

WABC & NET

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TOP GUY

APRIL 2, 1953

PERMANENT
FILE COPY
THURSDAY

P10

"THE BOUGHT ALIBI"

By: Ed Adamson

CAST:

WATCHMAN

LT. BERGER

KITTY

CARL

DUTCH

PRICE

MAN

ANNCR: The American Broadcasting Company presents....TOP GUY.

(MUSIC: . . . _INTRO _FIGURE _AND _UNDER _SEGUE _TO _ORGAN. . . .) _

TOP GUY: (NARRATES) The Underworld calls me Top Guy, and they say in my profession that that's a compliment. Very well, I accept it. Now the records of my department list all criminal types, from petty thief to bank robber, from arsonist to murderer. But, to my mind, the lowest, the most vicious of all is the one who uses his knowledge to aid other criminals in escaping justice. This story is the case of one such legal trickster, a man who pitted his cunning against the courts. But it didn't work. He couldn't get away with murder.

(MUSIC: . . . _STAB _AND _THEN _UNDER. . . _AND _CONTINUE. . .)

ANNCR: Top Guy stars Jay Jostyn each week as a fighting police commissioner who believes in meeting crime in its own backyard, not behind his desk. This is your police commissioner. This is... TOP GUY! (BEAT) Tonight... from New York City..."The Case of the Bought Alibi."

(MUSIC: . . . _INTRO _ACT _AND _UNDER. . . .)

TOP GUY: (NARRATES) (SUBDUED INTIMATELY) Approximately eleven-twenty P.M., March the 3rd, this year. In a darkened brokerage office a man wearing black gloves cautiously closed the safe door.

(CLOSE SAFE DOOR SLOWLY)

(TWIST SAFE TUMBLER)

He then quickly stuffed the gilt-edge securities in the leather bag...

(STEPS SLOWLY UNDER)

...and walked slowly, softly past the long row of desks.

(DOOR OFF OPENS)

Suddenly the door at the far end of the office opened.

(A QUICK SCRAMBLE OF STEPS UNDER AS MAN DASHES
BEHIND DESK AND GETS DOWN)

The man moved quickly, squatted behind one of the desks, and drew his revolver.

WATCHMAN: (OFF) Who's there? Who's in there?

TOP GUY: (STILL NARRATING) The beam of the watchman's flashlight crawled along the line of desks. Then suddenly the robber dashed out and was captured for an instant in a circle of yellow light.

(MUSIC: OUT . . .)

(STEPS)

WATCHMAN: (OFF) Stop you! Stop or I --

(SHOT)

WATCHMAN: (HE'S HIT)

(ANOTHER SHOT)

WATCHMAN: (HE'S HIT AGAIN)

(BODY FALL)

(MAN DASHES ACROSS OFFICE TO STREET DOOR)

(OPEN DOOR)

(MAN DASHES ACROSS PAVEMENT TO CAR)

(OPEN CAR DOOR)

DUTCH: (AS HE GETS IN CAR) Get going, Kitty.

(CAR DOOR SLAMS)

KITTY: (TENSE) That shot, Dutch? What happened?

DUTCH: The watchman. Come on, come on, get it started.

KITTY: What happend? Dutch, did you...?

DUTCH: (WILDLY) Shut up! Get going!

(START CAR)

DUTCH: Get going!!!!

(THE CAR PULLS OUT FAST)

(MUSIC: IN AND UNDER AND CONTINUE . . .)

TOP GUY: (NARRATES) It was approximately twenty minutes later when the phone ripped me from sleep. It was Lt. Charlie Berger of our Safe and Loft Squad.

BERGER: Sorry to disturb you, Commissioner, but I had an idea you'd want to know the facts. You remember Gus Evans, sir.

TOP GUY: (NARRATES) I remembered Gus Evans, the night watchman, all right. He had retired from the force two years ago with every honor in the book.

BERGER: Gus is at Municipal Hospital now. I'll keep you posted.

TOP GUY: (NARRATES) A cop may retire from the force. He may take off his uniform for good, but just the same he never stops being one of your boys. I rushed down to the hospital. I saw Gus. He managed to say a few words to me. Then later I met Lieutenant Charlie Berger in the corridor outside Gus's room.

(MUSIC: OUT. . .)

(HOSPITAL CHIME IN BG...LET IT SOUND EVERY
ONCE IN A WHILE THROUGHOUT THE SCENE)

BERGER: (DIP IN) How is he, Commissioner. What do the doctors say...?

TOP GUY: (DOWN) He's dead, Charlie. He tried to fight, just like he always did.

BERGER: But this one was too much for him.

TOP GUY: Thirty years on the force, in every kind of a jam--a hundred different tough spots, and he comes out in one piece. And then a thing like this has to happen.

BERGER: His wife know yet?

TOP GUY: No. She's downstairs in the waiting room.

BERGER: Going to tell her?

TOP GUY: Who else?

BERGER: I'll go with you.

TOP GUY: Thanks, Charlie. And I have something else for you to do. Did you get the reports from ballistics?

BERGER: The slugs were fired from a .38 calibre gun.

TOP GUY: .38, huh. What about the stolen securities?

BERGER: I picked up the report from the Marcus Investing Company on the way back here. (RUSTLE OF PAPER) Here it is.

TOP GUY: Just give me the total.

BERGER: \$75,000. And every one of those bonds is negotiable. They can be easily passed. We don't have much to work with: negotiable bonds and two .38 caliber slugs.

TOP GUY: We have a little more than that, Charlie.

BERGER: Huh?

TOP GUY: Gus regained consciousness just before he...

BERGER: What did he say?

TOP GUY: Just before he was shot he got a quick view at the killer.

BERGER: Get enough of a description to go on?

TOP GUY: It was sketchy but it could fit Dutch Mallory. You know about Dutch.

BERGER: By heart. Four arrests on armed robbery, two convictions. Dutch could be our boy all right.

TOP GUY: Sure, but who's going to make the identification?

BERGER: We can take him in for questioning, a good long session until we get the right answers.

TOP GUY: Mallory knows how to resist questioning. With lack of evidence he'll be out on a writ within twenty-four hours.

BERGER: What shall we do?

TOP GUY: First, I want you to have word sent along the grapevine that Mallory is a possible suspect...and we wait.

BERGER: Wait?

TOP GUY: That's right. I'm curious to see where Dutch Mallory turns to for his alibi.

(MUSIC: . . . IN AND UNDER . . .)

TOP GUY: Lt. Berger left to make contact with the underworld grapevine. I went downstairs to see Gus's widow. I've been in a tough business a long time. I've gotten used to a lot of things, but one thing I've never gotten used to is the face of a cop's wife when you tell her that her husband is never coming home again. The lonely lost look in Mrs. Evan's face was in my mind's eye for days after.

(MORE)

TOP BUY: I thought constantly of her...and I thought too of Dutch
(CONT) Mallory - and just how much he might have needed an alibi.

(MUSIC: . . . OUT AFTER A MEASURE: . . .)

CARL: (A SHREWD MOUTHPIECE) (CALM)..I tell you frankly Mallory.. that alibi stinks.

DUTCH: That's no alibi! It's the truth! Ask Kitty here. Tell him, Kitty, go ahead, tell the counselor.

KITTY: It's just like Dutch said, Mr. Dixon. We were out for a ride in the country the other night when that watchman was killed.

CARL: (IRONIC) Sure.

DUTCH: (STEADFAST) That's where we were. Out in the country.

CARL: I told you, Mallory, you can wrap up that story and throw it in a garbage can. It smells to high heaven.

DUTCH: (FLARING) Look, Dixon...I come to you 'cause you're supposed to be my lawyer, not the police commissioner.... Get this straight. That's my story and...

CARL: ...And you're stuck with it, stuck good when they pick you up.

DUTCH: I'm paying you dough to get me off.

CARL: Not me, Mallory, not with that yarn. You haven't got a chance.

DUTCH: Listen...Dixon...

CARL: (GETTING HARD) You listen!

DUTCH: Now look...

CARL: (TOPPING) Sit down! Sit down and shut up! If I'm getting you off, I'm getting you off my way. I'm running this show like I say or you can go out and get yourself another lawyer. Yes, and you can go right out and get yourself a fast conviction. (PAUSE) Well, Mallory?

DUTCH: (BEATEN DOWN) All right, Dixon, what's your way.

CARL: I've a friend who has a cabin at Crystal Lake, over the State Line. Dutch, you go to Crystal Lake for a short vacation.

DUTCH: What for?

CARL: The police pick you up only when we're ready for them to pick you up, not before. Kitty stays here in town.

DUTCH: Why?

CARL: Because I say so. And...my fee is twenty-five thousand dollars.

DUTCH: What!

CARL: (CALMLY) Twenty-five thousand.

DUTCH: (SPITTING IT) Why you...you lousy shyster! Pulling a squeeze like that! Twenty-five thousand!

CARL: (STILL UNPERTURBED) Not a cent less.

DUTCH: Where do you think I'm getting dough like that, where do you think I'm getting it!

CARL: I don't care where you get it. The papers said \$75,000 in bonds was stolen the night that watchman was killed. I want twenty-five thousand, because, Dutch...you're going to get the best alibi money can buy.

(MUSIC: . . . IN AND UNDER . . .)

TOP GUY: Immediately after Lt. Berger had the word sent along the grapevine, Dutch Mallory disappeared. But two days later I received a report on him from Lt. Charlie Berger.

BERGER: (FILTER) Just received word from one of our informants that Dutch Mallory and his girl friend, Kitty Taggart, visited Carl Dixon's office last night.

TOP GUY: (NARRATES) As I sat in my office I thought about Carl Dixon and his particular practice of law. Always his kind around to give a crook a helping hand - for a high enough fee. He was a man who warranted watching - especially now.

(PHONE)

(TO PHONE) Hello - oh hello, Jeff. What did ya find out?

(DOOR OPENS OFF UNDER)

(TO PHONE) Hold it. (UP TO CHARLIE) Come in, Carhlie.

I'll be with you in a second. (BACK TO PHONE AS:)

(DOOR CLOSES UNDER)

(STEPS COME ON UNDER)

(TO PHONE) Go ahead...I see...Well, that's fine. Yeh, keep in touch.

(RECEIVER DOWN)

Well, Charlie?

BERGER: The surveillance team just reported in. Dutch Mallory didn't show up again at Dixon's office.

TOP GUY: What about the reports from the search squad?

BERGER: Still negative. No sign of Mallory anywhere in town.

TOP GUY: (EASILY) Well, Charlie, I wouldn't worry about it too much.

BERGER: You wouldn't.

TOP GUY: Uh-uh. That was your boy Jeff Tobin on the phone. He's located Dutch's girl friend, Kitty Taggart.

BERGER: Mallory with her.

TOP GUY: No, but he can't be far away. Where \$75,000 is involved, people like Dutch and Kitty are inseparable.

(MUSIC: . . . IN AND UNDER . . .)

TOP GUY: Two more days went by. Kitty Taggert made no obvious attempt to contact Mallory. Things were moving much too slow for my liking. So I made a personal and obvious attempt to speed them up.

(MUSIC: . . . UP AND INTO STEPS)

(DOOR OPENS)

CARL: (COMES ON) The sign on the door says private.

TOP GUY: Sorry. I didn't notice.

(DOOR CLOSE)

(CHAIR SCRAPE)

TOP GUY: (SITTING) Mind if I sit down, Dixon.

CARL: I'm busy. What's on your mind?

TOP GUY: One of your clients - Dutch Mallory.

CARL: Why the special interest?

TOP GUY: Something about a murder and a robbery last week.

CARL: Where does Dutch come in?

TOP GUY: That's what I want to know, Dixon. Thought maybe you could tell me where Mallory is.

CARL: Haven't any idea.

TOP GUY: Sure?

CARL: ...I told you I didn't know where he is.

TOP GUY: So you said.

CARL: Like I said, I'm busy. Suppose you play detective someplace else, huh.

TOP GUY: I had an idea this would be the best place to play it. Oh, by the way, Dixon, talking of special interests...

CARL: Yes?

TOP GUY: I understand the bar association is showing a special interest in your practice - your ethics. I understand there's a motion to bring dis-barment proceedings against you.

CARL: My practice is on the up and up.

TOP GUY: Not according to the bar association.

CARL: Sure, that bunch, they forgot the purpose of being a lawyer ... to protect and defend the little man.

TOP GUY: (SARCASTIC) Little man, like Dutch Mallory?

CARL: Anybody who's in trouble and needs help. That's what I've dedicated my practice to.

TOP GUY: Very touching. You should save that speech, Dixon, from all I know about you, you wouldn't defend your own mother unless the retainer was worthwhile.

CARL: I'm warning you, Commissioner, watch yourself, you're making libelous statements.

TOP GUY: (BROAD SMILE) Oh, stop it, Dixon, you're not in court now. There's no jury to put on an act for.

CARL: I told you, I'm busy. Now, if you got anything else to say, say it and get out.

TOP GUY: There is one more thing. Just in case you should bump into Dutch Mallory, tell him for me it's going to take more than a glib mouthpiece and a smart alibi to get away with murder.

(MUSIC: . . . IN AND UNDER . . .)

TOP GUY: (NARRATES) So I made my obvious move. Then Lt. Charlie Berger and I waited across the street from Dixon's office. We didn't have long to wait.

BERGER: There he comes now, sir.

TOP GUY: (NARRATES) Dixon got into his car, drove a few blocks, picked up a man who was waiting on a street corner, then headed out of town. As we followed his car across the state line I was sure he was on his way to deliver my message to Dutch Mallory. We followed him up a mountain road till he came to an old cabin half hidden in a clump of pines. The two men got out and went inside. I would have given a lot to have heard the conversation.

(MUSIC: OUT. . .)

CARL: (ACTING THE TRIAL LAWYER) Mr. Price, you say that on the night of March the 3rd you were in the Phoenix Bar and Grill.

PRICE: Yes, sir.

CARL: And you saw the defendant, Walter Mallory, in that establishment on that night.

DUTCH: (COMING IN) (IMPATIENT) Come on, come on, I'm getting sick of this stuff, Dixon! How many times do you have to go over it!

CARL: Till Vic here gets it letter perfect. Sit down, Dutch. Take it easy, relax. Go ahead, Vic.

PRICE: Mallory was there when I came into the bar.

CARL: And what time was that?

PRICE: Around ten.

CARL: And when you departed, Mr. Price?

PRICE: He was still there. I remember saying good night to him.

CARL: What time did you leave the Phoenix Bar and Grill, Mr. Price?

PRICE: It was two-fifteen...

CARL: (ANGRY) No, no, you dumb cluck! I told you, not two fifteen. Around two-fifteen. You wouldn't remember the exact time. That would look fishy. Around two-fifteen. You got it now?

PRICE: Sure, Mr. Dixon, I got it. (DELIBERATELY) I left around two-fifteen.

CARL: (SIGHS AS HE'S FINISHED WITH THE QUESTIONING) All right. Vic, that's all. Wait for me in the car.

(STEPS GO OFF TO DOOR)

(DOOR OFF OPENS AND CLOSES - BIRDS)

DUTCH: How much longer do I have to **stay** up here in the woods?

CARL: Until it's all set for you to come back into the State.

DUTCH: I want to see Kitty.

CARL: It can wait.

DUTCH: What if I said it can't. I want to talk to her.

CARL: You'll have plenty of time to talk after I say you can come back.

DUTCH: I'm fed to the teeth with that line. Listen, Dixon, you tell Kitty to get up here and get up here fast!

CARL: Kitty's got to stay in town.

DUTCH: Then I'm going down to see her.

CARL: Get this through your head once and for all. We're playing for time. If you want to crowd it, go ahead. As long as you stay here you're safe. You go back to town now and you stick your neck into a noose. Take your choice, Dutch.

(MUSIC: . . . _IN AND UNDER. . . .)

TOP GUY: (NARRATES) After about forty minutes we saw the man who had gone in with Dixon come out of the cabin, and get in the car. A few minutes later Dixon himself came out and they drove off.

(MUSIC:.. OUT INTO CAR)

BERGER: What now, sir?

TOP GUY: (NARRATES) I'm going into the cabin. You cover me from a side window..Let's go.

(DOOR OPENS..STEPS ON GRAVEL)

(BIRDS CHIRP IN BG)

(KNOCK ON DOOR)

DUTCH: (MUFFLED) (GUARDED) Who's there?

TOP GUY: Open up, and find out.

(STEPS MUFFLED TO DOOR)

(DOOR OPENS SUDDENLY)

DUTCH: (DIP IN FAST) (HOLDING THE GUN) Stay where you are and don't go for your pocket or this goes off.

TOP GUY: (EASY) Hello, Mallory.

DUTCH: What are you doing here, what do you want?

TOP GUY: Maybe I want to talk to you about that gun. I'm interested in a .38.

DUTCH: Your eyes aren't so good Top Guy. Anybody can see this is a .45.

TOP GUY: Well what about your other one, the .38.

DUTCH: Never used one.

TOP GUY: Had an idea you did, one night last week.

DUTCH: What are you talking about?

TOP GUY: Murder..and robbery.

DUTCH: You can't be talking about me, Commissioner. I've been a good boy.

TOP GUY: You happen to be in a good spot for the time being... over the State line. But I can wait. The point is, can you?

DUTCH: What are you talking about now?

TOP GUY: Kitty Tagert..and Carl Dixon.

DUTCH: (ALERT) What about them?

TOP GUY: Way it looks to me, that your lawyer and Kitty are on the verge of mixing legal business with a little pleasure. Of course I could be wrong.

(MUSIC:. . .IN AND UNDER)

TOP GUY: Everyone, no matter how hard, has a weak spot. Dutch Mallory quickly revealed that Kitty Tagert was his. And I kept hitting where it hurt.

DUTCH: Look, how do you know about all this?

TOP GUY: (NARRATES) I just wanted to keep him reeling on the ropes for the time being, so when he tried to press me further, I just grinned knowingly, turned, and walked away. Actually, I was only trying a bluff, but strangely enough, my bluff wasn't such a lie after all.

(MUSIC:. . .OUT. . .)

(STREET EFFECTS LATE AT NIGHT)

(CAR TO A STOP)

KITTY: Thanks, it was fun.

CARL: See you tomorrow night, Kitty.

KITTY: I don't know Carl I really...well

CARL: Hey, you've got something on your mind.

KITTY: Yes. I have.

CARL: What is it?

KITTY: Dutch.

CARL: Look..don't worry about Dutch.

KITTY: I'm not worried about Dutch. I'm worried about us.
If he finds out we've been seeing each other so much
he's liable to think..

CARL: Look, it's business, isn't it.

KITTY: (DIRECTLY) Is it?

CARL: (DIRECT HIMSELF NOW) Kitty..you're a nice girl, plenty
attractive. Attractive women like you weren't meant to
stay cooped up alone in a hotel room.

KITTY: (SMILES) That's an old line, Carl.

CARL: Sure..but don't you like it?

KITTY: (SERIOUS) I don't know..I don't know yet.

(CAR DOOR OPENS)

KITTY: Goodnight.

CARL: Wait a minute.

KITTY: What?

CARL: You didn't answer me before. See you tomorrow night?

KITTY: Yeh, I think so, Carl, I think so.

(MUSIC:.._ _IN AND UNDER)

TOP GUY: Yes..the bluff became an actuality but now I needed facts
to present my case to Dutch Mallory, and Lt. Berger was
put in charge of my special fact-finding committee.

_(MUSIC:.. _ UP_A_MEASURE_AND_OUT)

BERGER: They spent the evening at the same bar on 11th Street,
sir, then Dixon drove her back to her hotel.

TOP GUY: That's four nights in a row. Getting really chummy.

BERGER: Sure, but I still don't see why you don't have an arrest warrant sworn out for Mallory.

TOP GUY: And go through extradition proceedings?

BERGER: So it'll take a little time.

TOP GUY: We can't afford much of that. Beside, Charlie, I see a way of tying all the loose ends into one big knot.

BERGER: Huh?

TOP GUY: Capturing a killer, putting a finish to a crooked lawyer's practice, and recovering \$75,000 in stolen bonds.

BERGER: (SMILES) That's a big knot.

TOP GUY: Worth tying, you'll agree.

BERGER: No arguments there.

TOP GUY: I'm sure Kitty Tagert knows where those bonds are hidden.

BERGER: But where does Dixon fit in?

TOP GUY: In a way, Dixon's working for us. There's no doubt he's playing for time for his client.

BERGER: And also playing his girl friend.

TOP GUY: And if we can prove it to Mallory we may be able to force him back across the State line.

BERGER: Fine. But what if the jealousy angle doesn't work?

TOP GUY: If love doesn't work - then I'm sure money will.

(MUSIC: . . . IN AND UNDER)

TOP GUY: (NARRATES) Love and money. That was to be my one-two punch. And I gave Lt. Berger special orders to get me concrete evidence to back me up.

BERGER: (FILTER) They just went into the bar, Chief. The photographer is ready to get the pictures for us.

TOP GUY: (NARRATES) And I waited patiently in my office to hear from Charlie about the way things were going at that bar.

(MUSIC:...SEGUE TO:)

(JUKE BOX IN BG)

(TAVERN EFFECTS)

KITTY: Carl, I..I'm afraid. I'm honestly afraid.

CARL: Now look Kitty, let's face it. For the first time in years you're living, right?

KITTY: Well..

CARL: What did you have with Mallory? Running from the cops, hiding out, not knowing what was coming next. Yeh, that was a great life. You want to go back to that?

KITTY: No..no, Carl.

CARL: Okay, then from now on it's you and me. How far do you think Dutch would have gotten with that seventy-five thousand in bonds? Even if I got him off, they'd nab him so fast it'd make your head spin. You'd never enjoy that money with Dutch, never. (SLOW) Kitty..

KITTY: Yes, Carl?

CARL: You know where those bonds are.

KITTY: I...

CARL: You do know, don't you.

KITTY: Yes.

CARL: Okay then.

KITTY: But Dutch...

CARL: Forget that guy, he's out of your class. From now on you're riding in style. We're quitting this town. I'm going to show you what living is, Kitty..South American style. Now, where are the bonds?

KITTY: But when Dutch finds out..I know him, Carl. We'll never get away from him.

CARL: Don't you worry, sweetheart. Dutch will never catch up with us. You just leave everything to Carl.

(MUSIC:.._IN AND UNDER)

TOP GUY: (NARRATES) It was eleven o'clock when Charlie Berger returned to my office.

BERGER: Here are the photos, Commissioner. They should win you a nice prize.

TOP GUY: An hour later my car pulled up in front of that little cabin in the woods.

(MUSIC:.._OUT.)

(THROW PHOTOS ON TABLE AS:)

TOP GUY: Carl Dixon and Kitty Tagert. There you are, Mallory.

DUTCH: (SNAPS) You're a liar, a lousy..

TOP GUY: Pictures don't lie.

(RUSTLE OF PHOTO AS HE PICKS IT UP)

TOP GUY: Look at this one. Kitty's smiling. See?

DUTCH: Shut up!

TOP GUY: She doesn't seem to be missing you one bit.

(PICKS UP ANOTHER PHOTO)

TOP GUY: And how about this shot of them, sitting real close together.

DUTCH: Shut up Top Guy. I said, shut up!

GOP GUY: Yes, Dixon really takes care of his clients' girl friends.

DUTCH: Get out of here! Take those pictures and get out!

TOP GUY: Why don't you go, too, Mallory, why don't you go back to town and see for yourself.

DUTCH: (GETTING HOLD OF HIMSELF) (FORCING A GRIN OF AWARENESS)
That's an old gag, Commissioner, the oldest gag in
the world. Peddle it someplace else. You're wasting
your time around here.

TOP GUY: As I said before, Mallory, I can wait. The point
still is..can you?

(MUSIC: . . . IN AND UNDER . . . AND CONTINUE)

TOP GUY: For some reason Mallory didn't leave the cabin. How he
resisted I didn't know. Charlie Berger and I went back
to town. For two more days we kept up our surveillance of
Carl Dixon. Dixon seemed very busy, but just how busy
I didn't know until later.

(MUSIC: . . . STAB AND UNDER)

CARL: I'm setting it up for tomorrow night, Kitty.

KITTY: Carl...what if something goes wrong?

CARL: Nothing's going to go wrong. You just have those bonds,
I'll take care of Dutch.

(MUSIC: . . . STAB AND UNDER)

PRICE: (FILTER) I got you, Mr. Dixon.

CARL: You're sure, Vic. You're sure you understand,

PRICE: (FILTER) Positive.

CARL: The five hundred you still keep, Vic. Only now if they
ask you, be sure to say you didn't see Mallory in the bar
the night of the shooting.

PRICE: (FILTER) (CHUCKLE) That'll be easy to say, Mr. Dixon,
'cause I didn't see him.

(MUSIC: . . . STAB AND UNDER)

TOP GUY: (NARRATES) For two days Carl Dixon seemed extraordinarily busy. Then on the third day he drove up to Crystal Lake. Charlie Berger and I tailed him all the way, and all the way we speculated on how well Carl Dixon was going to plead his own defense.

(MUSIC: OUT)

CARL: (REASONING) Don't be a chump, Dutch, those pictures don't mean a thing.

DUTCH: Pictures don't lie, like the Commissioner said, pictures don't lie.

CARL: All right, so I took Kitty out last night.

DUTCH: What about the other nights?

CARL: There were no other nights. Don't you see, Dutch, the Commissioner was just trying to stir you up? Trying to get you off balance. And you, you almost fell for it. If you came to town the other night, and they picked you up, your goose would have been cooked.

DUTCH: Kitty was smiling in those pictures, Dixon, like she was having the time of her life.

CARL: Sure she was smiling. Why shouldn't she. I broke the good news to her that night.

DUTCH: (SUSPICIOUS) What good news?

CARL: The news that brought me up here this morning. That's why she was smiling. She was happy, Dutch..for you.

DUTCH: Keep talking.

CARL: Everything's set for you to come back into the State. The alibi's fixed. You can come back tonight. After ten.

DUTCH: After ten?

CARL: Yeah..Oh, by the way, Kitty told me to tell you she'll be waiting for you at the hotel.

DUTCH: Kitty will be waiting for me.

CARL: Just like I said. Then we can let them pick you up, Dutch. But they won't have you for long. Because, Dutch, you'll walk out of that courtroom with the cleanest acquittal I ever got a client.

(MUSIC:.._IN AND UNDER)

TOP GUY: (NARRATES) From our vantage point Charlie and I could see Dixon's face when he walked out of that cabin. The grin he wore cut into my hopes.

BERGER: Well, Commissioner, you can't hate yourself for trying.

TOP GUY: (NARRATES) That ride back to town was about the unhappiest I ever had. We tailed Dixon to Kitty Tagert's hotel. Charlie continued the surveillance and as I returned to my office I thought of the laugh Dixon was having at my expense.

(MUSIC:.._OUT. .)

CARL: (LAUGHING) And..and then, Kitty, all I had to do was tell Dutch you'd be waiting here for him with open arms. (LAUGHS) And the chump, you should have seen the way he swallowed that one.

KITTY: Carl...I'm still afraid.

CARL: Look, sweetheart, you're in a new league now..mine. Nothing can touch you. So you just make that call like I told you.

KITTY: (PAUSE)

CARL: Comon..you want that new shining life in South America,
don't you, Kitty?

KITTY: (SIGHS WITH OBVIOUS MISGIVINGS) All right, Carl.

(SHE WALKS A FEW STEPS TO PHONE)

(PICK UP PHONE)

(DIAL NUMBER)

(FILTER BUZZ..FILTER CLICK)

MAN: (FILTER) Police Department.

KITTY: (TENSE)..I'd like to speak to the Commissioner please.
It's about Dutch Mallory. I have some important
information.

MAN: (FILTER) Just a minute please.

(FILTER CLICK)

TOP GUY: (FILTER) Hello. I understand you have information about
Mallory.

KITTY: That's right. He killed that watchman, he stole those
bonds.

TOP GUY: Who is this?

KITTY: Mallory will come across the State border tonight at
ten. He'll be driving a green Nash sedan. He'll come
across on Route 18.

TOP GUY: (FILTER) Who is this?

KITTY: Tonight after ten...Route 18.

TOP GUY: (FILTER) Look, who's calling..(HE'S CUT OFF BY)

(RECEIVER DOWN)

(STEPS COME ON)

CARL: (COMES ON) Feel better about it now?

KITTY: (LYING) Yes, Carl.

CARL: Well, you'll feel even better when I come back at ten-thirty tonight to pick you up for our trip.

(MUSIC: . . . IN AND UNDER)

TOP GUY: (FILTER) The woman who called me wouldn't give her name but I had a pretty good idea who she was, and I had even a better idea why she called. But I still wanted to tie all the loose ends in the case into one big knot. And the only way I could do that now was to arrange for Dutch Mallory to help me tie it. I went back up to the mountains.

(MUSIC: . . . OUT. .)

DUTCH: Look, Commissioner, I'm getting fed up with your gags.

TOP GUY: It's no gag Dutch. You were turned in by Kitty.

DUTCH: Just like that.

TOP GUY: Kitty and Dixon have double-crossed..

DUTCH: How many times do I have to tell you, you're barking up the wrong tree. I'm going back to town because nobody's got anything on me.

TOP GUY: Except murder and robbery.

DUTCH: You got it wrong. I'm clean..as a whistle.

TOP GUY: Listen to me. Kitty and Dixon made a deal for those bonds. They're leaving you out in the cold. Maybe I can help you a little when you come to trial.

DUTCH: That's the best gag yet.

TOP GUY: Dutch, I want Kitty Tagert, Dixon, and those bonds. I'll take you back to town myself.

DUTCH: Look, Commissioner, I don't know what your angle is but I don't bite.

TOP GUY: All right, Dutch, maybe this'll convince you. There's a police band on that radio. Mind if I tune in on it?

DUTCH: Go ahead, amuse yourself. But make it short.

(RADIO SWITCHED ON)

(SHORT WAVE STATIC)

MAN: (FILTER) (FADING IN) Attention. Car. 9. Car 9, attention.

Assignment transferred from Route 12 to Route 18. Patrol State

DUTCH: That program bores me.

border. Be on lookout for green Nash sedan driven by Walter

TOP GUY: It'll get interesting.

Mallory, known as Dutch Mallory. Wanted for murder. Height: five-ten, Hair: brown. Weight.. (CUT OFF)

DUTCH: Huh!

(RADIO SWITCHED OFF ABRUPTLY)

TOP GUY: Convinced, Mallory.

DUTCH: (HISSING IT) Yeh.

TOP GUY: No chance of getting away this time. I advise you to accept my proposition.

DUTCH: I got my own proposition. (WHIPPING OUT HIS GUN) And this is the way it goes. Reach!

TOP GUY: That gun won't help you now.

DUTCH: I said, reach! (BEAT) I'm taking care of Kitty and Dixon my own way. I'm going across the State line.

TOP GUY: You won't get through.

DUTCH: I'll get through. You know, Commissioner, I owe you something for this. You won't like the way I'm paying you off. But it's a lot better than the way I'm paying Kitty and my lawyer..(EFFORT)

(THUD)

TOP GUY: (REACTS)

(BODY FALL)

(MUSIC:...BRIDGE...)

(STEPS BRIEFLY AS:)

CARL: I got your bags. Anything else, Kitty?

KITTY: No, Carl..the plane tickets are down at the desk.

CARL: Here, you take the overnight case. I put the bonds in it. Let's go.

(THEY WALK A FEW STEPS TO DOOR)

(OPEN DOOR)

(THEY STOP DEAD IN THEIR TRACKS AS:)

DUTCH: (BIT OFF) Hello, Kitty.

KITTY: (GASPS)

DUTCH: (COMES ON) Dixon.

CARL: (AGAPE) Dutch!

DUTCH: You two going someplace?

CARL: We...we were just...

DUTCH: You're not going anyplace but back. Go on, get in!

(STEPS INTO ROOM AS DOOR CLOSES)

CARL: (PAUSE) (THEN) Dutch..

DUTCH: So Kitty was going to wait here with her arms open, wait just for me..

KITTY: Dutch, I..I...

DUTCH: Shut up! (BEAT) So the alibi was fixed, Dixon. A nice clean acquittal.

CARL: Dutch..it..it's not the way things look.

DUTCH: No, how is it, Dixon?

CARL: (LYING BADLY) Well...well, it's like this. Kitty was changing her hotel room. That's all. And I... I was helping her move.

DUTCH: Go ahead, keep talking.

CARL: Dutch, I'm your friend.

DUTCH: Sure, you're both my friends. You fix things for me, you fix things like those cops waiting to pick me up at the State line. You did your last fixing, Dixon. Where are the bonds?

CARL: (ACTING) Bonds? How would I know where..?

DUTCH: Where are they, Kitty?

KITTY: The overnight case here.

DUTCH: Put it down.

(CASE IS PLACED ON FLOOR)

DUTCH: So you two wanted to take a trip. All right, so I'm sending you on a trip..

CARL: (SQUIRMING) Wait a minute, Dutch, please. It wasn't my idea, it was hers. Hers, honest. She talked me into it.

DUTCH: Yeh, she talked you into it.

CARL: She did, Dutch, I swear.

DUTCH: You're lying yourself right into the hot place.

CARL: You've got to believe me.....

DUTCH: You're going first, Dixon.

CARL: Give me a chance, Dutch.

(DOOR OPENS)

TOP GUY: (OFF A BIT) I'll give you one, Dixon.

(THEY ALL REACT)

BERGER: (OFF A BIT) Drop that gun, Mallory.

(GUN DROPS TO FLOOR)

(STEPS ..CLOSES)

CARL: He..he was going to kill me, Commissioner.

DUTCH: How did you get here?

TOP GUY: Followed you.

DUTCH: What?

TOP GUY: That smack on the head, I was ready for that, Mallory,
and I rolled with it. I expected it, it was part of
my plan. I let you go on purpose.

(IGNORING) Take Miss Tagert out, Lt. I'll handle these
two.

BERGER: Yes sir.

(STEPS GO OFF)

BERGER: (FADES) This way, you.

(DOOR OFF OPENS AND CLOSES)

CARL: Look Commissioner..Listen to me..I found out Mallory
murdered the watchman. The two of them were trying to make
a getaway.

DUTCH: (GLOATING) You're wasting your time, Dixon, but go ahead
I'm enjoying this.

CARL: The bonds are in that overnight case. I tell you, I tried
to prevent them from..

TOP GUY: (BROADLY) Why don't you stop it, Dixon.
You're not in court now. There's no jury for you to
put on an act for. But you'll get your chance to talk
in court real soon...as a defendant.

(MUSIC:.._._IN AND UNDER)

TOP GUY: (NARRATES) I was in court this afternoon. I saw Carl
Dixon standing solemnly before the judge as sentence
was pronounced. Dixon has his chance to talk in court,
his final say..He talked a lot..but he didn't have
the right words. This time, as a defendant, he had no
alibi. Thank you and good night.

(MUSIC:.._._UP TO FINISH)

ANNCR: TOP GUY stars Jay Jostyn each week as a fighting police commissioner who believes in meeting crime in its own backyard...not behind his desk. TOP GUY is directed by Clark Andrews and this week's story was written by Ed Adamson. Featured in our cast tonight were

Now back to TOP GUY for a special message. (OPTIONAL)

TOP:

(MUSIC:.._UP TO TIME)

ANNCR: TOP GUY comes to you from New York.
THIS IS ABC..RADIO NETWORK.

aek/lj
3/30/53
9 pm