



DEFENDING JACOB

CREATED BY
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BASED ON THE NOVEL BY
William Landay

EPISODE 1.07

"Job"

As the trial begins, Jacob's fate hangs in the balance.

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EPISODE CAST

Chris Evans	...	Andy Barber
Michelle Dockery	...	Laurie Barber
Jaeden Martell	...	Jacob Barber
Cherry Jones	...	Joanna Klein
Pablo Schreiber	...	Neal Loguidice
Betty Gabriel	...	Pam Duffy
Sakina Jaffrey	...	Lynn Canavan
Patrick Fischler	...	Dan Rifkin
Daniel Henshall	...	Leonard Patz
Jordan Alexa Davis	...	Sarah Grohl
Ben Taylor	...	Derek Yoo
Megan Byrne	...	Joan Rifkin
Daryl Edwards	...	Judge French
J.K. Simmons	...	Billy Barber
Ted Arcidi	...	Kingston
Jim Boyd	...	Reporter at Courthouse
Marilyn Busch	...	Court Clerk
Ken Cheeseman	...	Rod Renborg
Berlis Cuevas	...	Bailiff
Shawn Fitzgibbon	...	Detective Peterson
Rena Maliszewski	...	Karen Carlson
Damon Singletary	...	Bartender
Michael Tow	...	Reporter
Michelle Violette	...	Paula Gianetto
William Xifaras	...	Father O'Leary

1
00:01:14,992 --> 00:01:16,372
[NEAL] So you think I'll win?

2
00:01:19,371 --> 00:01:22,751
Be surprised if you didn't.
This is your first murder, right?

3
00:01:23,083 --> 00:01:24,083
It's that obvious?

4
00:01:24,168 --> 00:01:26,498
No, no, you're doing
great. It's really well, yeah.

5
00:01:27,921 --> 00:01:29,607
I really appreciate you
taking the time here.

6
00:01:29,631 --> 00:01:34,341
Oh, come on, come on.
Actually I, uh... took some notes.

7
00:01:35,470 --> 00:01:36,600
If you want.

8
00:01:36,680 --> 00:01:40,310
Yeah. Great. Sure. [CLEARS THROAT]

9
00:01:40,392 --> 00:01:41,562
So, um...

10
00:01:42,936 --> 00:01:44,856
- All right, your opening argument...
- Okay.

11
00:01:45,272 --> 00:01:47,192
You didn't look at him, the defendant.

12
00:01:47,941 --> 00:01:49,191
- I didn't?
- No.

13
00:01:49,276 --> 00:01:50,879
And I'm not talking about a passing glance.

14
00:01:50,903 --> 00:01:52,797
You gotta show the jury that
you can look at a defendant

15
00:01:52,821 --> 00:01:54,821
right in the eye and say, "Guilty."

16
00:01:54,907 --> 00:01:57,510
If you show them that you have
the courage to do that, so will they.

17
00:01:57,534 --> 00:01:59,754
Okay. That's great.

18
00:02:00,162 --> 00:02:01,212
[CHUCKLES]

19
00:02:01,288 --> 00:02:03,118
- What else?
- Uh...

20
00:02:03,207 --> 00:02:05,226
I noticed you kinda stand
far away from the jury box.

21
00:02:05,250 --> 00:02:07,000
You always wanna be closing that space.

22
00:02:07,085 --> 00:02:08,812
Makes the jurors feel
like you're one of them.

23
00:02:08,836 --> 00:02:11,626
Oh. You, uh... you said the
name of the defendant four times.

24
00:02:12,341 --> 00:02:13,341
I shouldn't do that?

25

00:02:13,425 --> 00:02:16,845
As far as you're concerned, he
doesn't have a name. He's the defendant.

26

00:02:16,929 --> 00:02:19,199
His lawyer's gonna be doing
everything he can to humanize him.

27

00:02:19,223 --> 00:02:20,603
Don't make the job any easier.

28

00:02:20,933 --> 00:02:21,933
Another round?

29

00:02:22,017 --> 00:02:24,977
- No, that's okay.
- Yes. Absolutely.

30

00:02:25,854 --> 00:02:27,564
Come on. It's on me.

31

00:02:29,608 --> 00:02:31,358
You really think I'm gonna win, huh?

32

00:02:36,615 --> 00:02:38,075
[DOOR OPENS]

33

00:02:44,331 --> 00:02:45,331
[DOOR CLOSES]

34

00:02:50,921 --> 00:02:52,671
[CHATTERING]

35

00:02:53,757 --> 00:02:55,757
Now, Jacob, I know
I've told you this before...

36

00:02:55,843 --> 00:02:57,723
[CONTINUES, INDISTINCT]

37

00:02:59,721 --> 00:03:01,811
[WHISPERING]

38

00:03:17,197 --> 00:03:18,817
[JOANNA, INDISTINCT]

39

00:03:18,907 --> 00:03:20,027
[INDISTINCT]

40

00:03:39,386 --> 00:03:40,846
[CHATTERING]

41

00:03:52,024 --> 00:03:53,654
Court, all rise.

42

00:03:54,318 --> 00:03:56,068
Hear ye, hear ye, hear ye.

43

00:03:56,153 --> 00:03:59,243
All persons having anything to do
before the Honorable Judge French,

44

00:03:59,323 --> 00:04:01,373
a Justice of the Superior Court,

45

00:04:01,450 --> 00:04:03,178
now sitting within and
for the Commonwealth,

46

00:04:03,202 --> 00:04:05,952
draw near, give your attendance,
and you shall be heard.

47

00:04:06,038 --> 00:04:09,118
God save the Commonwealth of Massachusetts
and this most honorable court.

48

00:04:09,208 --> 00:04:11,038
This court's now open. Please be seated.

49

00:04:14,379 --> 00:04:19,589
Number 08-44-07, Commonwealth
versus Jacob Owen Barber.

50

00:04:19,676 --> 00:04:21,796
A single count of
murder in the first degree.

51

00:04:21,887 --> 00:04:23,557
For the defendant, Joanna Klein.

52

00:04:24,056 --> 00:04:27,426
For the Commonwealth, Assistant
District Attorney Neal Logiudice.

53

00:04:28,352 --> 00:04:31,312
Any preliminary motions
before we begin the voir dire?

54

00:04:31,396 --> 00:04:33,196
[JOANNA] A couple of
things, yes, Your Honor.

55

00:04:33,232 --> 00:04:35,942
First, the defendant's
father, Andrew Barber,

56

00:04:36,026 --> 00:04:40,236
would like to enter an appearance
in the case on the defendant's behalf.

57

00:04:40,322 --> 00:04:43,242
With the court's permission, he's
going to second chair me at trial.

58

00:04:43,325 --> 00:04:45,325
[JUDGE FRENCH] Is this
a wise decision, Ms. Klein?

59

00:04:45,744 --> 00:04:47,794
It is the family's wish, Your Honor.

60

00:04:49,831 --> 00:04:52,331
All right, Mr. Barber, you
can come forward. What else?

61

00:04:52,417 --> 00:04:54,997
[JOANNA] Your Honor, I
have filed a motion in limine

62

00:04:55,087 --> 00:04:58,467
to exclude any mention of the
defendant's grandfather William Barber,

63

00:04:58,549 --> 00:05:01,799
who is currently serving a life
sentence for first-degree murder.

64

00:05:01,885 --> 00:05:06,055
We believe the Commonwealth may try to
introduce this fact to prejudice the jury.

65

00:05:06,139 --> 00:05:07,889
Your Honor, the Commonwealth contends

66

00:05:07,975 --> 00:05:11,055
that the family's history of
violence is of great relevance.

67

00:05:11,603 --> 00:05:13,983
Your Honor, my client
has never once met the...

68

00:05:14,064 --> 00:05:16,114
I get it. I read the motion.

69

00:05:20,320 --> 00:05:22,450
Defendant's objection is noted and tabled.

70

00:05:22,531 --> 00:05:24,161
Should the Commonwealth decide

71

00:05:24,241 --> 00:05:27,081
William Barber's criminal
record is critical to his case,

72

00:05:27,160 --> 00:05:31,000
he will first notify the defense, and
then we'll have a hearing on the matter.

73

00:05:31,081 --> 00:05:33,831
Otherwise, not a word
about this to the jury.

74

00:05:33,917 --> 00:05:35,247
Thank you, Your Honor.

75

00:05:35,794 --> 00:05:37,094
Yes, Your Honor.

76

00:05:37,171 --> 00:05:40,721
[JOANNA] Lastly, the defense
moves to expand its witness list by two:

77

00:05:40,799 --> 00:05:43,969
Matthew McGrath and Leonard Patz.

78

00:05:44,052 --> 00:05:46,572
- [JUDGE FRENCH] Commonwealth?
- We're fine with it, Your Honor.

79

00:05:46,597 --> 00:05:48,767
All right, let's bring in the jury venire.

80

00:05:48,849 --> 00:05:50,729
All rise for the jury.

81

00:05:56,273 --> 00:05:58,983
[CHATTERING]
[ELEVATOR BELL DINGS]

82

00:06:03,363 --> 00:06:05,123
[CHATTERING CONTINUES]

83

00:06:08,035 --> 00:06:10,615
[ANDY] Retired bus driver,
works with kids. That's good.

84

00:06:10,704 --> 00:06:12,584
[JOANNA] Yeah, I liked her. Thanks, Ellen.

85

00:06:15,709 --> 00:06:17,089
They kept staring at me.

86

00:06:17,544 --> 00:06:18,884
Oh, you'll get used to that.

87

00:06:19,588 --> 00:06:23,968
Just keep your eye on the judge as
much as possible... or on your dad and me.

88

00:06:24,051 --> 00:06:27,011
Don't give 'em any reason to
not like you. No faces. Okay?

89

00:06:27,387 --> 00:06:29,007
[JOANNA] You're doing great so far.

90

00:06:29,598 --> 00:06:30,718
You all are.

91

00:06:32,643 --> 00:06:36,613
[NEAL] You see, this wasn't just
an average boy, the defendant.

92

00:06:37,523 --> 00:06:40,483
No, something set him apart.

93

00:06:42,402 --> 00:06:43,532
His father.

94

00:06:43,987 --> 00:06:46,867
A father who was the first
assistant district attorney.

95

00:06:46,949 --> 00:06:49,079
Top man, right here in this building.

96

00:06:50,786 --> 00:06:54,076
For years, the defendant watched his father

97

00:06:54,164 --> 00:06:57,464
prosecute every major
murder case in this county.

98

00:06:57,543 --> 00:07:02,973
He listened to dinner conversations.
Overheard phone calls, shop talk.

99

00:07:03,924 --> 00:07:07,224
You might even say that
murder was the family business.

100

00:07:09,221 --> 00:07:12,021
But still, the question remains "Why?"

101

00:07:14,601 --> 00:07:15,891
Why...

102

00:07:16,979 --> 00:07:20,399
would an eighth-grade
boy kill his classmate?

103

00:07:22,317 --> 00:07:25,147
Well, we've all been to school.

104

00:07:26,488 --> 00:07:29,238
We know kids can be mean.

105

00:07:32,911 --> 00:07:35,371
You're gonna hear testimony
that the victim in this case,

106

00:07:35,455 --> 00:07:38,125
Ben Rifkin, teased the defendant.

107
00:07:39,126 --> 00:07:42,296
Nothing shocking, but still, mean.

108
00:07:43,172 --> 00:07:47,222
Ben foolishly mocked this young man,

109
00:07:47,968 --> 00:07:53,268
unaware of his hidden
capacity, even desire, to kill.

110
00:07:53,348 --> 00:07:54,388
Objection.

111
00:07:54,474 --> 00:07:55,524
[JUDGE FRENCH] Sustained.

112
00:07:55,601 --> 00:07:59,561
The jury will disregard the last
remark about the defendant's desire,

113
00:07:59,646 --> 00:08:01,316
which is speculation.

114
00:08:01,398 --> 00:08:04,108
And so, on April 12,

115
00:08:04,193 --> 00:08:07,823
the defendant walked into
the woods of Cold Spring Park

116
00:08:07,905 --> 00:08:12,025
with a knife in his pocket
and an idea in his mind.

117
00:08:13,035 --> 00:08:16,905
Did he ambush the victim, or
were there words exchanged first?

118
00:08:18,207 --> 00:08:21,667
Maybe Ben called him a name.

119
00:08:22,669 --> 00:08:24,339
Or even threatened him.

120
00:08:25,464 --> 00:08:26,724
We don't know.

121
00:08:28,425 --> 00:08:30,085
All we know

122
00:08:30,177 --> 00:08:35,967
is that the defendant punched his
knife three times into Ben Rifkin's chest,

123
00:08:36,850 --> 00:08:38,140
killing him.

124
00:08:40,062 --> 00:08:41,692
[SOFTLY] Three...

125
00:08:42,773 --> 00:08:46,533
[NORMAL VOICE] evenly spaced wounds.

126
00:08:49,363 --> 00:08:50,363
One.

127
00:08:52,449 --> 00:08:53,449
Two.

128
00:08:55,494 --> 00:08:56,754
Three.

129
00:08:59,623 --> 00:09:05,423
You see a tragedy as enormous
as this, and it makes you furious.

130
00:09:06,296 --> 00:09:08,586
You want someone to pay.

131
00:09:09,216 --> 00:09:10,966
I do too. I do.

132
00:09:12,219 --> 00:09:13,639
It's only human.

133
00:09:15,222 --> 00:09:19,062
But Jacob Barber is innocent.

134
00:09:20,227 --> 00:09:24,607
And I want to say that again so
that there is no misunderstanding.

135
00:09:25,274 --> 00:09:30,574
Jacob Barber is wholly
and completely innocent.

136
00:09:32,072 --> 00:09:35,952
When you understand what
really happened that day,

137
00:09:36,910 --> 00:09:41,790
you'll see this case for what
it is... a rush to judgment.

138
00:09:43,125 --> 00:09:45,085
The fingerprint, for example,

139
00:09:45,169 --> 00:09:47,459
that the prosecution
made such a big deal about,

140
00:09:47,546 --> 00:09:49,756
you're going to hear
how that print got there,

141
00:09:49,840 --> 00:09:53,260
just as Jacob told the police
officer who arrested him

142
00:09:53,343 --> 00:09:55,263
the moment that he was asked.

143

00:09:56,430 --> 00:10:00,480
He saw his classmate lying on
the ground, and he tried to help.

144

00:10:01,393 --> 00:10:07,273
And when he discovered that Ben was
dead, saw all that blood, he panicked.

145

00:10:07,357 --> 00:10:12,277
He feared that if he told someone
about the body, he'd become a suspect.

146

00:10:12,362 --> 00:10:16,242
After all, this was Ben
Rifkin, the boy who bullied him.

147

00:10:16,325 --> 00:10:19,325
Everyone knew that. How would it look?

148

00:10:20,537 --> 00:10:26,497
Does Jacob wish that he had been
braver from the start and told the truth?

149

00:10:27,419 --> 00:10:29,129
Of course he does.

150

00:10:29,213 --> 00:10:33,803
It was the worst mistake he's ever made.
It was a horrible, terrifying mistake.

151

00:10:35,302 --> 00:10:36,972
But he was a boy.

152

00:10:38,138 --> 00:10:41,388
And I don't give a damn how
the state chooses to try him.

153

00:10:41,475 --> 00:10:44,685
He was a 14-year-old boy.

154

00:10:46,104 --> 00:10:48,154
And boys make mistakes.

155
00:10:49,316 --> 00:10:50,646
[SIGHS]

156
00:10:50,734 --> 00:10:52,534
But we are adults...

157
00:10:54,071 --> 00:10:57,071
with a grave responsibility before us.

158
00:10:58,200 --> 00:10:59,950
A child is dead.

159
00:11:01,370 --> 00:11:04,870
Don't destroy another
child's life to make up for it.

160
00:11:06,041 --> 00:11:07,671
That isn't justice.

161
00:11:07,751 --> 00:11:09,551
[HEARTBEAT THUMPING]

162
00:11:09,628 --> 00:11:11,418
That's just another tragedy.

163
00:11:15,425 --> 00:11:17,715
[CLAMORING] -[CAMERA SHUTTERS CLICKING]

164
00:11:21,807 --> 00:11:22,951
[MALE REPORTER #1] Mr. Barber, over here!

165
00:11:22,975 --> 00:11:24,619
[MALE REPORTER #2] Mr. Barber,
do you have any comment?

166
00:11:24,643 --> 00:11:26,403
[JOANNA] Give us a
little room here, please.

167
00:11:26,436 --> 00:11:28,146
Give us a little room here.

168
00:11:28,230 --> 00:11:29,980
[CLAMORING CONTINUES]

169
00:11:31,441 --> 00:11:33,641
[MALE REPORTER #3]
Mr. Barber, do you feel he's guilty?

170
00:11:34,319 --> 00:11:36,159
[FEMALE REPORTER]
Hey, come over here, please.

171
00:11:39,032 --> 00:11:40,472
[ANDY] It's definitely the same guy.

172
00:11:42,077 --> 00:11:44,077
Yes, I'm sure. Blue Lincoln.

173
00:11:45,747 --> 00:11:46,957
Right.

174
00:11:47,708 --> 00:11:49,588
You still have that
plate number I sent you?

175
00:11:52,254 --> 00:11:53,264
Okay.

176
00:11:54,840 --> 00:11:56,010
Thanks, Duff.

177
00:11:57,301 --> 00:11:58,551
What was that about?

178
00:11:59,219 --> 00:12:00,929
Long story. I'll tell you later.

179
00:12:01,513 --> 00:12:04,023
Okay, well, make sure they get some rest.

180
00:12:04,099 --> 00:12:06,309
- I'll call you tonight.
- Okay.

181
00:12:20,908 --> 00:12:21,908
Driver's license.

182
00:12:22,951 --> 00:12:23,951
What I do?

183
00:12:24,036 --> 00:12:25,696
Let me see your license.

184
00:12:26,705 --> 00:12:28,705
I got a right to sit in
my own car, don't I?

185
00:12:30,083 --> 00:12:32,593
Sir, are you refusing to
provide me with identification?

186
00:12:33,003 --> 00:12:34,423
I'm not refusing anything.

187
00:12:35,047 --> 00:12:37,217
I wanna know what you're bothering me for.

188
00:12:57,528 --> 00:13:00,778
The family declined making any statement
when leaving the courthouse today.

189
00:13:00,864 --> 00:13:02,034
And by all indications,

190
00:13:02,115 --> 00:13:04,695
plan to spend their night
here at their home in Newton.

191
00:13:04,785 --> 00:13:06,655
What happens tomorrow is anyone's guess.

192
00:13:06,745 --> 00:13:08,655
However, opening statements suggest

193
00:13:08,747 --> 00:13:10,957
we could be in for an
emotionally charged trial.

194
00:13:11,041 --> 00:13:13,201
- This is Alix Wong, Channel 12 News.
- [MESSAGE CHIME]

195
00:13:25,472 --> 00:13:26,682
[MESSAGE CHIME]

196
00:13:58,589 --> 00:14:00,669
[CHATTERING]

197
00:14:05,721 --> 00:14:07,391
[FOOTSTEPS APPROACHING]

198
00:14:09,850 --> 00:14:11,350
Just got off the phone with Duffy.

199
00:14:11,810 --> 00:14:14,310
It's not good. Just hear me out.

200
00:14:14,396 --> 00:14:15,516
What?

201
00:14:15,606 --> 00:14:18,226
His name is James O'Leary,
the guy in the Lincoln.

202
00:14:18,317 --> 00:14:19,857
They call him Father O'Leary.

203
00:14:20,402 --> 00:14:21,492
They?

204
00:14:21,570 --> 00:14:23,240
I guess he's an old gangster.

205

00:14:23,322 --> 00:14:26,242
He's got a record. Duffy said he
used to be some sort of muscle.

206

00:14:26,325 --> 00:14:29,075
Now he hires himself out to
do, you know, small things,

207

00:14:29,161 --> 00:14:30,871
roughing people up, that sort of thing.

208

00:14:31,288 --> 00:14:34,078
Are you kidding me?
What does he want with us?

209

00:14:34,166 --> 00:14:35,286
I don't know.

210

00:14:35,792 --> 00:14:38,962
What are we supposed to do?
Can't they arrest him? Question him?

211

00:14:39,046 --> 00:14:41,376
Not unless he explicitly threatens us.

212

00:14:42,090 --> 00:14:43,380
Oh, my God.

213

00:14:43,467 --> 00:14:46,597
Duffy said she's gonna keep an eye
on him. I know it doesn't sound good,

214

00:14:46,678 --> 00:14:49,218
but odds are it's probably
just someone trying to scare us.

215

00:14:49,306 --> 00:14:51,266
Because we're not scared enough already.

216
00:14:57,439 --> 00:15:01,689
My heart was kind of pounding
then, because he wasn't answering me.

217
00:15:01,777 --> 00:15:05,607
Uh, still, I couldn't see how
he looked until I got close.

218
00:15:06,782 --> 00:15:08,162
And did you call for help?

219
00:15:08,825 --> 00:15:12,155
I remember crawling backwards
up the slope, dialing 911.

220
00:15:13,997 --> 00:15:15,207
Thank you, Mrs. Gianetto.

221
00:15:16,083 --> 00:15:17,333
Ms. Klein.

222
00:15:17,417 --> 00:15:18,917
No questions, Your Honor.

223
00:15:20,128 --> 00:15:21,548
The dog park, yes.

224
00:15:21,630 --> 00:15:22,920
[NEAL] What time was this?

225
00:15:23,632 --> 00:15:24,972
Around 8:00 a.m.

226
00:15:25,717 --> 00:15:29,177
Like I said, it sounded
like a boy's voice I heard.

227
00:15:29,847 --> 00:15:32,847
He said, "Stop. You're hurting me."

228

00:15:33,642 --> 00:15:35,142
"Stop. You're hurting me."

229

00:15:37,896 --> 00:15:40,686
Could you tell what direction
the boy's voice came from?

230

00:15:42,776 --> 00:15:44,066
[MAN] West, I think.

231

00:15:45,988 --> 00:15:47,698
Detective, is it standard procedure

232

00:15:47,781 --> 00:15:51,241
for an assistant district attorney
to direct a homicide investigation?

233

00:15:51,994 --> 00:15:53,004
Yes.

234

00:15:53,078 --> 00:15:55,498
And who was the assistant DA
assigned to the case that day?

235

00:15:55,581 --> 00:15:56,961
Objection. Relevance.

236

00:15:57,040 --> 00:15:58,250
[SCOFFS]

237

00:15:58,625 --> 00:15:59,875
See counsel at sidebar.

238

00:16:03,922 --> 00:16:06,972
Your Honor, I don't see how
Mr. Barber's brief involvement in this case

239

00:16:07,050 --> 00:16:09,260
has anything to do with
his son's innocence or guilt.

240

00:16:09,344 --> 00:16:12,684
Your Honor, the jury is entitled to
hear that the defendant's own father

241

00:16:12,764 --> 00:16:15,104
was in charge of the early
stages of the investigation.

242

00:16:17,561 --> 00:16:19,811
I'm going to allow it, but
I warn you, counselor.

243

00:16:19,897 --> 00:16:22,687
Mr. Barber is not on
trial here. Remember that.

244

00:16:23,317 --> 00:16:25,357
Yes, Your Honor. Understood.

245

00:16:26,445 --> 00:16:27,905
Witness will answer the question.

246

00:16:30,616 --> 00:16:32,276
Andrew Barber was in charge.

247

00:16:33,827 --> 00:16:37,537
And did you find it strange that
Mr. Barber was handling a case

248

00:16:37,623 --> 00:16:39,503
that involved his own son's classmate?

249

00:16:40,209 --> 00:16:41,589
Not really, no.

250

00:16:42,085 --> 00:16:44,205
[NEAL] And once his son
was charged with the murder?

251

00:16:44,713 --> 00:16:45,843
Any concerns?

252

00:16:47,049 --> 00:16:48,719
I wasn't happy about it.

253

00:16:49,343 --> 00:16:52,433
Detective, have you
ever heard of a prosecutor

254

00:16:52,513 --> 00:16:55,393
being involved in the
investigation into his own child?

255

00:16:55,474 --> 00:16:57,104
- Objection.
- Sustained.

256

00:16:57,184 --> 00:16:59,384
You've made your point,
counselor. Let's move it along.

257

00:17:00,145 --> 00:17:01,765
No further questions, Your Honor.

258

00:17:03,649 --> 00:17:04,729
[JUDGE FRENCH] Ms. Klein.

259

00:17:05,983 --> 00:17:08,953
Detective Peterson, you were
among the first at the crime scene.

260

00:17:09,029 --> 00:17:11,989
- Was there a murder weapon found that day?
- No, ma'am.

261

00:17:12,074 --> 00:17:15,244
Besides a single fingerprint
found on the victim's sweatshirt,

262

00:17:15,327 --> 00:17:17,407
was there any evidence recovered that day?

263

00:17:17,496 --> 00:17:18,616
No.

264
00:17:18,704 --> 00:17:22,504
And of course, the fingerprint
wasn't identified until later. Yes?

265
00:17:22,584 --> 00:17:24,004
Yes. Correct.

266
00:17:24,086 --> 00:17:26,956
So is it fair to say that at the
beginning of the investigation,

267
00:17:27,047 --> 00:17:31,047
neither you nor Mr. Barber
had any obvious suspects?

268
00:17:31,134 --> 00:17:32,144
We did not.

269
00:17:32,219 --> 00:17:35,059
And was the defendant
the first suspect to emerge?

270
00:17:35,973 --> 00:17:38,683
- No. We initially just...
- Objection. Relevance?

271
00:17:41,019 --> 00:17:42,019
Overruled.

272
00:17:43,355 --> 00:17:45,645
We initially pursued a
suspect named Leonard Patz.

273
00:17:45,732 --> 00:17:49,492
He had a record for indecent assault
and battery on kids, things like that.

274
00:17:49,570 --> 00:17:51,860
So a registered sex offender,

275

00:17:51,947 --> 00:17:54,067
and that's what made
him a person of interest?

276

00:17:54,157 --> 00:17:56,077
That, and he lived near the park.

277

00:17:56,159 --> 00:17:57,659
He didn't just live near the park.

278

00:17:57,744 --> 00:18:00,834
He was known to walk in the
park most mornings. Isn't that true?

279

00:18:00,914 --> 00:18:02,714
Objection. Leading the witness.

280

00:18:02,791 --> 00:18:03,831
Overruled.

281

00:18:04,585 --> 00:18:08,415
Yes. In fact, he admitted to being
in the park that same morning.

282

00:18:09,756 --> 00:18:11,966
No more questions. Thank you.

283

00:18:13,051 --> 00:18:18,101
Detective, whose idea was it to pursue
the investigation into Leonard Patz?

284

00:18:20,767 --> 00:18:22,637
Andy Barber brought it to my attention.

285

00:18:23,604 --> 00:18:25,484
[NEAL] Andy Barber. I see.

286

00:18:26,440 --> 00:18:28,690
And Mr. Patz was then cleared

287
00:18:28,775 --> 00:18:31,355
when Mr. Barber's own son
was charged with the crime.

288
00:18:33,363 --> 00:18:34,363
Yes.

289
00:18:34,448 --> 00:18:35,868
No further questions, Your Honor.

290
00:18:38,785 --> 00:18:41,205
- Your Honor, we'd like to recross.
- Go ahead.

291
00:18:43,123 --> 00:18:47,713
Detective, when Mr. Logiudice
asked if you had cleared Leonard Patz,

292
00:18:47,794 --> 00:18:50,134
were you certain of his innocence?

293
00:18:50,214 --> 00:18:51,844
Certain? No.

294
00:18:51,924 --> 00:18:56,054
Did you agree with Mr. Barber's
decision to investigate Leonard Patz?

295
00:18:56,512 --> 00:18:58,222
Yes. Absolutely.

296
00:18:58,305 --> 00:19:01,555
What about other decisions
Andy Barber made?

297
00:19:01,642 --> 00:19:02,852
Any concerns at all?

298
00:19:03,393 --> 00:19:04,813
None I can think of.

299
00:19:05,646 --> 00:19:06,856
He's the best they got.

300
00:19:08,106 --> 00:19:10,066
The best they used to have, anyway.

301
00:19:11,568 --> 00:19:14,108
Thank you, Detective. No further questions.

302
00:19:15,072 --> 00:19:17,742
Commonwealth, you prepared
to call your next witness?

303
00:19:19,910 --> 00:19:21,250
Uh, yes, Your Honor.

304
00:19:24,039 --> 00:19:26,789
The beam refracts through each slit

305
00:19:26,875 --> 00:19:29,435
and makes a pattern of light
and dark stripes on the other side.

306
00:19:29,461 --> 00:19:33,801
Why? Because light isn't
made of particles, but...

307
00:19:33,882 --> 00:19:35,012
- Waves?
- Exactly.

308
00:19:35,092 --> 00:19:37,682
And it is the intersection of the
waves that make the patterns.

309
00:19:38,262 --> 00:19:41,222
So these physicists decide that
they're gonna solve what's going on

310
00:19:41,306 --> 00:19:44,766
by installing a device
that allows them to see

311
00:19:44,852 --> 00:19:48,692
exactly which slit each
electron is passing through.

312
00:19:48,772 --> 00:19:51,572
Only the moment that
they try to observe it,

313
00:19:51,650 --> 00:19:56,150
the electrons stop behaving like
waves and behave like particles again.

314
00:19:56,238 --> 00:19:57,988
- What? That's impossible.
- [PHONE BUZZES]

315
00:19:58,073 --> 00:20:00,283
- [JOANNA] Google it.
- I'll be right back.

316
00:20:00,367 --> 00:20:02,428
I tell my wife it's exactly
like me and the Celtics.

317
00:20:02,452 --> 00:20:04,542
The moment I turn on the game, they lose.

318
00:20:05,539 --> 00:20:07,579
What the hell did I say about calling here?

319
00:20:08,208 --> 00:20:10,128
I just want to know how it's going.

320
00:20:10,210 --> 00:20:11,300
What?

321
00:20:11,795 --> 00:20:13,505
What do you mean, "What"? The trial.

322
00:20:13,589 --> 00:20:15,839
He's my grandson. I got a right to know.

323
00:20:15,924 --> 00:20:17,264
Listen to me very carefully.

324
00:20:17,342 --> 00:20:20,262
You don't have a right to shit. Okay?

325
00:20:20,345 --> 00:20:23,715
Maybe I got a right to call one of these
reporters that keeps trying me, huh?

326
00:20:24,099 --> 00:20:25,099
Do whatever you want.

327
00:20:25,184 --> 00:20:27,120
Come on. I just wanna
know what are you thinking.

328
00:20:27,144 --> 00:20:28,814
I mean, what's your strategy?

329
00:20:28,896 --> 00:20:32,186
I'm watching it all day on the news
here. I think the kid's got a chance.

330
00:20:32,900 --> 00:20:34,780
But, you know, you
gotta be smart about this.

331
00:20:34,860 --> 00:20:38,200
Oh, yeah? I didn't know they
gave out law degrees in prison.

332
00:20:38,780 --> 00:20:42,120
That's funny. You think
prison's a fucking joke?

333
00:20:43,327 --> 00:20:44,537
Let me tell you something.

334
00:20:44,620 --> 00:20:47,870
This is sure as hell no
place for a kid like Jacob.

335
00:20:49,917 --> 00:20:51,787
Now one of the, uh, witnesses today,

336
00:20:51,877 --> 00:20:53,247
this cop who was on the stand,

337
00:20:54,129 --> 00:20:55,919
he mentioned this guy Patz.

338
00:20:56,006 --> 00:20:57,336
What about him?

339
00:20:57,758 --> 00:20:59,298
Well, you think he did it?

340
00:21:01,512 --> 00:21:03,602
- Do you?
- Yeah.

341
00:21:05,098 --> 00:21:06,178
Are you sure?

342
00:21:06,725 --> 00:21:07,805
Look, I gotta go.

343
00:21:07,893 --> 00:21:09,903
Guy's a child molester, right?

344
00:21:11,313 --> 00:21:12,523
Sort of.

345
00:21:12,898 --> 00:21:15,438
How... How the fuck are
you "sort of" a child molester?

346
00:21:15,901 --> 00:21:19,071
Same way you were a murderer
before you actually murdered someone.

347
00:21:19,154 --> 00:21:20,864
Why you gotta make it about me? Huh?

348
00:21:20,948 --> 00:21:23,328
Why don't you fucking quit
worrying about what I am

349
00:21:23,408 --> 00:21:25,738
and start worrying about my grandson?

350
00:21:26,119 --> 00:21:27,249
Don't call here again.

351
00:21:27,329 --> 00:21:29,749
I mean it. You keep him out of this place!

352
00:21:29,831 --> 00:21:31,121
You hear me?

353
00:21:31,208 --> 00:21:33,208
I spent my whole
fucking life in this shithole.

354
00:21:33,293 --> 00:21:35,843
I'm not gonna stand by
while my grandson's life...

355
00:21:36,880 --> 00:21:38,050
You mother...

356
00:21:38,131 --> 00:21:39,681
[INMATE] You fucked up, cocksucker.

357
00:21:39,758 --> 00:21:42,048
[WHISTLE BLOWING]
[INMATES CLAMORING]

358
00:21:54,106 --> 00:21:56,066
- Did Joanna leave?
- Yeah.

359
00:21:56,775 --> 00:21:58,275
Who was that?

360
00:21:58,360 --> 00:22:02,110
Oh, it was, uh... credit card
company, just confirming some charges.

361
00:22:04,825 --> 00:22:07,695
Joanna seemed... optimistic.

362
00:22:08,537 --> 00:22:11,157
You know, I'm starting
to think she should be.

363
00:22:17,504 --> 00:22:19,732
[SARAH] So weird, 'cause there
were just all these people there.

364
00:22:19,756 --> 00:22:21,276
I don't even know why,
because it was so cold outside.

365
00:22:21,300 --> 00:22:23,090
- [LAURIE] Hey.
- Hold on one second.

366
00:22:23,177 --> 00:22:24,717
I'm just hanging these on your door.

367
00:22:25,179 --> 00:22:26,219
Okay. Thanks.

368
00:22:26,889 --> 00:22:27,969
Who are you talking to?

369
00:22:28,557 --> 00:22:29,557
Sarah.

370
00:22:30,100 --> 00:22:32,190
Oh. Okay.

371
00:22:33,020 --> 00:22:34,610
- Tell her I said hi.
- Okay.

372
00:22:36,190 --> 00:22:37,417
- Sorry about that.
- [DOOR CLOSES]

373
00:22:37,441 --> 00:22:40,151
So anyway, um, this lady
comes in with her kids, right?

374
00:22:40,235 --> 00:22:42,735
And they're just so loud and obnoxious.

375
00:22:42,821 --> 00:22:45,871
And I was like, "Oh, my
gosh. Shut up already." But...

376
00:22:53,123 --> 00:22:55,268
[NEAL] You've been with
the state's crime lab how long?

377
00:22:55,292 --> 00:22:57,422
Eleven years, almost 12.

378
00:22:58,212 --> 00:23:02,382
Ms. Carlson, could you describe the
blood evidence at the point of attack?

379
00:23:02,466 --> 00:23:05,756
There were a few small spatters
less than an inch in diameter.

380
00:23:05,844 --> 00:23:07,489
[NEAL] Yesterday, we heard defense contend

381
00:23:07,513 --> 00:23:10,643
that there should have been
blood on the clothing of an attacker

382
00:23:10,724 --> 00:23:12,524
in a stabbing like this.

383
00:23:12,601 --> 00:23:14,391
- Do you have an opinion on that?
- Yes.

384
00:23:14,478 --> 00:23:18,898
That's not necessarily true, since
no spatter seemed cast off with force.

385
00:23:18,982 --> 00:23:22,692
It's also possible the assailant stood
behind the victim when he stabbed him,

386
00:23:22,778 --> 00:23:26,318
which would have meant he was out
of the trajectory of any spray or spatter.

387
00:23:26,865 --> 00:23:28,945
[NEAL] What can you tell
us about the murder weapon?

388
00:23:29,034 --> 00:23:33,914
We were looking for a knife with a
four-to six-inch blade and a serrated edge.

389
00:23:34,665 --> 00:23:35,745
I see.

390
00:23:36,959 --> 00:23:39,839
So, a knife like this one?

391
00:23:39,920 --> 00:23:41,960
- [SPECTATORS MURMURING]
- [JOANNA] Objection.

392
00:23:42,047 --> 00:23:43,441
Commonwealth moves
to enter into evidence...

393
00:23:43,465 --> 00:23:44,675
Objection!

394
00:23:45,175 --> 00:23:47,635
Your Honor, the jury
will soon hear testimony

395
00:23:47,719 --> 00:23:49,259
from the defendant's best friend

396
00:23:49,346 --> 00:23:52,426
that the defendant owned
a knife exactly like this one:

397
00:23:52,516 --> 00:23:53,726
A Schnell Tactical.

398
00:23:53,809 --> 00:23:55,939
[JOANNA] Your Honor, this is a cheap stunt.

399
00:23:56,019 --> 00:23:59,819
The Commonwealth has yet to
link any such knife to the defendant,

400
00:23:59,898 --> 00:24:03,738
and to wave it around in here now
is irresponsible. It's inflammatory.

401
00:24:03,819 --> 00:24:07,199
Agreed. Objection sustained.
Put away the knife, Mr. Logiudice.

402
00:24:08,365 --> 00:24:10,405
In that case, no more
questions, Your Honor.

403
00:24:11,201 --> 00:24:12,201
[JUDGE FRENCH] Cross.

404
00:24:12,286 --> 00:24:13,656
[JOANNA] Absolutely, Your Honor.

405
00:24:14,371 --> 00:24:17,371
Ms. Carlson, we were
just on the subject of blood.

406
00:24:17,457 --> 00:24:20,587
Was there any blood evidence
recovered from the defendant?

407
00:24:20,669 --> 00:24:21,749
No.

408
00:24:21,837 --> 00:24:23,757
Genetic evidence?

409
00:24:23,839 --> 00:24:26,759
DNA? Hairs? Fibers?

410
00:24:26,842 --> 00:24:28,472
No, just the fingerprint.

411
00:24:28,969 --> 00:24:31,509
- May I propose a hypothetical?
- Okay.

412
00:24:31,597 --> 00:24:36,517
Let's suppose the defendant, Jacob,
was walking on his way to school...

413
00:24:37,519 --> 00:24:40,609
and came across the
victim lying on the ground.

414
00:24:41,440 --> 00:24:48,160
And suppose Jacob lifted the victim
by the collar to see if he was okay.

415
00:24:48,238 --> 00:24:52,408
Might that create a fingerprint
consistent with the one you found?

416
00:24:52,910 --> 00:24:54,490
Yes, that is possible.

417
00:24:55,037 --> 00:24:58,867
Now the knife that the Commonwealth
attempted to enter into evidence,

418
00:24:58,957 --> 00:25:00,417
had you ever seen it before?

419
00:25:00,501 --> 00:25:01,921
Objection. Relevance.

420
00:25:02,002 --> 00:25:05,382
Overruled. You opened the door, counselor.

421
00:25:06,340 --> 00:25:08,630
[CARLSON] Yes. The DA's
office asked me to determine

422
00:25:08,717 --> 00:25:12,637
if that particular model of knife was
consistent with the victim's wounds.

423
00:25:12,721 --> 00:25:16,771
Ah. And I assume they gave you
other models to compare as well?

424
00:25:16,850 --> 00:25:18,100
No.

425
00:25:18,185 --> 00:25:19,225
No?

426
00:25:20,896 --> 00:25:23,016
Did they at least ask you to determine

427
00:25:23,106 --> 00:25:26,066
how many other knives might
have made those wounds?

428
00:25:26,652 --> 00:25:27,692
No.

429
00:25:27,778 --> 00:25:29,238
Well, how many would you think?

430
00:25:30,572 --> 00:25:34,162
I... I don't know. That...
That would be speculating.

431
00:25:34,243 --> 00:25:35,373
[JOANNA] A thousand?

432
00:25:35,827 --> 00:25:36,827
Uh...

433
00:25:37,538 --> 00:25:38,748
A large number.

434
00:25:38,830 --> 00:25:41,120
Seven hundred? Five hundred?

435
00:25:42,918 --> 00:25:45,248
Somewhere... Somewhere in that range.

436
00:25:45,629 --> 00:25:50,339
In other words, the chances
of it being the actual knife

437
00:25:50,425 --> 00:25:52,085
are one in 500. Correct?

438
00:25:52,177 --> 00:25:54,217
Objection. Calls for speculation.

439
00:25:54,304 --> 00:25:55,434
Sustained.

440
00:25:59,351 --> 00:26:01,021
No further questions, Your Honor.

441
00:26:02,187 --> 00:26:03,767
[DAN] This is all going to shit.

442
00:26:03,856 --> 00:26:06,226
He's gonna walk. Can't you see that?

443
00:26:06,316 --> 00:26:07,916
He's gonna get away with killing our son

444
00:26:07,943 --> 00:26:10,783
because of that asshole
and his goddamn theatrics.

445
00:26:10,863 --> 00:26:12,453
[JOAN] Please, I can't take this.

446
00:26:12,531 --> 00:26:14,241
[DAN] Yeah, well, I can't take it either.

447
00:26:14,324 --> 00:26:16,494
[JOAN] Dan. Dan.

448
00:26:22,165 --> 00:26:24,285
[CHATTERING CONTINUES]

449
00:26:32,009 --> 00:26:34,849
How he didn't know that that
stunt would backfire is beyond me.

450
00:26:34,928 --> 00:26:36,048
Because he's reckless.

451
00:26:36,763 --> 00:26:38,283
- You doing all right?
- [SOFTLY] Yeah.

452
00:26:40,559 --> 00:26:41,809
One of them smiled.

453
00:26:42,853 --> 00:26:45,813
One of the jurors, the guy with the goatee.

454
00:26:45,898 --> 00:26:47,398
He smiled? Really?

455
00:26:47,482 --> 00:26:51,032
Yeah, when she admitted it was
a one in 500 chance, he smiled.

456
00:26:51,111 --> 00:26:52,361
[PHONE CHIMES]

457
00:26:54,489 --> 00:26:56,449
[CLEARS THROAT] Something wrong?

458
00:26:57,159 --> 00:26:58,739
No. No, it's nothing.

459
00:26:59,453 --> 00:27:00,663
We'll talk later.

460
00:27:02,331 --> 00:27:05,961
You and Mr. Barber have worked
together on many cases. Is that right?

461
00:27:06,376 --> 00:27:07,376
We go back, yes.

462
00:27:07,878 --> 00:27:10,668
Would you describe him as
diligent when it came to his work?

463
00:27:11,048 --> 00:27:12,728
[DUFFY] More than that. He was relentless.

464
00:27:12,758 --> 00:27:14,638
Was that relentlessness on display

465
00:27:14,718 --> 00:27:17,198
when you were attempting to
cut through the school's red tape?

466
00:27:17,596 --> 00:27:19,436
He didn't feel the
classmates were a priority.

467
00:27:19,515 --> 00:27:21,475
We'd already interviewed
Ben's close friends.

468
00:27:21,558 --> 00:27:24,388
Once you did interview
the students, finally,

469
00:27:24,478 --> 00:27:27,108
was there anything useful
that came out of that?

470
00:27:27,189 --> 00:27:28,899
After the initial meetings, nothing much.

471
00:27:28,982 --> 00:27:31,112
But with some follow-up,
we came to learn that

472
00:27:31,193 --> 00:27:33,546
there was an ongoing beef
between the victim and the defendant.

473
00:27:33,570 --> 00:27:36,160
Meaning Ben had been
bullying the defendant.

474
00:27:36,573 --> 00:27:37,743
For some time, yes.

475
00:27:37,824 --> 00:27:41,294
Was this around the time that you
started to view the defendant as a suspect?

476
00:27:42,162 --> 00:27:43,162
It was.

477
00:27:43,247 --> 00:27:45,747
Even as his father was still
running the investigation?

478
00:27:47,459 --> 00:27:49,959
Certain aspects of the
investigation had to be carried out

479
00:27:50,045 --> 00:27:51,835
without Mr. Barber's knowledge.

480
00:27:53,298 --> 00:27:54,418
[NEAL] What did that reveal?

481
00:27:57,261 --> 00:28:00,641
That the defendant supposedly had
a knife consistent with the wounds,

482
00:28:00,722 --> 00:28:02,562
that he had sufficient motive,

483
00:28:02,641 --> 00:28:05,521
and he had opportunity, in that his
movements the morning of the attack

484
00:28:05,602 --> 00:28:07,442
placed him near or at the scene.

485
00:28:07,521 --> 00:28:09,021
Did you arrest him at this time?

486
00:28:09,106 --> 00:28:10,646
Not until the fingerprint came back.

487
00:28:10,732 --> 00:28:12,627
We then obtained a warrant
and searched the house,

488
00:28:12,651 --> 00:28:14,861
trying to find the knife, which we did not.

489
00:28:15,821 --> 00:28:17,571
Did you seize the defendant's computer?

490
00:28:17,656 --> 00:28:20,026
We did, but we found
nothing directly incriminating.

491
00:28:20,117 --> 00:28:23,447
Detective, are you aware of a
program called Disk Scraper?

492
00:28:23,537 --> 00:28:27,167
I am. It's a program that wipes hard
drives, deletes files, that kind of thing.

493
00:28:27,249 --> 00:28:30,249
Was that program on the defendant's laptop?

494
00:28:31,086 --> 00:28:32,086
It was.

495
00:28:33,213 --> 00:28:37,053
Is it possible that there was
incriminating evidence on the laptop,

496
00:28:37,134 --> 00:28:38,574
and it was removed by the defendant?

497
00:28:38,635 --> 00:28:40,795
Objection. Calls for speculation.

498
00:28:40,888 --> 00:28:41,888
Sustained.

499
00:28:42,931 --> 00:28:44,181
What about pornography?

500
00:28:44,266 --> 00:28:46,136
- Objection. Relevance.
- Sustained.

501
00:28:46,226 --> 00:28:47,896
[NEAL] Let me be more specific.

502
00:28:48,520 --> 00:28:52,650
Did you find any violent
pornography on the defendant's laptop?

503
00:28:54,151 --> 00:28:56,071
I think all pornography is violent.

504
00:28:56,153 --> 00:28:57,203
Of course.

505
00:28:57,863 --> 00:29:01,373
I mean, specifically, images
glorifying abuse or torture.

506
00:29:01,450 --> 00:29:03,040
Objection. Relevance.

507
00:29:04,494 --> 00:29:06,464
Overruled. The witness will answer.

508
00:29:08,790 --> 00:29:09,920
Some, yeah.

509
00:29:10,000 --> 00:29:11,590
[SPECTATORS MURMURING]

510
00:29:15,214 --> 00:29:16,334
[NEAL] No further questions.

511
00:29:19,176 --> 00:29:22,886
Detective, I assume you have
executed countless search warrants

512
00:29:22,971 --> 00:29:25,061
- in your career, yes?
- Sure.

513
00:29:25,140 --> 00:29:26,560
Seized a lot of laptops.

514
00:29:26,642 --> 00:29:27,732
Yes.

515
00:29:27,809 --> 00:29:31,309
Have you ever found one that
didn't have some pornography on it?

516
00:29:31,396 --> 00:29:32,686
[SPECTATORS CHUCKLE]

517
00:29:33,232 --> 00:29:34,322
I don't think so.

518
00:29:34,399 --> 00:29:36,939
Detective, is it true
that you were the first

519
00:29:37,027 --> 00:29:39,447
to identify Leonard Patz
as a person of interest,

520
00:29:39,530 --> 00:29:41,280
and not Mr. Barber?

521
00:29:41,907 --> 00:29:43,697
Yes. I brought Patz to Andy's attention,

522
00:29:43,784 --> 00:29:46,254
and we agreed that he was
someone we should be looking at.

523
00:29:46,912 --> 00:29:48,252
One last question.

524

00:29:49,790 --> 00:29:52,420
At any point in the investigation,

525

00:29:52,501 --> 00:29:58,341
did Andy Barber behave in any way to
suggest that he suspected his own son?

526

00:29:58,841 --> 00:30:00,631
No, not in the slightest.

527

00:30:01,760 --> 00:30:03,970
No further questions, Your Honor.

528

00:30:04,054 --> 00:30:05,934
Mr. Logiudice, redirect?

529

00:30:14,481 --> 00:30:15,571
Detective...

530

00:30:18,777 --> 00:30:22,107
have you ever known
Mr. Barber to be violent?

531

00:30:24,408 --> 00:30:26,158
- No.
- Are you sure?

532

00:30:27,619 --> 00:30:31,079
Never seen him grab somebody
by the jacket? Push them into a wall?

533

00:30:31,164 --> 00:30:32,714
Objection. Relevance.

534

00:30:34,168 --> 00:30:35,338
Overruled.

535

00:30:39,715 --> 00:30:41,375
Once. You.

536

00:30:41,758 --> 00:30:44,718
After your provoked him with that
crack about his father doing time for...

537

00:30:46,054 --> 00:30:47,264
Doing time for murder?

538

00:30:47,347 --> 00:30:49,557
- Objection! Your Honor!
- Sustained.

539

00:30:49,641 --> 00:30:51,481
I'll see counsel at sidebar, right now.

540

00:30:52,019 --> 00:30:53,899
[SPECTATORS MURMURING]

541

00:30:56,732 --> 00:30:59,742
I'm appalled at what I just saw.
We went over this in pretrial.

542

00:30:59,818 --> 00:31:02,528
Your Honor, it was the defense
counsel who first raised the issue

543

00:31:02,613 --> 00:31:05,703
of whether the defendant's father
had reason to suspect his own son.

544

00:31:05,782 --> 00:31:07,702
I am simply trying to make that argument.

545

00:31:07,784 --> 00:31:09,544
You have got to be kidding me.

546

00:31:09,620 --> 00:31:12,250
Your Honor, the defense
moves for a mistrial.

547

00:31:12,331 --> 00:31:14,142
- Oh, come on.
- He was given specific instructions.

548

00:31:14,166 --> 00:31:18,836
You are on extraordinarily thin ice,
Mr. Logiudice, you understand me?

549

00:31:18,921 --> 00:31:21,921
Now you wrap it up with
this witness right now.

550

00:31:22,007 --> 00:31:25,587
And if I hear even a whisper about the
defendant's grandfather going forward,

551

00:31:25,677 --> 00:31:27,717
Ms. Klein will get her
mistrial. Am I clear?

552

00:31:27,804 --> 00:31:30,314
Yes, Your Honor.

553

00:31:41,735 --> 00:31:43,025
Ladies and gentlemen,

554

00:31:43,820 --> 00:31:48,330
there's a saying in the law,
"You cannot unring the bell"...

555

00:31:49,660 --> 00:31:54,500
but I am going to insist that you do
just that with regard to the last question.

556

00:31:57,084 --> 00:31:58,924
[NEAL] That must have
been torture for you...

557

00:32:00,087 --> 00:32:01,587
sitting on the sidelines.

558

00:32:02,464 --> 00:32:03,764
I had no choice.

559
00:32:05,425 --> 00:32:07,045
So you trusted Ms. Klein?

560
00:32:07,845 --> 00:32:08,965
I did.

561
00:32:10,055 --> 00:32:13,725
On day four of the trial, the
Commonwealth called its final witness:

562
00:32:14,560 --> 00:32:15,770
Derek Yoo.

563
00:32:16,854 --> 00:32:22,614
Did you feel that Ms. Klein adequately
prepared for Derek Yoo's testimony?

564
00:32:23,527 --> 00:32:25,027
[ANDY] Yeah, as best she could.

565
00:32:25,445 --> 00:32:27,815
[NEAL] She intended
to destroy his credibility?

566
00:32:28,282 --> 00:32:31,372
[ANDY] He had a plausible
motive. The jury had a right to know.

567
00:32:31,869 --> 00:32:33,409
What about you and Laurie?

568
00:32:35,622 --> 00:32:37,042
What about us?

569
00:32:38,333 --> 00:32:39,673
Were you prepared?

570
00:32:43,714 --> 00:32:46,474
[CHATTERING]

571
00:33:05,402 --> 00:33:06,532
We've got a problem.

572
00:33:06,987 --> 00:33:09,157
Matt McGrath. I can't find him.

573
00:33:09,239 --> 00:33:10,319
What?

574
00:33:10,407 --> 00:33:12,327
Ellen's been trying
to call his cell all week,

575
00:33:12,409 --> 00:33:14,729
and she finally got in touch
with his mother this morning.

576
00:33:14,786 --> 00:33:19,076
And she said that she and Matt had a
fight three days ago, and that he took off.

577
00:33:19,166 --> 00:33:21,746
And his girlfriend just
posted online from Florida,

578
00:33:21,835 --> 00:33:23,835
and the mom thinks that
he's down there with her.

579
00:33:23,921 --> 00:33:26,316
What are we supposed to do? He's
supposed to take the stand tomorrow.

580
00:33:26,340 --> 00:33:29,800
Don't worry. We're gonna
think of something. Okay.

581
00:33:40,103 --> 00:33:42,403
[LAUGHING, CHATTERING]

582
00:34:03,168 --> 00:34:04,918
[DOOR OPENS]

583

00:34:26,733 --> 00:34:28,323

[BAILIFF] Court, all rise!

584

00:34:35,534 --> 00:34:39,914

I was like, "That's the same way you go to school. Did you see anything?"

585

00:34:40,539 --> 00:34:42,039

And Jake said no.

586

00:34:42,875 --> 00:34:47,835

Nothing about seeing Ben on the ground or trying to help him?

587

00:34:47,920 --> 00:34:50,630

No. Uh, and then he made a joke.

588

00:34:51,717 --> 00:34:55,257

Something like, "Couldn't happen to a nicer guy."

589

00:34:59,558 --> 00:35:03,438

And this is within a few hours after learning about Ben's murder?

590

00:35:03,979 --> 00:35:07,569

I guess, yeah. We were at Jake's house, playing video games.

591

00:35:09,401 --> 00:35:12,401

When you said that Ben used to pick on Jacob,

592

00:35:13,197 --> 00:35:14,487

what did you mean by that?

593

00:35:16,783 --> 00:35:20,583

Ben always kinda had it in for Jake. He was always calling him "fag."

594

00:35:21,163 --> 00:35:22,373
Like a nickname.

595

00:35:23,123 --> 00:35:27,793
Like he'd ask Jake questions about
different sex things gay people do,

596

00:35:27,878 --> 00:35:29,918
but in front of everyone, to embarrass him.

597

00:35:30,005 --> 00:35:32,665
Or he'd fake a punch at Jake
if he passed him in the hall.

598

00:35:32,758 --> 00:35:33,878
Stuff like that.

599

00:35:33,967 --> 00:35:36,757
And all of this bullying, it upset Jacob.

600

00:35:37,429 --> 00:35:39,389
- Yeah, of course.
- Did it make him angry?

601

00:35:41,141 --> 00:35:42,731
Not so much in front of Ben, but...

602

00:35:44,102 --> 00:35:46,812
privately, he'd go off on how
much he hated Ben's guts.

603

00:35:46,897 --> 00:35:52,527
Which I got. I mean, Ben would
be a jerk to me too sometimes.

604

00:35:53,987 --> 00:35:56,237
At what point after Ben's murder

605

00:35:56,907 --> 00:35:59,197
did you begin to consider
your friend Jacob's role in it?

606
00:35:59,284 --> 00:36:00,704
Objection. Leading the witness.

607
00:36:02,079 --> 00:36:03,209
Overruled.

608
00:36:06,124 --> 00:36:08,044
You can go ahead and answer, young man.

609
00:36:08,752 --> 00:36:10,052
I guess it was three days later.

610
00:36:10,629 --> 00:36:14,879
Was there anything other than his
temper that began to make you suspicious?

611
00:36:14,967 --> 00:36:16,467
Well, yeah. The knife.

612
00:36:16,844 --> 00:36:19,724
Jake had this scary combat
knife he'd bought in town.

613
00:36:19,805 --> 00:36:22,975
- He used to bring it to school sometimes.
- To show it off, or... or what?

614
00:36:23,058 --> 00:36:26,348
Not really. I mean, he showed
it to me and our friend Dylan...

615
00:36:27,604 --> 00:36:30,074
but it was more like he
liked having it on him,

616
00:36:30,148 --> 00:36:31,358
walking around with it.

617
00:36:31,441 --> 00:36:34,571
Like... it was this secret thing he had.

618
00:36:35,028 --> 00:36:38,408
I see. So the bullying and the knife...

619
00:36:39,491 --> 00:36:41,371
But you knew about these things,

620
00:36:41,910 --> 00:36:44,540
and still, you didn't
suspect Jacob immediately?

621
00:36:46,081 --> 00:36:49,041
I don't know. Maybe
part of me did, a little.

622
00:36:50,294 --> 00:36:52,254
But it wasn't until I read
what he wrote online.

623
00:36:52,629 --> 00:36:53,799
[NEAL] Online?

624
00:36:53,881 --> 00:36:57,091
[DEREK MUMBLES] This messed up
site Jake was into called The Cut Up Room.

625
00:36:57,176 --> 00:37:00,006
By "messed up," I'm assuming
you mean pornographic.

626
00:37:00,095 --> 00:37:03,885
Yeah, but, it's not really
so much about sex.

627
00:37:03,974 --> 00:37:07,354
More violence. Like, really graphic stuff.

628
00:37:07,436 --> 00:37:09,186
Are there stories on this site?

629
00:37:10,147 --> 00:37:14,937
Yeah, people post all kinds
of stuff. Photos, videos, stories.

630
00:37:15,027 --> 00:37:17,607
And do you know if
Jacob posted any stories?

631
00:37:19,239 --> 00:37:20,819
He did, yeah.

632
00:37:20,908 --> 00:37:22,738
He called them Job stories.

633
00:37:23,869 --> 00:37:25,079
Job stories?

634
00:37:25,162 --> 00:37:28,672
Yeah, you know, like his initials. J-O-B?

635
00:37:29,791 --> 00:37:31,461
That was his screen name on there.

636
00:37:32,586 --> 00:37:33,796
What do you know about this?

637
00:37:33,879 --> 00:37:35,339
Not enough. You got to shut it down.

638
00:37:35,422 --> 00:37:38,842
And did Job post a story
about the murder of Ben Rifkin?

639
00:37:39,426 --> 00:37:40,466
Yes.

640
00:37:40,552 --> 00:37:42,892
[SPECTATORS MURMURING]

641
00:37:44,139 --> 00:37:46,139
[NEAL] Commonwealth
moves to enter into evidence...

642
00:37:46,183 --> 00:37:47,393
[JOANNA] Objection.

643
00:37:47,476 --> 00:37:48,726
Your Honor, may we approach?

644
00:37:48,810 --> 00:37:50,850
- [JUDGE FRENCH] Settle down, please.
- [GAVEL RAPS]

645
00:37:52,648 --> 00:37:55,148
Respectfully, Your
Honor, we ask to approach.

646
00:37:59,446 --> 00:38:03,026
Your Honor, this is an ambush.
None of this was disclosed in discovery.

647
00:38:03,116 --> 00:38:05,236
Your Honor, this story was
authored by the defendant.

648
00:38:05,285 --> 00:38:08,525
If he chose to hide it from his attorney,
that's hardly the Commonwealth's fault.

649
00:38:08,747 --> 00:38:10,077
What's this about, Jacob?

650
00:38:10,916 --> 00:38:12,036
Jacob?

651
00:38:34,523 --> 00:38:36,733
Your Honor, I need
to confer with my client.

652
00:38:36,817 --> 00:38:38,437
All right, go ahead.

653
00:38:42,406 --> 00:38:43,906
I'm gonna ask your patience

654

00:38:43,991 --> 00:38:47,581
while I allow defense counselor
a moment to confer with her client.

655

00:38:50,497 --> 00:38:54,247
He's going to allow it unless our position
is that Jacob didn't write the story.

656

00:38:54,710 --> 00:38:56,938
- Then that's our plan...
- They know that he wrote it, Andy.

657

00:38:56,962 --> 00:38:58,462
They've got an IP address.

658

00:39:00,465 --> 00:39:01,795
Jacob.

659

00:39:07,139 --> 00:39:10,849
If we push back now, we're only
going to shine a brighter light on it.

660

00:39:11,310 --> 00:39:12,310
How bad is it?

661

00:39:20,360 --> 00:39:24,200
"Jason stood there on the path as
Brent kept walking toward him, grinning."

662

00:39:24,615 --> 00:39:27,655
If Brent knew the real Jason, he
would have been scared shitless.

663

00:39:27,743 --> 00:39:30,663
'Don't fuck with me, ' Jason
warned him. 'I mean it.'

664

00:39:31,246 --> 00:39:33,666
But Brent just laughed
and grabbed him by the arm,

665

00:39:33,749 --> 00:39:36,249
twisting it back like he'd
done so many times before.

666

00:39:36,877 --> 00:39:40,457
'Stop. You're hurting me, ' Jason
said. But it didn't hurt that much.

667

00:39:41,006 --> 00:39:43,966
He just wanted Brent to
think that, so he would let go.

668

00:39:44,593 --> 00:39:48,183
Brent laughed again, the way
he always did, a fake laugh.

669

00:39:48,972 --> 00:39:51,562
Jason's hand slipped
into his sweatshirt pocket.

670

00:39:52,142 --> 00:39:54,392
There it was, his trusted friend.

671

00:39:54,978 --> 00:39:58,478
He curled his fingers around the grip
and felt a surge of power through his arm,

672

00:39:58,565 --> 00:39:59,855
up into his shoulder.

673

00:39:59,942 --> 00:40:01,992
He knew there was no turning back now.

674

00:40:02,069 --> 00:40:03,699
The park seemed to know it too.

675

00:40:03,779 --> 00:40:06,449
He could hear the breeze in
the leaves and birds chirping.

676

00:40:06,907 --> 00:40:10,147
Brent saw the knife coming for him, but
it was too late to do anything but stare.

677

00:40:10,744 --> 00:40:15,174
It slipped in so easily Jason thought
he was stabbing air. That surprised him.

678

00:40:15,249 --> 00:40:18,629
He did it twice more, telling his
brain to remember the feeling for later.

679

00:40:22,047 --> 00:40:24,007
Brent fell backward and
rolled down the slope,

680

00:40:24,091 --> 00:40:26,051
until he stopped down below.

681

00:40:26,134 --> 00:40:28,644
Jason knew he should go,
but he couldn't help himself.

682

00:40:28,720 --> 00:40:31,220
He went down to Brent's
body to make sure he was dead.

683

00:40:31,306 --> 00:40:33,846
The smell of blood in the
air made him feel dizzy.

684

00:40:33,934 --> 00:40:37,444
He found a small stream nearby and
washed the knife off, and his hand too.

685

00:40:37,521 --> 00:40:41,441
He could see his reflection in the water,
but his face looked different to him now.

686

00:40:41,525 --> 00:40:43,985
'It'll be our secret, ' it seemed to say.

687

00:40:47,739 --> 00:40:48,909
"The End."

688

00:40:54,204 --> 00:41:00,134
[NEAL] This story was posted three
days after Ben Rifkin's body was found?

689

00:41:01,670 --> 00:41:02,670
[DEREK] Yeah.

690

00:41:02,754 --> 00:41:05,514
[HEARTBEAT]

691

00:41:06,717 --> 00:41:08,597
[NEAL, MUTED] No further
questions, Your Honor.

692

00:41:10,387 --> 00:41:11,656
[JUDGE FRENCH, MUTED] Ms. Klein?

693

00:41:11,680 --> 00:41:14,180
[HEARTBEAT CONTINUES]

694

00:41:22,900 --> 00:41:23,900
No.

695

00:41:24,818 --> 00:41:25,938
No, we weren't prepared.

696

00:41:27,237 --> 00:41:30,657
A surprising turn of events sent shock
waves through the courtroom today

697

00:41:30,741 --> 00:41:33,621
as testimony from one of
Jacob Barber's classmates

698

00:41:33,702 --> 00:41:37,712
provided the prosecution with
some extremely damaging evidence.

699
00:41:37,789 --> 00:41:41,959
The reaction from the jurors
was palpable, to say the least.

700
00:42:04,525 --> 00:42:05,645
[CAR DOOR CLOSES]

701
00:42:09,488 --> 00:42:10,528
[CAR DOOR OPENS]

702
00:42:12,074 --> 00:42:13,124
[CAR DOOR CLOSES]

703
00:42:20,999 --> 00:42:22,499
It was just a story.

704
00:42:32,052 --> 00:42:34,142
I didn't know it would be a big deal.

705
00:42:40,394 --> 00:42:41,404
Did you do it?

706
00:42:44,565 --> 00:42:46,225
Just tell me. Did you kill him?

707
00:42:56,910 --> 00:42:57,950
No.

708
00:43:04,960 --> 00:43:05,960
No.

709
00:43:14,469 --> 00:43:16,049
[SEAT BELT CLICKS]

710
00:43:18,432 --> 00:43:19,892
[ENGINE STARTS]

711
00:43:25,814 --> 00:43:29,114
I could ask the judge to issue a
bench warrant for Matt McGrath.

712

00:43:29,735 --> 00:43:33,105
He won't. Not for some secondary
witness holed up in Florida.

713

00:43:34,323 --> 00:43:36,583
We don't have a choice.
We gotta go straight at Patz.

714

00:43:36,658 --> 00:43:38,303
Yeah, his subpoena was served this morning.

715

00:43:38,327 --> 00:43:41,247
I'll call him as a hostile witness
and see what we can get out of him.

716

00:43:41,330 --> 00:43:45,080
We gotta run every play we have.
Not just on the Patz front, Derek too.

717

00:43:45,959 --> 00:43:47,999
You don't think we covered Derek on cross?

718

00:43:49,671 --> 00:43:51,221
You did your best.

719

00:43:51,924 --> 00:43:53,134
You were distracted.

720

00:43:54,426 --> 00:43:55,676
Everyone was.

721

00:43:56,345 --> 00:43:57,755
[ANDY SIGHS]

722

00:43:59,264 --> 00:44:03,814
We need to backstop Patz. I say we
go harder on Derek, subpoena Sarah.

723

00:44:04,520 --> 00:44:05,980
[JOANNA] Andy, we discussed this.

724

00:44:06,063 --> 00:44:09,233
That was before. We need Sarah
to hammer home Derek's obsession.

725

00:44:09,316 --> 00:44:11,816
We need to have her
repeat his words on the stand.

726

00:44:11,902 --> 00:44:13,742
Yeah, you're right. That could be powerful.

727

00:44:13,820 --> 00:44:15,160
Show the jury the selfie again.

728

00:44:15,239 --> 00:44:16,239
No.

729

00:44:17,616 --> 00:44:20,616
I don't wanna bring her into
this. It's my trial. I'm saying no.

730

00:44:21,870 --> 00:44:23,870
Sorry, but you don't get
a say in this anymore.

731

00:44:26,792 --> 00:44:28,382
Not after today.

732

00:44:42,266 --> 00:44:44,726
[JOANNA] I'll get into
it first thing tomorrow.

733

00:45:00,033 --> 00:45:01,163
[NOTIFICATION CHIME]

734

00:45:10,377 --> 00:45:11,627
[NOTIFICATION CHIME]

735

00:45:13,881 --> 00:45:15,171
[MESSAGE CHIME]

736
00:45:28,437 --> 00:45:30,557
[COMPUTER RINGING]

737
00:45:33,817 --> 00:45:35,277
[PHONE RINGING]

738
00:46:01,720 --> 00:46:03,510
You haven't said one word all night.

739
00:46:06,600 --> 00:46:07,600
Did you know?

740
00:46:08,477 --> 00:46:09,597
About the story?

741
00:46:10,479 --> 00:46:11,479
No.

742
00:46:11,563 --> 00:46:12,903
Just tell me the truth.

743
00:46:13,440 --> 00:46:15,730
- I am.
- The truth. I need to know.

744
00:46:16,235 --> 00:46:18,315
Laurie, I swear I'm telling you the truth.

745
00:46:18,987 --> 00:46:20,447
What about the website?

746
00:46:20,531 --> 00:46:21,821
The Cut Up Room?

747
00:46:29,456 --> 00:46:31,226
I only kept it from you
'cause I knew it would...

748
00:46:31,250 --> 00:46:32,790
Don't. Don't.

749
00:46:33,502 --> 00:46:34,382
Don't what?

750
00:46:34,461 --> 00:46:37,631
Explain it away like you do
everything. Excuse it away.

751
00:46:37,714 --> 00:46:39,224
I knew it would set you off.

752
00:46:39,716 --> 00:46:42,403
You were already half convinced that
Jacob was guilty. I didn't want to add...

753
00:46:42,427 --> 00:46:43,467
Not anymore.

754
00:46:52,187 --> 00:46:53,607
What'd you just say?

755
00:46:56,567 --> 00:46:57,567
I don't believe him.

756
00:46:58,652 --> 00:47:00,072
Not after what I heard today.

757
00:47:04,283 --> 00:47:05,802
So you're gonna let
this one thing change...

758
00:47:05,826 --> 00:47:07,326
It's always one thing.

759
00:47:07,995 --> 00:47:09,535
Don't you see?

760
00:47:10,080 --> 00:47:13,750
We're guilty too. If we protect
him, we're as guilty as he is.

761

00:47:13,834 --> 00:47:15,937

All right. Just keep your
voice down. He's right upstairs.

762

00:47:15,961 --> 00:47:18,711

I'm not even saying I know
what to do about it. I don't.

763

00:47:19,464 --> 00:47:21,684

But I know what I heard,
and I know what it means.

764

00:47:21,758 --> 00:47:23,138

Laurie, I'm begging you.

765

00:47:23,218 --> 00:47:26,008

Don't talk yourself into something
'cause of some made-up story.

766

00:47:26,096 --> 00:47:28,266

- It's not a story.
- Yes, it is!

767

00:47:29,308 --> 00:47:30,808

This is a kid that bullied him.

768

00:47:30,893 --> 00:47:33,813

He probably fantasized about
hurting him a thousand times.

769

00:47:33,896 --> 00:47:37,266

So he let his imagination
run wild, and he wrote it down.

770

00:47:38,358 --> 00:47:39,358

Maybe...

771

00:47:40,611 --> 00:47:42,911

Maybe he got some sick thrill imagining it.

772

00:47:42,988 --> 00:47:44,568

And is that horrible? Yes.

773

00:47:44,656 --> 00:47:47,326
It's terrible, and it was
wrong, and it was stupid,

774

00:47:47,409 --> 00:47:48,949
but it was a story.

775

00:47:50,245 --> 00:47:52,155
Joanna vetted every single line from it.

776

00:47:52,247 --> 00:47:55,627
There wasn't one detail that hadn't
already been reported by the news.

777

00:47:55,709 --> 00:47:58,549
- He was fantasizing.
- He was confessing.

778

00:48:00,047 --> 00:48:03,127
To call it anything else is just
lawyer spin, and you know it.

779

00:48:04,760 --> 00:48:06,140
What if you knew?

780

00:48:07,804 --> 00:48:11,894
What if you knew in your heart that
our son did this unforgivable thing?

781

00:48:12,434 --> 00:48:15,604
Took the life of another
child? Would it even matter?

782

00:48:15,687 --> 00:48:17,290
I'd still love him, if
that's what you're asking.

783

00:48:17,314 --> 00:48:19,984
No, it's not. I'd still love him too.

784
00:48:20,067 --> 00:48:21,937
I will always love him, no matter what.

785
00:48:22,611 --> 00:48:24,861
You don't know how badly
I wanted to hold him tonight

786
00:48:24,947 --> 00:48:26,174
and tell him it's all going to be okay.

787
00:48:26,198 --> 00:48:28,028
But I can't play this game anymore,

788
00:48:28,575 --> 00:48:30,929
letting him pretend he didn't
do it, pretending to each other.

789
00:48:30,953 --> 00:48:32,623
He's not pretending. He didn't do this.

790
00:48:32,704 --> 00:48:34,224
- I know he didn't do this.
- No, you don't!

791
00:48:34,248 --> 00:48:35,968
No one can sustain that level of deception.

792
00:48:35,999 --> 00:48:39,039
Of course he could. You of
all people should know that.

793
00:48:44,383 --> 00:48:45,553
[SCOFFS]

794
00:48:49,388 --> 00:48:50,428
Yeah.

795
00:48:51,098 --> 00:48:52,388
Yeah, of course.

796
00:48:54,184 --> 00:48:55,604
He learned it from me.

797
00:49:02,025 --> 00:49:03,775
Maybe he learned it from both of us.

798
00:49:10,492 --> 00:49:11,952
What do you want me to say, Laurie?

799
00:49:13,412 --> 00:49:14,412
You're right.

800
00:49:15,455 --> 00:49:16,745
Our marriage is a lie.

801
00:49:17,833 --> 00:49:21,633
Our whole fucking family is based
on a fairy tale, built on nothing.

802
00:49:23,672 --> 00:49:24,842
And our son's a murderer.

803
00:49:26,508 --> 00:49:27,718
Is that what you want to hear?

804
00:49:28,844 --> 00:49:30,054
No.

805
00:49:33,390 --> 00:49:35,140
But that doesn't mean it isn't true.

806
00:49:44,610 --> 00:49:46,450
[FOOTSTEPS ASCENDING STAIRS]

807
00:49:52,075 --> 00:49:54,325
[SOBS]

808
00:50:33,659 --> 00:50:35,159
[WOMAN SCREAMS]

809
00:50:35,827 --> 00:50:38,117
[PEOPLE CHATTERING]

810
00:50:40,207 --> 00:50:43,087
[WOMAN SCREAMS]

811
00:50:53,804 --> 00:50:54,934
[WOMAN ON TV] Hello.

812
00:50:58,934 --> 00:51:00,694
[TV CONTINUES, INDISTINCT]

813
00:51:08,068 --> 00:51:09,148
[SNIFFLES]

814
00:51:13,532 --> 00:51:15,782
[SOBBING]

815
00:51:33,760 --> 00:51:35,140
[SNIFFLES]

816
00:51:36,346 --> 00:51:37,556
[EXHALES]

DEFENDING JACOB



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