

Mr. Evans, who participated in the robbery, will testify that there was a struggle, which resulted in the gun being discharged and Mr. Nesbitt being killed. Mr. Nesbitt had every right to defend his property, every right not to be robbed. We all have that right.

Further, there will be evidence that prior to the robbery there was a plan, or conspiracy, to rob the store. Mr. Evans and Mr. King were to enter the store and do the actual robbery. Another of the planners of this crime was to stand outside the drugstore and impede anyone chasing the robbers. The young man who had this assignment will testify to his role in the affair. Yet another of the conspirators, the planners of this robbery that left a man dead, was to go into the store prior to the robbery to check it out, to make sure that there were no police in the store. To make sure that the coast was clear, as they say.

Two of the conspirators will testify to their understanding of this fact. The man who was to enter the store and check it out is sitting at the other table. His name is Steven Harmon.

**CUT TO: STEVE HARMON. Then: CU of the pad in front of him. He is writing the word *Monster* over and over again. A white hand (O'BRIEN's) takes the pencil from**

**his hand and crosses out all the *Monsters*.**

**O'BRIEN (whispering)**

You have to believe in yourself if we're going to convince a jury that you're innocent.

**CUT TO: MS of PETROCELLI.**

**PETROCELLI**

A medical examiner will testify to the cause of death, showing that the gunshot wound was fatal. Even though it was Mr. Nesbitt's gun, it was not Mr. Nesbitt who caused his own death. This was no suicide. This death was a direct result of the robbery. Very simply put, this is a case of murder. It is, moreover, a murder committed during a felonious act. The 2 defendants you see before you will be shown to be participants in that act and are being charged with felony murder. Later, the judge will give you instructions on how to consider the evidence presented. But there is no doubt in my mind, and I believe by the end of the trial there will be little doubt in yours, that these 2 men, James King and Steven Harmon, were all part of the robbery that caused the death of Alguinaldo Nesbitt. Thank you.

**CUT TO: LS of COURTROOM. O'BRIEN is at attorneys'**