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# cries in the night

## A DRAMA IN ONE ACT

A Kasserine County Courthouse Series

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# CRIES IN THE NIGHT - A DRAMA IN ONE ACT - A KASSERINE COUNTY COURTHOUSE SERIES

written by

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## Synopsis

In this courtroom drama set in 1962, the trial of a Gloria McCann accused of murdering her husband brings charismatic defense counselor Danny Dobson to believe he'll secure an easy acquittal after learning his opponent is Natasha Phillips, the county's first female prosecutor, who has to prove not only Gloria's guilt but her worthiness as women begin to make strides within the American legal scene. The audience is left to contemplate how they would find the accused after hearing the evidence and testimony. Guilty or innocent?

## Cast of Characters

| | |
|---|---|
| NATASHA PHILLIPS | Assistant District Attorney |
| DANNY DOBSON | Defense Attorney |
| MARTIN GALLAGHER | Judge |
| CARL JAMISON | Police Detective |
| LYLE TURNER | Veteran Reporter |
| WILLY YEAGER | Cub Reporter |
| KAREN EDWARDS | Court Reporter |
| PETER BARNES | Bailiff |
| ELIZABETH STONE | Witness |
| ROBERT STONE | Witness |
| EDWARD RYDER | Police Officer |
| DR. MAYFAIR | County Medical Examiner |
| GLORIA McCANN | Defendant |

**Place**

A courthouse in Kasserine County

**Time**

Summer morning, 1962

## ACT I

### Scene 1

Setting: An empty courtroom. The gallery behind the defense and prosecution tables. The judge's podium is by the back wall with a witness chair and small desk and table by a closed door.

At Rise: Lights up on LYLE TURNER wearing a sport coat with a newspaper and a carton of cigarettes steps to the judge's podium. WILLY YEAGER follows looking bewildered as he follows with a notebook and pencil.

**WILLY YEAGER**

I've never been in a courthouse in my whole life, Mr. Turner.

**LYLE TURNER**

Your whole life, huh? A span of what, twenty years? I've been writing copy longer than you've been breathing, Willy. But you're young, got lots of time to witness the world in all its glory and all its failings.

**WILLY YEAGER**

I bet there's plenty of interesting copy in here with the battling legal minds and all.

**LYLE TURNER**

As a reporter you'll never be at a loss to find a story in these hallowed halls, just be sure it's good copy because if it ain't it'll get tossed in the round file or worse, in with the funny pages.

**WILLY YEAGER**

I suppose at times my copy will appear alongside Lil Abner.

**LYLE TURNER**

You just gotta know the who, what, where and when of the players involved. It's not as easy as you may think, especially for a cub reporter.

*(TURNER taps on the judge's podium.)*

Judge Martin Gallagher is considered king of this courthouse, and this would be his throne. His Honor is also a hard-headed sot but most who come before him are treated with more leniency than Mr. Peterson, the district attorney, would like.

**WILLY YEAGER**

So Peterson's a tough prosecutor?

**LYLE TURNER**

It's his job to find the accused guilty, but first he has to prove that guilt. Not an easy task if up against a good defense.

**WILLY YEAGER**

No wonder Lady Justice is blindfolded, she got a headache from all the proving.

**LYLE TURNER**

She's blind to many a thing and in time you'll see what she can and cannot see.

*(TURNER gestures to the audience.)*

The jury box where the fate of those who come before it is decided.

*(KAREN EDWARDS with a canvas bag enters.)*

**LYLE TURNER**

Ah, Miss. Edwards. I was just commiserating with my associate of how dark my day was but seeing you has brightened it substantially.

**KAREN EDWARDS**

Really Lyle, all that to say hi?

*(KAREN removes a notebook and pencils from the bag, placing them on a table by the podium. TURNER hands her the carton of cigarettes.)*

**KAREN EDWARDS**

This can only mean you're looking for a transcript or something 'cause you're too lazy to follow in a notebook? You do have a notebook, haven't you?

**LYLE TURNER**

*(pats pockets)*

Of course. Got it... somewhere... you know I plum forgot... um, Karen, this is Willy Yeager, Cub Reporter who will be with me to learn the ropes, meet important people like yourself. Willy, Karen Edwards, Court Reporter.

*(They shake hands.)*

**KAREN EDWARDS**

Don't let this old key tapper soil your way of thinking. I know a little of reporting and one thing you gotta have is self-respect. Have that and it'll reflect in your words.

**WILLY YEAGER**

Yes, ma'am.

**KAREN EDWARDS**

Don't ma'am me, Willy. I'd wager we're about the same age.

**WILLY YEAGER**

I, um... sure. Okay.

**LYLE TURNER**

Come on... let's take a seat. Place is gonna fill up.

*(PETER BARNES wearing a court officers uniform enters.)*

**LYLE TURNER**

Ah! Morning, Barney. This is our new reporter Willy Yeager. Willy, Bailiff Peter Barnes.

**PETER BARNES**

A reporter with a notebook! Off to a good start, young fella.

**LYLE TURNER**

You're funny, Barney. You should write for Jack Parr.

**PETER BARNES**

Someone should. Morning, Karen.

**KAREN EDWARDS**

How are you, Peter?

**PETER BARNES**

Too early to tell but so far so good. Ready for the circus?

**KAREN EDWARDS**

Might be over quick with Danny Dobson defending. That man could've gotten John Wilkes Booth acquitted.

**PETER BARNES**

Hundreds of people witnessed Booth shoot Lincoln, no one saw Gloria McCann kill her husband. It's going to be challenging for Peterson to prove she did.

*(NATASHA PHILLIPS wearing a skirt, blouse, jacket holding a briefcase enters walking to the prosecutor's table and notices everyone looking at her.)*

**NATASHA PHILLIPS**

You look like a herd of deer caught in headlights.

**PETER BARNES**

We, um... um, we're just-

**NATASHA PHILLIPS** *(interrupts)*

Surprised to see a woman prosecutor?

**PETER BARNES**

I, um, yes, we, um...

**NATASHA PHILLIPS**

*(opens briefcase)*

You said that several times already. I'm Natasha Phillips, Assistant District Attorney.

**LYLE TURNER**

*(at WILLY)*

Pay attention, this could be important.

**WILLY YEAGER**

How's that?

**LYLE TURNER**

A woman prosecutor? Holy cow.

**PETER BARNES**

Peter Barnes and Court Reporter Karen Edwards.

**KAREN EDWARDS**

Morning, Miss Phillips. Sorry if we were taken by surprise, we expected Mr. Peterson.

**NATASHA PHILLIPS**

Seems everyone did. He assigned me the case knowing a prosecutor wearing a skirt would cause a stir.

**LYLE TURNER**

Miss Phillips? Lyle Turner, Kasserine Gazette. I whole heartedly agree it is time a woman shook things up in the judicial system. Good for you!

**NATASHA PHILLIPS**

Thank you, Mr. Turner. I appreciate the vote of confidence.

**LYLE TURNER**

I wondered if we might chat about your new assignment?

**NATASHA PHILLIPS** *(sits)*

Another time. I have a mountain of catching up to do.

**LYLE TURNER**

*(at WILLY)*

See there? Stating she is not prepared for the Herculean task of prosecuting the accused!

**WILLY YEAGER**

I didn't hear that.

**LYLE TURNER**

It's in the silent meaning a reporter gotta train his ear for. Man, oh, man, this is gonna be good. Dobson will have a field day with her. I gotta get an interview.

**WILLY YEAGER**

You should've brought her some cigarettes.

**LYLE TURNER**

Ha, another comedian. Listen, it's a known fact Peterson's a champion of slam dunk cases and he assigns those he's afraid of to assistants. It's no surprise he passed this one on, but to a woman? There's a story, Willy boy, maybe even front page.

*(CARL JAMISON wearing a sport coat and badge enters carrying a small bag.)*

**CARL JAMISON**

Where's Peterson?

**NATASHA PHILLIPS**

He's probably teeing off about now. He assigned me this case. I think he's afraid to prosecute a woman, being election year and all.

**CARL JAMISON**

*(hands her the bag)*

Then this is yours and it's not your lunch, unless you want to chew on the murder weapon.

*(She looks in the bag then places it on the table.)*

**CARL JAMISON**

I'm betting Peterson passed the case on to you because if you win he looks good having assigned the first woman prosecutor in the county. If you lose, he'll say because you were the first woman prosecutor in the county. A win-win for him either way. There's not much to work with, mostly hearsay and that weapon.

*(EDWARD RYDER in a police uniform and JOHN MAYFAIR in a sport coat enter taking seats.)*

**NATASHA PHILLIPS**

I'm thinking their pending divorce may stir something.

**CARL JAMISON**

Desperate times, Counselor.

**NATASHA PHILLIPS**

Leads to doing time, Detective.

*(DANNY DOBSON wearing a suit enters stepping briskly to the defense table looking curiously at PHILLIPS.)*

**DANNY DOBSON**

Is Peterson running late?

**NATASHA PHILLIPS**

He assigned me the case, ADA Natasha Phillips.

**DANNY DOBSON** *(happily)*

Oh, bless you, Peterson!

**WILLY YEAGER**

Why is he so happy?

**LYLE TURNER**

Ecstatic is the correct adjective, Willy. He knows he's won the case.

**WILLY YEAGER**

Already? What about evidence?

**LYLE TURNER**

Evidence, schmevidence... I told you he's gonna eat her up. He has experience with capital cases. She has none.

*(BARNES exits by a door near the podium.)*

**DANNY DOBSON**

I surmise Peterson is distancing himself from placing a loss on his record. A brilliant political move because if you win he does, if you lose he blames you.

**NATASHA PHILLIPS**

I've heard that scenario before, Mr. Dobson. We'll see if the jury feels the same.

*(BARNES enters through the door escorting GLORIA McCANN in an orange jumpsuit to sit beside DOBSON at the defense table.)*

**DANNY DOBSON**

Don't worry, Gloria. Things are shaping up beautifully.

*(The door by the podium opens. Judge MARTIN GALLAGHER wearing a black robe and glasses enters sitting at the judge's chair.)*

**PETER BARNES**

All rise.

*(Everyone stands.)*

**PETER BARNES**

The court of Kasserine County is now in session. Case number forty-three, ten fifty-five, People versus Gloria McCann. The Honorable Martin Gallagher presiding.

**MARTIN GALLAGHER**

Be seated.

*(Everyone sits.)*

**MARTIN GALLAGHER**

Morning, Barney.

**PETER BARNES**

Good morning, Your Honor. All parties are present. The jury is seated.

**MARTIN GALLAGHER**

Thank you, Barney. Defense ready?

**DANNY DOBSON**

Yes, Your Honor.

**MARTIN GALLAGHER**

Prosecution?

**NATASHA PHILLIPS** *(stands)*

Yes, Your Honor.

**MARTIN GALLAGHER** *(confused)*

Has there been a change I wasn't made aware of?

**NATASHA PHILLIPS**

Mr. Peterson assigned the case to me, Your Honor. Assistant District Attorney Natasha Phillips.

**MARTIN GALLAGHER** *(concerned)*

Not five minutes down the road and we hit a pothole. Well, since this is your first journey along my road I'll allow a bit of leeway but be forewarned I do not enjoy nor tolerate bumps of any sort. Understood?

**NATASHA PHILLIPS**

Yes, Your Honor.

**MARTIN GALLAGHER**

Placing you as prosecutor is Mr. Peterson's prerogative. I hope it was the correct one.

**NATASHA PHILLIPS** *(worried)*

Me too.

*(LIGHTS: Down)*

*(END OF SCENE ONE)*

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## Scene 4

Setting: One hour later. The courtroom waits.

At Rise: Lights up TURNER stands beside WILLY telling a story with enthusiasm.

**LYLE TURNER**

I confess! I killed her! I couldn't stand the nagging! Front and back, up and down, every which way with the constant nagging! Never stopping! Never! So, I stopped it!

**WILLY YEAGER**

What happened then?

**LYLE TURNER**

The judge reserved a seat for him on old sparky. Sent him to the Pearly Gates with a huge smile across his kisser. He told Saint Peter he was a happy soul 'cause the nagging finally stopped. My first Front Page, twenty years ago.

**WILLY YEAGER**

What'ya think they'll do with Gloria McCann?

**LYLE TURNER**

Can't pinpoint it, Willy. I'm a tad confused but am getting the gist of what may have occurred. Miss Phillips has to get something tangible on Gloria if she wants a guilty verdict.

**WILLY YEAGER**

Robert Stone is a pretty suspicious guy. He sure had motive.

**LYLE TURNER**

Sure did, but angry words don't make a killer.

*(BARNES escorts GLORIA to the defense table. DOBSON pats her hands encouragingly.)*

**DANNY DOBSON**

I was considering letting you testify in your defense but, that could be chancy.

**GLORIA MCCANN**

What's so chancy about me telling the truth?

**DANNY DOBSON**

The prosecution could trip you up and turn the truth against you. However, Miss Phillips does not seem versed in investigative techniques.

**GLORIA MCCANN**

She seems very good to me.

**DANNY DOBSON**

She is, but I'm better.

*(GALLAGHER enters.)*

**PETER BARNES**

All rise.

*(All rise. GALLAGHER sits.)*

**MARTIN GALLAGHER**

Be seated.

*(All sit.)*

**MARTIN GALLAGHER**

Miss Phillips?

**NATASHA PHILLIPS**

Re-direct Elizabeth Stone, Your Honor.

*(ELIZABETH STONE steps to the witness chair.)*

**MARTIN GALLAGHER**

You are still under oath, Mrs. Stone.

*(She nods and sits at the witness chair.)*

**NATASHA PHILLIPS**

Mrs. Stone, how long were you having an affair with Thomas McCann?

**ELIZABETH STONE** *(embarrassed)*

A few months.

**NATASHA PHILLIPS**

In that time, did you ever notice Gloria display knowledge of the affair or show any disdain towards Thomas?

**ELIZABETH STONE**

No.

**NATASHA PHILLIPS**

Do you believe she murdered her husband because of your affair?

**DANNY DOBSON**

Calls for opinion, Your Honor.

*(PHILLIPS steps back to her table.)*

**NATASHA PHILLIPS**

Withdrawn, Your Honor. That’s all,

**DANNY DOBSON** *(stands)*

Did you ever think your husband might confront Thomas?

**ELIZABETH STONE**

He was upset... I mean, who knows what could've happened when someone is mad like that... especially after he tossed the lamp and said he could kill him.

**DANNY DOBSON**

Your husband said he would kill Thomas McCann?

**ELIZABETH STONE**

No, he said he could kill him, like he was describing his anger not what he was going to do.

**DANNY DOBSON**

It's a slippery slope between meaning one thing and doing another. That's all, Your Honor.

**MARTIN GALLAGHER**

You may step down, Mrs. Stone.

*(ELIZABETH returns to the gallery.)*

**CARL JAMISON**

*(at PHILLIPS)*

Dobson will make Gloria look like Woman of the Year unless you find something to impress the jury. This case stinks like a rotten onion.

**NATASHA PHILLIPS**

The truth is somewhere within that onion. I intend to peel back the layers and find it.

**DANNY DOBSON**

Your Honor. The defense calls Gloria McCann.

*(Chatter from the gallery. GALLAGHER bangs the gavel.)*

**MARTIN GALLAGHER**

Quiet.

**DANNY DOBSON**

*(leans to GLORIA)*

Just answer the question. Make your answers brief, do not add anything or clarify, no matter what. And look at the jury when you answer with a pleasant, innocent, all American housewife smile. Understand?

*(GLORIA nods then steps BARNES, they both raise their right hands.)*

**PETER BARNES**

Do you swear to tell the truth, the whole truth and nothing but the truth?

**GLORIA MCCANN**

I do.

*(GLORIA sits in the witness seat. DOBSON approaches.)*

**DANNY DOBSON**

Gloria, you stated when you arrived home you witnessed the Stones arguing as they crossed from your house to theirs over the back yard?

**GLORIA MCCANN**

Yes.

**DANNY DOBSON**

After witnessing Robert Stone forcing his wife home, why didn’t you just call the police?

**GLORIA MCCANN**

My instinct was to see for myself. If she had a mark on her I would have called.

**DANNY DOBSON**

And what did you find when you arrived at the Stone's home?

**GLORIA MCCANN**

Elizabeth had been crying but assured me she was alright.

**DANNY DOBSON**

Was her husband Robert present?

**GLORIA MCCANN**

I never saw him but was told he was out on the patio.

**DANNY DOBSON**

Mrs. Stone testified you talked, I quote, girly talk.

**GLORIA MCCANN**

Yes, you could say that...

**DANNY DOBSON**

What she meant to say was at that time she confessed to you of her affair with your husband, Thomas. Correct?

*(Gasps and chatter from the gallery. ROBERT looks at the ceiling. ELIZABETH sobs. GALLAGHER bangs the gavel.)*

**GLORIA MCCANN**

Yes.

**DANNY DOBSON**

Discovering he had been unfaithful upset you, didn't it?

**GLORIA MCCANN**

It would anyone.

**DANNY DOBSON**

Enough to commit murder?

**GLORIA MCCANN**

No. Never.

**DANNY DOBSON**

What happened then?

**GLORIA MCCANN**

I left. I went to confront Thomas about Elizabeth's confession... but he was-

*(GLORIA lowers her head sobbing. DOBSON hands her a handkerchief.)*

**DANNY DOBSON**

Nothing more, Your Honor.

*(DOBSON sits. PHILLIPS approaches.)*

**NATASHA PHILLIPS**

Did your frustration peak when you learned your husband and neighbor, who came to your home twice a week, were lovers? Frustrated enough to believe the only remedy was for Thomas to die?

**GLORIA MCCANN**

*(wipes her eyes with the handkerchief)*

No.

**NATASHA PHILLIPS**

Even after an opportunity came along by way of an angry neighbor? The perfect fall guy?

**GLORIA MCCANN**

That's not true.

**NATASHA PHILLIPS**

A fall guy to take the blame for a scheme you've been planning since your husband filed for divorce?

**GLORIA MCCANN**

God, no!

**NATASHA PHILLIPS**

You knew all along Thomas was unfaithful and when Robert Stone angrily towed his wife from the studio you realized it was the perfect timing to kill him!

**GLORIA MCCANN**

No!

*(GLORIA cries. DOBSON stands.)*

**DANNY DOBSON**

Your Honor! Badgering...!

**MARTIN GALLAGHER**

Turn it down, Miss Phillips.

**NATASHA PHILLIPS**

You went to the Stones as the concerned neighbor, building an Alabi knowing the murder would be directed at Robert Stone!

**GLORIA MCCANN**

No. No. No. No!

*(GALLAGHER bangs the gavel.)*

**NATASHA PHILLIPS**

Perfect until the police arrived quicker than anticipated!

*(GLORIA shakes her head sobbing.)*

**NATASHA PHILLIPS**

Prosecution rests, Your Honor.

*(PHILLIPS sits. DOBSON approaches.)*

**DANNY DOBSON**

In the time with Elizabeth Stone, the whereabouts of husband Robert were unknown?

**GLORIA MCCANN**

She said he was on the back patio, but I couldn't swear to it.

**DANNY DOBSON**

Thank you, Gloria. Defense rests, Your Honor.

*(DOBSON escorts GLORIA to the defense table.)*

**MARTIN GALLAGHER**

We'll adjourn for one hour then will hear closing statements.

**PETER BARNES**

All rise.

*(LIGHTS: Down)*

*(END SCENE FOUR)*

## Scene 5

Setting: One hour later. People file in the gallery.

At Rise: GALLAGHER enters.

**PETER BARNES**

All rise.

*(All rise.)*

**MARTIN GALLAGHER**

Miss Phillips, you may proceed with your closing statement.

*(Everyone sits. PHILLIPS steps to center stage facing the audience.)*

**NATASHA PHILLIPS**

Ladies and gentlemen of the jury. The evidence and testimony presented to you proves without a doubt Thomas McCann died by the hand of his wife Gloria. She launched a plan after returning home to find the Stones arguing then received a confession of an affair from Elizabeth. Innocently, she returned home, plunged a screwdriver into Thomas's neck believing the angry, betrayed husband Robert Stone would be accused. But the police ruined her plan arriving swiftly to find Gloria with the murder weapon in hand. Premeditated. A planned action. The defense will attempt to steer you from the obvious and focus on Robert Stone's anger at finding his wife in the arms of another leading to him murdering Thomas McCann, but that defense is like a submarine with screen doors, it just doesn't float. Gloria McCann was found by police with the murder weapon, not Robert Stone, proving without a doubt her guilt. Thank you.

*(PHILLIPS sits. JAMISON pats her on the shoulder. She smiles. DOBSON steps to center stage facing the audience.)*

**DANNY DOBSON**

Well, here we are, ladies and gentlemen. That part of this up and down, he said-she said trial where you decide the fate of Gloria McCann, the wife who discovered her husband murdered by an angry neighbor. Angry from finding his wife in the arms of Thomas McCann in what we learned to be an ongoing affair. When opportunity knocked on his door, namely Gloria, he hastened to the studio, thrust a screwdriver into Thomas's neck then returned home waiting for the body to be discovered by Gloria. Who, not knowing it was the murder weapon, held the screwdriver as protection against an intruder she had no way of knowing was not still lurking about! And of course she was unemotional and speechless when police arrived. She was in shock! Ladies and gentlemen, the defense is Gloria's battleship! Solid and will not be torpedoed by incorrect theories and assumptions launched by the prosecutions submarine, the one with its windows wide open. Gloria McCann is innocent; therefore she is not guilty. Thank you.

*(DOBSON sits.)*

**MARTIN GALLAGHER**

*(to the audience)*

Ladies and gentlemen of the jury. It is now my duty to place this case in your hands. You will retire to the juror's chambers and deliberate in order to reach a unanimous decision. Until then, this court is adjourned.

*(GALLAGHER bangs the gavel.)*

*(LIGHTS: Down)*

*(FINAL CURTAIN)*




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