

Audition: Juror 4.

JUROR NO. 4: Seems to be a person of wealth and position. A practiced speaker who presents well at all times. Seems to feel a little bit above the rest of the jurors. Their only concern is with the facts in this case, and is appalled at the behaviour of the others.

Pages 22-24 (Edited).

EIGHT. Somehow I felt that the defence counsel never really conducted a thorough cross-examination. Too many questions were left unasked.

FOUR. While it doesn't change my opinion about the guilt of the kid, still, I agree with you that the defence counsel was bad.

THREE. So-o-o-o? What about facts?

EIGHT. SO many questions were never answered. I'd like to see the knife again, Mr. Foreman.

THREE. We all know what it looks like. I don't see why we have to look at it again. *[To FOUR.]* What do you think?

FOUR. The gentleman has a right to see exhibits in evidence. *[to EIGHT]*' This knife is a pretty strong piece of evidence, don't you agree?

EIGHT. I do.

FOUR. Now let's get the sequence of events right as they relate to the switch knife.

TWELVE. The boy admits going out of his house at eight o'clock, after being slapped by his father,

EIGHT. Or punched.

FOUR. Or punched. *[Gets up and begins to pacing]* He went to a neighbourhood store and bought a switch knife. The storekeeper was arrested the following day when he admitted selling it to the boy.

THREE. I think everyone agrees that it's an unusual knife. Pretty hard to forget something like that.

FOUR. The storekeeper identified the knife and said it was the only one of its kind he had in stock. Why did the boy get it?

SEVEN *[sarcastically]*. As a present for a friend of his, he says.

FOUR *[pausing in his pacing]*. Am I right so far?

EIGHT. Right.

FOUR. Next, the boy claims that on the way home the knife must have fallen through a hole in his coat pocket, that he never saw it again. Now there's a story, gentlemen. You know what actually happened. The boy took the knife home, and a few hours later stabbed his father with it and even remembered to wipe off the finger-prints.

[The door opens and the GUARD walks in and gives the knife to FOUR.]

FOUR *[holding up knife]*. Everyone connected with the case identified this knife. Now are you trying to tell me that someone picked it up off the street and went up to the boy's house and stabbed his father with it just to be amusing?

EIGHT. No. I'm saying that it's possible that the boy lost the knife, and that someone else stabbed his father with a similar knife. It's possible.

FOUR *(flips knife open and jams it into wall)* Take a look at that knife. It's a very strange knife. I've never seen one like it before in my life. Neither had the storekeeper who sold it to him. Aren't you trying to make us accept a pretty incredible coincidence?

Pages 48-49 (Edited).

NINE. We can't even get a majority to decide whether or not we're a hung jury.

FOUR *[rising]*. I went along with the majority vote on this question. And I didn't agree with voting that way, not really, and I still don't. So I'm changing my vote. I say no, we are not a hung jury. I believe that the boy is guilty beyond a reasonable doubt. There are some things I want to find out from those gentlemen that changed their minds. *[Sits again.]*

FOREMAN. Then we aren't a hung jury-so we go on.

FOUR *[to TWO]*. Why did you change your mind?

TWO *[hesitating a moment]*. He-*[at EIGHT.]*-he seems so sure. And he has made a number of good points. While he-*[at THREE.]*-only gets mad and insults everybody.

FOUR. Does the anger and the insult change the guilt of the boy? He did do it. Are you going to turn a murderer loose because one of the jurors gets angry when he thinks a murderer is being turned loose?

FIVE. There is a doubt.

FOUR. I don't think so. The track is straight in front of the window. Let's take that point. So the el train would have made a low rumbling noise. El trains screech when they go around curves. So the old man could have heard a scream, which is high-pitched. And it is a tenement and they have thin walls.

THREE. Good. Good. That's it. That's it.

FOUR. And what if the old man was wrong about the time it took him to get to the door but right about whom he saw? Please remember that there weren't any fingerprints on the knife, and it is summer, so gloves seem unlikely. And it might have taken a few seconds to get a handkerchief out and wipe the fingerprints away.

THREE. Why don't we just time this one, to see?

FOUR. I am saying that the old man downstairs might have been wrong about how long it took him to get to the door but that he was right about whom he saw running down the stairs. Now it may have taken the murderer about thirty-nine seconds to wipe away all the fingerprints and get down the stairs to the place where the old man saw him - the boy, that is.

FOREMAN. We reconstructed the old man getting out of bed and going to the door, and we timed that; now let's reconstruct the actual crime

FOUR. Let's reconstruct the killing.

THREE (*taking knife from table, giving it to EIGHT*). Here, you do the stabbing.

FOUR (*taking knife*). No, I'll do it.

THREE (*to SEVEN*). Why don't you be the one that gets stabbed? You're younger than I am. And don't forget, you take one second to fall.

FOUR [*rising, moving toward R, turning*]. And he was found on his side-his right side - so fall and roll onto your right side. [*To EIGHT.*] If someone hates another person enough to kill them, don't you think that it's reasonable to suppose that the murderer would look at his victim for a second or two?

THREE. Hey, wait a minute! He falls and he ends up on his right side, and would have worked around for a few seconds -lying there on the floor - writhing, maybe.

FOUR. That's quite possible. There would have been enough oxygen in his system to carry him for two or three seconds, I should think. Also, there's another point we might bring out. Anyone who is clear enough mentally to wipe the fingerprints away after murdering someone, well, that person is also clear enough mentally to look around the apartment, or the room in this case, to see if there are any other clues. It would just be for a second or two, I should think, but still he would look around.

THREE. This gets better and better.

FOUR. We're trying to make it clear. One doesn't talk about quality when murder is involved. Well, let's do it.