

FALSE TRUTH

Written by

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And

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All truths are easy to understand  
once they are discovered;  
the point is to discover them.

- Galileo Galilei

**EXT. SAN FRANCISCO - DAY**

Fog tumbles over the Golden Gate. The financial district rises out of the mist like the spires of some distant church.

**SUPER IN/OUT: 2010**

SHELDON (PRELAP)  
So just for absolute clarity...

**INT. COURTROOM - DAY**

ELLIOT CONLON (55), a stoic defense lawyer with a piercing gaze, sits beside MALE DEFENDANT (20s), dressed for court but with the lean, brooding malice of a hardened street criminal.

**SUPER IN/OUT: THIS IS A TRUE STORY...**

A JUDGE overseas DA LAURA SHELDON questioning a WITNESS.

SHELDON  
Is there any doubt that the weapon recovered from the defendant's vehicle is the same as the one presented in the exhibit?

WITNESS  
It's the same.

SHELDON  
No further questions.

Conlon stands and calmly takes the floor.

CONLON  
The chain of custody reports that you and Mr. Williams were the only two people at the lab who handled the weapon, is that correct?

WITNESS  
It is.

CONLON  
Nobody else beyond who is documented was in charge of the weapon at any point?

WITNESS  
No.

CONLON  
Mr. Williams signed for the weapon on the 12th.

(MORE)

CONLON (CONT'D)

It was returned to the evidence locker on the 15th and you signed for it on the 16th.

WITNESS

That is correct.

CONLON

You matched the ballistics to the crime on the 16th. Can you recall why this connection was not made by Mr. Williams in the days prior?

WITNESS

Mr. Williams suffered a cardiac event. It took us time to catch up.

CONLON

He was hospitalized until the 18th?

WITNESS

I believe so.

CONLON

So who returned the weapon to the evidence locker on the 15th?

Panic on his face. Sheldon's posture sinks.

WITNESS

I don't, specifically, know.

CONLON

Un-specifically, wasn't the weapon found among evidence from the unrelated Portrero Hill shooting?

WITNESS

Ultimately it was filed correctly.

CONLON

Yes or no, the weapon was misplaced for a period of time.

WITNESS

Yes.

CONLON

Did you misplace the weapon?

WITNESS

I did not.

CONLON

So someone not listed on the chain of custody form handled the weapon besides you and Mr. Williams.

WITNESS

I guess...

CONLON

Were any of the investigating officers at the lab between the 12th and the 15th?

WITNESS

It's possible.

CONLON

Your honor, I have testimony I can bring that will indicate the lead investigator had access to the evidence in this time period... but given that the prosecution cannot account for the evidence for a full three days, there is ample reason to grant the motion to suppress.

SHELDON

Your honor, the state...

The Judge looks toward Sheldon who is clearly frustrated.

JUDGE

Mr. Conlon has made a valid argument. Motion granted...

CONLON

Your honor, my client has been held without bail during this entire debacle.

JUDGE

Very well, Mr. Conlon. The defendant will be released on his own recognizance... Pending further action from the District Attorney's office.

CONLON

Thank you.

The Judge gavels. Conlon's client breaks his formal demeanor and smugly celebrates, much to the Sheldon's chagrin.

Conlon, emotionless, packs up his papers. Just another day in the life of the San Francisco's top defense attorney.

**INT. COUNTY COURTHOUSE HALLWAY - LATER**

Conlon is walking down the cavernous hall of the court house alongside Sheldon.

CONLON

I know I don't need to tell you  
that the case is not win-able  
without the weapon...

Sheldon SIGHS. She knows.

SHELDON

Mike's going to have a second heart  
attack when he hears.

CONLON

Trying to make me feel guilty?

SHELDON

It's your client who's guilty. But,  
as usual, free to roam the streets.

CONLON

Be angry at your lab, not me.

SHELDON

Oh I am... but there was a time  
when you cared about the greater  
good. I don't know what good  
getting a murderer off on a  
technicality does for anything...

CONLON

Keeping you guys honest is always  
good. And let's not kid ourselves,  
justice is a technicality...

BURNS (PRELAP)

Burrrrrrrrrrr.

**INT. THE OLYMPIC CLUB, CITY CLUBHOUSE - DAY**

Conlon holds court with a table of friends, BURNS, TRESSEL, HAMILTON, LIU - all in expensive suits and the look of city power brokers - in the lounge of the prestigious club.

BURNS

Conlon's so cold it's giving me  
shivers!

HAMILTON

You must've got to Sheldon for her to take a swing like that.

CONLON

I've been known to bring out certain elements in people.

TRESSEL

Maybe she has a point?

HAMILTON

Uh oh...

CONLON

Glad to hear such solidarity in the DA's office!

The others LAUGH.

TRESSEL

Did you believe you were keeping law enforcement in check when you got the obstruction case dismissed against Chief Gorham?

LIU

Shots fired!

TRESSEL

Just curious where your line is.

CONLON

My line? Do you know another lawyer who has taken up as many civil rights cases as I have?

TRESSEL

That was over a decade ago.

HAMILTON

Okay guys...

TRESSEL

Look, I have nothing against someone taking the money. I'm not a communist... but I don't go around acting like Atticus Finch either.

CONLON

I think what Tressel means to say is "thank you and your magnificent defense of Chief Gorham, the city of San Francisco owes you a debt of gratitude that I am willing to personally pay with season tickets to the Giants and my first born."

TRESSEL

Just humor me, is there a criminal heinous enough that you would not take their case? Hypothetically?

CONLON

Everyone deserves a defense.

TRESSEL

I figured you'd say that.

CONLON

Asking a question you already know the answer to? Turns out you are a lawyer after all.

LIU

Now that that's settled, let's settle the bill...

CONLON

I'd get it, but I think Tressel may have an ethical crisis over how his prime rib was paid for.

LAUGHTER as Tressel takes the punch and offers his card.

TRESSEL

Alright, mea culpa, on me. Didn't mean to ruffle the feathers of the city's prized legal peacock.

Conlon smiles it off, but is thinking about the conversation.

**INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - DAY**

JENNIE ASPELIN, (40s) Filipina descent, is visibly upset as she speaks into her cell phone.

JENNIE

No, there's been no improvement with Johan.

Her husband KRISTIAN ASPELIN, (30s) Swedish-American, paces somberly nearby. Something is very wrong.



JENNIE (CONT'D)  
 They haven't said much... it's a  
 freak thing and now his brain...

Their son LUKAS (2) is with him. Kristian walks Lukas out of  
 ear shot of Jennie. Kristian has a pronounced Swedish accent.

KRISTIAN  
 (quietly, to Lukas)  
 Come with me buddy, let's see  
 what's out the window...

JENNIE  
 ... he's unresponsive. They don't  
 know if he'll... I...  
 (choking up)  
 I have a sinking feeling about the  
 whole thing. I don't know...

She looks at Kristian as she listens.

JENNIE (CONT'D)  
 He said it felt adversarial.  
 Like... an interrogation maybe.

**EXT. UNION SQUARE - MOMENTS LATER**

Andrew Hamilton, one of Conlon's friends, is walking near the  
 Powell street cable car with phone is pressed to his ear.

HAMILTON  
 Who was adversarial? This Doctor...  
 Stewart or whoever?  
 (beat)  
 Child Protective Services... okay.

Hamilton thinks on his feet.

HAMILTON (CONT'D)  
 Alright... listen... I'm coming  
 over right now. Where are you?  
 (beat)  
 Fourth floor, Radzam building.  
 Okay. Kristian shouldn't talk to  
 anybody else about this.

Hamilton hangs up and about-faces.

**INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - MOMENTS LATER**

Jennie hangs up and looks to Kristian.

JENNIE  
 Drew is on his way over.

KRISTIAN

Is that necessary? What did he say?

JENNIE

He was concerned. He said not to talk to anyone else.

A look of dread grows on Kristian.

**INT. CONLON'S OFFICE - DAY**

Conlon sits in his office in a moment of personal reflection. He stares out, brooding on something.

On the walls are pictures spanning his career. A different career than we might have imagined. PHOTOS of him protesting. PHOTOS of him standing in court beside radical defendants like the Symbionese Liberation Army and Black Panthers. PHOTOS of him wearing a robe instead of a suit in court. A FRAMED set of handcuffs, ostensibly from his own arrest.

Conlon used to be a RADICAL and SOCIAL JUSTICE ACTIVIST. And he used to care about something else too -

Most of the photos on his desk and in his office are of HIS FAMILY. His son MALCOLM, his grand kids... and in a separate, almost shrine-like corner, there are of photos of Conlon's WIFE. Their wedding, honeymoon, and with the family & dog.

And one photo that really sticks out, Conlon dancing with her... except she is in a hospital gown and has IVs tubes in her arm. She is frail looking, but they are both smiling.

Conlon stares at this shrine in a longing way that betrays it is not of a living person... but a memorial.

His legal assistant, SAM, enters.

SAM

Your one-thirty is here. And I'm not sure how this happened but you have two seven thirties. A client and dinner at Malcolm's. Which do you want me to move?

CONLON

Reschedule with my son.

SAM

You want to call him or should I?

CONLON

If I do it'll turn into a thirty minute conversation...

Sam returns to their desk.

**INT. MALCOLM'S HOUSE - LATER**

KIDS chase each other around a warm, lived in family home. A CELL PHONE on a table RINGS. MALCOLM CONLON, 30s, answers.

MALCOLM  
Dad? ... Oh, hi Sam...

We see Malcolm deflate.

MALCOLM (CONT'D)  
I understand. Thanks for the call.

As he hangs up, his wife HEATHER (30s) steps in. She can tell from her husband's body language that something is wrong.

HEATHER  
He moved it again?

MALCOLM  
I'll freeze the other steak.

He walks stoically towards the kitchen.

**INT. UCSF CHILDREN'S HOSPITAL LOBBY - LATER**

Hamilton walks into the lobby.

ATTENDANT  
Can I help you?

HAMILTON  
Andrew Hamilton to meet Kristian  
and Jennie Aspelin.

ATTENDANT  
Yes, just sign in here.

She finishes printing out THE STICKER BADGE and hands it over, just as the sliding doors open behind him.

THREE POLICE OFFICERS in uniform - WHETTLE, RICE and MURPHY.

Hamilton clocks them immediately as they approach. Hamilton steps aside to listen as he affixes his badge.

OFFICER WHETTLE  
I'm looking for Doctor Stewart.

ATTENDANT  
He's on the fourth floor, his  
office is to the left.

Hamilton enters the elevator and holds the door for the officers. He has a look of dread as they step in... this is not a coincidence and it is definitely NOT GOOD.

**INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - MOMENTS LATER**

The doors open and the Officers head to Stewart's office.

Hamilton turns right and immediately sees Kristian and Jennie through the glass in a private room. They're holding each other. A couple enduring an immense tragedy. Hamilton hesitates, not wanting to interrupt... but he has to.

**IN THE PRIVATE ROOM -**

HAMILTON

Jennie.

They both turn... lost for a beat, then composing themselves.

JENNIE

Drew?

HAMILTON

Sorry to barge in, but there's no more time. The Police are here.

JENNIE

What?!

HAMILTON

They're with the doctor right now then they're probably going to arrest Kristian.

JENNIE

What do we do?

KRISTIAN

I don't understand... this was an accident. It was all an accident.

HAMILTON

Don't panic. Just remember this...  
(to Kristian)  
Exercise your Miranda rights and keep quiet.

The gravity crushes Kristian. Jennie's head is spinning.

**INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - MOMENTS LATER**

Child Protective Services Detective ALEXIS GOLDNER (38) exits the elevator and meets the Officers and DOCTOR STEWART (62).

They exchange a look, which is all they need, and move quickly towards the room where the Aspelins and Hamilton are.

**IN THE PRIVATE ROOM -**

The Three Officers and Goldner storm into the room and stand in an almost militaristic formation.

Kristian faces them, mimicking their aggressive posture in defiance of the accusations against him.

GOLDNER

Kristian Aspelin, you're under arrest. You're being charged with Child Endangerment. Specifically, you are being charged with inflicting unjustifiable physical harm. Do you understand?

Kristian stares silently at Goldner.

GOLDNER (CONT'D)

Kristian, do you understand what you're being charged with?

Kristian looks to Jennie, then to Goldner. He nods. The Officers close in. Defeated, Kristian removes his wedding ring, wallet and keys. He hands them to an apoplectic Jennie before he is handcuffed.

GOLDNER (CONT'D)

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer before answering any questions. If you cannot afford one, one will be appointed to you.

Deep emotions stir in Kristian as he absorbs their words.

GOLDNER (CONT'D)

Do you understand these rights?

Kristian's words catch in his throat.

KRISTIAN

Can I please say goodbye to my son?

Goldner is unsure, but defers to her humanity.

**INT. JOHAN'S HOSPITAL SUITE - MOMENTS LATER**

They march a cuffed Kristian in. Goldner, the Officers, Hamilton and Jennie follow. They surround a crib containing BABY JOHAN, just two months old, in an unresponsive coma. The mark from a head injury is clear.

Kristian leans in.

OFFICER WHETTLE

Sir! Step away from the baby.

The words run through the room like an electric shock as they treat Kristian, not as a father, but as a threat.

But Kristian won't listen. The Officers move to restrain, but Goldner signals to hold off for a moment.

Kristian's lips gently touch his son's forehead-- YANK. He is taken away. Jennie, in tears, chases after them.

**INT. UCSF CHILDREN'S HOSPITAL FOURTH FLOOR - MOMENTS LATER**

Hamilton follows Jennie as she watches the Officers and Goldner lead Kristian away to the elevators.

JENNIE

You did nothing wrong! You're a good Dad! Be strong, and be careful. I will get you out!

The hospital staff watches with a combination of horror and curiosity as Kristian disappears with the cops and Jennie frantically searches for her phone.

JENNIE (CONT'D)

I have to call his parents...

HAMILTON

Jennie, I to have to ask... How are your finances?

Jennie pauses... she's surprised by the blunt question.

HAMILTON (CONT'D)

Bail is going to be high. Very high. And... you'll need a different lawyer than me.

JENNIE

What do you mean different?

HAMILTON

A criminal lawyer. A good one.

A new horrible reality is beginning to sink in.

**INT. THE OLYMPIC CLUB, CITY CLUBHOUSE - DAY**

Conlon, clad in a tuxedo, walks to his usual table where BURNS, TRESSEL, HAMILTON and LIU are having a drink.

BURNS

Someone's looking all shaken, not stirred. Who are you off to kill?

TRESSEL

Whose body count is bigger? Bond or Conlon's client roster?

CONLON

(rubbing it in)

Just thought I'd slum it with you all for a drink before I head to the Governor's Ball.

BURNS

You'd make a good aristocrat.

Hamilton stands.

BURNS (CONT'D)

See, you've already got Hamilton saluting.

HAMILTON

Can I have a word with you quickly?

CONLON

Sure...

They step aside.

HAMILTON

Friends of mine need your services.

CONLON

What are the charges?

HAMILTON

The husband has been arrested for assaulting his two-month old... the boy is in a coma. He may die.

CONLON

A would-be child murderer?  
You really do think I'm just the Bay Area's garbage man...

HAMILTON

It's not like it sounds. The Aspelins are a good family. I've known them for years. I don't want to see them torn apart over what I believe had to be a freak accident.

CONLON

Come on, you know it doesn't matter what we believe. It matters what we can prove and what they can afford.

HAMILTON

Jennie is in banking, Kristian is in tech... they do well. Kristian is from quite a family in Sweden. His father works at the institute that awards the Nobel Prize in Medicine. They can afford you.

Conlon considers.

**EXT. PETER ASPELIN'S HOUSE - NIGHT**

A grand architectural masterpiece nestled among the stark, frigid beauty of the Swedish landscape. A PHONE is RINGING.

**INT. PETER ASPELIN'S HOME - NIGHT**

A warm glow illuminates PHOTOS of PETER ASPELIN (68), Kristian's father, dressed well at Medical Society Events. White coats with colleagues. Diplomas from the top Swedish institutions. Swedish Radiology Society Excellence Awards.

Then an earlier photo of HIS FAMILY. His wife LINDA (60s), their SONS, including Kristian. All strong Scandinavian men.

The cell phone stops ringing as we find Peter answering it.

PETER

Jennie. We've been so worried. How is Johan? How are you both?

As he listens his face shifts. The logic board of this scientific mind glitching. He cannot believe his ears.

PETER (CONT'D)

How can that be? What's the charge?

Peter walks to a table, produces a note pad from a drawer and finds a pen. Linda, concern in her eyes, appears nearby.



PETER (CONT'D)  
 If they don't believe Kristian,  
 then what is their explanation for  
 Johan's injury?

He listens and WRITES A PHRASE ON THE NOTE PAD:

**"SHAKEN BABY SYNDROME"**

PETER (CONT'D)  
 I am going to get on the first  
 flight I can to San Francisco.

He hangs up and looks to his wife. He remains completely calm, a man used to dealing with complex problems.

PETER (CONT'D)  
 The police have arrested our son.  
 They are accusing him of abuse.

LINDA  
 How could they think that?

Peter tears off the page, stares at "SHAKEN BABY SYNDROME."

PETER  
 That's what I need to figure out.  
 We should start packing.

Peter picks up his phone again and dials. He waits...

PETER (CONT'D)  
 Sorry for the late call, Karl. I  
 need an urgent favor.

**INT. KARL'S HOUSE - MOMENTS LATER**

KARL (60s), in a Danish modern lounge chair, drink in hand.

KARL  
 Of course Peter, what is it?

PETER (V.O.)  
 What do you know about "shaken baby  
 syndrome?"

KARL  
 It is the diagnosis for brain  
 damage that results from forcefully  
 shaking a toddler. It is sometimes  
 called whiplash shake syndrome.  
 Abusive head trauma is preferred.

PETER (V.O.)

Is the diagnosis always a result of abuse?

KARL

Yes. That's the origin of the diagnosis. It differentiates a more aggravated or violent injury from something routine or accidental.

PETER (V.O.)

Have there been cases where an accident was mistaken for abuse?

**INT. PETER ASPELIN'S HOME - NIGHT**

KARL (V.O.)

Not off the top of my head. It is a serious diagnosis. Not something one would make frivolously. There are three symptoms... the triad.

PETER

Can you send me all the literature you have on it? I need to understand the science. Studies, statistics, whatever there is...

KARL (V.O.)

Absolutely. What is this about?

PETER

It's about my son. It's about Kristian.

**INT. CONLON'S OFFICE - DAY**

Jennie and Peter sit opposite Conlon.

CONLON

Pleasure to meet you both. Andrew Hamilton speaks very highly...

Peter eyes are wandering over Conlon's degrees and commendations from various civic organizations.

Jennie looks at the photos of his family and dog. Both are relieved by those, and intrigued by the framed handcuffs.

JENNIE

Drew is an old friend.

PETER

His recommendation was emphatic.

CONLON

Thank you... perhaps the best way to start is to have you tell me about your husband's case.

JENNIE

I was on my way home...

**INT. MUNI CAR - NIGHT (FLASHBACK)**

Jennie rides in the San Francisco metro system. Her phone DINGS and she realizes she has several missed calls from KRISTIAN. She dials him back.

KRISTIAN (V.O.)

Jennie!

JENNIE

Kristian? What's the matter?

KRISTIAN (V.O.)

There's been an accident with Johan, Lukas is with me and we are following the ambulance.

JENNIE

What happened?

KRISTIAN (V.O.)

I was holding him and got knocked over. I lost control of the baby. I think he hit his head.

JENNIE

Is he okay?

KRISTIAN (V.O.)

I'm not sure. Where are you?

JENNIE

Near the West Portal station.

KRISTIAN (V.O.)

Get off and I will pick you up.

Jennie rushes up as the train pulls to the station.

**EXT. WEST PORTAL STATION - LATER (FLASHBACK)**

Jenny rushes to Kristian and Lukas in the car with its flashing hazards and FIRE DEPARTMENT ESCORT. Very ominous.

JENNIE (V.O.)

Johan was taken to SF General.

**INT. KRISTIAN'S CAR - MOMENTS LATER (FLASHBACK)**

He starts to drive to the hospital following the SFFD van.

JENNIE  
So what exactly happened?

KRISTIAN  
I have to drive. I will tell you  
everything at the hospital.

Jennie sits anxiously as Kristian drives erratically.

**INT. HOSPITAL LOBBY - NIGHT (FLASHBACK)**

Jennie storms in holding Lukas' hand with Kristian in tow.

JENNIE (V.O.)  
We got there around 7:30.

Jennie speaks with the FRONT DESK ATTENDANT.

JENNIE (V.O.)  
I think he was in the trauma bay,  
they were giving him a CT scan so  
we went to the waiting area.

**INT. SF GENERAL HOSPITAL, WAITING AREA - LATER (FLASHBACK)**

Jennie sits with Lukas at her feet. Kristian is beside her,  
his body language sunken - grief and guilt ridden.

JENNIE  
What happened?

Kristian doesn't respond at first. His mind is elsewhere.

JENNIE (CONT'D)  
Kristian?

She touches him and he returns to the present.

KRISTIAN  
Sorry... Gus knocked me over while  
I was holding Johan.

JENNIE  
Where?

KRISTIAN  
In the kitchen. He got into the  
fridge. It was a huge mess. Johan  
was crying.

JENNIE  
Were you wearing socks?

KRISTIAN  
Was I what?

JENNIE  
On the tile... I've told you--

KRISTIAN  
Are you serious right now? No... I  
wasn't wearing socks.

Jennie just stares at him. Kristian is coming apart.

KRISTIAN (CONT'D)  
I just fell, Jennie. There was a  
mess. I was holding Johan. I know I  
should have put him down... but he  
was crying... he just kept crying  
for you. It just happened so fast.  
(beat)  
I went backwards. He hit his head  
on the tile... It was an accident.

Jennie reassures him with a loving touch.

JENNIE  
I know... these things... they can  
happen to anyone... but we have  
some of the best doctors in the  
world here and I'm sure if he  
seemed okay then it'll be okay.

Kristian exhales hard, trying to release all the tension.

JENNIE (V.O.)  
Our friend Jason came to take Lukas  
while we waited...

**LATER**

Jennie and Kristian, now without Lukas, wait.

JENNIE (V.O.)  
It was hours. But we felt, based on  
what paramedics said to Kristian,  
that Johan would recover...

**LATER**

Jennie and Kristian are hugging a long goodbye.

JENNIE (V.O.)

At three-thirty in the morning one of us had to go relieve our friend from watching Lukas. I let Kristian go, he'd been through enough.

Kristian leaves somberly. Jennie remains anxiously.

**INT. SF GENERAL HOSPITAL, OFFICE - DAY (FLASHBACK)**

An exhausted Jennie and Kristian sit opposite Doctor Stewart.

JENNIE (V.O.)

Finally the next day we spoke with Doctor Stewart about Johan.

STEWART

Unfortunately, his condition has worsened. We're going to transfer him to UCSF Children's Hospital. They have a more specialized ICU.

JENNIE

What do you mean? Worse how?

STEWART

He's unresponsive. Brain activity is limited to only a small area of the stem, which usually signifies a severe loss in capacity.

JENNIE

Is that temporary?

STEWART

I've never personally seen anyone recover from that.

Devastation washes over them.

JENNIE

So... he's brain dead?

STEWART

It's too early to make a diagnosis, but I want you to begin to deal with the likelihood of that.

Kristian looks away, staring out the window like a zombie. Stewart evaluates this... scrutinizes Kristian.

**INT. SF GENERAL HOSPITAL, ICU - LATER (FLASHBACK)**

Kristian and Jennie hold each other as they stand over Johan.

The sight of the vulnerable infant filled with tubes is horrible. Jennie can't maintain her composure. Kristian tries to comfort her as his mind wanders to dark places.

JENNIE (V.O.)

I suppose I had a feeling something was wrong... something about how Stewart behaved toward Kristian.

KRISTIAN

You should go home. Shower, change. Meet me over at UCSF Children's.

Behind them, Doctor Stewart stares at Kristian.

JENNIE

Okay. Call me if... if anything...

Kristian nods.

JENNIE (V.O.)

If I had known... I don't know. I didn't expect Kristian to get cornered like that.

Jennie leaves and Doctor Stewart approaches Kristian.

STEWART

Mr. Aspelin, may I speak with you?

JENNIE (V.O.)

Kristian said Doctor Stewart spoke to him alone after I left. He wanted to get the story of what happened in Kristian's words. Afterwards, Kristian rode over with Johan to the Children's Hospital.

**INT. UCSF HOSPITAL WAITING AREA - DAY (FLASHBACK)**

Jennie returns to find Kristian more agitated.

JENNIE (V.O.)

He was agitated when I returned.

JENNIE

Any news?

KRISTIAN

Let's get some air.

**EXT. UCSF CHILDREN'S HOSPITAL, SMOKING AREA - DAY (FLASHBACK)**

Kristian and Jennie share a cigarette.

JENNIE (V.O.)

I can't remember the last time we had a cigarette together... the stress was just eating at us.

KRISTIAN

I had a strange conversation with Doctor Stewart.

JENNIE

What about?

KRISTIAN

He said Johan is in very bad condition... And because of that he wants me to talk to some people from Child Protective Services.

JENNIE

Why?

KRISTIAN

I think, maybe, it is routine for things like this?

JENNIE

Things like what?

KRISTIAN

For when a child... might not survive.

The grief is overwhelming and clouding their judgment of Kristian's escalating legal vulnerability.

JENNIE (V.O.)

It hit me when they showed up...

**INT. UCSF HOSPITAL WAITING AREA - DAY**

Child Protective Services Detective Alexis Goldner enters with social workers MARY ALICE MEANS (40) and ERIC MORGAN (53). All have the distinct mannerism of government workers.

Jennie looks on as they indicate for Kristian to join them.

JENNIE (V.O.)

There were three of them. How can anything routine need a detective and two social workers?

**LATER**

Kristian exits a conference room and returns to Jennie.



JENNIE (V.O.)  
He was with them a long time...

Kristian's grief has shifted to confused worry.

KRISTIAN  
That was... intense.

JENNIE  
What do you mean?

KRISTIAN  
It was adversarial. Very  
adversarial.

JENNIE  
Kristian please tell me exactly  
what they said. What do they think  
happened to Johan?

KRISTIAN  
Something called "Shaken Baby  
Syndrome."

**INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)**

Jennie is exhausted from the retelling.

JENNIE  
So I called Drew. He rushed over...  
and then Kristian was arrested.

Conlon takes the story in without comment or judgment.

CONLON  
Thank you, I know that must not be  
easy to relive. I wish I could say  
that it would be the last time.

JENNIE  
I know it's early, but... how does  
this all look for Kristian?

CONLON  
I'll be honest. This is a unique  
case for me. I'm new to this  
"Shaken Baby" angle. But at the  
core it is still an assault case.  
I've handled a number of those, and  
nobody in the area has a better  
track record of success than me.  
(beat)  
Do you have any questions?

Jennie's eyes wander from his photographs to the handcuffs.

JENNIE

I'm weirdly curious about the handcuffs.

Conlon smiles, almost embarrassed.

CONLON

I was arrested protesting the shooting of an unarmed boy by police. A long time ago when I represented some... radical groups.

Jennie doesn't comment on this, Conlon can't figure whether his past is a plus or a minus to her.

CONLON (CONT'D)

I thought it was important to keep the system honest... for everyone.  
(then)  
I still do...

But does he? Jennie seems to think so, whether or not Conlon thinks it of himself.

JENNIE

I'm curious why you haven't asked if I thought my husband was innocent?

CONLON

Because you're here, for one. But more importantly, there is a common misconception that my job is somehow to prove that your husband is innocent. That's not my job.

PETER

What do you mean?

CONLON

A plea is guilty or not guilty. We need only demonstrate the weakness of prosecution's case... every case has a weakness. A place where a wrong assumption or a mistake is made... and I find it every time.

JENNIE

I think we're lucky to have you.

CONLON

We'll get started right away.

Peter and Jennie stand and make their way out, Peter glancing over the photos in Conlon's office one last time. Sam enters.

CONLON (CONT'D)  
 Start pulling case files on  
 parental abuse cases... anything  
 shaken baby related.  
 (beat)  
 And get me Terry Sciortino.

Sam walks out as Conlon turns toward the photos of his WIFE.

SAM (O.S.)  
 Terry for you...

Conlon picks up.

CONLON  
 Terry, can I buy you lunch?

**EXT. CONLON, ELDRIDGE & SLOSS LLP - MOMENTS LATER**

Peter and Jennie exit Conlon's law offices onto the street.

JENNIE  
 You seem... concerned.

PETER  
 He seems like a good lawyer.

JENNIE  
 Drew says he's literally the best  
 in the area... and he seems to  
 value family. He will understand  
 what we're going through.

PETER  
 He's... very confident.

**INT. TADICH GRILL - DAY**

Conlon sits opposite TERRY SCIORTINO (50s) in the buzzy, old school San Francisco institution dating to 1849.

CONLON  
 You seen many of these cases at the  
 Public Defenders office?

TERRY  
 Oh yeah. We get 'em.

CONLON  
 Would love to have your list of go-  
 to experts on this sort of thing.

TERRY

Sure, I can send you our list. But if it's a shaken baby case there's one guy you really want to get... Doctor Steven Gabaeff.

Conlon writes this down, pauses after writing G-A-B...

TERRY (CONT'D)

A-E-F-F... but you should know he's a little specific about the cases he takes.

CONLON

Specific how?

TERRY

It depends on the... circumstances of your client. But, if I'm really being honest with you, I think you should drop the case.

CONLON

Drop the case? Why?

TERRY

They're big losers. DA's office loves these things... they have a very high conviction rate. It's almost hopeless.

CONLON

I've had tough cases...

TERRY

Not like this.

CONLON

What's so unique about it?

TERRY

You get stuck having to go after the science of shaken baby, or the diagnosis by the doctors. They bury you in testimony from police, child protective services, pediatricians. It's a well-oiled prosecution machine. No jury acquits someone convincingly accused of attacking their kid in that environment.

CONLON

Sounds like a lot of plea deals.

TERRY

That's the thing, there are no good deals to be had. Did you hear me when I said they have an extremely high conviction rate? And it looks great politically to say you don't cut deals with child abusers.

Conlon thinks on this.

TERRY (CONT'D)

And there's another thing that you, particularly, should understand...

CONLON

Let me guess, they'll run me out of town with pitchforks?

TERRY

You joke, but listen, I'm assigned to these cases as a humble public servant. I don't get the brunt.

CONLON

The brunt of what?

TERRY

The frenzy. This is a hot-button issue, Elliot. People get emotional. A guy like you... they will drag you through hell for defending this guy.

CONLON

They can get in line with the rest of my fan club.

TERRY

I know you secretly relish the haters... but with child abusers it's a whole other level. Like defending the Redcoats after the Boston Massacre. The vitriol...

CONLON

Didn't John Adams win, get the Redcoats acquitted, and go on to be President?

Terry rolls his eyes.

TERRY

Well... I hope you are as lucky as he was. I mean it.

CONLON  
Luck has nothing to do with it.

**INT. ASPELIN HOME - DAY**

POLICE PHOTOGRAPHER is taking pictures of the Aspelin home.

Jennie is in an adjacent room with Lukas, trying to pretend they aren't there. She has her laptop with Excel spreadsheets open and windows with her online bank account information.

She's going over the family finances. She pulls up a DOCUMENT where she has a list of "SELLABLE ASSETS" and their values. She starts typing, in the last resort column... THE HOUSE.

PHONE RINGS. She doesn't recognize the number. She answers.

JENNIE  
Jennie Aspelin.

REPORTER (V.O.)  
I'm calling with the Chronicle and I was wondering if you could confirm that your husband has retained the council of Conlon, Eldridge & Sloss and whether Elliot Conlon is handling the case--

JENNIE  
Where did you get this information?

REPORTER (V.O.)  
Do you have a comment?

Jennie hangs up. Not a moment later, the phone RINGS again. Again she doesn't recognize the number... she doesn't answer.

**INT. CONLON, ELDRIDGE & SLOSS LLP - LATER**

Conlon walks through his office when Sam approaches.

SAM  
You've had some calls from reporters asking about the Aspelin case... and Malcolm called.

CONLON  
About the Aspelin case?

SAM  
That's what they said...

ELDRIDGE (60s), with the commanding presence of a senior partner with his name on the building, walks up.

ELDRIDGE

You sure know how to pick 'em. Try to give me a heads-up if I'm going to get called to comment on our representation of a child abuser.

CONLON

This is ridiculous. The wife was just here... I haven't even met with her husband yet.

ELDRIDGE

Her husband, that's this Kristian Aspelin guy? Someone with DA or the cops must've leaked it. Good press and votes to rile up the public.

**INT. CONLON'S OFFICE - MOMENTS LATER**

Conlon sits down to unwind for a second. He turns on his computer and goes to a LOCAL NEWS SITE.

There is a picture of their offices next to Kristian's police booking PHOTO and a headlines: ASPELIN TO BE DEFENDED BY TOP BAY AREA CRIMINAL LAWYER. He picks up his phone.

**INT. SAN FRANCISCO CHRONICLE OFFICES - MOMENTS LATER**

RAY HORVATH (50s) an editor for the paper, sits at his desk. His phone rings, he recognizes the number. He answers.

HORVATH

I know what this call is about.

**INTERCUT AS NECESSARY - CONLON / HORVATH CONVO**

CONLON

I'm trying to figure out where this story came from... I haven't even met with the guy yet.

HORVATH

Are you taking the case?

CONLON

Yes... but no official comment. I wanna know why you guys are all over this like flies on shit?

HORVATH

I'm sure you need no tutorial in the relationship between controversy and readership.

CONLON

But where did the tip come from?

HORVATH

Are you familiar with the National Shaken Baby Foundation?

CONLON

I've barely heard of the diagnosis and you're telling me there's a national foundation for it?

HORVATH

Oh yes, and the Bay Area chapter is very active. They have a blog and Aspelin is their next target.

Conlon types on his computer, doing a quick search. Immediately gets the local chapter's blog, which has the headline "DEADLY DAD HIRES NOTORIOUS MURDER LAWYER"

CONLON

Glad they're able to remain dispassionate about this...

HORVATH

Not to scare you, but... they can be pretty militant. They make MADD and PETA look tame.

CONLON

You forget I've represented actual militants... so unless they plan to bomb my office, I'm not worried about some stalkers with a blog.

HORVATH

Just letting you know they make trouble... and they make news.

CONLON

All I care about is if you're going to make our squash game tomorrow. If you don't think I'll make you forfeit, think again... there are tourney ranks at stake.

**INT. ASPELIN HOME - DAY**

SCREAMING as Lukas runs around the house, seeking attention. Peter and Linda swoop in to try to distract Lukas as Jennie appears close to losing her mind and composure.



We see that she has SOME FORM FROM THE HOSPITAL REGARDING JOHAN. Something she is AGONIZING OVER.

LUKAS

Nooooo, I want Mommy. I want Mommy!

PETER

Mommy is busy helping get your father home... don't you want to see your father?

LUKAS

Yes...

PETER

Then let your mother concentrate.

Jennie shoots Peter a gracious look. Peter looks at the paperwork Jennie has.

PETER (CONT'D)

I thought they hadn't made a declaration yet?

JENNIE

It's... a nightmare. Apparently this all needs to be sorted out before that happens... I...

LUKAS

And Johan... when do we see Johan?

Jennie begins to SHAKE WITH GRIEF as she stares at the paper. Peter takes Lukas over to Linda who eagerly awaits playtime with her grand son. Lukas innocently shifts to playtime.

Jennie tries to muster the strength... and we see the paperwork she is agonizing over. It is a form giving CONSENT FOR JOHAN'S ORGANS TO BE DONATED IN THE EVENT OF HIS DEATH.

LINDA

We'll know more about your brother later. Why don't you show me how to play with these toys?

Jennie, quivering with sadness, finally makes a decision.

SHE ELECTS TO DONATE HIS ORGANS.

**INT. SAN FRANCISCO COUNTY JAIL - DAY**

Conlon waits as GUARDS remove Kristian's restraints in a meeting room. He is surprised by Kristian's height, at nearly six and half feet he towers over the guards who brought him.

Blonde, big, yet haggard and gaunt from rough prison nights. Nothing about Kristian's appearance says innocent to Conlon.

KRISTIAN  
Thank you for helping us.

CONLON  
How are you?

KRISTIAN  
This place is terrible. How can people be treated this way?

CONLON  
After the bail hearing we can get you out.

KRISTIAN  
How many days for all that?

CONLON  
Unfortunately there is only so much we can control about this process. For now, tell me everything you can about what happened.

Kristian takes a breath as he relives what brought him here.

KRISTIAN  
I brought the kids home from daycare and gave Lukas a bath...

**INT. ASPELIN HOME - NIGHT (FLASHBACK)**

A BABY IS SCREAMING in another room as Lukas bounds, hair wet and PJs, after a large GOLDEN RETRIEVER named GUS.

KRISTIAN (V.O.)  
Jennie was late. Johan was colicky.

**MASTER BEDROOM**

Kristian tries to settle Johan down. He rocks Johan in his arms, but it's no use. Johan SCREAMS.

KRISTIAN  
I'll be sure to forward your complaint to whoever is in charge of the MUNI...

Kristian changes Johan's diaper. Still screams. Bounces him gently, tries funny faces, his favorite toys... nothing. Johan continues to SCREAM in his crib.

Kristian dials JENNIE on his cell phone. Voicemail.

KRISTIAN (CONT'D)  
I'm sure she's close my little man.

SCREAMS continue... then from the other room, SKITTER THWOMP!  
Kristian rushes out of the bedroom.

#### LIVING ROOM

KRISTIAN (V.O.)  
The dog and Lukas were out of  
control...

There are Legos all across the floor. The dog is barreling  
around the room as Lukas throws a ball.

KRISTIAN  
Lukas! What have I said about  
throwing things in the house?

Kristian puts an iPad in front of Lukas as he tries to  
wrangle the riled up golden retriever.

KRISTIAN (CONT'D)  
Watch Bob the Builder, okay? I need  
to deal with your brother.

Kristian walks into--

#### KITCHEN

Where he heats formula in the microwave. Waits for the DING.

#### MASTER BEDROOM

Kristian is back with Johan, trying to feed him but Johan  
won't take the bottle. He writhes in Kristian's arms.

KRISTIAN (CONT'D)  
Come on, man. Work with me.

But it's not happening. Kristian puts the bottle down.

KRISTIAN (V.O.)  
And then I heard something...

CRASH! Kristian holds Johan close to him and dashes out.

#### KITCHEN

The refrigerator is WIDE OPEN. The dog and Lucas have pulled  
a bunch of food out that is now all over the floor.  
Strawberries, leftover pizza, yogurt, things KEEP FALLING.

KRISTIAN

Gus! Down! Lukas!

He holds the baby chest-to-chest in his left arm as he walks over and kneels. He pushes the dog away with his right arms and then takes the Yogurt from Lukas.

KRISTIAN (CONT'D)

Stop that! Lukas you know better!  
Why aren't you watching Bob?

LUKAS

I'm hungry!

Lukas scrambles away and Kristian crouches down, hastily re-packing the fridge. Gus nips at pizza remnants. Then...

The big golden retriever KNOCKS INTO KRISTIAN. KRISTIAN LOSES BALANCE and FALLS BACKWARDS. JOHAN SAILS over Kristian's shoulder and out of view.

KRISTIAN (V.O.)

Johan became lighter than air and then my arm was empty. It was the most terrifying moment of my life.

Kristian turns and sees Johan splayed out on the tile floor against some cabinets. He is not screaming. Johan is SILENT.

KRISTIAN (V.O.)

He hit the tile floor and just...  
laid there.

Lukas looks on. Kristian is frozen in shock for a minute, then snaps into panicked Dad mode.

KRISTIAN

Oh God! Johan! Oh my God!

Kristian rushes over and picks Johan up. The baby is alive, but dazed. There is a HUGE RED MARK on the side of his head.

KRISTIAN (CONT'D)

Shit! What have I done! Johan!

He rushes Johan out of the kitchen to the--

### **MASTER BEDROOM**

Kristian places Johan in the crib and examines him. Johan is breathing. He CRIES OUT. Phew!

KRISTIAN (CONT'D)

Oh my son, are you ok?

But then Johan GOES LIMP AGAIN! Kristian tries to bring him back around, but it isn't working.

KRISTIAN (CONT'D)

Oh no... oh no... come on Johan...

He grabs the phone and dials 9-1-1.

DISPATCHER (V.O.)

911 emergency.

Kristian's voice is frenzied, he speaks rapidly.

KRISTIAN

I need an ambulance right away. I had an accident with my son.

DISPATCHER (O.S.)

Ok, slowly, what kind of accident?

KRISTIAN

The dog knocked me over and the baby went over my shoulder onto the floor... I didn't see what happened to him. He was knocked out for a moment. He's only a few months old.

DISPATCHER (O.S.)

Is the child breathing?

KRISTIAN

I don't know.

DISPATCHER (O.S.)

Where is the child now?

KRISTIAN

He's laying on the bed. I picked him up. He is moving a little bit.

DISPATCHER (O.S.)

You have to tilt the child's head back slightly and check the airway.

Kristian does this and we see -- Johan is breathing.

KRISTIAN

He is breathing, more like snoring, but he looks... he looks dazed. His body and limbs are all limp.

DISPATCHER (O.S.)  
 Sir, I am going to ask you to stay  
 on the line a minute longer, the  
 ambulance is on the way.

Tears are welling in Kristian's eyes. Lukas watches in  
 confusion, picking up on the fear and panic.

LUKAS  
 Daddy?

KRISTIAN  
 It's OK, buddy. It's gonna be OK.

**LATER**

KRISTIAN (V.O.)  
 The paramedics arrived around seven  
 o'clock...

POUNING FOOTSTEPS up the stairs, as Kristian stands in the  
 open doorway. PARAMEDICS enter. ANDREW SAITZ (39), A burly  
 man in a SFFD Navy blue shirt is leading TWO PARAMEDICS.  
 Kristian directs them to Johan. THREE GUYS from THE FIRE  
 DEPARTMENT follow. Lukas perks up --

LUKAS  
 I am Lukas Aspelin, it's nice to  
 meet you...

He shakes each one of their hands.

The Paramedics surround Johan and start checking his vitals --

SAITZ  
 What happened?

KRISTIAN  
 (rushed, scattered)  
 I was knocked over by the dog, in  
 the kitchen. He fell over my  
 shoulder. It was so fast. I didn't  
 see how he landed. I think he hit  
 his head. Is he going to be okay?

SAITZ  
 Mr. Aspelin, please try to be calm,  
 these guys know what they're doing.

KRISTIAN  
 I'm sorry. This is just... a lot.

The concerned Paramedics work as the Firemen stand and watch.  
 One of them flicks Johan's foot and he CRIES OUT!

PARAMEDIC

That's a really good sign. We'll take him in the ambulance to the emergency room at SF General. Can you follow us there?

KRISTIAN

Yes, of course.

**INT. KRISTIAN'S CAR - MOMENTS LATER**

Kristian is freaking out. A FIREMAN notices and helps him get Lukas into the car seat.

Kristian tries to pull himself together as he starts the car.

**EXT. ASPELIN HOME - MOMENTS LATER**

Kristian's car follows the ambulance and Fire Dept escort. LIGHTS FLASHING and SIREN'S WAILING.

THE HOMELESS and AFTER WORK CROWD alike carry on in their lives as Kristian's seems to be unraveling before him.

**INT. SAN FRANCISCO COUNTY JAIL - DAY (RETURN TO SCENE)**

Conlon is jotting things down as Kristian takes a break.

CONLON

So Johan was responsive when the paramedics arrived?

KRISTIAN

It seemed so. They flicked his foot, he cried. They said that was good. But I guess he wasn't. Now they say he may never come back...

Kristian speaks with a deadness. A result of either his complete emotional and physical exhaustion and hopelessness or, if one is cynical, as evidence of a waning performance.

Conlon scrutinizes and makes mental calculations, but Kristian's innocence or guilt doesn't seem to concern him.

CONLON

What happened at the hospital leading up to your arrest?

KRISTIAN

I picked up Jennie and we went there together. We waited for hours with little information.

(MORE)

KRISTIAN (CONT'D)

A friend took Lukas home. Things took even longer, so I went home.

CONLON

When did you return?

KRISTIAN

In the late morning. For our conversation with Dr. Stewart.

CONLON

Tell me about the conversations you had with him and with CPS.

KRISTIAN

I told him everything that I told you about what happened. But... he kept picking what I said apart...

**INT. STEWART'S OFFICE, PEDIATRIC FLOOR - DAY (FLASHBACK)**

Kristian is speaking to Stewart who has a very guarded, imposing stance toward an unassuming Kristian.

KRISTIAN

... he hit the floor and became quiet and limp. He had been crying before this and... so that was scary. So I pick him up, you know, and he wasn't making a sound and so I tried to wake him up...

STEWART

How did you try to wake him up?

KRISTIAN

I rocked him a little, you know.

STEWART

Rocked?

KRISTIAN

Yes.

STEWART

Can you demonstrate what you mean?

Kristian motions with his arms a horizontal rocking motion.

KRISTIAN

I was trying to bring him back. They taught us that in CPR class. First thing you do is gently shake.



STEWART

So you were shaking the child?

KRISTIAN

Yes, like this.

Kristian mimics the motion again as Stewart stares through Kristian with a laser focus. It is off-putting to Kristian, and a nervousness takes over his manner.

STEWART

Have you ever handled the child that way before?

KRISTIAN

Handled?

STEWART

Jiggled him, shook him... like when you were running to the fridge during the chaos, were you bouncing him? Was his head moving freely?

KRISTIAN

I mean it's possible... but nothing that would cause harm.

STEWART

Of course. Have you ever shaken or dropped the child before this?

KRISTIAN

I've never dropped him before. I suppose I shake him after feeding.

STEWART

After feeding?

KRISTIAN

To burp him, soothe him.

STEWART

Are you alone with the child when you do this?

KRISTIAN

Yes, when he wakes up in the night I always try and feed him first. Then rock him to sleep.

STEWART

Rocking... right.

KRISTIAN

But nothing that can hurt a child.  
I mean, everything I've done are  
normal things a father does.

STEWART

Listen Kristian. Nothing about this  
is normal. The severity of Johan's  
injuries... your story cannot  
account for that. Understand? So...  
you need to tell the truth.

KRISTIAN

I just told you the truth.

Stewart is not convinced.

STEWART

Since Johan's recovery is unlikely,  
I would like you to speak with  
Child Protective Services and tell  
them what happened.

KRISTIAN

Of course, whatever you need.

**INT. SAN FRANCISCO COUNTY JAIL - DAY (RETURN TO SCENE)**

Conlon takes a breath. He understands the level of damage  
Kristian did to himself in that conversation.

CONLON

Who used the word "shake" first?

KRISTIAN

I don't know... I guess I did.

CONLON

Anything else stand out about this  
conversation?

KRISTIAN

He was very obsessed about details,  
how long did it take me to call 9-1-  
1... like exactly how many minutes  
after the fall. I started to feel  
like everything I did was wrong...  
(beat)

I realize now that he doesn't  
believe me... that he thinks I  
must've done something to Johan.

CONLON

This Doctor Stewart, did you know he was the Director of the Child Advocacy Center of San Francisco? Or that he was in charge of reviewing and prosecuting suspected child abuse cases at the hospital when you spoke to him?

KRISTIAN

No... I didn't know any of that.

CONLON

So then what happened...

**INT. AMBULANCE - DAY (FLASHBACK)**

Kristian stares at his infant son Johan, still attached to all manner of tubes, as they travel across town to UCSF.

KRISTIAN (V.O.)

They transferred Johan to UCSF Children's hospital. I rode over in the ambulance. That's where Child Protective Services spoke to me.

**INT. CONFERENCE ROOM, UCSF HOSPITAL - DAY (FLASHBACK)**

Goldner, Means, and Morgan, the detective and social workers we met earlier, wait as Kristian enters the conference room and sits opposite them. It's a three-on-one power play and Kristian is feeling the intended effects.

GOLDNER

Kristian, I'm Alexis Goldner. I'm from the Juvenile Division of San Francisco Police Department. This is Eric Morgan and Mary Alice. We work together these cases.

Kristian nods to them.

GOLDNER (CONT'D)

So we're here because I was notified by the hospital that an incident occurred with your son. And we're just trying to figure out what happened. So we know you were caring for the two children last night and your son was fussy...

We see Kristian start the story he's had to relive endlessly. There is no more energy or urgency in his body language.

KRISTIAN

Yes... Johan was crying for his mother... more than usual...

He continues to tell the story as the detectives scrutinize.

KRISTIAN (V.O.)

They were particularly interested in how I stop Johan from crying... I went through our usual routine. Feeding, diaper, bath... rocking.

We see Kristian pantomiming rocking Johan.

KRISTIAN

And when nothing works, I try to just move him around. See if that calms him.

GOLDNER

How would you describe the motion you just showed us?

Kristian does the motion.

KRISTIAN

This? Rocking?

GOLDNER

But not shaking? Have you ever shaken the child?

KRISTIAN

I suppose I have... when I've been frustrated late at night when he's been upset... you know... to break him out of his state.

Goldner thinks about how to proceed.

GOLDNER

Would you mind showing us?

She produces a TEDDY BEAR and hands it to Kristian.

Kristian takes the Teddy and demonstrates what seems like a very normal rocking/bouncing of a fussy child. It doesn't seem at all violent. Goldner is unsure what to make of it.

GOLDNER (CONT'D)

That's exactly what you do?

KRISTIAN

Basically.

GOLDNER

When you get frustrated, when he won't stop crying. What then?

KRISTIAN

I put him down usually. Just let him lay there.

GOLDNER

You told us that you shake him sometimes late at night.

KRISTIAN

Yeah, sometimes. Back and forth.

GOLDNER

Show us the shaking.

Kristian rocks the Teddy back and forth.

KRISTIAN

Like this...

(beat, in a baby voice)

Daddy is here, Johan. Everything will be...

Kristian stares at the Teddy Bear in his arms, arms that may never hold his son again. It is affecting him, but he restrains the powerful emotions.

KRISTIAN (CONT'D)

Everything will be alright Johan, my son... I love you, everything will be alright...

Goldner observes him, his restraint coming off more as detachment and ambivalence.

GOLDNER

Do you get frustrated with your children a lot?

KRISTIAN

I don't think so.

GOLDNER

Is it possible that when you've shaken him, in the moment of frustration, that you were... maybe... stronger, more forceful than you thought? More forceful than you're showing us right now?

KRISTIAN

I suppose it is possible. I've been thinking about this ever since my conversation with Doctor Stewart. How he said the fall couldn't do this... I wonder if there was something already wrong...

GOLDNER

When did you last shake the child in frustration?

KRISTIAN

Not recently... maybe last week.

GOLDNER

And would you say you used that same... that same back and forth motion, that shaking motion, when last you were frustrated with him?

KRISTIAN

Probably.

MARY

I just want you to know, we really appreciate you being so forthcoming about this. We can tell that you love your children, that you want to be honest. Some frustration is normal when dealing with infants and other stress in your life.

KRISTIAN

I just don't know why I didn't put him down before going to the kitchen... I should have--

MARY

Hindsight will kill us every time. We can get hung up on "should've," the best thing we can do now... the best thing for Johan, is to figure out what was done.

KRISTIAN

I understand.

MARY

So we need to know about this incident that you said happened last week, or something from last night you aren't remembering? What these things may have contributed.

KRISTIAN

I don't think anything I could've done could cause what Doctor Stewart is talking about... I've never done anything that violent.

GOLDNER

You told us sometimes you shake the baby in frustration.

KRISTIAN

Maybe in the past... but not recently... and I don't see how that could possibly be relevant.

GOLDNER

What do you mean maybe in the past?

KRISTIAN

Like a month ago, maybe. But it was so light and gentle. I don't see how it could cause any of this. And he was fine up until this fall.

GOLDNER

And now you're saying that last night you were not shaking him?

KRISTIAN

I rocked him while putting him to sleep... I told you that.

GOLDNER

But not shaking?

KRISTIAN

Shaking, rocking... I showed you what I was doing, I showed you how I put him to sleep.

Kristian demonstrates again. In frustration he does the motion with the Teddy more rapidly. Goldner has seen enough.

GOLDNER

Do you have any questions for us?

KRISTIAN

Yes... who are you? I mean... what is your role in this?

MARY

As we said, we're with Child Protective Services.

GOLDNER

I'm from the juvenile division, I'm the police.

KRISTIAN

Is it mandatory for you to be involved... because it was an accident with a child?

MARY

Yes. Absolutely.

GOLDNER

This is a serious incident, Kristian. And it is our job to find out what happened. Anything involving severe trauma with children. When you have swelling, and bleeding to their brain and retinal hemorrhages. These symptoms raise questions.

KRISTIAN

Of course.

MARY

Those injuries don't come from the accident you described. So that's why CPS gets involved.

GOLDNER

Any time a story doesn't match the evidence... it creates suspicion.

KRISTIAN

So where do these injuries come from if not the fall?

MARY

They're consistent with what's called Shaken Baby Syndrome.

GOLDNER

And so we're concerned.

KRISTIAN

I'm also concerned.

MARY

Of course. We're all parents in this room. We get it. Believe me.



KRISTIAN

The shaking was really quite light... I showed you...

MARY

Most parents don't shake a baby to calm it down, it is an act of frustration. It's like when a baby has a burn and someone says they put the baby down and the sun burned them. It doesn't make sense.

KRISTIAN

No, that doesn't make sense.

MARY

Exactly.

KRISTIAN

No, I mean nothing you just said makes any sense. What does that situation you described have to do with what happened to Johan? I don't understand your logic at all.

MARY

We want to know what happened.

KRISTIAN

I told you what happened... I fell, Johan fell out of my arms...

MARY

A little fall doesn't do this, Kristian. It doesn't.

GOLDNER

That's why the hospital called us. They have to when these things happen. Our job is keep children safe. Understand?

KRISTIAN

Of course, and I'm trying to help.

MARY

We have concerns about your other son until we sort all this out. Is there someone, or somewhere else that he could stay for the moment?

This has taken a hard turn and Kristian is still processing.

KRISTIAN

Maybe. You'll have to ask my wife.

MARY

Okay, I'll talk to her because there are different ways we can go.

GOLDNER

There are some things you can facilitate that would help me and, I think, help you. We'd like to take some photographs of your house. Things like that.

MARY

I know you've not dealt with CPS before. Just know this is protocol. This is what normally happens when we get involved.

KRISTIAN

Right.

GOLDNER

We just have to investigate.

KRISTIAN

Investigate... I see.

Kristian, finally, at the very end of this conversation is realizing the peril he is in.

**INT. SAN FRANCISCO COUNTY JAIL - DAY (RETURN TO SCENE)**

Conlon finishes jotting things down. He doesn't betray his thoughts. Kristian analyzes him, self-conscious about how much damage he may have done to his case.

CONLON

How would you describe your state in this interview?

KRISTIAN

My state?

CONLON

Yes... were you emotional at all, or were you pretty much matter of fact like you are with me now.

KRISTIAN

I am Scandinavian, you know? There is a stoicism to us. When you feel depressed, or sad...

(MORE)

KRISTIAN (CONT'D)  
 you deal with it on your own.  
 That's Viking men. You don't  
 complain.

CONLON  
 In court, a little less Viking and  
 a little more heart on sleeve could  
 go a long way. You don't want to  
 get the Arthur Meursault treatment.

KRISTIAN  
 I don't understand.

CONLON  
 Camus. The Stranger. He was  
 convicted of a murder because he  
 didn't cry at his mother's funeral.

KRISTIAN  
 What are you saying?

CONLON  
 I'm saying the conversation  
 could've gone better. It could've  
 gone worse too. We'll lean on the  
 semantics of shaking versus  
 rocking, the language barrier,  
 leading you to self-incrimination.

KRISTIAN  
 Right. I mean, this was all just a  
 terrible accident. People will see.

Conlon doesn't put much faith in Kristian's innocence.

CONLON  
 People will see that the  
 prosecution cannot be sure of what  
 happened... that's what matters.

**INT. UCSF CHILDREN'S ICU - DAY**

Doctor Stewart marches down the hall ominously with a NURSE  
 in tow. They are heading towards the comatose Johan.

Doctor Stewart examines the infant. They shine a light in the  
 eye, check other vitals. It doesn't look good.

**INT. ASPELIN HOME - DAY**

Jennie is making Lukas lunch. Peter continues to read  
 material on SHAKEN BABY SYNDROME. Linda is looking sadly at a  
 photo of Kristian holding Johan shortly after his birth.

**INT. SQUASH COURTS - DAY**

Conlon SERVES and, after a short volley, wins the round against Horvath. Winded and sweating he shakes hands.

HORVATH

Friendly heads up, we're going to run the piece with or without comment from your side.

CONLON

We'd appreciate if the press wouldn't try to convict him before he's even been arraigned.

HORVATH

Do you intend to challenge the medical diagnosis?

CONLON

I'm not saying one way or another.

HORVATH

What do you say then?

CONLON

We have many unanswered questions about that night, once all the facts are in, it will be clear.

As they walk out of the court Conlon passes by Tressel and Liu. They wave to each other as they head to the squash tournament bracket posted on white board nearby. With Conlon's victory he is set to play Tressel next.

CONLON (CONT'D)

We're squaring off next.

TRESSEL

In more ways than one.

Conlon towels off, unsure where Tressel is going with this.

TRESSEL (CONT'D)

I'm assigned to the Aspelin case.

CONLON

Don't let it keep you up. I don't want any excuses after our match.

TRESSEL

When you're on my side of things, you sleep just fine.

**INT. UCSF CHILDREN'S ICU - DAY**

Doctor Stewart looks at Johan's chart with the Nurse. He shakes his head in disappointment.

STEWART

Let it be noted by The City of San Francisco and the State of California that Johan Aspelin is incapacitated of brainstem functioning without the possibility of a working reticular activating system. Please contact the mother.

The Nurse writes in the file. Stewart takes the file. Looking towards the bottom he finds a byline that says ORGAN DONOR.

STEWART (CONT'D)

Prepare the patient for surgery.  
I'll call Doctor Goldwasser.  
(beat)  
Let something good come of this.

**EXT. FINANCIAL DISTRICT - DAY**

Jennie is exiting an office building when her cell phone starts to BUZZ. She recognizes it as the hospital's interchange and frantically answers.

JENNIE

Jennie Aspelin.

NURSE (V.O.)

I'm with the Children's Hospital,  
we have news regarding your son...

Jennie almost buckles over, she knows where this is going.

NURSE (V.O.)

If you want to get any other family  
on the line, or wait until you can  
be with someone I am happy to--

JENNIE

Well his father's in jail so why  
don't you just give me the news...

NURSE (V.O.)

Johan has passed on, I'm very sorry  
for your loss.

Jennie's face contorts as her heart screams silently from within her.

NURSE (V.O.)

I know there is nothing that can assuage the pain of losing a child, but I thought you'd like to know that we have a recipient for his lungs in Arizona and his heart in Washington. Your decision to make Johan a donor is going to save the lives of other children. Hopefully that will bring you some peace.

Tears are streaming down Jennie's face as she gives up trying to compose herself in public.

JENNIE

Thank you for letting me know.

She hangs up. Crushed. Around her, the world appears to continue on as normal... but for her, one world has been destroyed and she has been thrown into a horrible new one.

A world without Johan.

**INT. RECLINING SAUNA - DAY**

Conlon, draped in a bath sheet, tries to relax in the wood clad room on a wicker reclining chair. His mind is active, thinking. He is restless. Anxious.

Other MALE CLUB MEMBERS sit in the chairs nearby, reading books or newspapers. Conlon notices a HEADLINE - "DA ASSURES 'NO LENIENCY FOR CHILD ABUSERS'" Conlon leaves the sauna.

**INT. CONLON'S OFFICE - DAY**

Conlon checks his phone. He has a TON of missed calls. The office, Malcolm, and a lot of unknowns. Sam closes the door.

CONLON

The office catch on fire or something?

SAM

Or something... they pronounced Johan Aspelin dead.

Conlon's posture sinks.

CONLON

Christ. Well... we knew it was a significant possibility.

(beat)

Better batten down the hatches, we're on a child murder case now...

SAM

A box came over from the DA. It's  
on the floor next to your desk.

Conlon notices the discovery materials. On the top are DATED folders labeled "TRANSCRIPT - ASPELIN 9-1-1 CALL" and "TRANSCRIPT - GOLDNER/ASPELIN INTERVIEW."

There is a small envelope with a handwritten message "FOR ELLIOT" on it. Conlon opens it.

It is a brochure for PRESCRIPTION SLEEP AIDS. A clear prank from Tressel. Conlon throws it in the trash.

In exasperation he turns and looks at the PICTURES OF HIS WIFE. The two of them with YOUNG MALCOLM. A different time... a better time... a time when, perhaps, he felt better about what he did. A time the photos of his activist days reflect.

Emotion seems to swell as he looks at her photo staring back, perhaps in judgment. He turns away from the photos and plucks one of the folders out of the box.

**INT. CITY COURTROOM - DAY**

The court is packed. CLERKS, LAWYERS and BYSTANDERS mill around as a cattle call of cases are being wheeled through.

Conlon enters as an emaciated looking Kristian is walked in by the bailiff in shackles. Across the aisle Tressel and his team settle for what should be a perfunctory hearing.

Goldner, Means and Morgan are in the audience along with Doctor Stewart. There is also a police investigator named KEVIN JONES among them. Opposite them are Jennie, Peter and Linda Aspelin. They look at Kristian with deep concern.

JENNIE

He does not look well.

Peter looks at his son with concern, then scans the room.

CLERK

The Court will now hear, State of  
California vs. Kristian Aspelin.

The Prosecution Crew stands up. Peter notices Doctor Stewart perk up. He leans to Jennie.

PETER

Is that Doctor Stewart?

JENNIE

Yes.

Peter sizes up Stewart as his mind turns. Across the aisle, Conlon stands as everyone shuffles through the bottleneck.

**INT. CITY COURTROOM - DAY**

JUDGE DANZIGER (60's) Rail thin and conservative in his hairstyle, examines the file through wire rim glasses. A beat, then he looks up at the Prosecution.

JUDGE DANZIGER  
Mr. Tressel, you may proceed.

TRESSEL  
Your Honor, The State of California has issued a one count felony complaint against Mr. Aspelin, alleging "assault by force that a reasonable person would know would likely cause great bodily injury resulting in pain and death".

JUDGE DANZIGER  
Mr. Conlon, how would your client like to plead?

CONLON  
Not guilty, your honor.

JUDGE DANZIGER  
I'm setting a bail hearing for...  
12pm on November 17th.

CRACK! He bangs the gavel and everyone shuffles back out.

Peter, Linda and Jennie watch as Kristian is led by the bailiff in shackles out of the courtroom.

Conlon, meanwhile, is more interested in the conversation going on between Goldner, Means, Morgan and Tressel.

With Kristian gone, Peter turns his attention to Doctor Stewart as people shuffle out of the courtroom.

**INT. UCSF CHILDREN'S HOSPITAL, SURGERY PREP - DAY**

DR. GOLDWASSER (50's) is scrubbing up. A NURSE helps him to dress with his mask, head-lamp, microscopic surgical glasses and rubber gloves.

**INT. SURGERY ROOM - CONTINUOUS**

They enter to find more NURSES and DR. YORN waiting for them.



Johan is lying on his back on the Operating Table, draped for the procedure. The Doctors share a look with each other that seems to say - make this count.

Goldwasser takes a SCALPEL. Just the visual juxtaposition of an infant with this implement is an act of violence

**INT. COURTHOUSE CORRIDOR - CONTINUOUS**

Peter approaches Doctor Stewart.

PETER

Doctor Stewart, may I have a word?

Stewart turns, without a word, to Peter.

PETER (CONT'D)

I've been reading the material on this Shaken Baby Syndrome and I have some questions I'd like to raise with you if at all possible.

STEWART

I'm sorry, who are you?

PETER

I'm Peter Aspelin, Professor--

STEWART

Aspelin? No. I'm afraid not.

PETER

Please. There are some pressing scientific considerations here...

STEWART

And what pretense gives you the audacity to question me about the science of my profession?

PETER

Doctor... we are both men of science. I am a Dean of the Karolinska Institute, surely--

STEWART

Is that supposed to mean something to me?

PETER

Only if the Nobel Prize in Medicine means anything to you, I suppose.

Stewart is knocked back but shows no intent of softening.

STEWART

Well, we have a saying here... if  
you can't do, teach.

Stewart walks away leaving Peter stunned by his abrasiveness.

**INT. HOSPITAL CORRIDOR - DAY**

Uniformed HOSPITAL STAFF carry the individually labeled coolers quickly down a hospital corridor- HEART, LUNGS, ABDOMINAL ORGANS.

**EXT. CITY COURTHOUSE - DAY**

Conlon exits the courthouse and is blind-sided by a small crowd of REPORTERS and ACTIVISTS who buzz around him.

The small group of people have signs that say things like "BABY KILLER" "GOD WILL HAVE THE FINAL VERDICT" and "KRISTIAN KILLS KIDS, CONLON COUNTS CASH." It's vicious and awful. Even Conlon is stunned as a CACOPHONY of QUESTIONS are YELLED.

CONLON

Neither me nor my client have  
anything to say at this time. I ask  
that you all please--

PROTESTER

Murderer!

CONLON

Please remember this is a family in  
unimaginable grief and respect--

PROTESTER 2

Burn in hell!

Conlon gives up and pushes through the crowd.

**I/E. HOSPITAL RECEIVING / AMBULANCE - DAY**

The coolers are loaded into the ambulance quickly and carefully. Once this rapid process is complete, the doors are shut and the ambulance takes off with LIGHTS and SIRENS.

**EXT. COURTHOUSE LOADING BAY - DAY**

Kristian is loaded onto a prisoner transport van in the cavernous utility area of the courthouse.

NEWSCASTER (V.O.)  
 ... in San Francisco things are heating up for tech exec Kristian Aspelin charged in the assault of his infant who was pronounced dead at UCSF's Children's Hospital...

**EXT. SAN FRANCISCO COUNTY JAIL - DAY**

The prison transport arrives at the jail and CORRECTIONS OFFICERS take charge of Kristian. Leading him from the vehicle into the cramped facility that abuts a freeway.

NEWSCASTER (V.O.)  
 Aspelin appeared in court today to plead not guilty to the charges alongside his lawyer, Elliot Conlon, whose reputation for high profile criminal defenses makes him no stranger to area headlines.

**EXT. SAN FRANCISCO AIRPORT TARMAC - DAY**

The ambulance is waved through security and drives directly onto the airport tarmac.

NEWSCASTER (V.O.)  
 It is Conlon's reputation for success of defendants accused of violent crimes that concerns the child abuse awareness advocates who descended on the court today...

It stops near small aircraft prepped to take off immediately upon receiving their cargo. We follow one SPECIFIC EMT as he takes a cooler onto one of the small planes. Its twin turbo prop engines FIRE UP.

**INT. SAN FRANCISCO COUNTY JAIL - DAY**

Kristian passes many INMATES staring at him MENACINGLY as he is lead through the jail corridors.

NEWSCASTER (V.O.)  
 ... the demonstration was organized by a local chapter of the National Shaken Baby Foundation, whose stated aim is to raise awareness for abuse and make it difficult for abusers to evade justice.

**EXT. SEATTLE - DAY**

The ambulance races along the highway towards the Seattle skyline rising between the Puget Sound and Mount Rainier.

NEWSCASTER (V.O.)

... a spokesman was quoted as saying "the world needs to make it clear that it is bad business to assist these monsters in any way."

**INT. SAN FRANCISCO COUNTY JAIL - DAY**

Kristian is led, not to the general population area of the jail, but somewhere new... somewhere he is unfamiliar with.

NEWSCASTER (V.O.)

"There are certain images conjured around child abusers," the group said. "Those charged in connection with "shaken baby syndrome" often don't fit the profile." Which is why, they say, it is even more important to go after them.

His face begins to show signs of concern.

**EXT. SEATTLE CHILDREN'S HOSPITAL - DAY**

The ambulance races into the hospital receiving area. The organ cooler is RUSHED into the building by an EMT.

**INT. SURGERY ROOM, SEATTLE CHILDREN'S HOSPITAL - DAY**

The cooler is carried into a room by an EMT in SCRUBS where SURGEONS surround an INFANT who is already prepped for an operation to receive the organ.

**INT. SAN FRANCISCO COUNTY JAIL - DAY**

Kristian is brought to SOLITARY CONFINEMENT, he is perplexed.

KRISTIAN

Why am I here?

CORRECTIONS OFFICER

Protocol demands that an inmate spend a day in isolation before being admitted to the psych ward.

KRISTIAN

Why am I not being held here?

CORRECTIONS OFFICER  
 Because we can no longer keep you  
 safe in gen pop... hasn't anyone  
 explained this to you?

KRISTIAN  
 No! Nobody explains anything to me!

CORRECTIONS OFFICER  
 A place like this can be rough on  
 guys like you...

Kristian stares out as the door to his cell is closed on him.

He is alone, in the darkness with only his dark thoughts and  
 grief. The tight confines of his solitary cell seem even  
 tighter in comparison to his massive frame.

Finally, alone with his thoughts, the stoicism fades. He  
 crumples to the floor and BREAKS DOWN with grief.

**INT. ASPELIN HOME - DAY**

Jennie is staring blankly at the television.

NEWSCASTER  
 We'll be tracking the Aspelin case--

CLICK. The TV shuts off. Peter is holding the remote.

PETER  
 Enough of that, I think.

Jennie nods. Enough indeed.

**INT. CONLON'S OFFICE - DAY**

Conlon is going over files in the Aspelin case when he  
 suddenly recognizes the time.

CONLON  
 Sam!

Sam enters.

CONLON (CONT'D)  
 I'm going to be late to this  
 lunch... why didn't you--

SAM  
 It's been rescheduled... sorry, I  
 should've mentioned, it's been a  
 hectic day with your calendar.

CONLON  
Rescheduled until when?

SAM  
T-B-D... They said if it was urgent  
maybe they could do a call... also  
your dinner is being rescheduled.  
And all your appointments tomorrow.

CONLON  
My entire calendar the next few  
days has canceled? What is this?

SAM  
Except Doctor Gabaeff.

Conlon gives a look of "who?"

SAM (CONT'D)  
The shaken baby expert.

CONLON  
Okay... well, see if the good  
doctor is willing to meet sooner.

Sam walks out as Conlon pulls up his calendar and finds many things crossed off and placed in the "TO SET" sidebar.

**INT. GABAEFF HOME - DAY**

A well-appointed suburban home revealing comfortable but not gratuitous affluence. It is lived-in and warm. Children have grown up here... and we see their PHOTOS on the walls. FIVE SONS and a DAUGHTER, all but one grown and moved out. Their experiences linger in the air and are soaked into the walls.

We push through until we find... DR. STEVEN GABAEFF (60's). A well-aged and studious man. He's making breakfast for his youngest son, MILES (12), who sits watching TV.

There's a DOORBELL. Gabaeff plates his son's breakfast, hands it over and goes to the door to find Conlon outside.

GABAEFF  
Come in, Mr. Conlon.

Gabaeff leads Conlon into --

**DINING ROOM - CONTINUOUS**

They sit opposite each other at the dining room table.

CONLON

Thank you for meeting. They speak highly of your work in this subject at the Public Defenders office.

GABAEFF

I do a lot of these for them. So, tell me about your case.

CONLON

Sure. Father says he fell in the kitchen while cleaning up a mess. His infant son was in his arms and it resulted in a head injury that ultimately left him brain dead.

GABAEFF

And the pediatrician, I'm guessing, asserts that this fall could not have caused such a deadly injury.

CONLON

Exactly. They say this has to have been caused by abuse.

GABAEFF

Of course. So let me ask you... do you think your client did it?

Conlon is taken aback.

CONLON

Excuse me?

GABAEFF

Does it look like your client is innocent? I can help you, but if the client seems guilty to me I don't testify to get him off. That's the way I play it.

This is the first time that the question of Kristian's innocence has really mattered.

CONLON

Uh... well. He believes he could not have caused this.

GABAEFF

What do you believe?

Conlon is reticent to say... but finds a way to answer.

CONLON

That he is sincere in his belief.

Gabaeff studies him. A very lawyerly answer.

CONLON (CONT'D)

But I have to be honest, he didn't help himself in conversations with the doctors and police. He all but confessed to shaking the child...

GABAEFF

That's quite common in these cases.

Conlon can't read Gabaeff's meaning on this, does he believe in Kristian's innocence or guilt? Either way, he clearly doesn't feel that this meeting is going well.

GABAEFF (CONT'D)

I'll need to go over copies of the medical and case files. See what I can do for you. That work?

CONLON

Sounds fine. Thank you.

Conlon produces copies from his satchel.

CONLON (CONT'D)

The cases you've been on in the past... how have they gone?

GABAEFF

You've not handled one of these before I take it?

CONLON

Nothing with Shaken Baby... no.

GABAEFF

Well... they are hard cases.

(beat)

The ones I've been on, the results have been mixed. The prosecution has a terrible advantage. They have pseudoscience, the word of certain doctors, of police who believe the doctors... it's tough.

CONLON

So I hear.



GABAEFF

You need a sympathetic judge and someone in the jury who can hear reason and take emotion out of the equation. And even then... people lose most of these cases. And that's not the worst part.

(off Conlon's look)

In nearly every case I've seen that's been lost, or won, the surviving family unit is destroyed because the accusations themselves are destructive.

CONLON

Must be hard to keep coming back to these cases. Why do it?

GABAEFF

Because the science used to prosecute these cases is a lie. The whole diagnosis is false.

Conlon is surprised by how adamant Gabaeff is.

CONLON

Really...

GABAEFF

You simply cannot shake a baby violently enough to cause these injuries without also causing very obvious injuries to the neck. But these pediatricians who make the diagnosis would have you believe the opposite.

Conlon now understands why Terry was adamant about Gabaeff.

CONLON

If that's true... you're saying all these cases--

GABAEFF

They're ruining peoples lives with false science. It's tearing apart countless families needlessly. It has to stop. It just has to stop.

(beat)

That's why I work these cases. Someone has to get the truth out into the world.

CONLON

Well... I certainly hope you can be of service to ours.

GABAEFF

So do I. You understand, of course, my credibility on the stand must be maintained. I've had attorneys who didn't tell me everything and if it goes undetected, it comes back hard on the stand on the next case with attacks; attacks on me personally, based on me not having all the information. When the attacks work, I get knocked by the DA with the judge and jury, and an innocent defendant can be found guilty. Getting on the wrong side of the truth is a way of going backwards on the bigger issue.

CONLON

I understand.

They stand and Gabaeff shows Conlon to the door.

GABAEFF

Why did you take the case, if you don't mind my asking?

Conlon is beginning to wonder that himself, he says the first thing that pops in his mind.

CONLON

For a friend... anyway, I look forward to hearing from you.

Conlon leaves and Gabaeff closes the door. He walks past the dining room and is immediately compelled by the case files. He walks in and starts reading immediately.

#### **I/E. CONLON'S CAR / GABAEFF HOME - DAY**

Conlon sits in his car in the Gabaeff's driveway for a moment, aggravated with himself... with this situation... with everything. He looks at a printed EMAIL from TERRY with a list of EXPERT WITNESSES.

DOCTOR STEVEN GABAEFF is the first name. Conlon writes a QUESTION MARK next to it and takes out his PHONE and dials OFFICE. As it rings over speaker, he puts the car in reverse.

CONLON

Gabaeff will get back to us...  
maybe. Who else is lined up?

SAM (V.O.)

The child abuse experts won't come near us, a couple of other doctors have declined, but pointed us toward Gabaeff, and a few from further down Terry's list seem game. Oh, and we got our first mail threat today, so there's that.

CONLON

What's it say?

SAM (V.O.)

It's just a photograph of our office in an envelope. Vague but clear. Simple yet effective.

CONLON

And I was beginning to think we weren't getting enough attention.

**INT. CITY COURTROOM - DAY**

Conlon eyes Tressel ferociously. Beside him is Kristian, in SHACKLES. Thinner even than before. His face pale and blank.

Muted SUPPORTERS, including Jennie, Peter, Linda and friends like Hamilton are in the audience. So are a number of DETRACTORS, including Goldner, Morgan and Means and quite a few people with the agitated looks of reluctant silence.

Danziger presides with ambivalence.

TRESSEL

Your honor, The State feels that given the defendant's means, his family's wealth and deep connections abroad, that a significant flight risk exists and bail should not be an option.

A SULLEN MOOD sets in among his friends as Kristian remains despondent. Conlon is visibly incensed by this suggestion.

CONLON

Objection Your Honor. My client has no prior convictions or criminal record. His family, his son, his career all remain in the area.

JUDGE DANZIGER

Does the State have cause for such an extraordinary request?

TRESSEL

The severity of the crime and the historically high likelihood of conviction in these cases in conjunction with the defendant's intolerance for prison.

CONLON

If intolerance for prison were a metric to determine flight risk then bail could be denied in every case brought before this court. And if conviction rates are to be material in this matter, perhaps someone should remind my friend across the aisle of my record before he overstates his chances.

JUDGE DANZIGER

I'm inclined to agree with Mr. Conlon. Is there objection to release being set at two million?

The amount is extreme, the Aspelin's are aghast.

CONLON

Your Honor, we ask bail be set at seven hundred and fifty thousand.

TRESSEL

Objection, in the assessment of the CPS interview, Detective Alexis Goldner stated the defendant's recollection seemed rehearsed.

CONLON

Objection. Relevance.

TRESSEL

She's an expert in reading people, particularly in these cases.

CONLON

If law enforcement's story was immutable then why have a trial?

JUDGE DANZIGER

Over ruled, Mr. Tressel.

CONLON

There has been extraordinary emphasis placed on my client's affluence inside this courtroom and out. Any implication of flight risk here is being wielded as pretense to punish my client financially in service of a prejudicial narrative. I reiterate my request for bail set at seven hundred fifty thousand.

JUDGE DANZIGER

All right Mr. Conlon. Bail is set at seven hundred fifty thousand.

A win, if only a hollow one. Conlon takes a deep breath and looks to his client. His family can breathe a little easier.

PETER

(to Jennie)

Your government uses the justice system to extort its citizens for revenue. This is unbelievable.

JENNIE

We have to get him out. Look at him. He'll die in there.

Peter and Linda share a knowing look with her.

**INT. ASPELIN HOME - DAY**

Jennie is looking over bank statements, trying to figure out how she can afford bail. Peter comes in with Hamilton.

PETER

Your friend stopped by.

Jennie is happy to see him but it's hard for her to show it.

HAMILTON

How are you?

JENNIE

Did you see him in there? Every day he's in there I feel--

He hands her an envelope.

JENNIE (CONT'D)

What's this?

HAMILTON

It's still a fraction of what you'll need in the long run... but it's a start.

She opens it and is shocked.

JENNIE

Drew... we can't accept--

HAMILTON

Consider it a zero interest loan.

JENNIE

Thank you... I had no idea what this... what this was going to be like. It's like he's already been convicted. The coverage is--

HAMILTON

Don't pay attention to it. It's bad now... but they'll lose interest.

JENNIE

I don't know... I feel like our lives, everything we thought they would be... it's all...

(beat)

I think we're going to have to sell the house, Drew. I don't see anyway around it. Even with our savings and everything... it's not just bail, the cost of the defense, the experts... everything...

HAMILTON

Innocent until proven guilty, but they never talk about how much innocence costs... if you need anything else don't hesitate.

He leaves. Jennie looks around at the house. Their dream house. She starts to internalize the notion of leaving it.

**INT. UCSF PSYCH WARD, DISCHARGE - DAY**

The haggard Kristian exits sheepishly to find Jennie and Conlon waiting for him in the lobby. Kristian manages a meager smile, a tear-filled Jennie rushes to embrace him.

CONLON

A few things we should go over...  
Due to the nature of the charges  
against Kristian, he will not be  
allowed to live at home.

JENNIE

What?

CONLON

He's an accused child-abuser. I'm  
sorry, there is no way around it.

KRISTIAN

We'll figure it out...

JENNIE

He needs to be able to see his  
son... to raise him. I need him!

CONLON

And he can... but, his visits will  
be supervised by a social worker.  
(beat)  
And Lukas will have his own lawyer.

JENNIE

Why does Lukas need a lawyer?

CONLON

To represent him should the state  
decide he is in danger at home.

JENNIE

In danger... at home?

CONLON

And the worst of it is the lawyer  
is picked by CPS and they usually  
go along with the accusations.

Jennie and Kristian are too exhausted to be angry. They just  
let this news sink in like everything else.

CONLON (CONT'D)

At this point all we can do is  
keeping moving the ball forward...

They walk towards the exit to the building. Outside they HEAR  
ACTIVISTS JEER and SHOUT HATE.

JENNIE

How can Kristian have a fair trial  
in all this... vitriol?

CONLON

Sometimes a jury can surprise you with their ability to hear the truth through the noise.

JENNIE

Nobody cares about truth. They see what they want to see.

CONLON

Court is not like the movies. It's a methodical, dispassionate, and often lethargic process. And for good reason. Don't let the mouth-frothing fringes get to you, that's not the system. The system is facts and arguments and we haven't even received the most important fact.

(beat)

The cause of death from the medical examiner. If that comes back inconclusive, the prosecution won't have a leg to stand on.

JENNIE

And if it doesn't?

CONLON

Then you'll both be even happier that I'm your lawyer.

With that confidence he leads them through the doors.

However, as soon as they look away from him, we see the confidence start to ebb from his face.

**INT. THE OLYMPIC CLUB, CITY CLUBHOUSE - DAY**

Conlon makes his way to his usual table, he passes Tressel on the way out which surprises him.

CONLON

Going the wrong way, aren't you?

TRESSEL

Afraid not. Also, I sent some additional discovery over.

(considers, then)

You should've let this one go...

Conlon is perplexed as arrives at the usual table to find it:

EMPTY. Weird. He checks his watch. Nope, the time is right. Then, he catches a glimpse of Hamilton.



CONLON  
So Tressel's taking a powder and  
everyone else is AWOL...

HAMILTON  
(regretful)  
They're not coming.

CONLON  
Brooks Brothers having a sale?

HAMILTON  
Look Elliot, it means a lot to me  
that you took the case, I want you  
to know that. I had no idea...

CONLON  
Get to the punch line, Drew.

HAMILTON  
They think the climate around you  
has become too stifling... you know  
how they are. They don't want to  
explain to their wives that they've  
been dis-invited from their social  
calendar over this... please know  
I'm not speaking for myself.

CONLON  
They're icing me over Aspelin?

Hamilton nods.

CONLON (CONT'D)  
Is that a joke? Of all my clients,  
this one is the line in the sand?

HAMILTON  
You know better than anyone how  
fleeting these things are.

CONLON  
The world is losing its damn mind.

**INT. CONLON'S OFFICE - DAY**

Conlon waltzes in with Sam in tow.

CONLON  
Something come from Tressel?

SAM  
Yes actually, just did...

Sam hands Conlon a courier package which he rapidly opens. He starts perusing it immediately. His face shows concern.

SAM (CONT'D)

What is it?

CONLON

Kevin Jones' investigation into  
Kristian Aspelin...

SAM

Who is Kevin Jones?

CONLON

Homicide investigator. I gotta dive  
in, keep digging up relevant cases.

Sam walks out as Conlon starts scrutinizing the files.

**LATER**

Conlon pours over files. Partially empty cups of coffee and take-out containers surround him. Gone are the days of power lunches for now. He reads and makes notes on a pad nearby.

He writes: ANDREW SAITZ - PARAMEDIC...

SAITZ (PRELAP)

Up the stairs was a 3 or 4 year old  
who very happily said hello...

**INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)**

Kevin Jones, whom we saw at the courtroom, is speaking to ANDREW SAITZ, a burly SFFD Paramedic who we saw at the Aspelin's. There is a TAPE RECORDER between them.

SAITZ

We went to the back room. Engine  
#40 was back there with the father.  
The child was on the bed, non  
responsive.

**INT. ASPELIN HOME, BEDROOM - NIGHT (FLASHBACK)**

The back-up Paramedics arrive. Kristian is standing stoically nearby... whether shock or ambivalence is unclear.

SAITZ (V.O.)

They were trying to stabilize him  
but he was slipping in and out.

The Paramedics are at work. Johan is completely lethargic, then suddenly wakes up CRYING, then passes back out.

JONES (V.O.)  
 What did the father say happened?

**INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)**

SAITZ  
 Stuff fell out of the fridge, he was distracted and fell and dropped the infant. He brought the infant to the bed and called us.

JONES  
 He said the items from the fridge caused his fall?

SAITZ  
 Yes... he heard noises in the kitchen, was distracted, and dropped the child. But we went through the kitchen and didn't see anything on the floor.

JONES  
 And he said he dropped the child... next to the crib?

SAITZ  
 Yes... he told the story like four times while we were there. In the bedroom next to the crib.

**INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)**

Conlon has a flabbergasted reaction to this. He writes down on the pad: "BEDROOM??? CRIB??? WHERE IS DOG?? WHERE IS LUKAS?? KITCHEN FLOOR CLEAN???"

JONES (PRELAP)  
 What was his demeanor like?

**INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)**

SAITZ  
 He was anxious... but not like I usually see when parents are dealing with an unresponsive kid.

JONES  
 Unpack that a bit more.

SAITZ  
 Sure. He was anxious but collected. His mind seemed elsewhere.

**INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)**

Conlon writes on the pad: "DEMEANOR" and underlines it. He scans forward in the files.

WIRTZ (PRELAP)

No, I do remember something about the kid in the kitchen...

**INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)**

Jones is now sitting opposite another Paramedic, WIRTZ.

WIRTZ

The kid, and the dog. The guy was going on about that, something about bringing the baby in the kitchen and dropping him there.

JONES

Andrew Saitz remembered the father saying he dropped the child in the bedroom near the crib, he said the father repeated that four times.

WIRTZ

That's not what I remember.

JONES

And his demeanor?

WIRTZ

He was obviously very upset. He seemed shocked.

JONES

Would you say that shock could also read as calm or indifferent?

WIRTZ

No.

JONES

Was there any mess in the kitchen?

WIRTZ

Maybe... I don't remember.

**INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)**

Conlon shakes his head. Writes "RELIABILITY OF PARAMEDIC V KRISTIAN? JONES LEADING? MESS IN KITCHEN?" He continues...

FIREFIGHTER (PRELAP)  
The mess I remember was a Lego  
table right near the radiator.

**INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)**

Jones is now talking to a Firefighter who we recognize.

FIREFIGHTER  
Clear fire safety violation.

JONES  
What were your other first  
impressions?

**INT. ASPELIN HOME - NIGHT (FLASHBACK)**

A totally different scene than the Paramedic remembers. The Firefighters walk in. Lukas is SCREAMING, the DOG BARKING, there are toys all over the floor in the doorway. Kristian appears to be in a FRANTIC PANIC.

FIREFIGHTER (V.O.)  
It was chaos. The other kid was  
terrible. This guy, this father or  
whatever, was totally overwhelmed.

JONES (V.O.)  
So his demeanor was panicked?

FIREFIGHTER (V.O.)  
Yes and no...

**BEDROOM - LATER (FLASHBACK)**

The Firefighter is watching Kristian talk, but he is very stoic and calm seeming as he tells the story.

FIREFIGHTER (V.O.)  
With the kids he was animated, but  
once we got there... once he had  
time to think about what was going  
on with his child, he became  
withdrawn. Didn't seem bothered.

JONES (V.O.)  
Do you remember where he said he  
dropped the kid?

FIREFIGHTER (V.O.)  
I remember him saying he was in the  
kitchen. But he may have also said  
he was next to the crib.

**INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)**

JONES

He said both?

FIREFIGHTER

No, I think one of the other guys said he heard something different.

JONES

But you heard him say crib?

FIREFIGHTER

Yeah. But talk to Mike Carion, he's got this guy figured out.

(beat)

You know... it's carpeted in there. By the crib. How does a kid die from falling on that?

JONES

You think that's why he changed his story? From the bedroom to the kitchen? Make it more plausible?

FIREFIGHTER

Makes sense, doesn't it?

**LATER**

Jones sits opposite Michael Carion, another SFFD responder we recognize. He has a sagacity. An older, more seasoned look.

CARION

I can't say for sure. Whole house was a mess. Kitchen too. I don't tend to focus on those details.

JONES

What details do you focus on?

CARION

The people. That's my job.

JONES

You've been on the job a long time?

CARION

I been with SFFD for twenty-years... Army medic before that.

JONES

So you've seen people in stressful situations... life and death stuff.

CARION

You could certainly say that.

JONES

And how did the father strike you?  
Normal reactions to high stress?

CARION

No. He was weird... like he wasn't  
all there. Back at the firehouse I  
told the guys he reminded me of  
Lenny from 'OF MICE AND MEN.'

JONES

I haven't read it...

CARION

Lenny's like this big oaf, not  
right in the head, you know? He  
can't handle the things normal  
people can. But he's huge and he  
doesn't know his own strength or  
how to react to tense situations  
and so he accidentally kills  
things... animals, people.

Jones stares at Carion. Slam dunk.

**INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)**

Conlon's posture sinks. He writes: "Who can counter Carion  
narrative on Aspelin demeanor?"

He flips back to the list of interviews in the file and finds  
Trisha Smith - ASPELIN NANNY. He writes down "Nanny!" as he  
flips to it. A last hope.

**INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)**

The NANNY sits opposite Jones, tape recorder between them.

NANNY

I didn't see Kristian until the  
next morning... he was dropping off  
Lukas and then left. That was it.

JONES

How did he seem?

NANNY

Sad. How else would he seem?

JONES

Describe what you mean by sad.

**EXT. NANNY'S HOUSE - DAY (FLASHBACK)**

A stoic Kristian hands off Lukas to the Nanny.

NANNY (V.O.)  
Quiet. Reserved.

JONES (V.O.)  
Distant?

NANNY (V.O.)  
Yes.

There isn't much interaction before Kristian turns and walks away... as enigmatic and reserved as ever.

JONES (V.O.)  
Would you say that is abnormal for Kristian? To be quiet and distant?

NANNY (V.O.)  
No. He's a stoic guy by nature.

JONES (V.O.)  
So how could you tell he was sad?

**INT. POLICE STATION INTERVIEW ROOM - DAY (FLASHBACK)**

NANNY  
Wouldn't you be sad if your kid was dying?

JONES  
Of course, but the question is was Kristian sad? Or was he normal?

NANNY  
He was less energetic.

JONES  
And the kids? Behavior problems? Unusually bad tempers?

NANNY  
Nope. Happy, healthy kids. They're very sweet.

Jones is flummoxed by this.

**INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)**

Conlon is equally flummoxed. He crosses out "Nanny" from his note pad. He looks over his notes, things are getting worse.



**INT. RENTAL HOME - DAY**

We move through an unfamiliar home... but we recognize the ASPELINS BELONGINGS STACKED around it in various states of being unpacked. This is their new, smaller, home.

Lukas races by with a toy as Jennie goes through mail.

A bunch of stuff forwarded by the Post Office from their previous address... the familiar yellow sticker affixed across envelopes and a painful reminder of how their lives have changed since this all began. Then, she comes across something unexpected. A letter from:

THE CALIFORNIA TRANSPLANT DONOR NETWORK

She opens it, begins reading... we see the letter begins with: "Dear Donor Family..."

MOTHER (V.O.)

We have received the wonderful gift  
that you and your loved one so  
unselfishly gave.

**EXT. SEATTLE, WASHINGTON AREA - DAY**

The beautiful Puget Sound. The city rising in the distance.

MOTHER (V.O.)

This gift is like no other we have  
received in this lifetime or that  
we'll ever receive.

**EXT. SUBURBAN SEATTLE NEIGHBORHOOD - DAY**

Hard to imagine that tragedy could ever happen here.

MOTHER (V.O.)

While we may not know you, we know  
things about you that many around  
you will never see. We understand  
that light and love in you are much  
deeper than one could imagine.

**EXT. SUBURBAN HOME - DAY**

A modest house in the neighborhood.

MOTHER (V.O.)

We will always remember you and  
your loved one, and in our  
remembering, we will be called to  
always act to our highest good.

**EXT. BACKYARD - DAY**

A MOTHER and FATHER sitting beside an INFANT GIRL rolling around on a play mat in the shade.

MOTHER (V.O.)  
We live in gratitude of your  
absolute, inconceivable generosity.

We push in close on the INFANT and notice on her otherwise unblemished skin is a HUGE SCAR ON HER CHEST.

**INT. RENTAL HOME - DAY**

MOTHER (V.O.)  
In deepest gratitude, your  
recipient.

Jennie is overwhelmed with emotion. Tears STREAM down her face... then she reaches the postscript.

MOTHER (V.O.)  
With your permission, we'd like to  
know more about you if possible.  
Let the agency know and we can  
communicate.

Jennie wipes her eyes and stares at the last message. Her face hollows out and she becomes conflicted. She puts the letter down and thinks.

**INT. CONLON'S OFFICE - DAY**

Conlon continues his work. Sam is now back in the room.

CONLON  
It's a disaster. We can get into  
the weeds with the first responder  
accounts... but the nuances of  
their contradictions will get lost  
in Kristian being compared to  
fucking Steinbeck's murdering  
simpleton Lennie Small...

SAM  
What firemen are sitting around  
making literary comparisons?

CONLON  
The kind that get called as  
witnesses in murder trials  
evidently... and this detective, he  
knows how to gild the lily. Listen.  
(reading)  
(MORE)

CONLON (CONT'D)

Jones to the hospital attendant on duty that night. "Does the family of an infant in critical condition typically arrive this much later than the ambulance?" Answer: "No, they're usually right behind if they were present at the accident."

SAM

But Kristian said he picked up his wife on the way...

CONLON

Sure... but even if we convincingly explain away these details, the overall image will be that we are arguing with every single aspect of a narrative made up largely by first responders, doctors and law enforcement in favor of one told by the guy who maybe murdered his son.

SAM

Maybe we're missing something here? Something medical?

CONLON

So let's run through the prosecution's chronology again...

CONLON (CONT'D)

(reading)

Paramedics say Johan was between nine and eleven on the Glasgow coma scale in the ambulance...

SAM

Is that good or bad?

CONLON

It's out of fifteen, so not great not catastrophic...

**INT. AMBULANCE - NIGHT (FLASHBACK)**

Saitz and Wirtz are working with Johan.

SAITZ

His arms are stiff...

WIRTZ

Brain damage? Internal bleeding?

SAITZ

I think he's having a seizure...

CONLON (V.O.)

At 7:20 PM Johan is examined at ER.

**INT. HOSPITAL, EMERGENCY ROOM - NIGHT (FLASHBACK)**

Top of the line equipment. An ER DOCTOR examines Johan while the EMT's and TEAM OF NURSES hustle to help.

DOCTOR

He's awake and breathing, but we're gonna have to get a CT, we've got to intubate him, call anesthesia.

CONLON (V.O.)

He's moved to trauma bay and by 7:24 the anesthesiologist is there.

The ER Doctor is gone, but the Nurses standby monitoring the baby's condition when -- a studious ANESTHESIOLOGIST, DR. CAROL FRANKLIN (46) walks in with RORY WEXLER (26) A resident, cocky and self assured. Franklin supervises Wexler as he looks at the tools, then the NURSE.

WEXLER

(irritated)

Why didn't the ER Doctor do this?

Wexler picks up the intubation tube.

FRANKLIN

He's breathing, what do you need the tube for?

NURSE

We're getting a head CT scan.

WEXLER

Okay, give him the meds.

The Nurse administers a SEDATIVE as Wexler continues to firm up the intubation process with a LARYNGOSCOPE and a STILET.

He starts by giving the baby extra oxygen, but works impatiently. Then Wexler places the PLASTIC TUBE down his throat. The routine procedure seems harsh on such a small baby, but the TUBE GOES IN. Wexler listens on BOTH SIDES OF HIS CHEST with A STETHOSCOPE.

FRANKLIN

Do you hear it on both sides?

WEXLER  
 (indignant)  
 Yes.

NURSE  
 Chest X-ray Doctor?

Without turning around --

WEXLER  
 Yes.

**INT. CT SCAN ROOM - LATER (FLASHBACK)**

Johan is being scanned.

CONLON (V.O.)  
 Intubation, chest x-ray, CT scans  
 are given... all routine. Then, at  
 midnight, comes our favorite  
 Harvard MD... Chris Stewart.

**INT. EMERGENCY WARD - NIGHT (FLASHBACK)**

Doctor Stewart strides in and puts on a white lab coat hanging on the coat rack and moves briskly down the halls and into the ICU. He's in the ZONE.

**INT. HOSPITAL ICU - CONTINUOUS (FLASHBACK)**

STEWART  
 Where is the baby?

A NURSE, JANET REYES (42), is on duty.

REYES  
 Here, doctor. Follow me.

Through the double doors. HE PULLS BACK THE CURTAIN --

Johan is not moving. The Doctor examines Johan. He shines a light in his eyes -- one pupil is DILATED. We see from his reaction, an OMINOUS SIGN.

STEWART  
 We need another CT.

**LATER**

CONLON (V.O.)  
 3:05 AM, Stewart checks results.

Dr. Stewart compares TWO DIFFERENT SCANS of Johan's head, with The Chief Pediatric Resident - DR. AMY BECK (36).

STEWART

The first scan showed a small SDH and he was awake. The second looks like the brain has massive low oxygen damage.

BECK

How could that have happened?

STEWART

I don't know and at this point with these findings it doesn't matter. Look here, we have subdural hematoma, brain bleeding, probably retinal bleeding in both eyes. Cerebral edema, swelling and low oxygen damage.

BECK

We need to keep a close eye on the father. Did you hear his story?

STEWART

He claims to have dropped the boy, but this, this is catastrophic. Not possible from what he described.

BECK

Do you think he's lying?

STEWART

He has to be. Call CPS and the Police.

Beck nods, Stewart shifts his weight, grimacing.

STEWART (CONT'D)

In the meantime we wait and see how the baby's condition progresses.

Beck leaves. Stewart stands uneasily in the silence. Waiting.

**INT. DOCTOR BECK'S OFFICE - LATER (FLASHBACK)**

CONLON (V.O.)

3:45 AM...

She sits there a moment, contemplating, considering. Looking at A PHOTO on her desk of her own family - TWO LITTLE GIRLS and a NICE LOOKING HUSBAND. She picks up the phone.

CONLON (V.O.)

And Kristian's life as he knew was over...

**INT. CONLON'S OFFICE - DAY (RETURN TO SCENE)**

Conlon stares at the file. The litany of medical details in the notes that he just paraphrased.

He has post-it notes all over the file, with personal notes to himself written on them.

SAM

It doesn't sound like they have an ironclad theory on what could cause such a precipitous decline.

CONLON

Do they need one? They feel their evidence proves Kristian is lying... and if he's lying--

The PHONE rings. Conlon sees it's Malcolm. He considers, at this point he could use the break from work...

CONLON (CONT'D)

(into phone)

I don't think I've ever been so happy to hear from you...

**INT. MALCOLM'S HOUSE - SAME TIME**

Malcolm smirks on the phone.

MALCOLM

Work is getting that bad, huh?

**INTERCUT AS NECESSARY - CONLON/MALCOLM CONVO**

CONLON

I've... been terrible. I know that.

MALCOLM

It's fine, Dad.

Conlon looks over all the photos of his family in the office.

CONLON

No, I've been spinning my wheels too much. Neglecting things... important things.

MALCOLM

You don't have to say that... I know how it is... how it has to be... it's fine. There's just... been a lot in the news.

(MORE)

MALCOLM (CONT'D)  
Thought you could use a friendly  
call in what I'm sure is... an  
intense time.

The words hit Conlon hard, his son nailed it. He glances over  
at the files from Tressel. A friendly voice was much needed.

CONLON  
You have no idea...

MALCOLM  
I won't ask. But let me know if you  
need anything.

Conlon thinks.

CONLON  
Why don't you bring the family over  
dinner... for a whole day. Kids can  
swim. Get your brother to come too.

MALCOLM  
When were you thinking?

CONLON  
I'm wide open.

MALCOLM  
Can I check with everyone and get  
back to you?

CONLON  
Of course.

He hangs up and sits with himself for a moment.

He looks over the file with the whole narrative about the  
death of Johan. He grows frustrated and closes the files.

#### **INT. MISSION POLICE STATION - DAY**

Jennie and Lukas are led to a drab, sterile room where a  
COLLEGE KID with a courier bag, looking like he got lost on  
the way to Survey of Western Civ, waits.

JENNIE  
Oh, sorry... this is where--

KID  
You're in the right place, you must  
be Jennie Aspelin.

Jennie is mortified as she starts to realize...



KID (CONT'D)  
I'm with CPS and will be  
supervising Kristian's visit today.

JENNIE  
I see...

Jennie does everything to contain her anger.

**LATER**

Kristian plays alone with Lukas. The institutional setting creates a dark mood, but Lukas doesn't seem concerned, just happy to see his father.

Jennie and College Kid watch from the other side of a window.

JENNIE (CONT'D)  
Twice a week for an hour isn't  
enough. You realize I need to take  
half a day off work and pull Lukas  
out of preschool to be here?

KID  
You should know that complaining to  
me won't change anything.

JENNIE  
So I just take this treatment?

KID  
I don't think you understand, Lukas  
is a ward of the state right now.  
You could lose him entirely...

Jennie looks like her heart was removed from her body right before her eyes. Behind them Lukas is playing with DINOSAURS.

POW! Lukas slams the BIG DINO down on the SMALL DINO!

LUKAS  
Daddy Dino stomps on Mommy Dino!

This sends a shockwave up Kristian's spine. He snaps his head to find College Kid and Jennie mid-conversation. Did he hear?

Kristian gently takes the dinosaurs away.

KRISTIAN  
Let's play another game, okay?

**LATER**

Jennie holds a sleeping Lukas in her arms, talking with Kristian in a hushed tone.

KRISTIAN

I'm nervous the whole time, what if he pulls away or flinches...

JENNIE

I know... I tried talking to them, but nothing gets through. How the hell do they let some grad student, some kid, decide our fate?

KRISTIAN

Maybe I should wait 'til this is over to see Lukas.

JENNIE

I can't do this alone Kristian.

(beat)

We need you. Don't let them change who you are.

KRISTIAN

I found a place in Redwood City. Though none of our friends would ever admit it, I think I'm wearing out my welcome... and...

JENNIE

What is it?

KRISTIAN

I can't stop researching the case. I'm scared, Jennie... these cases--

Jennie embraces him.

JENNIE

Shhh, shh. Conlon is optimistic. He knows better than we do...

**INT. CONLON'S OFFICE - NIGHT**

A very NOT optimistic Conlon is still plodding through files. His face exhausted and regretful as Sam enters the office.

CONLON

Anything?

SAM

The most similar cases, where they are challenging the science or the diagnosis, end in conviction. The acquittals... well, I haven't found an applicable one.

CONLON

You should have heard Gabaeff. He says the science is false... and he's totally confident. Is that possible? Is it possible that all these cases were prosecuted on false pretenses? I don't see how...

SAM

It's... hard to believe. And I mean that literally. Is he a quack?

CONLON

No. Gabaeff came from Terry. He would never send me any D&Ds.  
(off Sam's look)  
Donalds and Daffys.

SAM

So... you believe the unbelievable? I thought you didn't want to go near the anti-science defense?

CONLON

It doesn't matter anyway since we won't get Gabaeff. He's not coming anywhere near this.

SAM

Why do you think that?

CONLON

Because our client looks guilty as hell and he's not one of these guys who just sells his testimony to help get people off. He's really trying to change the world... and let's be honest, our Viking friend is not the best poster boy.

SAM

So what's our defense then?

CONLON

Besides praying to patron saint of medical examiners?

He shifts around some paper in the files.

CONLON (CONT'D)

There is one thing... so the first responder accounts are all over the place, total fucking Rescue 9-1-1 Rashomon, while the rest of the testimony is monolithic.

SAM

From Stewart, Goldner and company?

CONLON

Yes. The doctors, detectives and CPS are all saying pretty much the exact same thing in the same way. It's the well-oiled prosecutorial machine everyone warned me about.

(beat)

Kristian's story doesn't match the symptoms, blah blah blah, has to be abuse and oh, by the way, Kristian mighta kinda sorta confessed...

SAM

Makes sense, they got their stories straight and they had a big assist from Kristian's fumbled interview.

CONLON

More like his fumbled culture barrier. They accuse Kristian of rehearsing and here we have doctors and cops pre-agreeing on a story... but there might've been dissent. Read Eric Morgan's statement...

Sam reads...

SAM

So he doesn't vilify Kristian as forcefully as the others. So what?

CONLON

A much lighter touch than Goldner on Kristian's "rocking" vs. "shaking" semantics disaster. He implies Kristian's posture of innocence seemed earnestly held, even if his story doesn't add up.

SAM

So a slower moving guillotine...

CONLON

That's about as overt of a statement of "I don't think Kristian is lying" that we're going to get. I think Morgan has doubts.

SAM

Do you think you can get him to break with the party line on this?

CONLON

Worth a try.

SAM

And if he does, how do you counter the prosecution when they say he's only sympathetic to Kristian because they're both men?

Conlon deflates. He rubs his face and turns around, facing the photos of his WIFE in the corner.

CONLON

I need to go sweat this one out...

**INT. RENTAL HOME - NIGHT**

Jennie is staring at the letter from the Donor Network.

Then, with resolve, she sits and starts writing.

JENNIE (V.O.)

I'm writing first to thank you for your letter... it has brought me solace in an extremely volatile time. I'm guessing you know nothing about the circumstances of how your daughter received this heart...

She takes a moment... this is the toughest part. She wipes tears and continues.

JENNIE (V.O.)

I wanted to tell you before you became aware on your own. My husband was knocked over by our dog while holding our son. The pediatrician believes the symptoms are "Shaken Baby Syndrome..."

**INT. STEAM ROOM - NIGHT**

It's empty at this hour. Conlon sits in the cloud of steam.

But he is not relaxed. He is brooding on the case.

JENNIE (V.O.)

... a narrow set of three symptoms they call "The Triad" which they believe are only caused by this specific form of abuse with no possibility of anything else...

**INT. KRISTIAN'S REDWOOD CITY APARTMENT - NIGHT**

Kristian is up late on his laptop in his apartment with almost no furniture. He is frenzy-eyed as he reads on the internet about SHAKEN BABY CASES.

JENNIE (V.O.)

These charges are unfounded. But it isn't my intention to write you in hopes of swaying your feelings about Shaken Baby Syndrome.

As he reads he gets more and more nervous.

**INT. SUBURBAN HOME - NIGHT**

The Infant Girl with the scar sleeps in her crib.

JENNIE (V.O.)

It's a polarizing topic and if you and your family have strong opinions about it, better you know our situation now.

A light comes in under the door...

**IN THE NEXT ROOM**

The Mother sits up and reads... the letter from Jennie.

JENNIE (V.O.)

I would not be able to handle it if you find out about us later and abruptly cut ties. My apologies for delivering the news in this way, I truly wish circumstances were better for all of us. Sincerely,  
Jennie Aspelin.

She puts the letter down, then she goes to her computer and starts to Google: "ASPELIN SHAKEN BABY"

All the news comes up, all the vitriol. It's terrible.

**EXT. CONLON'S HOUSE - DAY**

Conlon sips on a tropical cocktail as his GRANDCHILDREN swim in the pool with Heather and his other son's wife, GRETCHEN.

His younger son, BOBBY, dives in and chases the kids. Malcolm emerges from the house with a couple of beers.

MALCOLM

I think it means a lot to the kids.  
To have this time here with you.

CONLON

I know...

MALCOLM

We haven't really done this since  
Mom... you know, after a while, the  
kids asked if you died too.

That stings.

CONLON

Maybe I did...

Conlon finishes his drink, looks at the empty glass.

CONLON (CONT'D)

You want something from inside?

Malcolm holds up the beers. Conlon nods and makes his way through the open glass double doors of his beautiful house.

Malcolm watches with concern.

**INT. CONLON'S KITCHEN - CONTINUOUS**

Conlon starts to make another drink when his phone DINGS.

Text from Sam - "CHECK EMAIL"

He does... finds the email she must mean. It is titled: SF CORONER'S REPORT JOHAN ASPELIN.

He takes a deep breath as he opens it. He scans the email... flashes of text...

*This unfortunate 3 and a half month old baby // Skin that is plain and unblemished // Face is symmetric, intact, unremarkable // The visceral and parietal pleurae are intact and unremarkable with a smooth glistening serosa.*

Conlon hones in on:

*CAUSE OF DEATH: CLOSED HEAD/NECK INJURY. MANNER: HOMICIDE*

Conlon puts his phone down abruptly and carelessly. He knocks a glass off the counter by accident, BREAKING it. He doesn't move to clean it up, he just stares as Malcolm comes in.

MALCOLM

Are you okay Dad? I heard--

He sees the glass, and his father's vacant expression.

MALCOLM (CONT'D)

Let's go for a walk...

He bends to clean up the mess, Conlon snaps out of it.

CONLON

I'll get that.

**EXT. CONLON'S NEIGHBORHOOD - DAY**

They walk around Conlon's posh SF neighborhood.

MALCOLM

You're obviously worried you're going to lose this case.

CONLON

It's worse than that... I'm worried that even if I win, I lose.

MALCOLM

What do you mean?

CONLON

I haven't had a case I've really felt good about winning in a while. I've just been winning to win. And one day you wake up and find yourself trying to get a possible child murderer off and you're not even doing a good job of it... this isn't the way I saw myself when your mother was around.

MALCOLM

You never talk like this.

CONLON

I did to your mother. She always knew all my doubts, and she always talked me out of my spirals.

(beat)

(MORE)



CONLON (CONT'D)

I feel like I was this great tightrope walker, and when she died it was like I lost the net below me... and now I have to keep moving, if I pause just for a second, I'll realize there is nothing below... and I'll fall.

Conlon's catharsis has been a long time coming.

MALCOLM

When was the last time you went to see her?

CONLON

I don't remember...

Malcolm takes a breath. This is a new dynamic in their relationship.

MALCOLM

Do you remember when my first girlfriend back in high school broke up with me and I came to you to complain about how horrible she was for doing that to me and you remember what you said?

CONLON

Do I want to know?

MALCOLM

You said people can do what we want, but we can't want what we want... that it wasn't about me and the sooner I get over my own ego and realize we have no control over other people the happier I'll be.

CONLON

I borrowed from Schopenhauer.

MALCOLM

The point is, you've been thinking about this case wrong.

CONLON

Oh really?

MALCOLM

You're thinking about it in terms of you. You wanted to win an impossible case, another belt notch...

(MORE)

MALCOLM (CONT'D)

I don't think you ever considered  
Aspelin's guilt or innocence a part  
of the equation.

CONLON

You'd be surprised how little that  
usually matters in these things...

MALCOLM

Kristian's wife has stayed by his  
side this whole time... do you  
think she's the type of person that  
would be so wrong about him?

Conlon looks at his son, see's where he is going.

CONLON

I don't.

MALCOLM

And if she's right and Kristian is  
innocent, then there must be a big  
problem in the system that is  
destroying untold lives. A problem  
that seems impossible to correct  
and yet must be corrected...

(beat)

And that sounds like the sort of  
case that the father whom my mother  
knew and loved would've taken up.

This resonates with Conlon.

**INT. CONLON, ELDRIDGE & SLOSS LLP - DAY**

Conlon marches into the office. He passes Sam.

CONLON

Go ahead and forward the Coroner's  
report to Gabaeff from my email...  
might as well rip the Bandaid off.

Sam nods as Conlon enters --

**INT. CONLON'S OFFICE - CONTINUOUS**

He digs through the files. Finally producing an audio tape  
which he puts into a nearby recorder and starts to listen.

It is the 9-1-1 call Kristian made.

DISPATCHER (V.O.)

911 emergency.

KRISTIAN (V.O.)  
I need an ambulance right away. I  
had an accident with my son.

DISPATCHER (V.O.)  
OK, slow down, sir, what kind of  
accident?

KRISTIAN (V.O.)  
The dog knocked me over and the  
baby went over my shoulder. I  
didn't see what happened to him...

Conlon rewinds... he plays that part over.

KRISTIAN (V.O.)  
The dog knocked me over and the  
baby went over my shoulder.

DISPATCHER (V.O.)  
Is the child breathing, sir?

KRISTIAN (V.O.)  
I don't know.

Click. He stops the tape. Rewinds... listens intently, to the  
quiet panic in Kristian's voice.

KRISTIAN (V.O.)  
I don't know.

Conlon thinks. How can anybody possibly know how they will  
react in these situations? He reads Eric Morgan's statement.

CONLON  
Mr. Aspelin's account is  
inconsistent with the injuries  
sustained by the victim, and though  
his position may appear earnestly  
held, the evidence points to only  
one possible conclusion...  
earnestly held...

Conlon turns and looks at the photos of his wife. Thinks.

**INT. HOSPICE - DAY (FLASH)**

A younger-looking Conlon sits beside his EMACIATED WIFE, bald  
from chemo. His SONS behind him, the exhausted looks of  
grieving family on their face. Conlon clutches his wife's  
hand... he's SOBBING UNCONTROLLABLY... big heaving sobs.

**INT. CONLON'S OFFICE - MOMENTS LATER (RETURN TO SCENE)**

He looks at his wife's photo.

CONLON

That's how I felt. But how did I  
look?

He thinks back again...

**INT. HOSPICE - DAY (FLASH)**

The same scene as before... only this time, Conlon holds his wife's hand with an expressionless face. His grief, insurmountable as it is, is actually all internal...

**INT. CONLON'S OFFICE - MOMENTS LATER (RETURN TO SCENE)**

He nods to himself, reaching a pinnacle, as Sam walks in.

SAM

I sent the report to Gabaeff...  
should we get the family?

CONLON

I'll handle it...  
(then)  
What does the method of our grief  
say about us? Does it say anything?  
Is a man guilty of murder because  
he didn't cry at his mom's funeral?

**INT. RENTAL HOME - DAY**

An exhausted, sad looking Jennie is struggling through her morning routine. As she sips coffee she peruses the letter from the donor network... then something occurs to her.

She grabs her laptop, and pulls up a folder JOHAN. She scans through the ORGAN DONATION PAPERWORK.

**LATER**

Jennie is on the phone.

JENNIE

I'm trying to find out why I  
haven't received any notification  
that my son's lungs were  
successfully donated like I did  
with his heart. I know they were  
requested almost immediately.

NETWORK ADMIN (V.O.)  
If you give me just a moment I'll  
pull up the file... Johan Aspelin?

JENNIE  
Yes.

As Jennie waits she watches Lukas playing by himself.

NETWORK ADMIN (V.O.)  
Yes... so sorry for the confusion.  
The lungs were requested but they  
weren't used.

JENNIE  
Why not?

NETWORK ADMIN (V.O.)  
It says the lungs were not viable.

JENNIE  
How come? He had a brain injury.  
Why aren't the lungs viable?

NETWORK ADMIN (V.O.)  
That's all the information we have.

The conversation ends abruptly. Jennie is suspicious of all this, but she barely has a moment to think when her phone suddenly RINGS AGAIN startling her. It's Conlon. She answers.

JENNIE  
Hi.

CONLON (V.O.)  
I have some updates, do you have  
some time today?

JENNIE  
I have time right now.

CONLON (V.O.)  
I'll stop by.

**EXT. CLEARING - DAY**

Conlon hangs up his phone in the bright clearing where he stands. He steps forward, an incredible amount of emotion emerging on his face. We see that he is in a GRAVEYARD. And he is standing over the grave of his wife... MARY CONLON.

He crouches beside, overwhelmed. Touches the dirt.

CONLON

I'm sorry... I'm so sorry I just, I got lost... without you... coming here, I worried it would remind me how lost I was...

Then he lets it all out, everything bottled up for years.

CONLON (CONT'D)

But I'm trying to come back now... I'm trying to be the man you knew... the man I knew... the man our family needs... I'm trying...

**INT. RENTAL HOME - DAY**

Jennie shows Conlon in. She's unpacked a bit more than last we saw. She started with the family pictures... Conlon notices this.

CONLON

The Medical Examiner's report came.  
(beat)  
He says it was a closed neck/head injury... it was homicide.

Jennie is CRUSHED. She almost falls over.

JENNIE

How can they be so wrong? How can a whole system be so wrong?

Conlon is truly impressed by her resilience.

CONLON

Kristian is lucky to have you. Your bond is very strong. Reminds me of the bond I had with my late wife.

JENNIE

It hasn't been easy.

CONLON

I imagine you've had doubts.

JENNIE

I have. But not about Kristian... not about who he is and whether he could do this, not on accident, and certainly not on purpose.

Conlon listens intently.

JENNIE (CONT'D)

He's like the male version of me... our backgrounds may seem different, but we're so alike. We come from strong families. We both wanted to be parents of a large family. Before we were married we talked about wanting four children... and you know, it wasn't easy. I thought we were going to have to adopt.

Conlon looks over the photos Jennie had unpacked. The family posing together. Kristian, Jennie, Lukas and infant Johan. Kristian with his parents and siblings when he was younger. Jennie with his family, with her own family.

JENNIE (CONT'D)

He's a wonderful father. That was imparted to him by his own parents. And that's the worst part of all this... to watch how this is undermining who he is, making him question himself... lose himself.

As Conlon looks over the photos he IMAGINES HIS OWN FAMILY in them... him, his wife, their sons... imagine one of them disappearing... imagines the horrors they are going through.

And from somewhere deep within him, a new resolve emerges.

CONLON

The coroner's report is wrong. And we're going to prove it.

Conlon turns, Jennie considers something and then speaks up.

JENNIE

I think you should know, I spoke to the transplant network and they told me that Johan's lungs were not donated... despite being requested. They said they had been damaged. But that doesn't make sense.

CONLON

No, it doesn't. I'll look into it.

Conlon is intrigued as he makes his way out.

**INT. CONLON'S OFFICE - DAY**

Conlon marches in, he's a man on a mission. Sam is in tow.

SAM

So in most cases where defendants were acquitted they proved that something else caused the injuries. Underlying conditions, rare genetic diseases... a wide range.

CONLON

But we don't have an exact answer for what happened to Johan.

SAM

But neither does the prosecution, and these cases show how regularly doctors get this stuff wrong.

CONLON

I hear you. But Tressel is going to blow into that courtroom with Stewart and the whole shebang exerting absolute medical authority. And I don't think an "embrace the mystery" defense is going to hold up against that...

SAM

Barring some undiscovered piece of information about Johan's medical past I don't know that we can get any more certain than that.

Conlon thinks...

CONLON

Get me Gabaeff's number...

**INT. GABAEFF HOME - MOMENTS LATER (INTERCUT AS NECESSARY)**

Gabaeff is pouring over the documents in the Aspelin case when his phone rings. He answers.

GABAEFF

Gabaeff.

CONLON

Dr. Gabaeff, Elliott Conlon.

GABAEFF

Yes, hello. Sorry I haven't gotten back to you about the medical examiner's report... I was hoping to find some good news for you in the files before responding... unfortunately I haven't yet.



Conlon grimaces. Not a great start.

CONLON

Thank you, yeah that was a tough break for us, but that's not actually what I'm calling about.

GABAEFF

What can I do for you?

CONLON

You know, we're trying to see if maybe there were some... other conditions, underlying or whatever, that contributed. Anything that could account for his symptoms.

GABAEFF

Of course.

CONLON

We're specifically curious about his lungs and how could they have been damaged in this accident?

GABAEFF

I don't believe the lungs were damaged. That wouldn't make any sense, medically speaking.

CONLON

Right, yet the transplant donor network told Jennie Aspelin that Johan's lung weren't viable, exact words, despite earlier being told they had a donor in Arizona.

Gabaeff glances around the piles of files.

GABAEFF

I don't have any transplant records here at all... you must not have the complete medical records.

Conlon's face lights up... something is amiss here.

GABAEFF (CONT'D)

It's not unheard of for hospitals to leave out records they don't want you to see... you should subpoena all records, unedited.

CONLON

Absolutely. Thank you, Doctor.

**INT. CONLON'S OFFICE - CONTINUOUS**

Conlon looks like a shark who smells blood in the water.

SAM

What is it?

CONLON

We need to get a court order...  
looks the hospital has been holding  
out on us.

**INT. JENNIE'S OFFICE - DAY**

Jennie is on the phone.

JENNIE

Well who can I speak to about  
getting these records?

(beat)

No, I already spoke to the UCSF and  
they sent me back to SF General...

(beat)

I already spoke to them too...

**INT. GABAEFF HOME - DAY**

Gabaeff is going over the files even more carefully and with  
more scrutiny than he has before. He glances at the  
chronology, writing:

7:20 ER EXAM, then 7:24 INTUBATION / CT SCAN... then he scans  
through. He seems a bit perplexed. He writes: 12AM STEWART  
EXAM. Next he writes: **"DETAILED LOG BOOKS 8PM-12AM ?"**

**INT. CONLON'S OFFICE - DAY**

Conlon is on the phone.

CONLON

This isn't optional. It's called a  
court order not a court suggestion.

(beat)

That's unacceptable. Don't make me  
take drastic measures here.

He hangs up in frustration as Sam walks into the room.

SAM

I'll be back.

CONLON

Where are you going?

SAM

To cause some trouble. Can I have a copy of the court order?

Conlon smirks.

**INT. HOSPITAL - DAY**

Sam marches past reception into a restricted access area as a DOCTOR exits. A STAFFER runs after her.

HOSPITAL STAFFER

Excuse me? You can't go in there!

She holds up the court order.

SAM

This facility is defying a court order, I'm not going anywhere until it is obeyed... if you have me forcibly removed then you better free up your calendar because we'll be dragging everyone involved before a judge to sort this out.

The Staffer silently reaches for the wall phone.

**INT. GABAEFF HOME - DAY**

Gabaeff is reading through files when the DOORBELL RINGS. He walks over and answers and finds SAM standing with SEVERAL BOXES OF FILES.

SAM

The missing files... and, I suspect, a lot of junk. There are several more boxes in my car.

GABAEFF

When they can't conceal, they inundate... here, let me help.

Gabaeff carries a box into his house.

**INT. KRISTIAN'S REDWOOD CITY APARTMENT - NIGHT**

Kristian has his laptop open, his cellphone pressed to his ear. As it rings he tries to calm himself, but he's cracking.

PETER (V.O.)

Kristian?

KRISTIAN

Hello Papa.

There is an awkward silence.

**INT. PETER ASPELIN'S HOME - MORNING (INTERCUT AS NECESSARY)**

PETER  
Is there news?

KRISTIAN (V.O.)  
No... I...

Peter tries to read between the lines.

PETER  
Kristian, what is troubling you?

Another long beat.

KRISTIAN  
All I do is read cases of father's  
accused of abuse. Last night I read  
about the O'Shell family from  
Colorado. The father was suspected  
after his wife brought their 3  
month old daughter to the hospital  
with 11 broken bones. When it  
seemed likely he would be charged,  
he lost it thinking about his wife  
raising their daughter alone  
without his income. He shot his  
wife and himself. Turns out their  
daughter had muscular atrophy...  
there was no abuse.

(beat)  
They do this over and over again to  
people... they're doing this to me!

A long, awful silence.

PETER  
You've got to practice restraint.  
We are looking into the cases in  
Sweden. My colleagues and I are  
reviewing the science. We're in  
contact with Dr. Gabaeff and you  
have a brilliant lawyer. Stand up  
straight. Stay together.

KRISTIAN  
Yes Papa. You're right.

They hang up, and Kristian starts to break down. He stares at the laptop as all the LIGHTS AROUND HIM DIM, until his tear-streamed face is lit only by the laptop. Then that light, too, slowly fades... leaving Kristian sobbing in darkness.

**INT. CONLON'S OFFICE - DAY**

Conlon is reading papers when his phone RINGS. He answers.

GABAEFF (V.O.)  
Mr. Conlon.

CONLON  
Dr. Gabaeff, I've been eagerly  
awaiting hearing from you.

Sam walks into the room in anticipation.

GABAEFF  
I have some bad news and good news.

Conlon braces.

GABAEFF (CONT'D)  
The bad news is that all of this  
could've been avoided... Johan  
should be alive and well today.  
(beat)  
The good news is your client is,  
without a doubt, an innocent man.  
Stop by, we have a lot to discuss.

CONLON  
Absolutely.

Conlon hangs up. He looks at Sam and cracks a huge smile.

CONLON (CONT'D)  
We got 'em.

Sam YELPS with joy.

**INT. GABAEFF HOME - DAY**

Conlon sits with Gabaeff at the table surrounded by the case.  
A computer with XRAY'S OF JOHAN'S LUNGS is up.

GABAEFF  
I've been recreating what happened  
from mislabeled nurse and attendant  
notes buried all over the files.  
(beat)  
Once I started looking down that  
path, it became clear what happened  
here. I'll walk you through what  
REALLY happened to Baby Johan...

**INT. HOSPITAL, EMERGENCY ROOM - NIGHT (FLASHBACK)**

We're back with NURSE, WEXLER and FRANKLIN at the intubation.

GABAEFF (V.O.)

Johan was responsive in the ambulance. But there are two major incidents that led to his decline.

WEXLER

Why didn't the ER Doctor do this?

Wexler picks up the intubation tube.

FRANKLIN

He's breathing, what do you need the tube for?

NURSE

We're getting a head CT Scan.

WEXLER

Okay, give him the meds.

GABAEFF (V.O.)

Minutes after Johan was admitted to SF General, Doctors botched the intubation.

But now we watch as Wexler puts the intubation tube in... with a SECOND, MORE FORCEFUL PUSH.

FRANKLIN

Do you hear it on both sides?

WEXLER

Yes.

FRANKLIN

Check again please.

WEXLER

I know what I heard.

GABAEFF (V.O.)

SF General can treat trauma, but relatively few of those patients are babies.

**INT. GABAEFF HOME - DAY**

GABAEFF

People make mistakes when they listen to babies breathing.

(MORE)

GABAEFF (CONT'D)

They have small chests. If you're rushed you might think you hear both sides but it's really just one. That's why you get an x-ray to be sure. Which they did. Here it is.

He pulls up the X-RAYS of JOHAN'S LUNGS. He points to the tube is pushed far beyond the branch of the Right Upper Lung cutting off air to over 5/6ths of Johan's lungs.

GABAEFF (CONT'D)

It's clear. The intubation caused the total collapse of one lung and partial of the other. He was not getting five-sixths of his oxygen.

CONLON

Why didn't they do anything?

Gabaeff points to the "review line" on the x-ray.

GABAEFF

Because nobody saw this X-Ray. It should've been reviewed and initialed... as you can see, that line is blank. Nobody saw it.

**INT. HOSPITAL - NIGHT (FLASHBACK)**

Nurse Reyes and a RESPIRATORY THERAPIST check on Johan, something is not right. They note the time: **10:30 PM**

GABAEFF (V.O.)

But at 10:30 PM they realized something was wrong...

RESPIRATORY THERAPIST

Oxygen is very low...

Therapist places a stethoscope on his chest. She moves it to the left, then right comparing signs. Her faces reads something is amiss. She delicately places her fingers on the intubation tube and pulls it out a short distance.

GABAEFF (V.O.)

They retracted the breathing tube three centimeters... that's a lot in an infant. But it was too late.

Again, he listens on both sides of his chest. They look at each other, then the Therapist notes the adjustment.

**INT. GABAEFF HOME - DAY (RETURN TO SCENE)**

Gabaeff points to notes that show dosages of two medications VERSED and RECURONIUM.

GABAEFF

There's more. The other fuck up was the medication. Versed is a sedative and Rocuronium is a long acting paralyzer. They overdosed him on both. Double the correct dose of the paralyzer and eight... eight times the appropriate dose of the sedative.

Conlon is floored.

GABAEFF (CONT'D)

Johan suffocated for hours. Every time he tried to breathe they gave him more of the drug... it was only by chance that they discovered the breathing tube problem. Nobody looked at the X-ray that could have saved him.

CONLON

My God...

GABAEFF

It's no wonder Stewart couldn't understand what he was seeing in the 3 AM CT scan... seven hours later Johan no longer had a small brain bleed of minimal consequence with swelling at the top of his head at the point of impact... now he had a diffuse brain injury due to insufficient oxygen.

(beat)

And when they don't understand, they default to abuse.

CONLON

The hospital killed the child and didn't even know it.

GABAEFF

Oh... I think they knew it. The X-rays are usually read the next day by a Radiologist, and they should have called immediately.

(MORE)



GABAEFF (CONT'D)

The picture was clear then, but they covered it up and let it fall on Kristian. This information was never relayed to the ICU, or maybe they found out and decided to blame him to avoid being responsible and having the legal liability.

**INT. CONLON'S OFFICE - DAY**

Gabaeff and Conlon are telling this information to Kristian and Jennie.

GABAEFF

Johan was without proper oxygen for two and a half hours, his cause of death was not a closed neck/head injury but a botched intubation and sedative overdose which destroyed the brain by asphyxiation.

JENNIE

We have to sue.

CONLON

That's the bad news, you can't sue.

KRISTIAN

What? Why? This is malpractice!

GABAEFF

When Shaken Baby became a thing in the 70s, Pediatricians pushed a change through court rulings that extended the immunity the of reporters of child abuse to the investigating doctors themselves. It opened the door to the reckless cavalier false accusations we see in your case.

JENNIE

Including killing their patient and blaming it on the father?

GABAEFF

The only doctors in all of medicine to pull this off. Emergency Doctors would have liked to have that one too, but we couldn't, and we shouldn't for the sake of the patients.

(MORE)

GABAEFF (CONT'D)

By the time resistance mounted in the medical community to shaken baby syndrome, ten years had gone by and DAs all over the country had prosecuted too many people on in it to go back... and many of those same DA's had now become judges.

(beat)

Shaken Baby was never real to begin with... and then they protected the fraud with the full force of the Child Protection Act... the damage it's done is immeasurable.

CONLON

For now we need to just focus on getting the case thrown out.

GABAEFF

Let's put a team together and we can win on the science and the facts. Once they know that we know they killed the baby, they'll drop it... they don't want the public to know the truth here.

CONLON

One thing is sure, the DA hates losing more than they love winning. Their careers depend on winning.

**INT. PETER ASPELIN'S HOME - NIGHT**

Peter's phone rings. He answers.

CONLON (V.O.)

I'm going to get right to it, Mr. Aspelin... the medical examiner has ruled this a homicide and we have to go for the jugular.

PETER

I see.

CONLON

We're going after the diagnosis, the science of Shaken Baby. It is the path of most resistance... but doing anything else is playing their game, and the game is rigged. If we're going to do this, I'm going to need some serious scientific fire power.

PETER

I've been waiting in anticipation of you making this call. I've been working diligently with colleagues in Sweden. We have some interesting findings about SBS that I'll share with you. The diagnosis is bogus and there is a groundswell here... I only hope it can reach far enough to lift my son out of peril.

CONLON

We'll make sure it does.

Conlon hangs up.

**INT. COURTROOM - DAY**

Conlon stands in court. Tressel at his post. They share a KNOWING look.

CONLON

Your honor, I'd like to motion for a dismissal...

DANZIGER

On what grounds?

CONLON

May we approach?

Conlon, Tressel and Danziger discuss.

**EXT. THE OLYMPIC CLUB, CITY CLUBHOUSE - LATER**

Conlon takes out his phone.

**INT. SAN FRANCISCO CHRONICLE OFFICES - MOMENTS LATER**

Horvath is working when his phone RINGS. He answers.

HORVATH

Conlon, what can I do for you?

CONLON

I'm going to give you a hell of a story...

HORVATH

I'm all ears...

**INT. THE OLYMPIC CLUB, CITY CLUBHOUSE - DAY**

Conlon marches in and goes over to where Tressel and his former friends are all sitting.

**SUPER IN/OUT: SEVERAL MONTHS LATER**

There's an awkwardness. Liu makes a performance of reaching for a chair from nearby but Conlon doesn't sit.

CONLON

Your office has been giving me the due dick around... I know they have no intention of trying this case, what the fuck is the hold up?

BURNS

Elliott. Sit down, take a load off.

CONLON

No thanks. I can't take a load off. Not while my client is still living out in Redwood City. While he can only see his child on state supervised visits. While he's still on the hook for a crime committed by doctors who will never have to answer for it!

A scene is forming. Others in the room begin to leer at the raised voices from the prestigious table.

TRESSEL

I'm not on Aspelin anymore... take it up with someone who cares.

CONLON

You're forgetting your lines, Tressel. You're the one who is supposed to care and I'm the cynical defense lawyer who is in it for money and glory. Remember?

He turns away from the table and walks away leaving a sheepish looking Tressel.

**INT. MISSION POLICE STATION - DAY**

Kristian and Jennie are playing with Lukas... STILL being supervised by child services.

**SUPER IN/OUT: ON YEAR LATER**

LUKAS

Papa how come you don't live with us like other Papas?

KRISTIAN

It's only for now. I will come home again, it'll be just like before.

LUKAS

Before?

KRISTIAN

Yes, like when I lived with you before.

LUKAS

But you've never lived with us.

Kristian is shocked.

KRISTIAN

Yes I did... remember? In the old house? With Johan? Do you remember Johan?

LUKAS

Yeah... but you never lived in Mommy's house.

KRISTIAN

That's true... but I look forward to you showing me all the fun things there are to do there.

Jennie's phone RINGS. It's CONLON.

JENNIE

Conlon?

Kristian perks up as Jennie answers.

CONLON (V.O.)

We did it... we finally did it.

**INT. CONLON'S OFFICE - SAME TIME**

Conlon is standing in his office, smiling wide.

CONLON

We got the medical examiner to change the manner of death...

(with chagrin)

...to "undetermined."

JENNIE  
Is that enough?

CONLON  
It's enough...

**INTERCUT AS NECESSARY**

Tears of happiness stream down Jennie's face. Kristian realizes what must've happened, he's filled with buoyancy.

JENNIE  
Thank you... thank you so much.

Conlon smiles wide through the phone.

**INT. COURTROOM - DAY**

Conlon stands beside Kristian opposite a different Prosecutor in front of Danziger. In the audience are Peter, Linda, Jennie, Lukas, Hamilton and other FRIENDS. Gabaeff. Morgan.

And... sure enough... Doctor Stewart.

COURTROOM CLERK  
The Judge will now hear, The State  
of California vs. Kristian Aspelin

DANZIGER  
After further review of evidence,  
and the consent of the San  
Francisco District Attorney's  
office... This case is dismissed.

There is no great expression of victory. The process has been so arduous, that the relief hasn't even set in... and, of course, they are still not out of the woods.

CONLON  
Now we turn our attention to the  
juvenile case. I'll be in touch.

But Kristian has spotted Doctor Stewart skulking out of the courtroom. He marches after him but is stopped by his father.

PETER  
Let it be.

KRISTIAN  
I can't believe he would show up.

Peter's fatherly protective instinct breaks through his Scandinavian stoicism.

**INT. COURTHOUSE CORRIDOR - MOMENTS LATER**

Peter approaches Stewart.

PETER

Dr. Stewart... I'm surprised to see you here. But also pleased. I hope you have seen the error of placing ideology above science.

STEWART

We made the right call given the information we had.

PETER

It's unfortunate you believe that, because you will certainly make the same irresponsible mistake again...

Stewart starts to walk away.

PETER (CONT'D)

But part of me should also be thanking you.

Stewart's ego kicks in. He stops. Peter has him.

STEWART

Oh really?

PETER

Had this horrible tragedy not befallen my innocent son, I never would have exposed this dangerous pseudo-science for what it is in Sweden. We've eliminated Shaken Baby Syndrome as a diagnosis.

STEWART

You've what? Why would you do that?

PETER

Because I am a man of science, Doctor Stewart. Not a self-important narcissist. Good day.

Peter rejoins Kristian, Jennie and Linda. As they open the doors we see there are NO CAMERAS, NO NEWS VANS, NO JOURNALISTS OF ANY KIND. They exit into quiet sunlight.

**INT. SAN FRANCISCO CHRONICLE OFFICES - NIGHT**

Horvath is sitting opposite his EDITOR-IN-CHIEF in the stately office that the head of the paper would have.

EIC

The DAs office won't comment on these details... I'm not sure how comfortable I am dragging a reputable doctor and a whole hospital through the mud.

HORVATH

But this is the truth...

EIC

Are you sure? The last thing we need is a Dan Rather debacle.

HORVATH

You don't have to worry about that.

EIC

And this stuff questioning the diagnosis, the paper doesn't need to make enemies with the National Shaken Baby Foundation.

HORVATH

What is our role here if not to expose issues like these?

EIC

This issue... it's a hornets nest. We'll run the news of the case being dropped in the Metro blotter... but we're not running a feature on this, or Shaken Baby.

Horvath is disappointed. He leaves and goes to:

**HORVATH'S DESK - MOMENTS LATER**

Horvath picks up his phone.

HORVATH

Elizabeth, it's Ray Horvath at the Chronicle. We have something important but we're not going to pursue it, I thought you might want to look into it... have you been following the Aspelin case?

**INT. COURTROOM - DAY**

CONLON (V.O.)

But it wasn't over... the juvenile case against Kristian lingered on.



A different JUDGE. Same Conlon and Kristian.

**SUPER IN/OUT: TWO YEARS AFTER THE ACCIDENT**

CONLON (V.O.)

The Judge refused to grant another continuance, and so in order to reunite Kristian with his family after over two years, we plead out.

Conlon and Kristian stand.

CONLON

My client acknowledges that he was in possession of the child when the child was injured, that those injuries may have led to the circumstances in which he died.

Kristian winces hearing this, it is a tremendous injustice.

CONLON (V.O.)

It was the only way to get him home... his name was added to the child abuse register.

(beat)

It would take three more months, a two-day trial and a three hundred page motion to finally remove his name from the register and clear his name. But we prevailed.

**INT. NEW ASPELIN HOME - DAY**

Jennie and Kristian play with NEW TRIPLETS and Lukas. They are TOGETHER and they are HAPPY.

CONLON (V.O.)

Jennie and Kristian went on to have triplets... their dream of having four children realized.

We see Lukas is building an ANGEL out of LEGOS. He completes it and then leads his parents with it to a nearby corner of the room. They have a SHRINE TO JOHAN. To always keep him in their hearts. There is a photo of the four of them there.

And a couple of photos of the GIRL FROM WASHINGTON WHO RECEIVED HIS HEART AS SHE HAS GROWN SINCE THE OPERATION.

Lukas places the Lego Angel on the shrine between a photo of Johan and a photo of Kristian, Jennie, Lukas and the triplets. We push in on the latter photo...

We pull back out from the photo and reveal we are now inside--

**INT. CONLON'S OFFICE - DAY**

A copy of the photo of the Aspelins with Lukas and the triplets is NOW ON CONLON'S WALL. We see Conlon has been telling this to his son, Malcolm, who is in his office.

CONLON

Finally, something good happened to the Aspelin's quickly.

Malcolm is beaming. His father seems his old self again.

MALCOLM

Where you want to eat? The club?

CONLON

I canceled my membership.

Conlon and his son stand and leave. We push in on the photo of the happy ASPELINS with LUKAS and their TRIPLETS.

**FADE TO BLACK.**

**SUPER:**

There are 1300 cases of Shaken baby prosecuted per year with 50-60% conviction rates. Most cannot afford the expert team and analysis the Aspelin's had. Many of those that do still result in a conviction.

Because of the Aspelin's case, the medical community in Sweden did a full review of the science behind Shaken Baby Syndrome and determined it was insufficient to continue prosecuting it as a diagnosis. They published their results to a tsunami of criticism from the pediatrician's who promote shaking abuse. The battle is still going on.

The convictions that continue to this day in the United States can carry a life sentence, and in most cases, result in the complete destruction of the surviving family unit.

There is a rising tide of doctors, lawyers and judges who believe shaken baby is a false truth and fight every day to convince the world of this fact. They do this because the science does not support the diagnosis. Period.

This film is dedicated to the life of Johan Aspelin who's soul touched so many in the wake of his tragic and untimely death. May his passing be not in vain.

**THE END**