

THE ROAD NOT TAKEN

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FADE IN ON:

**SUPER:** In 2050, a new process patented as Mind-Wype makes it possible to erase a person's personality and memories. A virtual reset button, the technique is heralded by capital punishment opponents across the globe. Finally a way - in some cases - to render incarceration and executions moot...

**INT. COURTROOM - DAY**

A somber moment, wrapped in gray walls.

SPECTATORS and PRESS watch from gallery seats, hold their breath.

A lone prisoner shambles to the dock: GAVIN (35). Clad in a rumpled jumpsuit. Uncombed hair, weary eyes. A jagged SCAR across his neck.

BANG! A gavel descends. At the podium, the JUDGE peers down.

JUDGE

Gavin Scott, this court declares  
you guilty of reckless homicide.

The gallery roars, surges to its feet.

One women (BELINDA, 30s) remains seated and cradles TODDLER SARAH in her arms. Hearing the judge, she turns sheet white.

Gavin doesn't even blink. He expected this.

When camera flashes subside, the judge forges on.

JUDGE

You are hereby sentenced to death.

Gasps and murmurs from the crowd.

JUDGE

Or Mind Wype. In the interest of  
mercy, the court has deigned to let  
you choose your fate. Either  
process will commence one week from  
now.

A WELL DRESSED MAN screams from the gallery.

WELL DRESSED MAN

He killed my Alex. Let the bastard  
die!

TWO GUARDS pat the man's back, whisper in his ear. He nods, sits back down.

Leaving Gavin in the "spotlight" again.

JUDGE

Do you fully understand what we've relayed to you?

GAVIN

Your honor? Yes. Crystal clear.

JUDGE

Do you have any last questions or comments before we adjourn?

Gavin glances toward Belinda. Silent tears paint her cheeks.

GAVIN

None that you need to hear.

The guards take Gavin's arms.

GUARD #1

Back to your cell, Prisoner.

GUARD #2

Though it won't be home much longer. Enjoy state hospitality while it lasts!

The two chuckle, and lead a listless Gavin towards the exit. Behind him, Belinda screams.

#### **INT. PRISON CAFETERIA - DAY**

More GUARDS and PRISONERS. Just as gray.

Gavin sits at a table, pokes his so-called meal: mystery meat and mashed potatoes. A dry brownie brick on one side.

Across from him, skinny inmate ARTHUR (40s) grins.

ARTHUR

(Staten Island accent)

You haven't eaten a bite, Gavin. Those wacky movements with your fork: what's that, performance art?

Gavin doesn't respond. After an awkward pause, Arthur's flood of words fills the void.

ARTHUR

It's like that Science fiction flick, *Close Encounters*. Aliens abduct a guy, and he makes a mountain of his mashed potatoes to process all the crazy stuff in his mind. You meet aliens in court, Gavin? The gray ones I mean, not brown.

(beat)

Come on - don't tell me you missed the reference. Or my joke. You've been quiet since the trial. Did the little men from outer space mess with your voice box, too?

Gavin looks up. Blinks. Stays mute.

ARTHUR

If you're trying to starve yourself, that won't work. Word on Deck C is they gave you one week. Ghandi lasted 21 days without food before he broke.

Arthur points to the brownie on Gavin's tray.

ARTHUR

Paging Mr. Mime. If you're not gonna eat that, it's mine.

Gavin forces a smile, and transfers the desert to Arthur's plate. CLUNK.

GAVIN

You've been a good cell-mate, Arthur. Whatever happens, I'm going to miss you.

Arthur grins, and chows down.

ARTHUR

Likewise, pal!

**INT. PRISON CELL - EVENING**

A bunk bed, and toilet. That's the decor.

Staring at the ceiling, Gavin lies on the upper bunk.

Perched on the bottom bed, Arthur taps his foot incessantly, and reads a book aloud: The Poems of Robert Frost: Poetry for the Ages.

ARTHUR

"Two roads diverged in a yellow wood, and sorry I could not travel both and be one traveler, long I stood."

(beat)

I gotta admit, some of this stuff's profound - especially when you read between the lines.

GAVIN

Ah, "The Road Not Taken."

ARTHUR

You know this one?

GAVIN

Sure do. Contrary to popular opinion, CPAs with cocaine addictions don't make up the full Frost-fan base.

A wise-crack brims on Arthur's lips. Last minute, he chooses the more direct route:

ARTHUR

So, you gonna appeal?

GAVIN

Why? I'm exhausted. So are the appeals. My money, too. Yesterday, I told my attorney we couldn't afford to sell the house. Suddenly, he won't take my calls.

(beat)

Fortunately, the prison library's got a legal wing. I can read fine print on my own.

ARTHUR

Gav, a word of wisdom from this CPA: pinching pennies makes sense when you're saving for a car. But when it's your fucking *life*!?! Buddy, no expense should be spared!

GAVIN

I can't leave Belinda and Sarah homeless.

ARTHUR

So let her go live with her folks. That wouldn't kill... er, I mean, no big deal.

GAVIN  
Her parents died five years ago.

ARTHUR  
Oh. Tough luck. How 'bout yours?

GAVIN  
(chuckles darkly)  
Sarah's grandparent pool's a dud.  
My mother died when I was twenty-  
two. And dad split when I was born.

ARTHUR  
I wish my pops had flown the coop.  
The boring stiff never left town.

Gavin eyes a forked CRACK in the ceiling. One line travels clear across the room. The other's one inch long; then stops.

He traces the short end with an idle finger.

GAVIN  
I promised myself Sarah would never  
grow up without a father. But here  
we are. In a cell, with hundreds of  
other prisoners. Rotting and  
forgotten, for what remains of our  
lives.

ARTHUR  
(snorts)  
Which for you, ain't gonna be the  
long-haul.

Arthur glances quickly up at Gavin.

ARTHUR  
Sorry. You know me: stress, and  
jokes. Besides, you're gonna choose  
Mind-Wype, right?

GAVIN  
I'm not sure. There's so many  
factors to consider. And too little  
time.

ARTHUR  
Factors?!? We're talking life or  
death!

GAVIN  
I have to do what's best for my  
family. Then there's the issue of  
justice, too.

ARTHUR

Justice? You *knew* that guy was after you. You said that to me, and in trial! He threatened you before. That's why you bought that gun.

GAVIN

Threats don't justify -

ARTHUR

Gavin, don't talk crazy. Low blood sugar affecting your brain after just one day?

Gavin turns towards the wall. Pulling the sheet over his head, he drifts off to sleep.

**EXT. CITY STREET - NIGHT - GAVIN'S DREAM**

Dark and trash-strewn. A hint of rain still in the air.

Dressed in a fast-food uniform and jacket, Gavin heads home.

He skirts around a beer can... Hears footsteps. TAP TAP TAP. Gavin stops and listens.

A block away, a man approaches. Night keeps much a mystery. But whether his bulk is muscle or fat, this guy's BIG.

Gavin steps to the left. The man mirrors the move.

GAVIN

(gulps)

Monty, is that you? Listen, I know you're pissed off. But I don't want trouble. Nor do you.

Monty glares. The anger in his eyes is murderous. Light glints off a KNIFE in his hand.

Gavin eases around a car - and heads for the other side of the street.

Monty rushes him like a bulldozer.

Gavin fumbles in his jacket, pulls out a GUN. He aims it at Monty: but too slow, and unsure.

The big man slams Gavin to the ground. BANG!

On his back in a puddle, Gavin scrabbles for his fallen gun, just inches away.

Monty picks up Gavin by the collar. The knife raised to Gavin's eyes.

GAVIN

Don't. I have a wife. A baby girl!

A SCREAM interrupts. Both men turn to see -

A WOMAN kneeling in the street. Under her, ten year old ALEX bleeds out. Gavin's stray bullet's shredded his abdomen.

Sirens WAIL in the distance.

Monty growls. Slashes Gavin's neck. And runs.

Gavin drops to his knees, bleeding. As the world spins, he reaches out to the screaming mother.

GAVIN

Let me help...

Police strobes paint his face. Black out.

**INT. PRISON CELL - EVENING**

Pitch black, even in the hall.

Gavin screams, and jolts up in bed. He bumps his head against a light fixture.

GAVIN

Ow!

In his lower bunk, Arthur chuckles.

ARTHUR

That same fucking nightmare? You ever change that channel in your head?

Gavin touches the scar on his neck. Groans.

GAVIN

We're in *prison*, Arthur. There's no special shows. Just bad re-runs.

(beat)

What are you doing awake?

ARTHUR

Uh, reading poetry? Yeah, that's it.

Arthur switches on the light. Gavin winces.

GAVIN

I guess neither of us are going  
back to sleep.

ARTHUR

You never do, after your "fits."  
And me? I'm dragged along for your  
ride.

Arthur fishes a BOTTLE OF WATER and PLASTIC CUP from under  
the bunk. He crosses the room to the toilet, near a shelf.

ARTHUR

(grins)

Not the finest dining. But as long  
as I'm up, this'll do.

Sitting down, he pulls a POWDERED COFFEE PACKET from his  
jumpsuit, and mixes a cup of joe. Stirring with his little  
finger, he lifts it to Gavin - a toast.

ARTHUR

Here's to loud cellmates, with over-  
active guilt complexes.

GAVIN

Over-active? I killed a child!

ARTHUR

Not intentionally. You gotta keep  
things in perspective. What  
happened to your friend, Morty?

GAVIN

That's Monty. That sociopath's no-  
one's friend. But he got off on the  
assault charge. After claiming  
"self-defense."

ARTHUR

See? In what universe is that  
remotely fair?

GAVIN

What does fair matter? Alex is  
dead, either way.

ARTHUR

(mutters)

Shit happens in the universe. A  
ton. But it'd hurt less if you  
didn't use his name.

GAVIN

A boy is dead because of me!

Gavin jumps down, sits on Arthur's bunk.

GAVIN

Blowing off responsibility isn't as hard-core cool as you make it out to be. Unlike you, excuses aren't my style.

(Mimics Arthur)

"What I stole went to good use."

ARTHUR

...instead of going to waste in that old fucker's saving account. How's that a lie? Pal, I'm not trying to downplay your pain - or anyone's loss. But I guarantee, your perspective's skewed. You like to play Mr. Moral, taking blame for everything. Like you're somehow omni-potent, and other factors weren't more in control than you?

(beat)

What were your options that night? If you hadn't fought back, that Morty guy woulda gutted you like a fish. Leaving your lovely wife a widow. He's the one who created that situation, bad as it is.

GAVIN

But I finished it. With an illegal gun.

Lights flicker on in the hallway. GUARDS pass by.

ARTHUR

Looks like it's morning. You didn't ruin my beauty sleep after all. Which means, you've now got..

(counts)

Six days left to decide how it's all gonna go down?

Gavin doesn't respond; his depression back for an encore.

Grabbing napkins from the shelf, Arthur dries his plastic cup. Rips a fresh sheet into squares; dumps them in.

And digs into his right shoe.

GAVIN

Uh, Arthur? Foot fungus acting up again?

Arthur extracts a pen.

ARTHUR

Voila? Ain't I a master criminal?

GAVIN

You smuggled in a ballpoint?

ARTHUR

Hey, give credit where it's due. Money Laundering requires specific skills: how to hide useful things, and keep detailed notes at all times. Look at the bright side; I've had this pen as long as we've been assigned. But I've never shivved you once. After all, you give me brownies...

Laughing, he hands the pen to Gavin.

GAVIN

I don't want it.

ARTHUR

Yes, you fucking do. And I don't need this one: I got another in my left shoe. You know, for when the first runs outta ink?

GAVIN

There's nothing I want to write.

ARTHUR

Not even a goodbye crush to your family? Or a will? You've got big decisions to make, Gavin. Maybe you're not in the mood to talk things over with your beloved cellmate, but here's an exciting game you shouldn't miss: over the next six days, each of us can write pros and cons for being Mind Wyped, vs. Eighty Sixed...

Arthur makes a slash-gesture across his neck. Gavin glares.

ARTHUR

Sorry, but you get the drift. You can keep the bad feelings bottled up all you like. But then - at night - you can study the notes on your own. Maybe they'll help you make up your mind?

Gavin grabs the cup with the napkin-squares. Contemplates.

GAVIN

What's in this for you?

ARTHUR

A way to kill time. What else?

### **START MONTAGE**

The next few days do fly by. A flurry of moments; Arthur's cup the connecting theme:

### **INT. PRISON CAFETERIA - DAY**

The cup sits on the table, between Gavin and Arthur's trays.

Arthur picks up the cup, shakes it in his cellmate's face.

ARTHUR

You know you want to contribute.  
You're itching for it, come on!

Without a word, Gavin yanks a scrap of paper from a pocket, dumps it in. Arthur squints through plastic and reads:

"Justice for Alex." On the other side: "Death Penalty."

Annoyed, Arthur pulls a scrap out of his pants. Using spit for glue, he wallpapers it to the inside of the cup.

Gavin reads: "Everyone deserves a second chance". On the other side of the paper - "Mind Wype."

Gavin's eyes flicker. Maybe survival instincts kick in?

### **INT. PRISON CELL - EVENING**

Each man on their separate bunk.

Gavin stares up at the ceiling crack. Seized by sudden inspiration, he bends over and writes furiously.

Dropping the scrap into the cup, he hands it down to Arthur.

Who pulls it out, and reads:

Side One: "They resettle Wype-Outs. Sarah loses her father, either way."

Side Two: "Execution. Because it's quicker in the long run."

Arthur groans. He scribbles on a napkin, passes the cup back to Gavin, like the metaphorical gauntlet it's become.

Gavin reads his suggestion:

Side One: "They're working on reversal techniques. Stick for around for break throughs and appeals."

Side Two: "Wyping ain't the end of the world!"

**INT. PRISON VISITING ROOM - DAY**

As dismal as a cell - but with plexiglass windows and phones.

Arthur talks through the window to a MAN IN A BUSINESS SUIT. The two argue (MOS.) The man flips Arthur the bird, and storms off.

Rolling his eyes, Arthur swivels towards Gavin on his right.

Gavin talks to Belinda through the glass (MOS). Toddler Sarah's there, too. Wobbling in her mother's lap, she leans against plexiglass, coos.

BELINDA

You have choose life, Gavin. I know you're depressed. But it's nothing we can't work out. What about me? And her!

GAVIN

Honey, if I went with the, uh, procedure... you'd never see me again. I'd be happy or sad, somewhere else. Nothing would get resolved. Isn't that ultimately more painful -

A guard calls out:

GUARD #1

Time's over. Everyone, wrap up!

Belinda's close to hysterical. The guard looms behind her.

GUARD #1

You heard me, Ma'am. Let's go.

Sarah giggles, and presses a palm against the window to steady herself. Gaven matches it with his, on the other side.

Guard #2 arrives, and pulls Gavin back.

GAVIN

Wait. Sarah... No!

**INT. PRISON CELL - EVENING**

Gavin mopes on the floor. Across from him, Arthur sits down on the toilet to talk.

ARTHUR

Damn, that sincerely sucked. Those brutes; they got no empathy. They should've at least let you finish talking. Under the circumstances, I mean.

Gavin grabs Arthur's poetry book, leafs through pages.

GAVIN

You didn't finish your conversation, either.

ARTHUR

(laughs)

That waste of flesh and threads I was talking to? That's my brother. Good riddance. If they Wyped all memory of him from me, it'd be a blessing. He's as useless as my dad.

Nervous, Arthur glances towards the hallway.

ARTHUR

It's D-Day. What's your verdict?

GAVIN

Beyond "guilty"?

ARTHUR

I mean, when they strap you on that gurney, is the electricity gonna zap your heart - or your brain?

Gavin grabs a bit of paper. Writes. A lot.

ARTHUR  
 (laughs)  
 Penning long form poems now?

Gavin dramatically drops the paper in the cup.

Arthur fishes out the scrap, reads:

Side One: "With Mind Wype, I'm still alive. All my possessions get liquidated, and transferred to the "new me." But if I die, Belinda inherits everything as my widow, including the house."

Side Two: "And as a Wyped Zombie, I'll never see Sarah grow up."

Arthur snarls. Flips the paper over more, back and forth.

ARTHUR  
 You're cheating. Game rules say you gotta make a choice. Pick a side now: A or B?

HEAVY FOOTSTEPS in the hall outside.

ARTHUR  
 The goons are coming. Enough with the self-pity, pal!

A lock CLICKS. The door swings open. It's the guards.

GUARD #1  
 Gavin Scott, you know why we're here.

Guard #2 points to Arthur's book, snorts.

GUARD #2  
 Who's the pussy reading poetry?

Gavin stands up, compliant. The guards flank him as he shuffles towards the door.

ARTHUR  
 Gav, choose Wype! Who knows? Maybe someday I'll get out of here. If I do, I'd wanna have you to visit. Even if you don't have a fucking clue who I am!

Gavin turns, forces a smile.

GAVIN

You've been a good cell mate,  
Arthur. I've told you that before.

Arthur nods. For once, he's at a loss for words.

GAVIN

But either dead or Wyped, I *won't*  
be able to miss you. I'm sorry.  
That's just how things are.

(grins)

But, Mr. "Specific Skills", if you  
do get out, and if there's anything  
useful you've held onto... please,  
take care of Belinda and Sarah on  
my behalf.

The guards reach for Gavin. Arthur holds out the cup.

ARTHUR

But what's your decision?

GAVIN

I've made it.

He points to Arthur's book, on the floor.

GAVIN

I'll take the road less traveled  
by.

ARTHUR

Which means?

GAVIN

(shrugs)  
You'll see.

With that, Gavin's gone.

Arthur stares at the door. He picks up the Robert Frost book  
and cradles it to his chest.

ARTHUR

You bastard. Make a difference.  
Live.

FINAL FADEOUT: