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ROUGH JUSTICE

A Play

by Terence Frisby

|| SAMUEL FRENCH ||

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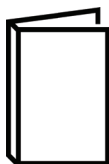
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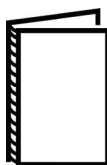


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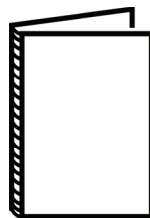
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ABOUT THE AUTHOR

Playwright, author, actor, director, producer.

Terence Frisby's most famous play, *There's a Girl in My Soup*, was London's longest-running comedy (six and a half years) 1966-1972 and a worldwide smash hit, with long runs on Broadway, and in Paris, Berlin, Stockholm, Sydney, Rome, Vienna, Prague and many other places. It is still constantly played wherever there is theatre.

His script of the equally successful film, which starred Peter Sellers and Goldie Hawn, won the Writers' Guild of Great Britain Award in 1970 for the Best British Comedy Screenplay.

His other stage plays include *The Subtopians* (Arts Theatre, 1964), *The Bandwagon* (Mermaid, 1969), *It's All Right If I Do It* (Mermaid, 1977), *Seaside Postcard* (Young Vic, 1978), *Rough Justice* (Apollo, 1994), *Funny About Love* (two UK national tours, 1999-2000). All his plays are published by Samuel French.

He has also written many plays for television, two of which were nominated for awards. His comedy series include *Lucky Feller* with David Jason (1976) and *That's Love* with Jimmy Mulville, Diana Hardcastle and Tony Slattery, (1988-92), which won the Gold Award for Comedy at the 1991 Houston International Film Festival.

His radio play *Just Remember Two Things: It's Not Fair And Don't Be Late* for BBC Radio 4 won The Giles Cooper Play of the Year Award achieved some sort of record by being broadcast ten times in a few months on Radio 4 and BBC World Service.

A stage play with music of this was produced at the Queen's Theatre, Barnstaple, in 2004. It was again tried out in 2011 as a full musical, with the new title of *Kisses on a Postcard*. A West End production is now being sought.

The book of *Kisses On A Postcard* was published by Bloomsbury Press in 2009. It has sold and is selling many thousands.

His first book was *Outrageous Fortune*, an autobiographical story about his fifteen years as a litigant-in-person in the High Court following his spectacularly awful divorce. *Outrageous Fortune*, both hilarious and nightmarish, created shock waves throughout the legal world and helped reform divorce law.

Besides his work as a writer, Terence has worked extensively for over fifty years as an actor, director and producer. He has played leads and directed in the West End, Young Vic and all over the country. As a producer, his favourite presentation was the South African, multi-award-winning *Woza Albert* at the Criterion Theatre in 1983, subsequently off-Broadway and worldwide.

Terence is currently writing a novel and *Diary of a Grandfather*.

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First performed at the Apollo Theatre, London, on 5 May 1994
with the following cast:

Margaret Casely, QC

PC Ramsden

Judge

James Highwood

Dr Simon Kerr

Dr Hannah Radzinski

Jeremy Ackroyd

Jean Highwood

Diana Quick

Bill Champion

Alan Dobie

Martin Shaw

Christopher Whittingham

Jennifer Thorne

Jon Strickland

Sarah Berger

Directed by Robin Herford

Designed by Michael Holt

Lighting by Kevin Sleep

CHARACTERS

(in order of speaking)

P.C. RAMSDEN, Witness

MARGARET CASELY, Q.C., Prosecuting counsel

THE JUDGE, High Court Judge

JAMES HIGHWOOD, Defendant

DR SIMON KERR, Pathologist

DR HANNAH RADZINSKI, Paediatrician

JEREMY ACKROYD, Solicitor

JEAN HIGHWOOD, James's wife

FOREMAN OF THE JURY

The action of the play takes place on two successive Mondays in:

Number One court at the Central Criminal Court, Old Bailey;
the defendant's cell; a corridor outside the court.

Behind the courtroom, an impressionist or non-naturalistic
background is probably preferable, or none.

The courtroom needs four acting areas:

the judge's bench; the witness box; the dock, together with an
adjoining bench or table and a chair for the defendant's solicitor;
a bench or table and a chair for the prosecuting counsel.

The jury is the audience.

There is one interval.

ACT I

*The Number One Court at the Central Criminal Court,
Old Bailey.*

A trial is in progress.

*Onstage are: THE JUDGE, a High Court judge, known as
a red judge; MARGARET CASELY QC, prosecuting counsel;
JOHN HIGHWOOD, the defendant-in-person; JEREMY
ACKROYD, the defendant's solicitor; PC RAMSDEN, a
witness.*

The jury is in the auditorium.

RAMSDEN, in giving evidence, is referring to his notes.

RAMSDEN ...I was taken to Casualty by a nurse. There, in a cubicle, sat a man holding the dead body of a baby. The man said the baby was his son and he had killed him. The time was 11.40 p.m. A doctor was with them. The doctor confirmed to me that the baby was a boy and had been dead for under an hour.

CASELY My Lord, the court and the jury already have the written evidence of Doctor Banerjee which confirms what the constable says. The defendant does not dispute this – evidence in any particular.

The JUDGE looks at HIGHWOOD.

*HIGHWOOD glances at ACKROYD, who shakes his
head. HIGHWOOD half rises, speaks and sits.*

HIGHWOOD No.

JUDGE Very well.

CASELY Much obliged, My Lord. Yes, Constable.

RAMSDEN The doctor accompanied the man and me to the hospital cafeteria and the nurse took the body of the baby. When we had sat down I asked her what the—

CASELY (*surprised*) Just a moment, Constable. She took the body? And she came with you to the cafeteria.

RAMSDEN No, ma'am, the nurse took the body. *He* took it to the mortuary. The doctor came with us and *she* got us all a cup of tea.

CASELY Oh. Oh, yes, of course.

The JUDGE looks up from his writing and regards CASELY with a glimmer of amusement.

CASELY is annoyed.

RAMSDEN Sorry if I wasn't clear, ma'am.

CASELY That's all right, Constable. Just tell the jury, will you?

And she gestures towards the audience.

RAMSDEN (*faces the audience*) I asked her, the doctor, what the cause of death was. She said the man had told her he had killed his son by suffocating him with a pillow. The doctor found nothing to conflict with that. I arrested the man and cautioned him. He said, "Thank you, there's no need." He was very co-operative and was quite calm. We drove him back to the police station and turned him over to the custody sergeant. As I was doing this, the man swallowed two pills. We were concerned but he told us they were his wife's sleeping pills. He gave us the bottle, which still had some pills in it. We tried to take a statement from him but he fell asleep almost at once. A statement was taken the next day.

CASELY Thank you, Constable. Now then, this man, this self-confessed killer of his own baby son; can you—

The JUDGE reacts.

Is that not acceptable, My Lord?

JUDGE (*patiently*) Yes, Mrs Casely. You know it is. Just.

CASELY Much obliged, My Lord. He gave his name as?

RAMSDEN James Highwood.

CASELY Thank you, Constable. That's all, My Lord.

The JUDGE looks at HIGHWOOD. HIGHWOOD leans over the dock and whispers to ACKROYD.

HIGHWOOD Is that me now?

ACKROYD *nods.*

Now – um... (*to JUDGE*) May I, My Lord?

JUDGE Yes, Mr Highwood. It's your turn now.

HIGHWOOD Thank you, My – um. Um – Constable, um – is – er – is this the first time you've ever given evidence in a court?

RAMSDEN (*surprised*) No, sir.

HIGHWOOD No, no, I mean, in a big case like this one (*catches himself*) – I mean, in a murder trial?

RAMSDEN Yes, it is, as a matter of fact.

HIGHWOOD Yes. And – incidentally, you did it very well, very coolly, I agreed with everything you said. But just being here – in here – makes you very nervous... I know I am and not just for the obvious reason. (*brief laugh*) Are you?

RAMSDEN Well, yes, I am a bit, sir. Inside. A lot in fact.

HIGHWOOD That was my point. You said on that night I was calm. How d'you know I was?

RAMSDEN Well, you looked it.

HIGHWOOD Yes. If I were to say to you that night I seemed calm rather than actually was calm, would you accept that?

RAMSDEN Yes.

HIGHWOOD Thank you. And your custody sergeant and Dr Banerjee and that nurse would probably all agree with you, wouldn't they?

CASELY rises to her feet.

RAMSDEN (*embarrassed*) Well, um... (*shrugs*) Probably. Yes.

HIGHWOOD Thank you.

HIGHWOOD *sits.*

JUDGE Yes, Mrs Casely, I know, but of course I intend to use my widest discretion. And I am sure that you, too, will exercise some restraint over any harmless errors he may make.

CASELY Most assuredly, My Lord. My point was—

HIGHWOOD (*at the same time, mutters to ACKROYD*) Did I do something wrong? What shouldn't I have—?

JUDGE *motions CASELY to sit.*

JUDGE Mr Highwood, just now you asked Constable Ramsden about other people's thoughts. That was inadmissible. But I do not believe you did it with intent, nor did you derive any advantage from it, so I let it pass.

HIGHWOOD Thank you, My Lord.

JUDGE As you are defending yourself, in person, it is my duty to assist you to conduct your case as best you can. Furthermore, as far as clarification of the law is concerned, you may be surprised and pleased to learn that it is Mrs Casely's duty to assist you, too.

HIGHWOOD *looks at her sceptically as she nods, with perhaps a trace of sanctimony.*

HIGHWOOD I'm very grateful to Mrs Casely, I'm sure.

He sits as CASELY rises.

CASELY I agree, My Lord, that this was a relatively trivial action. But I wonder what it presages. The defendant is well used to public appearance and robust argument.

JUDGE (*a glint*) Thank you, Mrs Casely. I think you can trust me to take care of you too.

CASELY (*equally dry*) You're too kind, My Lord.

JUDGE Thank you, Constable.

RAMSDEN *exits.*

As RAMSDEN goes:

(*to CASELY*) Yes, Mrs Casely?

CASELY My next witness, My Lord, is the pathologist Dr Kerr.

JUDGE This is your only other witness, I believe, Mrs Casely.

CASELY That's right, My Lord.

JUDGE A remarkably simple case, it seems.

CASELY That remains to be seen, My Lord.

JUDGE I expect it does.

DR. KERR *enters, goes to the witness box and quietly swears himself in during the following. He has done all this many times before.*

CASELY The defendant has pleaded guilty to manslaughter in admitting that he killed his baby son. I have only to establish that he did so with intent. That is then murder, to which he pleads not guilty.

JUDGE Thank you for the enlightenment, Mrs Casely. Most helpful.

CASELY (*a bit tart*) My Lord, what I meant was, *that* is where the complications will come.

JUDGE Yes, I expect they will.

CASELY Now then, you are Dr Kerr, would you identify yourself, please.

KERR I am Dr Simon Kerr, FRCS, FRCPath, Home Office pathologist. I have performed autopsies for the Metropolitan Police for twelve years.

CASELY And you performed the post-mortem on the nine-month-old Baby Highwood?

KERR I did.

CASELY What was the cause of death?

KERR The child died from lack of oxygen to the brain, caused by suffocation, by blocking the mouth and nose. The means of blocking must have been some dry, soft object, like a small pillow. There was no bruising to the face or throat and no liquid in the lungs.

CASELY The defendant tells us that he did it and that is precisely how he did it.

KERR Hm.

CASELY And we have the pillow in question in court. It is Exhibit One. (*She gets it and holds it up.*) Would you care to...?

CASELY proffers the pillow, KERR does not take it.

KERR I have seen it, thank you. Yes, forensic tests show that the child certainly had been in contact with the pillow and it is consistent that it could have been used.

CASELY To suffocate this innocent, little baby?

KERR Hm.

CASELY returns the pillow to its place and goes back to hers.

CASELY So. How long does it take to suffocate a nine-month-old little baby in that manner, Dr. Kerr?

KERR Well, say nearly three minutes...to make sure.

CASELY To make sure.

KERR Yes. You see, a baby would almost certainly be brain-dead sooner than an adult, but a baby's heart is so much more supple, it might keep beating for some while after brain death. Babies are amazing things; they cling to life.

CASELY And when the defendant did this to his infant son, how would he know when his baby was dead? I mean, without removing the pillow to look.

KERR Well, he could have checked his heart with one hand while holding down the pillow with the other – after the child was still.

CASELY Still? You mean the baby would not have been still while he was being killed?

KERR Oh, no. He would kick and beat his arms about.

CASELY How long for?

KERR Well...say, well over a minute.

CASELY Really?

KERR There would be a sort of crescendo before death and the limbs would still twitch and move about afterwards. I think there would be quite a violent spasm – even from so small a being – before it all died down.

CASELY What sort of force would he have had to maintain during this three-minute suffocation period?

KERR Well, you'd need most of your weight – his weight.

CASELY Without relaxing his efforts for the entire duration?

KERR That's right.

CASELY Could such force have been applied accidentally?

KERR (*gives a little snort and shakes his head*) Well, no not unless...

CASELY Unless, what?

KERR Well, in some extraordinary circumstances of overcrowding or – I mean, if you took the child to bed with you, or something, and rolled over on him in your sleep, but not in this...

CASELY Not if the little babe were innocently asleep in his cot as was the case here?

KERR No. It must have taken quite a sustained effort.

CASELY Sustained for three minutes.

KERR Yes. It doesn't—

He shakes his head.

CASELY Thank you, Dr Kerr.

CASELY sits down.

JUDGE Were you going to say something just then, Dr Kerr?

KERR Well.

JUDGE I am sure the jury would like to hear what it was. I certainly would.

KERR I was going to say, "It doesn't bear thinking about", My Lord.

JUDGE Quite so. Mr Highwood, do you wish to ask Dr Kerr anything?

HIGHWOOD Yes. Please. Sorry.

JUDGE It is your right.

HIGHWOOD Doctor, you said my – you said he died from lack of oxygen to the brain. Does that mean you examined his brain during your post-mortem?

KERR Yes.

HIGHWOOD What did you find?

KERR Well, it's in my report and we all know, of course. The brain was massively damaged.

HIGHWOOD You mean, *before* he was – smothered?

KERR Yes.

HIGHWOOD Can you tell us what sort of life the child had before him with that sort of brain damage?

KERR I'm not a specialist in—

HIGHWOOD No, but you are a doctor, an expert pathologist. What would be your prognosis?

KERR Severely limited in every way I can think of. No life at all really. I'm sorry.

HIGHWOOD Thank you.

CASELY is on her feet, fast.

CASELY One question in re-examination, Dr Kerr. Was the brain damage to which you refer in any way life-threatening to the child?

KERR No.

CASELY Can you give any indication to the jury of the age to which the child would have naturally lived?

KERR I don't think such a child would have lasted beyond forty.

CASELY So he had at least thirty-odd years of life to look forward to.

KERR That child wasn't capable of looking forward to anything.

CASELY Says the non-specialist. You know what cures, treatment is in the offing, do you?

KERR I know of nothing that would have helped him.

CASELY But then – excuse me – it's not your field, is it?

KERR No.

CASELY Thank you.

CASELY *sits.*

JUDGE Yes, thank you, Dr. Kerr.

KERR *goes.*

CASELY My Lord, that concludes the case for the Crown.

JUDGE Thank you, Mrs Casely. Mr Highwood, you may now leave the dock in order to conduct your case.

HIGHWOOD Yes? Oh, yes.

And he quickly goes to ACKROYD, who whispers to him.

Oh, yes. My Lord, we – I – I've only one other witness besides myself; she's waiting and I'd like to ask her to go first. My evidence might take some time and she has some very important things to do elsewhere – I mean, of course this is important but – anyway, her name is Dr Radzinski.

JUDGE Mrs Casely?

CASELY No objection, My Lord.

JUDGE (*nods at HIGHWOOD*) Very well.

HIGHWOOD Thank you, My Lord. Dr Radzinski, please.

DR HANNAH RADZINSKI *enters. She carries a file, is not foreign and speaks cultured English.*

She quietly swears herself in.

JUDGE Excuse me for asking, Mr Highwood – I'm only trying to be helpful – but are you sure you don't wish to ask anyone else to give evidence for you?

HIGHWOOD Just Dr Hannah Radzinski and myself, My Lord.

JUDGE Very well. Thank you.

HIGHWOOD Dr Radzinski, would you please tell everyone all about – my son?

RADZINSKI Certainly. Baby Highwood was brought to me—

JUDGE Just a moment. Excuse me, Doctor: one or two formalities. You are Dr Hannah Radzinski, are you?

RADZINSKI Yes.

JUDGE Yes, of course. I have to make sure. And who are you?
I mean – tell us, if you please, what your qualifications and functions are in this matter.

RADZINSKI Certainly, My Lord. I am a consultant paediatrician. I qualified twenty-two years ago at University College Hospital. I hold chairs of one sort or another at teaching hospitals across the world. I have specialised in malfunction of the brain and nervous system, brain damage in infants and many other forms of infant abnormalities. I have written four books on the subject. I act in a senior advisory capacity at Great Ormond Street, at the La Lignière Institute in Geneva, the Petö Intézet in Budapest, the Goldbaum chain of clinics in the USA, the Instituto Nossa Senhora de Fátima in São Paulo and one or two other places.

JUDGE Thank you, Dr. Radzinski. And, should certain of your evidence be specialist medical evidence, I am sure that the jury would be as grateful as I, were you to use colloquial, comprehensible terminology whenever you can.

RADZINSKI I'll avoid the jargon, My Lord.

JUDGE Yes, Mr Highwood?

HIGHWOOD Hannah, would you – um...?

RADZINSKI *opens her file but does not need to refer to it.*

RADZINSKI I first saw Baby Highwood two days after his birth. I saw at once that he was suffering from massive brain damage. The symptoms were painfully obvious – classic, we inappropriately say. The post-mortem has confirmed that. This baby was a rare, unhappy, genetic aberration. There would have been no reason for Mrs Highwood to be screened during pregnancy for such a foetal abnormality, she had previously given birth to two healthy children by the

same father, and, anyway, the damage would not necessarily have shown up. I examined the child whenever I was in London for the next eight months but there was nothing I could do. He was irretrievably damaged; there was no proper life in prospect for him. He would never speak or think, as we understand it. He might walk – just – one day, after a fashion. He would see and hear imperfectly or, later, not at all. His carers would be lucky if he became continent by the time he was twenty. His physical growth rate would be normal, reaching puberty, then maturity. He could well have survived into middle age.

There is a pause.

JUDGE Do you wish to ask Dr Radzinski anything else, Mr Highwood?

HIGHWOOD *is staring at the floor before him. He shakes his head.*

Mrs Casely?

CASELY *stands.*

CASELY Dr Radzinski, am I right in suggesting to you that there have been remarkable advances in the treatment of brain damage since you qualified?

RADZINSKI *(shakes her head wearily)* I'm afraid there was no hope of a miracle cure here. This was massive damage to the basic structure.

CASELY Nevertheless, have there been remarkable advances?

RADZINSKI Yes, in many directions—

CASELY And will no doubt be many more.

RADZINSKI No doubt. But we haven't moved an inch on the basic problem: there is no way of making brain tissue regenerate itself.

CASELY At the moment. Thank you, Doctor.

CASELY *sits.*

JUDGE Mr Highwood? Any questions in re-examination?

HIGHWOOD Er – no...er.

He looks at ACKROYD, who shakes his head.

JUDGE Thank you, Dr Radzinski. You are released. This looks like the right moment to adjourn—

CASELY *rises quickly.*

CASELY My Lord, I beg your pardon.

JUDGE Yes?

CASELY Forgive me, I have one more question for Dr Radzinski.

JUDGE Very well.

CASELY Doctor, did any one, any one at all, ever ask you about the possibility of ending Baby Highwood's life in some way or another?

RADZINSKI *stares.*

RADZINSKI What do you mean?

CASELY I'm sorry, I thought I had been quite clear. Did anyone ever ask you about the possibility of ending—

RADZINSKI No.

CASELY Or of any various methods to do so?

RADZINSKI Certainly not.

CASELY Not the father, nor the mother?

RADZINSKI No, never.

CASELY Nobody at all?

RADZINSKI No.

CASELY Isn't that odd? Didn't even one single nurse or young doctor or someone ever raise the question as to whether a child like that should continue to live?

RADZINSKI Now you've changed the question from the particular to the general.

CASELY And did neither of the parents never even cry out against the injustice, the pointlessness, of it all? How they only wished it would all end?

RADZINSKI Now you've changed your ground again.

CASELY Nevertheless.

RADZINSKI (*firmly*) I don't think it my duty to disclose any cries of anguish patients may or may not utter while in my care.

JUDGE Thank you, Dr Radzinski. Neither do I.

CASELY Dr Radzinski, what are your views about the termination of such lives?

JUDGE Mrs Casely, you said one question.

CASELY So I did, My Lord. Sorry...

JUDGE Are you taking the line that Dr Radzinski could be involved in the killing in some way?

CASELY Certainly not, My Lord.

JUDGE Then let us allow her some forum other than this court should she wish to communicate her views to the world at large, shall we?

CASELY Certainly, My Lord.

JUDGE Thank you again, Dr Radzinski. Members of the jury, you must not discuss these proceedings with anyone during the adjournment. Thank you. Five past two.

He stands, bows briefly, and exits, as does CASELY.

RADZINSKI also exits as the lights change, as HIGHWOOD and ACKROYD walk downstage, as there is the enhanced

sound, offstage, of a heavy, metal door slamming and a bolt being shot.

The two men move uneasily.

HIGHWOOD Could that judge be on my side, do you think?

ACKROYD No, no, he's only thinking of the law. And he seems to be trying to – to keep the temperature down.

HIGHWOOD That helps me, doesn't it?

ACKROYD No, James. Sorry.

HIGHWOOD Maybe he thinks he can be easier on me if um...

ACKROYD Life is mandatory for murder, James. All murders.

HIGHWOOD Yes. Of course.

ACKROYD Are you sure you never said anything like that to Dr Radzinski?

HIGHWOOD Sure, yes.

ACKROYD And Jean?

HIGHWOOD I don't – think so.

There is a knock on the cell door.

ACKROYD That'll be Jean. I'll leave you two. Just remember what—

To ACKROYD's surprise HIGHWOOD is suddenly rather panicky. HIGHWOOD perhaps even grabs ACKROYD's arm as he speaks.

HIGHWOOD No, no, stay. I can't – I – stay.

JEAN enters as HIGHWOOD lets go of ACKROYD and recovers himself.

Hallo, darling.

JEAN Hallo.

*There is an almost palpable constraint between the
HIGHWOODS.*

*Each of them may have much to say or express but
cannot or dare not.*

*After their initial embrace, if there is one at all, they do
not touch each other.*

HIGHWOOD How did it look so far from the gallery?

JEAN All right, I suppose. I don't know how it should look. All those hateful people in fancy dress just to...

Pause.

JEAN *glances from HIGHWOOD to ACKROYD.*

ACKROYD (*uncomfortable*) You got in all right, then?

JEAN God, yes. Placards and demonstrators and... I was bundled through the front door before you could... They've made two sort of pens for the photographers.

ACKROYD Must've been awful for you.

JEAN Well...

Pause.

HIGHWOOD How are the children?

JEAN Fine. Thriving.

HIGHWOOD I mean Tommy – at school – and Alice's friends and – well – all this: their daddy on trial.

JEAN Tommy's not at school. We're not at home.

HIGHWOOD (*shocked*) What?

JEAN It's all right. We're together. In hiding, huh. Till you – till this is over. Tommy thinks it's exciting.

HIGHWOOD My God, are things that bad?

JEAN (*lightly*) Well. You know.

HIGHWOOD No, I *don't*. Tell me, please.

JEAN Well, you couldn't get in and out of the house, the street, barely. You had to run the gauntlet: photographers and – people shouting things... I got a bit frightened. Matthew's too small to – I had to have the phone intercepted – and when some tabloid reporter got into Alice's playgroup for a photo I gave in. Sorry.

HIGHWOOD No, no.

JEAN Anyway, I've done it now. I've run.

HIGHWOOD You've made the right decision. You always do.

JEAN Huh.

HIGHWOOD Where are you?

JEAN A secret address, as they say.

HIGHWOOD Where?

JEAN Secret.

HIGHWOOD Darling, this is me.

JEAN (*hurt*) Oh, yes. No. I didn't mean—

HIGHWOOD No, you're probably right. Even *I* shouldn't—

JEAN No, I meant, can anyone hear in – I'm sorry, Jeremy, I meant anyone else? I – I'm getting paranoid.

HIGHWOOD No, no, you're not.

After they recover from that for a moment she again looks hard at ACKROYD, wanting him to go. He grins back, clears his throat and shuffles uncomfortably.

JEAN *reads the situation.*

JEAN All right, I'll be off. You must have tactics to – um...

HIGHWOOD Um – yes, yes – I mean, give them my – um – love...

JEAN moves towards HIGHWOOD to embrace him, then cannot because he too cannot make an approach.

JEAN suddenly clings to ACKROYD, to his surprise and embarrassment.

JEAN Oh, Jeremy, Jeremy.

There is a knock on the door.

ACKROYD That'll be James's lunch. I'll – er...

He release himself and quickly exits.

There is a long, long, uncomfortable pause.

Perhaps the HIGHWOODS shuffle, stare hopelessly at each other for a moment before one of them has to look away; or they just ignore each other.

ACKROYD returns with a tray of food as JEAN hurriedly exits.

ACKROYD's face turns anxiously after her as she passes him, then back to HIGHWOOD.

She – um – you and she – do you want me to go after her?

HIGHWOOD *(quickly)* No... *(recovers himself)* No... She... We haven't seen each other since I – did it; apart from that dreary visitor's room at Brixton with fifty other people. This is not the moment for Jean and me to... *(firmly)* I can't open that can of worms now.

ACKROYD No, of course. Here. Eat your lunch. I wouldn't fancy the lovely Mrs Casely on an empty stomach.

HIGHWOOD Hah. Old Bailey grub looks better than the shit you get in Brixton. The lads told me it would be.

ACKROYD removes the tray of food and goes back to his place.

As HIGHWOOD goes to the witness box as the others re-enter and take their places.

As the lights revert to their previous state.

Sound effect of murmurs during the change.

HIGHWOOD is talking as the lights come up.

Our third child was born fifteen months ago, a boy. We already had Tommy, now aged five, and Alice, now three: they are both normal, healthy and intelligent – (*faint smile*) up to a point. There was something very odd, unco-ordinated, about our new son from the word go. Dr Radzinski's advice was sought. Within days she told us of her fears. Her opinion was confirmed by her subsequent examinations: no hope for anything except a twilight existence. He would always remain a non-sentient being and physically incapable. He would, in common parlance, be a – vege...a ve... (*almost inaudibly*) a vegetable.

He can't go on for a moment and has to breathe deeply to recover.

That is the first time I have been able to bring myself to say it in public. It's – huh – almost a relief. We sought second, third, fourth opinions. Our son's condition – was irreparable, inescapable. We searched wider; I went to Switzerland, America. Jean went to Hungary. Even there, where they are doing extraordinary work with brain-damaged children, no hope was offered. There was none anywhere.

Then Jean got pregnant again. Near-panic gripped us. She and the foetus were scanned and tested as soon as possible. The baby was healthy – especially his brain. Yes, it was a boy. We had to make a decision: should we bring them all up at home together, or have our hopeless, damaged baby cared for in a special place.

I find it difficult, no impossible, to tell you of my feelings as I went to institution after institution, full of these – unfortunate children, or as I talked to their carers and parents and families. And the older they got the worse they... I saw more uncontrollable, incontinent, imposs – most of them better, yes, miles, *miles better* – with more hope – than our son. These places seemed like a vision of... I couldn't abandon our child to this. He was – even though I sometimes – he was *our* child...

I came home from one of these trips...deeply depressed. I stared at him asleep in his cot – momentarily at peace – he looked perfectly healthy – until he moved – (*he nearly breaks*) I imagined that baby becoming the unspeakable thing with no mind growing to maturity in the back bedroom...and I picked up a pillow.

I am not pleading, at the irrational extreme, the excuse of “diminished responsibility”, or that “my balance of mind was disturbed”. Nor am I saying, at the other extreme, that I saw all ways were futile so therefore made a conscious decision. All that happened was that...that evening... I reached the end of that particular, dreadful road.

There is silence. At last.

JUDGE Have you finished, Mr Highwood?

HIGHWOOD *nods, head down.*

Mr Ackroyd, is there anything else you think Mr Highwood should bring out?

ACKROYD *rises.*

ACKROYD May I, My Lord?

JUDGE *nods.*

Mr Highwood, I wonder if you could help the jury a little more as to the effect that seeing hundreds of severely

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