TWENTY-FIVE

Scene 5 – 25th District Court

*(SFX #2 bangs a gavel on a wooden desk)*

# 5 – What are you doing with the gavel?

#2 – I think I’d make a good judge. I’ve watched Judge Judy my whole life.

#5 – I think you need more training than a reality TV show to be a judge.

#2 – *(looking around)* Do you think we’ll be on TV? Maybe I should fix my hair.Is there a camera?

#5 – This isn’t a TV studio. We’re in Courtroom 25 of the 25th District Court where felony crimes are tried.

#2 – People come to court to try committing felony crimes?

#5- Of course not! They are tried – as in a trial. Forget it! Just hold your sign.

*#2 comes over to spot and puts up “Courtroom” sign.*

Lights up full. *Actors come to life.*

**Defense Attorney:** *(obviously frustrated)* Mr. Jones, you hired me to defend you, but you’re refusing my advice!

**Defendant:** I don’t need your advice!

**Defense Attorney:**I don’t think you understand the implications of waiving your right to a jury trial. *(continues miming a serious conversation with the defendant)*

**Prosecuting Attorney:** *(to Witness)* Did you hear that? The defendant might go bench.

**Witness:** Go bench? What does that mean?

**Prosecutor:** It means he’ll let the judge decide the case instead of a jury.

**Witness:** Great! *(stands up to leave)*Then I don’t have to stick around to testify. I need to get back to my store.

**Prosecutor:** *(pushing him back into his seat)* Oh no, your testimony is absolutely key. Today is the preliminary hearing in which we prove we have enough of a case to justify a trial. Let’s go over your answers once more before the judge arrives. *(The two engage in mimed conversation)*

**Defense Attorney: Mr. Jones, you’re making a big mistake.**

**Defendant:** Stop worrying. Everything is going to be fine. It’s my lucky day!

**Defense Attorney:** Really? You’re about to be arraigned on a 3rd possible felony conviction for arson. How does that make you lucky?

**Defendant:** *(points to the “25” sign)* Look – we’re in Courtroom 25 on the 25th floor on the 25th day of the month…and my lucky number is twenty-five!!

**Defense Attorney:** This isn’t horse racing. Trials are won with evidence not luck. Just plead not-guilty and the judge will set a trial date.

**Defendant:** Oh no! The trial has to be today. That’s why I want a bench trial.

**Defense Attorney:** We are *not* prepared for a full trial today. You need to listen to me if you don’t want to end up with a 25 to life sentence. *(Sits next to client)*

**Bailiff:** *(crosses to CS, DS of Judge’s bench)* Please rise. The Court of the 25th Judicial Circuit, Criminal Division, is now in session, the Honorable Judge Johnson presiding. *(Everyone stands while judge enters and takes seat).* Please be seated.

**Judge:** *(Reading papers that are handed to him by clerk)* I see that Mr. Jones has waived his right to a preliminary hearing and is requesting this session be used as his arraignment.

**Prosecutor:** *(jumps up)* Your Honor, the state would like to know when this request was filed as we were not made aware of it.

**Judge:** I just received this request myself. (*Looks at papers)* Counsel, would the defense clarify why the prosecutor was not properly informed of this filing?

**Defense Attorney:** (stands) Your honor, my client has had a very recent change of heart concerning how he wishes to proceed with this case. Against my professional advice, he wishes to waive his right to a jury trial in the hope that the bench will agree to hear his trial today.*(Prosecutor reacts as this is highly unusual)*

**Judge:** Mr. Jones, please stand. Am I to understand, sir, that you would like this court to hear your case today, with judgement being rendered solely by this bench.

**Defendant:** Yes, your honor. It is essential that the case be heard today.

**Judge:** This is a highly unusual request, sir, particularly since this could be your 3rd felony conviction which would activate our state’s 3 strike law. If found guilty, I will have to apply the penalties dictated in that law. That could mean 25 to life.

**Defendant:** Oh, I’m not worried. It’s my lucky day.

**Defense Attorney:** *(stand)* Your Honor, Defense requests to approach the bench.

**Prosecutor:** *(jumps up)* Your Honor, the State requests to approach the bench.

**Judge:** Mr. Jones, you may have a seat while I consult with the attorneys. Counsels may approach the bench.

(*SFX: low whispers and serious chatter)*

#2 – Hey! What are they saying?

#5 - Quiet! I can’t hear!

*The defense attorney and prosecutor walk to the front of the bench and 3 mime a serious conversation. During conversation the witness is doing business on phone & the defendant is upbeat and waves to Bailiff, clerk, and even the judge when judge looks at him. As soon as lawyers approach the bench #2 lifts sign and mimes to #5 to scoot over closer to the bench so she can hear the conversation. # 5 disagrees but #2 basically pushes her over inch by inch until they are behind the clerk who does a double take – causing #2 to put sign down again. Attorneys return to their seats. The Prosecutor immediately consults with witness. Defense is totally frustrated with client and refuses to even look at him.*

**Judge:** Mr. Jones, while this bench cannot refuse your request to waive a jury trial, your defense attorney has made a compelling case for a continuance, so he can prepare a proper defense for your case. I am going to grant his request and set a future date for your trial before this bench.

**Defendant:** *(jumping up)* Absolutely not, Your Honor! I’m gonna fire my lawyer! *(looking at lawyer)*  You double-crosser! You’re FIRED! I’ll represent myself. The trial has to happen today.

**Judge:** Mr. Jones, while it is within your rights to refuse representation, it is not within your rights to dictate when this court hears a case. I highly recommend that you reconsider your decision to represent yourself because I will be rendering my verdict based on evidence, not luck. Case dismissed.

BLACK OUT