

BRIAN

Scene #1 20.

LATER - As students are leaving class, Brian approaches Justin who's packing up his briefcase, doesn't even look up.

START



BRIAN
Mr. Brooks? I'm--

JUSTIN
Banks. Brian Banks. Long Beach.

BRIAN
You got my letter?

JUSTIN
Letters. Yes. Aren't you on parole?

BRIAN
Yes, sir.
(points to)
Ankle bracelet and all.

Justin exits, and Brian follows --

INT. LOBBY - CALIFORNIA WESTERN SCHOOL OF LAW - CONTINUOUS
-- across the marble floor of this large lobby.

JUSTIN
So how were you and that ankle bracelet able to venture down to San Diego?

BRIAN
Told my P.O. I had a job interview.

JUSTIN
You like playing with fire?

BRIAN
No, sir. I don't. But I don't like what's happening to me more.

Justin exits the building --

EXT. DOWNTOWN SAN DIEGO STREET - DAY

-- onto the downtown sidewalk. Brian follows him.

JUSTIN
Look, I know Alissa's explained to you, we only work with people who are wrongly imprisoned.

1/10

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BRIAN
I was wrongly imprisoned.

JUSTIN
But you're out now. AND you took a plea.

BRIAN
I only took the plea 'cause I was--

JUSTIN
You don't have to explain. Ninety-seven per cent of all cases plead out. I get it. But since you didn't go to trial, you can't appeal. Your only option is to file a habeas petition.

BRIAN
What's that?

JUSTIN
Writ of habeas corpus. You challenge the conviction based on new evidence. But you heard what I said in class. It's gotta be damn good evidence.

He turns, enters:

INT. PARKING GARAGE - DAY

Brian keeps up with him.

BRIAN
That's why I wanted to talk to you about my DNA results --

JUSTIN
Which you had at the time, right? I'm trying to tell ya, you need something new. Like a new witness who can place you somewhere else at the time of the incident. Or a recantation by the complainant.

BRIAN
A what?

Justin stops at his 20 year old Jeep Cherokee, GRATEFUL DEAD and PEARL JAM stickers on the window.

2/10

JUSTIN

The girl would have to say you didn't do it.

BRIAN

Oh, come on, man, I go anywhere near her, they send me right back to prison. And ain't no way she gonna flip. Girl got paid a million and a half bucks.

JUSTIN

What?

BRIAN

She and her mom sued the school district for "*lack of security*." Got one point five.

We can see this has an affect on Justin. Then, he opens his car door, grabs a box of legal documents off a guitar case in the back seat, faces Brian.

JUSTIN

I wish I could help you, Brian. I do. But I got clients who've been locked up twenty, thirty years -- innocent folks who'd love to be able to take a day trip to San Diego... The system's broken, man. It's a shark that eats people alive. But at least you managed to get halfway out of it's mouth.

That's Justin's way of letting Brian down easy. But Brian's not having it. As Justin starts out... .

BRIAN

Mr. Brooks!

(Justin stops, looks back)

You say ninety-seven percent take a plea? How many of them you think are innocent? Five percent? Ten?

JUSTIN

Maybe more.

BRIAN

Well that's thousands of people. So what if some of us are on parole. In a lot of ways, it's worse. I can't get a job. Can't go near a school or a park. Man, I can't even vote.

(MORE)

3/10

BRIAN (CONT'D)

It's like I can see the world but I can't touch it. And as long as people see me as a criminal -- as some kind of monster -- I'll always be locked up... I'm asking you to see me, Mr. Brooks? See me standing right here in front of you, and help me.

Brian's plea has obviously gotten to Justin. But still...

JUSTIN

I see you, Brian. I do. But unless I see some new evidence... there's nothing I can do.

Brian sighs, no getting around this.

BRIAN

So what'd you say that thing was called again? Writ of what?

END

INT. BRIAN'S BEDROOM - NIGHT

At his computer, Brian reads through a sample PETITION FOR A WRIT OF HABEAS CORPUS on a legal website.

LATER -- Brian opens his bedroom closet, pulls out two boxes marked *Case File*.

LATER -- Brian sifts through paperwork: POLICE REPORTS, COURT TRANSCRIPTS, DNA ANALYSIS. He's bleary-eyed from reading.

CLOSE ON: A blank HABEAS FORM on a computer screen.

Brian types: *BRIAN BANKS vs. LONG BEACH SUPERIOR COURT.*

Then: *MOTION TO RECALL SENTENCE AND DISMISS.*

Then...

Then what? He looks at the pile of documents. Back at the computer screen. And doesn't know where to start.

The ALARM on his phone starts beeping. He checks the time.

BRIAN

Oh shit.

4/10

BRIAN

Scene #2^{46.}

ALISSA

Which his attorney didn't use. God knows why.

STUDENT

So why did he plea? Did you ask him?

Marylin SIGHs, looks to Alissa.

MARILYN

He said it was the biggest mistake of his life.

FLASHBACK/INT. COURTROOM - LONG BEACH SUPERIOR COURT - DAY

A BAILIFF lets in a line of ORDINARY CITIZENS, MOSTLY WHITE. Brian's attorney, BARBARA FORD, (40's, officious), nudges Brian, who stands, faces these folks with a pleasant smile.

Barbara and Deputy DA Colander approach JUDGE MONK (63), hold a sidebar near the bench.

Brian catches a WHITE WOMAN looking right at him. She turns away, her expression hard to read.

JUDGE MONK

I'm sorry, folks. We need to take a thirty minute recess while I meet with counsel in chambers.

INT. ATTORNEY'S ROOM - LONG BEACH SUPERIOR COURT - DAY

Brian alone in the room. Barbara enters. Energized.

START →

BARBARA

I've got good news. I worked out a deal with the DA.

BRIAN

They're gonna drop the charges?

BARBARA

The kidnapping and sodomy charges. If you plead "No Contest" to one count of rape.

BRIAN

What's "no contest"?

5/10

BRIAN BANKS 5/31/17

BARBARA

It means you don't contest the charge. You don't plead guilty, you don't plead not guilty --

BRIAN

But I am not guilty.

BARBARA

Now technically the judge could then sentence you up to six years -- But, he won't. The court will take into consideration your age, the absence of any past criminal record, and you'll get probation, Brian. I'm sure of it.

(beat)

But... if you go back into that courtroom and roll the dice, you're looking at possibly spending the rest of your life behind bars.

Brian is having a hard time processing all this.

BRIAN

But why can't we fight this? I'm innocent. I keep telling everyone, we never had sex.

BARBARA

But you've admitted to some sexual contact. So it comes down to consent. Who does the jury believe. And did you see all those white folks out there? All they see is a big black teenager accused of rape. And if they end up on the jury, they're going to find you guilty. But if you take this deal, in three months time you could go back to your life, to your family, back to playing football. You'll be free.

The enormity of the decision at hand overwhelms Brian.

BRIAN

Can I -- talk this over with my mom?

BARBARA

No, Brian. You've been charged as an adult, you need to make this decision yourself. They've given us ten minutes to decide.

6/10

BRIAN
Ten minutes??

BARBARA
Then the deal's off the table. You
need to decide now. Do you want to
go home? Put this all behind you?
Or do you want to risk your whole
life for something you didn't do?

ON BRIAN -- left by himself to make the most momentous
decision of his life. If ever a son needed his mother, it's
now. Instead, he is alone. With his fear. His youth. The
unfairness of it all.

end

INT. COURTROOM - LONG BEACH SUPERIOR COURT - DAY

Brian, head hanging, at the defendant's table.

JUDGE MONK
So, Mr. Banks, it's my
understanding that you wish to
enter a plea. Is that correct?

Leomia lets out a small YELP OF shock. Brian winces. Barbara
nudges Brian, who stands up.

BRIAN
... Yes, sir.

EXT. LONG BEACH SUPERIOR COURT - DAY

Brian, shackled in a "body wrap", chains around his waist,
ankles, and arms, hobbles behind an armed GUARD into a van.

JUDGE (V.O.)
Now, you do have the right to a
trial by jury...

INT. TRANSPORT VAN/HARBOR FREEWAY - DAY

Brian, strapped in, watches through the van's window as they
pull up to MEN'S CENTRAL JAIL. Foreboding settles over him.

JUDGE (V.O.)
The right to confront and cross-
examine witnesses...

7/10

BRIAN

Scene #3

INT. CIP SEMINAR ROOM - DAY

Brian hits PAUSE on the computer and turns in anticipation to the CIP team. They're all floored by what they've just seen.

All Alissa can manage is...

START →

ALISSA

Amazing.

MARILYN

A full recantation on tape.

JUSTIN (O.S.)

But did she know?

All eyes turn to Justin.

JUSTIN (CONT'D)

Did she know she was being taped?
Did this guy tell her?

BRIAN

He had a sign on the wall sayin'
the room was being monitored.

JUSTIN

A sign on the wall? That's it?

Justin looks over at Alissa, who shakes her head.

BRIAN

Justin -- this is what you said I
needed. Something extraordinary.
And that's what I brought you:
Wanetta telling the truth!

JUSTIN

(beat)

It's amazing, Brian. It really is.
I've never seen anything like it.
But it's also...

He can't bring himself to break Brian's heart again, so
Alissa regretfully chimes in:

ALISSA

It's inadmissible, Brian. In the
state of California you can't
record someone without their
explicit consent.

8/10

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JUSTIN

You could get in trouble for even filming this. Not to mention, violating your parole by meeting with her.

BRIAN

You've got to be kidding me! We got her telling the truth on tape -- and I can't even show it to anybody?! In the NFL, when there's a disputed call, they go to the tape. Why can't the court just go to the tape?!

ALISSA

What do you think the chances of getting her to do it again are? On the record?

BRIAN

No chance. The PI freaked her out by trying to get her to sign something at the end.

JUSTIN

And I guarantee you, once somebody tells her she could go to jail for perjury and lose all that money -- she's going to recant her recantation.

(beat)

Man, why didn't you call us after she reached out to you?

BRIAN

Why didn't I call you? Because every time I try to throw you guys a pass you bat it down. Just like you're doing now.

JUSTIN

That's not what we're doing --

BRIAN

All these "legal" excuses about the system, about why the truth doesn't matter. Well, the truth does matter!

JUSTIN

You're right. It does. And, yes, this tape is extraordinary. It's just--

9/10

Again he sighs. He wants to help Brian but the situation is just such a mess.

Brian suddenly becomes very focused.

BRIAN

OK, Justin -- forget the tape. Because I see where this is going. You're trying to figure out a way to let me down easy again. Well that ain't gonna happen. You want extraordinary? I tell you what's "extraordinary" about this case...

(beat)

I am.

Now he's got their full attention.

BRIAN (CONT'D)

It's extraordinary that I'm still here. That I'm still standing. You ever been to prison? And I don't mean to visit one of your clients -- you ever been locked up?

(beat)

I spent my seventeenth birthday and the thirty days after in solitary confinement. It nearly killed me. And the only reason it didn't is because something happened to me. Something extraordinary. Someone extraordinary...

(Though he doesn't name him here, Brian's referring to Jerome Johnson, the man who turned Brian's life around in prison.)

BRIAN (CONT'D)

Now I've done everything I can on my own to free myself. There's only one person that can get me the rest of the way -- and that's you. So I'm beggin' you... please... forget all the rules, all the reasons, all the roadblocks they put in our way. I know the system doesn't care but I know you do. So I'm asking you to help me, Justin. Help set me free.

END

Brian's eyes are filled with tears -- and Justin's are as well. Because what he sees in Brian is unshakable. Undeniable.

Extraordinary.

10/10