simple email messages, surely? That would be stupid.

Simon

Stupid, yes . . . but they *are* submitting them as evidence.

Elizabeth

Then your barrister will shoot them down, surely?

Simon

I better 'phone Melbourne.

Elizabeth

On a Sunday?

Simon

(picking up the 'phone)

Beames said I could call him anytime . . . and I'm paying him enough money! . . . *(pause)* Andrew? Simon Young in New South Wales . . . where are you, you sound like you're at a football game?

CUT TO

5. EXT. - GRANDSTAND, MELBOURNE CRICKET GROUND

Day. Andrew stands amongst the crowd watching n AFL game.

Andrew

Richmond and Collingwood . . . what can I do for you, is it urgent . . . did you get the brief? . . . okay, good . . . *(the crowd roars)* . . . look, I'll call you back.

CUT TO

6. EXT. - CAR PARK, MELBOURNE CRICKET GROUND

Day. Andrew walks amongst the parked cars.

Andrew

That's better . . . now, what were you saying?

CUT TO

7. INT. - SIMON'S OFFICE, ELIZABETH'S HOUSE

Day. Simon talks on the 'phone.

Simon

The email messages contained in the brief, the police seem to rely heavily on them . . .

CUT TO

8. EXT. - CAR PARK, MELBOURNE CRICKET GROUND

Andrew

Understandably, they're very damaging . . . they prove she told you **PENDING**

CUT TO

9. INT. - SIMON'S OFFICE, ELIZABETH'S HOUSE

Simon

Andrew, that is *bullshit!* The emails prove nothing. She could write anything she liked.

CUT TO

10. EXT. - CAR PARK, MELBOURNE CRICKET GROUND

Day. A roar comes from the stadium and Andrew starts walking towards the entrance.

Andrew

Look Simon, this is obviously complicated . . . why don't you study the brief thoroughly and then come to Melbourne and we'll do through it detail . . . good, call my secretary tomorrow . . . okay, 'bye now.

CUT TO

11. INT. - SIMON'S OFFICE, ELIZABETH'S HOUSE

Simon

(hanging up the 'phone)

Well that was a waste of time . . . the man seems to have no understanding of the internet whatsoever.

Elizabeth

Well, it *is* complicated.

Simon

It's *not* complicated . . . it's perfectly bloody simple if people take the time to think! . . . (**Elizabeth stands and walks away**) . . . I'm sorry 'Liz, I don't mean to growl at you.

Elizabeth

I don't know why I bother!

**FADE TO BLACK
FADE IN**

12. INT. - SIMON'S OFFICE, ELIZABETH'S HOUSE

Morning. The sun streams through window as Simon stalks on the 'phone. The police brief lies on the desk in front of him.

Simon

(on the 'phone)

. . . as soon as possible . . . I'll be flying down from New South Wales . . . I have already spoken to Andrew . . . can you make sure Alistair Gainsborough attends, perhaps we could meet at his office . . . the barrister,

yes . . . thankyou very much.

Simon hangs up the telephone and redials:

Simon
(on the 'phone)

Good morning, my name is Simon Young, I'm calling
from New South Wales . . .

CUT TO

13. INT. - BARRISTER'S OFFICE, MELBOURNE

Morning. The wall is lined with legal books. Gainsborough sits at his desk surrounded by files. He picks up the telephone.

Gainsborough
(on the 'phone)

Simon, how are you?

Simon (off camera)

Alistair, I'm glad I caught you. Look, I've finally received
the police brief from Andrew Beames.

Gainsborough
(on the 'phone)

Good.

CUT TO

14. INT. - SIMON'S OFFICE, ELIZABETH'S HOUSE

Simon
(on the 'phone)

I just wanted to let you know that I've asked Andrew to set up a meeting, but I must say I'm not entirely happy with his performance so far.

CUT TO

15. INT. - BARRISTER'S OFFICE, MELBOURNE

Gainsborough
(on the 'phone)

I'm sorry to hear that. What seems to be the problem?

Simon (off camera)

He seems far too pally with the police, for one thing . . . and he doesn't appear to understand how the internet works.

Gainsborough
(on the 'phone)

Okay. Well, maybe we can discuss those things when we meet . . . I'll expect to hear from Andrew . . . okay . . . see you soon, 'bye now.

CUT TO

16. INT. - SIMON'S OFFICE, ELIZABETH'S HOUSE

Day. Simon stands up and walks into the kitchen.

CUT TO

17. INT. - KITCHEN, ELIZABETH'S HOUSE

Day. Elizabeth is chopping vegetables as Simon enters.

Simon

I'll be going down to Melbourne again.

Elizabeth

Again?

Simon

I have to discuss this police brief with Andrew.

Elizabeth

Sure . . . er . . . when you get back from Melbourne, Simon, maybe we could talk . . . about . . . things.

Simon

What kind of things?

Elizabeth

Things . . . nothing important, it can wait.

Simon

What do we need to talk about?

Elizabeth

Just where you're going to live . . . maybe you should find somewhere else.

CUT TO

18. INT. - AIRPORT LOBBY, MELBOURNE

Day. Simon walks through the crowded lobby with a briefcase.

CUT TO

19. EXT. - MELBOURNE AIRPORT, FORECOURT

Day. Simon climbs into a taxi. The taxi drives off into traffic.

Simon

City, thanks . . . William Street.

CUT TO

20. INT. - BARRISTER'S OFFICE, MELBOURNE

Day. Alistair sits behind a desk strewn with legal briefs. He has Simon's brief open in front of him. Simon sits opposite with an empty chair waiting for Andrew.

Alistair

I don't understand the problem you have with Andrew.
He seems to be doing everything right.

Simon

There's several issues, not least that he seems far too
pally with the other side . . . the girl's website profile, for
example . . . surely that in itself should be enough to have
any charges withdrawn.

Alistair

But you said her profile has been deleted?

Simon

Yes, my point. The profile was deleted *after* I raised it

with Andrew. He should make far more noise about the fact that **PENDING** . . . and then there's the email, if you to the brief at Appendix F

Alistair

(shuffling through the brief)

Okay . . . and what's your point about the email?

*A knock on the door and **Andrew** enters.*

Andrew

(shaking hands)

Sorry guys, traffic . . . Simon, how are you?

Simon

Average.

Andrew

(laughing)

Good . . . so, Alistair, where would you like to start?

Alistair

I've only just this minute seen the prosecution brief, but Simon seems worried about a couple of points.

Simon

Why the delay?

Andrew

What do you mean?

Simon

You agreed to a prosecution request for an extension of time, why was that?

Andrew

It's the way the court system works, Simon. Any court would give the prosecution more time, it's just sensible to agree.

Simon

Bullshit. Darke had months to get his case sorted, you should have objected to any delay.

Alistair
(interrupting)

I have to agree with Andrew, Simon, there's no point in fighting the system.

Simon

But we should have argued for the case to be thrown out.

Andrew

Er . . . I don't think that's a practical argument, Simon.

Simon

Precisely . . . you're not fighting for me, Andrew.

Andrew

Alistair?

Alistair

It's not as simple as that, Simon. You need a very strong argument to put before the court . . .

Simon

Good God! We *have* a strong argument. **PENDING**

Andrew

But what about the messages you exchanged?

Simon
(frustrated)

There's *no* evidence we exchanged messages! All the police have provided by way of evidence is a Hotmail email, written by the young woman, quite possibly in collusion with her mother! She could write anything she liked . . . that's not evidence!

Andrew

So you deny the exchange of messages?

Simon

Bloody oath I do . . . the messages the police have produced, that is.

Andrew
(interrupting)

But she sent you the email clearly stating she was fifteen!

Simon

Wrong. She sent that email to the police, not to me.

Alistair

(interrupting)

The police seized her computer as evidence . . . we could subpoena the computer and examine it.

Andrew

Possibly . . . would that help, Simon?

Simon

I don't know . . . certainly wouldn't do any harm.

Andrew

It would be expensive.

Simon

I don't see any choice.

Andrew

Okay. I'll arrange for a forensic expert to analyse the computer files.

Simon

My friend could do that.

Andrew

No, we'd need to use an independent expert, someone here in Victoria, someone accredited by the court.

Simon

Okay . . . and how long will that take?

Andrew

A month, maybe two. I don't think it can be done before the committal hearing.

Alistair

Speaking of the committal hearing, Simon, you'll be standing by your defence that the victim presented herself to you as a person over the age of eighteen?

Simon

Yes, of course. A fact proved by her Adult Friend Finder profile.

Alistair

But in their brief of evidence, the prosecution allege there was an exchange of message stating her real age.

Simon

An allegation *not* supported by evidence, merely an email written after the event which could say anything.

Andrew

That is a good point, Alistair. I think the court might strike out that submission.

Alistair

Simon, are you prepared to swear under oath that you were not told, at any time, the girl's real age?

Simon

Yes!

Alistair

(exchanging glances with Andrew)

Then that's our defence . . . do we have a date set for the committal hearing?

Andrew

(referring to his file)

Yes . . . twenty-second of February.

Alistair

Right. If we could run through the main points in the prosecution brief.

DISSOLVE TO

21. INT. - BARRISTER'S OFFICE, MELBOURNE

Late evening. Sunlight streams through the window as Alistair, Andrew and Simon conclude their discussion.

Alistair

Right, Simon. The committal hearing's set down for twenty second of February and you *must* be in the here in Melbourne on that date.

Simon

Okay.

Andrew

And there's a matter of funds, Simon. I have a statement for you here, you'll see we have three grand in the kitty. With the forensic examination of the victim's computer

and also the committal hearing coming up, we'll need a top up.

Simon

Fuck! Another ten grand? . . . you've already had twenty grand and there's nothing to show for it!

Alistair

With respect, you're not in prison.

**FADE TO BLACK
FADE IN**

22. EXT. - THE GARDEN, ELIZABETH'S HOUSE

Elizabeth sits at a table in the garden with a cup of coffee. **Simon** walks from the house.

Simon

You said you wanted to talk?

Elizabeth

It's a bit awkward, really. It's just the way you treat me, the way you treat all the women in your life. You don't seem to care about anyone but yourself.

Simon

That's not . . .

Elizabeth

Shut up! When we first met, you showered me with love and affection. Then you switched off and broke my heart,

chasing after other women . . . you just *use* people, Simon,
just like you used that poor young girl

Simon

Jesus!

Elizabeth

Anyway, I'm sick of it. You're hanging around here
like a bad smell. I need to get on with my life.

Simon

Alright, I'll move out. Margaret and Bob will come
up with the two hundred grand, I'm sure.

Elizabeth
(angrily)

It's not the money! I'll continue to help you, with the
bail and the court stuff . . . it's just you.

Simon

Okay. I'll move out.

Elizabeth

Thankyou. Maybe you could stay with Margaret and Bob,
or move into that little house they've offered you?

Simon
(standing up)

Maybe. Anyway, I've got to report in to the cops.

(he walks away and turns)

I'll move out as soon as I can.

CUT TO

23. EXT. - KATOOMBA TOWNSHIP, BLUE MOUNTAINS

Simon *drives the Porsche into town and parks. He walks to the police station.*

CUT TO

24. INT. - POLICE STATION, KATOOMBA

Simon *goes to the counter. The police sergeant is reading the paper.*

Simon

Simon Young . . . bail.

Police Sergeant

(casually putting down the paper and finding a large file)

Your file's getting bigger and bigger . . . every time you go to court we get a whole bunch of papers . . . how much longer 'till your trial?

Simon

I have *no* idea. Seems to just drag on and on.

Police Sergeant

(passing the file for Simon to sign)

There you go.

CUT TO

25. EXT. - HIGH STREET, KATOOMBA

Simon leaves the Police Station and walks up the main street, where he sees **Richard** the busker playing in a small square. He stops to listen - **Richard** is playing Dylan songs. At the end of a song, **Simon** applauds and puts a ten dollar note into the guitar case.

Richard

Sheesh, man, thanks!

Simon

You're very welcome. Have you ever played professionally?

Richard

Nope . . . not in that league. Just playing for my own amusement.

Simon

I play a bit of guitar, any chance you could give me some lessons? . . . I'd make it worth your while.

Richard

Aawww . . . I don't know. I'm not really into that kind of thing.

Simon

Would twenty bucks an hour be enough?

Richard

What! You're kidding me!

Simon

Twenty five an hour then?

Richard

No, man, I couldn't take that kind of money! No way.
I could teach you a few tricks for ten bucks.

Simon

Twenty bucks an hour, two hours a week.

Richard

(stretching to shake hands)

Done deal! My name's Richard.

Simon

Simon. When can we start?

Richard

Whenever you like . . . just not before twelve.

CUT TO

26. EXT. - MOUNTAIN VIEW HOTEL, KATOOMBA

Simon parks the Porsche and takes his guitar case from the back seat, then walks to the hotel.

CUT TO

27. INT. - LOBBY, MOUNTAIN VIEW HOTEL

Simon enters the hotel, where the proprietor is vacuuming the carpet.

Proprietor

(turning off the vacuum)

What?

Simon

Richard? The guitar man?

Proprietor

(turning to look at the clock)

Is he expecting you?

Simon

Yes . . . we said half past twelve.

Proprietor

Up the stairs, turn left, third on the right . . . number twelve.

Simon

Thankyou.

CUT TO

28. INT. - RICHARD'S ROOM, MOUNTAIN VIEW HOTEL

Richard, *looking somewhat dishevelled*, opens the door and **Simon** enters a small bedroom with a panoramic view of the mountains.

Richard

Simon! I wasn't sure if you were serious.

Simon

Always serious about music! My God, what a view . . .

Richard

Million dollar view . . . would you like a coffee?

Simon

(Opening his guitar case)

No thanks.

Richard

Whiskey? A smoke?

Simon

(laughing)

No thanks.

Richard

What *is* that? Holy shit, a twelve-string Martin!

Simon

Would you like to try it?

Richard

Seriously?

Simon

(passing the guitar)

Sure, have go . . .

Richard

(wiping his hands on his shirt tail)

Oh my!

Richard *takes the guitar with reverence and immediately checks the tuning, making minor adjustments. Then he launches into an expert rendition of Wish You Were Here.*

Simon

Very, very nice.

Richard

(laughing and handing the guitar back)

Thankyou, man . . . made my day. Okay, where would you like to start?

Simon

Maybe with that song?

Richard

Easy . . . G major, then hammer on the A string like this.

CUT TO

29. INT. - LOBBY, MOUNTAIN VIEW HOTEL

Simon *is about to leave the hotel when he stops and turns to the proprietor who is dusting shelves.*

Simon

Cheers . . . you wouldn't have a room vacant for a few months, would you?

Proprietor

Hundred and ninety a week, do your own laundry.

Simon

May I see?

CUT TO

30. INT. - SIMON'S ROOM, MOUNTAIN VIEW HOTEL

The proprietor opens the door to a room along the passage from Richard's, room and enters with Simon close behind him. Simon goes to the window, which has the same panoramic view of the mountains.

Simon

Hundred and ninety a week?

Proprietor

Do your own laundry.

Simon

I'll move in tomorrow.

DISSOLVE TO

31. INT. - SIMON'S ROOM, MOUNTAIN VIEW HOTEL

The room is messy with Simon's belongings scattered about.

Simon

(on his mobile 'phone)

Andrew, I need you to change my bail conditions,
I'm changing my address.

CUT TO

32. INT. - SOLICITOR'S OFFICE, MELBOURNE

Andrew

(on the 'phone)

Okay, I'll lodge an application with the Court. Don't move until I get back to you.

CUT TO

33. INT. - SIMON'S ROOM, MOUNTAIN VIEW HOTEL

Simon

(on his mobile 'phone)

Too late, I've already moved.

Andrew (off camera)

Shit!

CUT TO

34. INT. - SOLICITOR'S OFFICE, MELBOURNE

Andrew

(on the 'phone)

If the cops find out they'll lock you up again. I'll file the Court documents on Monday . . . whilst I've got you, Alistair has found a young barrister with IT expertise . . . guy by the name of John Poole. I've given him a copy of the brief, I hope you're happy with that.

CUT TO

35. INT. - SIMON'S ROOM, MOUNTAIN VIEW HOTEL

Simon

(on his mobile 'phone)

Yes, I am. Do you need me in Melbourne for the bail hearing?

Andrew (off camera)

That would be best, makes a good impression.

Simon

And whilst we're in Court, could you ask for permission for me to visit my yacht, for maintenance?

CUT TO

36. INT. - SOLICITOR'S OFFICE, MELBOURNE

Andrew

(on the 'phone)

Jesus, Simon, I'll try. The change of address should be very quick. If you come down for the court hearing I'll see if I can arrange a meeting with John Poole the same day.

**FADE TO BLACK
FADE IN**

37. EXT - MAGISTRATES COURT, MELBOURNE

Simon and Andrew *walk down the steps of the Court and up the busy street towards some legal offices.*

Andrew

That's done. You're now officially at the new address. Make sure you tell the police when you report in. And you can also visit the yacht in Coffs Harbour.

Simon

And how much did that little exercise cost me?

Andrew laughs, avoiding the question.

CUT TO

38. EXT -BARRISTERS' CHAMBERS, MELBOURNE

An attractive secretary shows Simon and Andrew into the office of John the barrister. The office is small and cramped, festooned with legal papers.

John

(standing and extending his hand)

John Poole.

Andrew

(shaking hands)

G'day, John. Andrew Beames.

Simon

Hello.

John

Okay, now I've had a look at the brief and I've had a quick chat with Alistair Gainsborough. My first impression is that much of the documentary evidence presented in the prosecution brief won't be used in court.

Andrew

Really?

John

Yes. It's quite obvious the emails presented aren't originals in any shape or form. This girl, or more likely her mother, has simply typed out a text to suit their complaint. In fact I'm amazed the prosecution have included them in the brief.

Andrew

But their whole case depends on those emails.

John

Precisely - there would seem to be no case to answer. That's what I'll be putting to the magistrate .

Simon

John, you don't know how refreshing it is to hear you say that. It's what I've been trying to explain to both Andrew and Alistair.

Andrew

Now hold on a minute. The prosecution case is that the accused had sex with a girl under the age of sixteen, and we concede that, don't we?

Simon

She claimed to be eighteen. I believed she was eighteen. She was on an 'adults only' website, for God's sake!

John

And that's my next point. This profile she published . . . well, it's not your average innocent little girl, is it?

*Both **John** and **Simon** look towards **Andrew** for an answer.*

Is it, Andrew?

Andrew

Doesn't alter the fact she was, in fact, fifteen.

Simon

Christ, Andrew, sometimes I really wonder whose side you're on!

Andrew

I'm a realist, Simon.

John

Andrew's right, Simon. We'll try to get the case thrown out on the basis that the complainant represented herself as being eighteen, but the fact remains, and you concede, that sex did occur. You understand the problem?

Simon

I understand the problem, but maybe more could be done to demonstrate my point of view.

John

Yes, well . . . that's why you've come to me. I'll do my best, obviously.

Andrew

Whilst I think of it, Simon, there's a possibility Alistair won't be able to make Court on the twenty-second . .

Simon
(*stunned*)

What!

Andrew

Yes, he's very sorry . . . heavy murder trial in the Supreme Court . . . gangland wars. You've no doubt heard about them . . .

Simon

I don't believe this. The thousands of dollars I've paid to Alistair to get his head around my case, and now you tell me he won't be there?

Andrew

He's very sorry . . . totally beyond his control, and he'll make sure that John is up to speed on the case.

Simon

Fuck! No disrespect, John, but Alistair and I have put a lot of work into my defence.

John

I have the date down as twenty second of February?

Andrew

Yes, that's right.

John

Okay . . . I'll put in a lot of work before then. Maybe we could meet here the day before, that's Monday the twenty first? If there's any questions I need answered in the

meantime, I can 'phone.

FADE TO BLACK
FADE IN

39. EXT. - MOUNTAIN VIEW HOTEL, KATOOMBA

Day. Simon, wearing a track suit, runs down the front steps of the hotel and jogs up the road, turning off onto a bush track where he is joined by a bouncing golden retriever.

Simon

(to the dog)

Shoo! . . . go home . . . go away.

CUT TO

40. EXT. - BUSH TRACK, BLUE MOUNTAINS

Day. Simon jogs along the track with the golden retriever bouncing along beside him.

DISSOLVE TO

41. EXT. - GARDEN, ELIZABETH'S HOUSE, BLUE MOUNTAINS

Day. Simon jogs into the garden where the two Jack Russell terriers make an enormous fuss of both Simon and the golden retriever. Elizabeth, wearing an apron, comes out to see what the noise is about.

Elizabeth

(kissing Simon)

Well hello, stranger . . . who's your friend?

Andrew

I have no idea. Are you busy?

Elizabeth

Not at all.

CUT TO

42. INT. - KITCHEN, ELIZABETH'S HOUSE

Day. Elizabeth shoos the dogs outside and pours Simon a coffee.

Elizabeth

(closing the door after the dogs)

Shoo! Outside . . . run and play. So, what news?

Simon

Alistair won't represent me in court.

Elizabeth

What? After all this time?

Simon

He's double booked, apparently. Some murder trial.

Elizabeth

Oh my God . . . what will you do?

Simon

Andrew's booked a young bloke. He's very good with IT, much better than Alistair in that respect. But he doesn't have Alistair's experience in Court.

Elizabeth

Damn!

Simon

You'll come to Melbourne with me for the Committal Hearing? I'll understand if you're too busy . . .

Elizabeth

Of course I'll be there. When will we fly down?

Simon

On the Monday, that's the twenty first.

Elizabeth

I'll be there.

CUT TO

43. EXT. - BUSH TRACK, BLUE MOUNTAINS

Day. Simon jogs uphill and then walks, stopping for a rest. He sits down and pats the dog, which has brought a stick for Simon to throw.

Simon

And what worries do you have in life, old fella?

Simon *throws the stick.*

**FADE TO BLACK
FADE IN**

44. EXT. - FORECOURT, MELBOURNE AIRPORT

*The airport is festooned with posters advertising the MELBOURNE COMEDY FESTIVAL. **Simon** and **Elizabeth** make their way through crowds to the taxi rank.*

Simon

Now that's appropriate.

Elizabeth

What is?

Simon

(indicating a poster)

Melbourne Comedy Festival.

They join a queue for taxis.

CUT TO

45. EXT. - FRONT ENTRANCE, HOTEL IN MELBOURNE

*The taxi draws up and **Simon** and **Elizabeth** get out with their bags and enter the lobby.*

CUT TO

46. INT. - HOTEL ROOM, MELBOURNE

*Day. **Simon** reads a newspaper whilst **Elizabeth** comes from the bathroom wrapped in a towel.*

Simon

Let's take in a show tonight.

Elizabeth

Are you serious?

Simon

Why not? No point in sitting around feeling morbid.

Elizabeth

Okay.

CUT TO

47. EXT. - THEATRE DOORS, MELBOURNE STREETSCAPE

*Night. **Simon and Elizabeth** exit the theatre, laughing. **Elizabeth** slips her arm through his as they walk up the street.*

Elizabeth

That was amazing. I haven't laughed like that in a long time.

Simon

Where to now?

Elizabeth

Bed . . . big day tomorrow.

Simon

Okay. We can grab a nightcap in the hotel bar.

CUT TO

48. INT. - PIANO BAR, THE HOTEL LOBBY

*Night. **Simon and Elizabeth** enter the romantically lit lounge bar, which is about a third full. They choose a table and sit down. A geriatric female **piano***

player wearing extravagant evening wear plays a grand piano- bizarrely, she wears fluffy pink bedroom slippers. A **waitress** approaches to take their order.

Simon

What would you like?

Elizabeth

Mmmmmm . . . a liqueur, I think . . . Drambuie.

Simon

One Drambuie, and a cognac for me please.

They listen to the piano player in silence - a Mozart piano concerto.

Simon

That old girl is amazing!

Elizabeth

Isn't she! And look at the way she's dressed!

*The piano piece reaches a crescendo and stops, to subdued applause. The **piano player** stands and bows, then sits down again.*

Simon

(beckoning to the waitress)

What would the piano player like to drink?

Waitress

She doesn't accept drinks. or tips.

.

Elizabeth makes eye contact with the **piano player** and they smile at each

other. Elizabeth stands and walks to the piano, sitting down at the old lady's feet. Simon watches as the two women whisper together.

Elizabeth

(returning to the table)

Now *there's* a story waiting to be told!

Simon

What did she say?

Elizabeth

She asked me if I had any requests.

An exquisite version of Yesterday floats from the piano.

Elizabeth

I think I'm going to cry.

Simon

Don't be ridiculous.

CUT TO

49. EXT. - MAGISTRATES COURT, MELBOURNE

Day. Simon and Elizabeth approach the Court building where a number of television cameras and journalists wait on the pavement.

Simon

(seeing the reporters)

Fuck! I hope they're not waiting for me!

Elizabeth

Surely not.

CUT TO

50. INT. - MAGISTRATES' COURT, LOBBY

Day. Simon and Elizabeth pass through the security screening and enter the lobby, where the day's cases are listed on a large screen.

CUT TO

51. INT. - ENTRANCE TO COURTROOM

Day A large number of people mingle in the corridors, policemen in uniform, barristers in gowns, defendants, spectators. Simon sees Andrew in conversation with another man and waves to him. Andrew comes over to greet Simon and Elizabeth.

Simon

(shaking hands)

G'day Andrew. This is my friend Elizabeth.

Andrew

Elizabeth, Simon's told me so much about you. How're you holding up?

Elizabeth

Barely. It's a stressful time for both of us.

Andrew

Of course.

Simon

Where's John?

Andrew

He's here, I saw him earlier. He said he was going to talk to the prosecuting barrister, trying to talk some sense into them.

Simon

There's Darke. Should I talk to him?

Andrew

Best not to. You see those two fat women? . . . just along from Darke.

Simon

(turning to look)

Yes.

Andrew

One of them is the complainant's mother. The other is a Court Support volunteer, I'm told.

Simon

They look like Tweedle-Dum and Tweedle-Dee.

Andrew

Don't they just. There are a lot of press here. I'll ask the magistrate for a closed hearing.

Simon

I can't believe they're interested.

Andrew

Nice juicy scandal, under age sex . . . they'll beat it up
beyond recognition. Ah, here comes John.

John, wearing a gown and carrying his wig, makes his way towards them
through the crowd.

John

(extending his hand)

Simon, hello.

Simon

(shaking hands)

G'day John . . . my friend Elizabeth.

Elizabeth

(shaking hands)

Hello.

John

I've spoken to the prosecution. They won't give an inch.
They insist you were aware of the girl's true age.

Simon

Bullshit.

John

That's the scenario they'll put before the magistrate. Hello,
here we go.

A **clerk** opens the door of the courtroom and the crowd, including **Simon's**

entourage pass through the door. Elizabeth takes Simon's hand.

CUT TO

52. INT. - COURTROOM, MAGISTRATES' COURT

The room is nearly full. A murmur of conversation stops as the the Magistrate's Clerk opens a door behind the raised desk.

Magistrate's Clerk

All rise!

All rise as the Magistrate enters. The legal people bow as the Magistrate sits down.

Magistrate's Clerk

Case number five three nine two seven, the Crown versus Simon Greenway Young.

Prosecuting Barrister

If it please your Honour, I appear for the Crown in this matter.

John

I appear for Mr Young, your Honour. Mr Young is in court.

Magistrate

Yes. These are charges brought under sections **XXXXXX** of the crimes act. Mr Young, you understand that we are not going to try the case today, we are here to decide whether or not the evidence should be referred to a higher court for trial. You understand that?

Simon

Yes . . . thankyou.

Magistrate

(referring to notes)

Mr . . . er . . . Poole, have you discussed the option of a plea with your client? I understand it's early days.

John

If it please your honour, before entering a plea, I understand that a large number of media representatives are in court. Given the comparatively high profile of my client and the sensitivity of the charges, I ask that the Court be cleared

Magistrate

Do you have any objections to a closed Court, Miss Hindley?

Prosecutor

Not at all, your Honour, in fact we concur with the request.

Magistrate

Very well. Clear the Court, please, Mr Williams.

John

(whispering to Elizabeth)

You too, I'm afraid, Elizabeth.

Elizabeth

What?

John

I'm afraid you can't stay.

Distressed, Elizabeth joins the audience as they shuffle out under the supervision of the Magistrates Clerk and Court officers. The doors are locked.

Magistrate

Yes Mr . . . er . . . Poole

John

I have received instructions regarding a plea, your Honour. My instructions are that Mr Young will plead 'not guilty' to each charge.

The plea causes something of a stir at the prosecution table. The prosecutor, a young woman in a short, tight skirt, turns to Darke, who shakes his head.

Magistrate

(shuffling her papers)

I see . . . according to the brief of evidence provided by the prosecution, there appears to be a considerable weight of evidence to suggest that intimacy did occur between your client and the complainant on or about the sixteenth of August last year. Do I now understand that you intend to contest this evidence?

John

We will contest the allegation that Mr Young was aware of the complainant's age, your Honour. Our argument is that the complainant represented herself as being eighteen years old and that Mr Young believed she was eighteen at the time intimacy occurred.

Magistrate

And how old was Mr Young at the time intimacy took

place?

John

With respect, your Honour, Mr Young's age has no relevance to the matter.

Magistrate

Please allow me to decide what is, and what is not, relevant Mr . . . er . . . Poole. He was sixty two, was he not?

John

Yes, your Honour.

Magistrate

Thankyou. Miss Hindley, you may begin.

DISSOLVE TO

53. INT. - COURTROOM, MAGISTRATES' COURT

Later the same day.

Magistrate

I suggest we break for lunch. I shall hand down my decision at two o'clock.

Magistrate's Clerk

All rise.

The magistrate leaves the Court and Simon and Andrew turn to John, who is tidying his papers.

Simon

What d'you reckon?

John

I think we have a chance. She certainly listened to our argument.

Simon

I think I'm fucked.

**FADE TO BLACK
FADE IN**

54. INT. - COURTROOM, MAGISTRATES' COURT

Later the same day. The Magistrate enters.

Clerk of the Court

All rise!

Magistrate

(bowing and sitting down)

I have had opportunity to study the case put by the defence, which rests upon the defendant's believe that the complainant was over the age of sixteen at the time intimacy occurred. On the other hand, the prosecution have filed documentary evidence which purports to show that the complainant did, in point of fact, tell Mr Young that her true age was fifteen. It is not for this Court to determine the veracity, or otherwise, of the conflicting statements. This is a matter for a jury and accordingly I order the defendant to stand trial on all charges in the County Court at a date to be fixed.

CUT TO

55. INT. - AIRCRAFT CABIN

Day. **Simon** and **Elizabeth** fly back to Sydney.

Elizabeth

Well, they did everything they could.

Simon

No. If Alistair had been there, he would have put up a fight. Poole understands the technical aspects but he's got no courtroom presence. Alistair would have had the charges thrown out.

Elizabeth

You think so?

Simon

I'm certain of it. I paid twenty eight grand for legal representation and they let me down. Now Andrew's asking for more money so that he can prepare a defence before the next phase. God knows what that will cost.

Elizabeth

Sheesh I don't think Darke's happy with the way things are going.

Simon

Really? What makes you say that?

Elizabeth

Just his body language, outside the courtroom, when

the magistrate kicked us all out and we were waiting, hanging around. There's no love lost between him and that Dickson woman, Moira's mother . . . in fact, he spent more time chatting to me than to her.

Simon

That's interesting.

Elizabeth

He's not a bad bloke, you know . . . just doing his job.

Simon

So Andrew keeps telling me.

Roll credits

END OF EPISODE THREE

THIS DRAMATIZATION IS BASED ON A TRUE STORY

Roll credits