

1 time. You've been a great jury in that regard. I
2 really appreciate it. One thing I want to do, a
3 little bit of housekeeping. The name, Dr. Harrison
4 Pearl, Dr. Pearl is a physician, I believe, at
5 Mobile Infirmary or has worked at Mobile Infirmary.
6 Is there anybody here who's ever been a patient of
7 or knows Dr. Harrison Pearl? Anybody on the panel?
8 I see no hands.

9 All right. We're still on the State's case,
10 the State's case. Ms. Rich, your next witness.

11 MS. RICH: Christopher Davis.

12 THE COURT: Christopher Davis. Mr. Davis,
13 come straight up this way and I'm going to get you
14 right around to the side here. If you'd raise your
15 right hand for me.

16 CHRISTOPHER DAVIS,

17 after having been first duly sworn, was
18 examined and testified as follows:

19 THE COURT: Watch your step and go sit in
20 that chair right there. All right. Your witness,
21 Ms. Rich.

22 DIRECT EXAMINATION

23 BY MS. RICH:

24 Q. Tell us your full name please, sir.

25 A. Christopher Davis.

1 Q. All right. Speak loudly, okay, so all the ladies
2 and gentlemen of the jury can hear you. All right?
3 Mr. Davis, where do you work?

4 A. HOS, Offshore, Hornbeck Offshore.

5 Q. And what do you do?

6 A. I'm a welder offshore.

7 Q. And how long have you been an offshore welder?

8 A. Overall, I've been there a little over six years
9 now.

10 Q. Are you from Mobile?

11 A. Yes, ma'am.

12 Q. Where did you go to high school?

13 A. BC Rain High School.

14 Q. What year did you graduate?

15 A. 2017.

16 Q. And where do you live?

17 A. I live on Moffett Road with my mom.

18 Q. And who lives with you?

19 A. Me, my wife and my kids.

20 Q. And what's your wife's name?

21 A. Chante Lawson.

22 Q. Is she your wife or your fiancée?

23 A. Fiancee.

24 Q. You call her your wife?

25 A. Yes, ma'am.

1 Q. That's just the term you use?

2 A. Yes, ma'am.

3 Q. All right. And how old are your kids?

4 A. I have a six-year-old son, a five-month-year-old
5 daughter and a one-year-old daughter.

6 Q. And how do you know Harry Matthews?

7 A. My brother-in-law, future brother-in-law.

8 Q. On August 1st of 2020, how many kids did you have?

9 A. I had one, that's my son.

10 Q. Your son, okay. And on August 1st, 2020, were you
11 still working offshore as a welder?

12 A. Yes, sir.

13 Q. Explain what happens as far as your schedule when
14 you work offshore as a welder?

15 A. I do long hitches. Sometimes I do, like, five or
16 six months. Sometimes I do eight months. Mostly,
17 I work 316 days out of the year.

18 Q. 316 days out of the year?

19 A. Yes, ma'am.

20 Q. And when you go eight months, do you ever come
21 home?

22 A. No, ma'am.

23 Q. Or six months, you don't come home?

24 A. No, ma'am.

25 Q. And do you have your TWIC card?

1 A. Yes, ma'am.

2 Q. What is a TWIC card?

3 A. A TWIC card is mostly we get through, like,
4 security through our gates and other ports as well.

5 Q. So it's a heightened measure of security for
6 offshore marine?

7 A. Yes, ma'am.

8 Q. And are you drug-tested as part of your work?

9 A. Yes, ma'am.

10 Q. And do you recall August 1st of 2020 when this
11 particular crash happened?

12 A. State it one more time.

13 Q. I'm going to bring you all the way back to August
14 1st of 2020 when the Defendant was involved in a
15 crash with his sports car.

16 A. Yes, ma'am.

17 Q. Do you recall that?

18 A. Yes, ma'am.

19 Q. Do you recall prior to that Friday or Saturday --
20 early Saturday morning of August 1st, when was the
21 last time you were on your job?

22 A. Oh, it might have occurred the last time I was at
23 Pep Boys if I remember.

24 Q. But the year of 2020, did you also work 316 days of
25 the year?

1 A. Yes, ma'am. I'm still on that schedule.

2 Q. Because there's really no set schedule, is there?

3 A. No, ma'am.

4 Q. And back on July 31st and August 1st, were you
5 still living with your mom?

6 A. Yes, ma'am.

7 Q. That night, what were you doing that night of
8 Friday, July 31st, 2020?

9 A. I don't remember that night -- of the crash?

10 Q. Yes.

11 A. The crash, oh, I remember --

12 Q. Prior to going to where the crash occurred --

13 A. Going to the crash?

14 Q. Uh-huh. What were you doing?

15 A. I was at home with my mom, my wife and kids on
16 Moffett Road. And I was on, you know, Facebook.
17 That's when I seen my brother-in-law was having a
18 party, you know, get-together and a lot of friends.
19 Some of my friends was coming out of town from the
20 Navy and they just told me to come and I was --
21 could I read it on my statement?

22 Q. Sure. Let me do this. Are you talking about this
23 statement right here? (Indicating)

24 A. Yes, ma'am.

25 Q. Let me show you what's been marked as State's

1 Exhibit Number 190; is that your statement that you
2 gave to the police?

3 A. Yes, ma'am.

4 MS. RICH: I'll move to admit State's Exhibit
5 Number 190.

6 THE COURT: Any objection?

7 MR. KNIZLEY: No objection.

8 Q. So use this one, okay, since that's the official
9 record.

10 THE COURT: What's your objection?

11 MR. KNIZLEY: No objection.

12 THE COURT: It's in without objection. Let her mark
13 it until you ask another question.

14 (STATE'S EXHIBIT 190 MARKED AND ADMITTED IN
15 EVIDENCE)

16 Q. What were the names of your friends that were
17 coming in from the military?

18 A. Roman and -- well, Emanuel never made it, he was
19 still on the carrier, on the Navy carrier, so he
20 never came, but he was supposed to come.

21 Q. And where were they stationed in the Navy?

22 A. Roman, I want to say South Carolina and Emanuel, I
23 want to say California.

24 Q. Had you seen them since high school?

25 A. No, ma'am.

1 Q. And do you know about what time it was that you
2 left your house with your wife and child?

3 A. No, ma'am. I don't remember.

4 Q. Where did you go?

5 A. Well, I was traveling northbound leaving Moffett
6 Road from my mom's house. I was traveling towards
7 Moffett where Clark's is close to the interstate.
8 When I was traveling, I got on the interstate. I
9 was traveling on the interstate going towards
10 Airport, traveling towards Airport.

11 And once I got off on Airport, I was
12 travelling towards on the service road northbound
13 towards the Comfort Inn.

14 Q. What was your purpose of going to the Comfort Inn?

15 A. Meeting my brother-in-law and friends that was from
16 out of town.

17 Q. And so who was with you in the car?

18 A. My wife and my son.

19 Q. And how did you know to go to the Comfort Inn?

20 A. I just seen it on Facebook and he just told me to
21 just, you know, come say hey before they leave out.

22 Q. Okay. Did you have any conversations with Harry,
23 your brother-in-law, that night?

24 A. Yes, ma'am.

25 Q. And when was that?

1 A. I know I called him when I was leaving the house.
2 I was on the phone with him. And I connected my
3 Bluetooth and everything to the car and --

4 Q. I'm sorry. I didn't mean to cut you off.

5 A. I was just connecting my phone to the Bluetooth and
6 I called him.

7 Q. What time was it when you arrived at the entrance
8 to Comfort Inn, approximately, if you recall?

9 A. Midnight, 12 something, round about that time.

10 Q. And what did you observe as you approached the
11 entrance to Comfort Inn?

12 A. As I was travelling, you know, toward northbound on
13 I-65 service road and stopping to turn left into
14 the parking lot of the Comfort Inn, I saw
15 headlights in the distance in the opposite lane,
16 but up in the distance in the opposite lane.

17 Q. You know, absolutely you wrote that on your
18 statement.

19 A. Yes, ma'am.

20 Q. Just tell me what you remember. Was there any
21 other cars on the roadway?

22 A. It was a car that was in front of me that was just
23 traveling the same direction as me. I was behind
24 them.

25 Q. What did you see that car do?

1 A. He was just traveling the same direction going up
2 ahead. I'm not sure if he had his brake lights on
3 or whatever, but I was, you know, a little further
4 behind than he was. I just seen him, you know.

5 Q. Did you see that car do anything?

6 A. I don't remember that.

7 Q. Okay. And did you see any other cars down on that
8 street coming toward you?

9 A. I just seen headlights up in the distance.

10 Q. And about where were those headlights on that road?

11 A. It's a church that's coming around that curve that
12 way, that's when I seen the car.

13 Q. And so what did you do?

14 A. I just, you know, stopped, turned my signal on. I
15 had clearance and I just completed my turn.

16 Q. So what did you do at that point?

17 A. As I proceeded making my turn into the Comfort Inn
18 parking lot, that's when my brother-in-law had
19 called and that's when he told me to come to the
20 back of the parking lot, that's where the parking
21 spots at. There's no parking spots in the front,
22 so I had to park in the back.

23 Q. What did you tell your brother-in-law?

24 A. When I was going towards the back, I just told him
25 I heard a loud noise, I didn't know what it was.

1 Q. Did he meet you?

2 A. Yes, ma'am. He came downstairs.

3 Q. And who was with him?

4 A. Some other guys that was at the hotel as well.

5 Q. Did you know them?

6 A. No, ma'am.

7 Q. What did y'all do?

8 A. After we -- I had parked and we met and everything,
9 that's when we went to go see what the noise was.

10 Q. And where did you go?

11 A. We went to the hotel, it's like a little fence. We
12 just ran down there towards where the noise was.

13 We just looked and just saw the car in the ditch.

14 Q. Was there anybody at the car at that point, other
15 people?

16 A. Yeah, there was other people.

17 Q. Okay. And so did you call 911?

18 A. I just assumed everybody else was calling 911. It
19 was a whole lot of people outside.

20 Q. So what did you do then?

21 A. We went to the scene to check it out and other
22 people was there and that's when we just, you know,
23 see what happened and we just came on back to the
24 hotel.

25 Q. Where was your wife and child at that point?

1 A. They was in the car.

2 Q. Did you go up into the hotel?

3 A. Yes, ma'am. As we went back to the hotel, we went
4 to -- I went to the room and that was pretty much
5 it.

6 Q. Do you remember how long you stayed there?

7 A. 30 minutes or less, if that. I didn't stay that
8 long.

9 Q. And there was a party going on, right?

10 A. Yes, ma'am.

11 Q. Did you drink any alcohol?

12 A. No, ma'am.

13 Q. Were you under the influence of anything that
14 night?

15 A. No, ma'am.

16 Q. Were you under the influence of any drugs?

17 A. No, ma'am.

18 Q. Did you give that statement to the police?

19 A. Yes, ma'am.

20 Q. And when was that?

21 A. I'm not sure what date. On the statement it says
22 05/2020, this statement here.

23 Q. It says 8/5/2020?

24 A. Yes, ma'am.

25 Q. At 3:14 p.m.?

1 A. Yes, ma'am.

2 Q. And so who was with you when you gave that
3 statement?

4 A. My uncle took me to go see the police officer that
5 gave me -- to give a statement and I just told him
6 I wanted to do a written statement instead of a
7 verbal statement. That's what my uncle was telling
8 me and when --

9 Q. Why did your uncle go with me?

10 A. My uncle went with me because I wasn't sure what
11 was going on. And by him being a retired
12 lieutenant, I was asking him for advice.

13 Q. Retired lieutenant from what?

14 A. Mobile Police Department.

15 Q. Had you ever given a statement before?

16 A. No, ma'am.

17 Q. On anything?

18 A. No, ma'am.

19 Q. And what's your uncle's name?

20 A. Alfred Davis.

21 Q. And did you know that the police were looking for
22 you to take a statement?

23 A. No, ma'am, I wasn't aware.

24 Q. How did you know to go to the police department?

25 A. Well, my mom called, she called me and told me.

1 Q. And did you ever give a recorded interview?

2 A. No, ma'am.

3 Q. Why not?

4 A. I'm not sure. I didn't get nothing -- I wasn't
5 interviewed about nothing.

6 Q. And you were subpoenaed to come to trial, correct?

7 A. Yes, ma'am.

8 Q. When you were subpoenaed to come to trial, where
9 were you?

10 A. Well, my wife called me and told me, you know, the
11 DA gave a subpoena. I was at work when they was
12 trying to subpoena me, so.

13 Q. That's what I'm asking. You were offshore?

14 A. Offshore, yes, ma'am.

15 Q. Did you have to come in from offshore to appear at
16 the trial?

17 A. Yes, ma'am.

18 Q. And were you happy about coming to court?

19 A. I was losing money, no, ma'am.

20 Q. So when was the first time that you ever gave any
21 additional details about what happened in the
22 crash?

23 A. When I came here for trial, maybe a couple of two
24 weeks ago, a week, ago, something like that.

25 Q. All right. And you told more here than you told on

1 your written statement, correct?

2 A. I was asked a lot of questions, yes, ma'am.

3 Q. And your wife came with you; is that correct?

4 A. Yes, ma'am.

5 Q. And your uncle?

6 A. To court, yes, ma'am.

7 MS. RICH: I'll pass the witness.

8 THE COURT: Cross-Examination, Mr. Knizley.

9 MR. KNIZLEY: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. KNIZLEY:

12 Q. Good morning, Mr. Davis.

13 A. Good morning.

14 Q. How are you today?

15 A. Doing good. How are you?

16 Q. Good. Thank you. The prosecutor had asked you a
17 moment ago if you had talked with her before last
18 week and you said that was the first time you had
19 given additional details; is that right?

20 A. Yes, sir.

21 Q. Let me say it again. You first gave a written
22 statement to the police back in August of 2020?

23 A. Yes, sir.

24 Q. And since that time, you've not talked to law
25 enforcement about the case until about a week

1 and-a-half ago?

2 A. Yes, sir.

3 Q. And you came to talk with Ms. Rich; did you not?

4 A. Yes, sir.

5 Q. And you got subpoenaed and came in and sat down and
6 talked with her. Did you do that on more than one
7 occasion last week?

8 A. No, really just one time, she was just telling me
9 about the trial. That was it or about, you know,
10 coming with a subpoena.

11 Q. Was Detective McCullough there with y'all?

12 A. Yes, sir.

13 Q. And she asked you what happened and you told her
14 what happened; is that right?

15 A. Yes, sir.

16 Q. And she asked you what questions she may ask you in
17 court here and y'all went over --

18 A. No, no, no. We didn't go over --

19 Q. She never discussed any questions --

20 A. It was nothing about court. It was just mostly
21 about me coming to -- being here, subpoena.

22 Q. So she asked you about the facts of what happened;
23 did she not?

24 A. I just told her the truth.

25 Q. She asked you about the facts of what happened; did

1 she not?

2 A. About what facts, about the incident or coming
3 here?

4 Q. About the wreck?

5 A. Oh, no.

6 Q. You're telling the jury that Ms. Rich, in
7 preparation for you to testify here today, never
8 asked you about the facts of what happened?

9 A. I'm not getting the question. I'm sorry.

10 Q. I'm sorry. I'll try to be clear. You gave a
11 written statement back in 2020 about what happened;
12 did you not?

13 A. Yes, sir.

14 Q. In fact, you and your uncle went to the police
15 department and Detective McCullough, this gentleman
16 right here, asked you to give him an oral
17 statement; did he not?

18 A. I gave him a written statement.

19 Q. Yes, sir, you did. Did this gentleman ask you
20 could he ask you some questions and you give him
21 some oral answers; do you remember that?

22 A. No. He just asked me to give him a statement and I
23 gave him a written statement.

24 Q. And it's your testimony to these ladies and
25 gentlemen of the jury that Detective McCullough did

1 not ask you to give a verbal statement; is that
2 your testimony to this jury?

3 A. And I told him I wanted to give him a written
4 statement.

5 Q. Did he ask you to give an oral statement?

6 A. I'm not sure. I just told him I wanted a written
7 statement.

8 Q. Have you seen the video of you and Detective
9 McCullough when he tried to interview you? Have you
10 seen that?

11 A. No, sir.

12 Q. Have you been told about that by Ms. Rich?

13 A. No, sir.

14 Q. You say you don't remember whether Detective
15 McCullough asked you about an oral statement or do
16 you remember?

17 A. When we got to his office, he just sat us down and
18 he just asked -- I just asked him can I give a
19 written statement and that was it.

20 Q. Okay. All right. Now, also, though, you talked
21 with Ms. Rich, you know, two and-a-half years after
22 the accident, did an investigator from my office,
23 Michael Golson, come to your house to interview
24 you?

25 A. Yes, sir.

1 Q. At your home; is that right?

2 A. Well, he approached me multiple times there in the
3 hallway.

4 Q. Let's take them one at a time. Did he come to your
5 home and leave a subpoena?

6 A. Yes, sir.

7 Q. Was your wife home?

8 A. Yes, sir.

9 Q. That was what, about a month ago maybe, two or
10 three weeks ago?

11 A. I'm guessing, yes, sir.

12 Q. And he came in this courtroom here and walked down
13 the hall, found you and asked you to give a
14 statement; is that right?

15 A. Yes, sir.

16 Q. When he came to the house, he left his card. Did
17 your wife tell you that he asked you to call him?

18 A. She was with me that day. I was talking to him
19 through the camera.

20 Q. And that was at your home you lived at, right?

21 A. Yes, sir.

22 Q. And then up here in the courthouse he asked to talk
23 to you and you told him you didn't want to talk to
24 him, right?

25 A. I told him whatever he needed to hear, he could

1 hear it here in court.

2 Q. Right. But you told him you were not offering to
3 interview here, right?

4 A. I don't feel comfortable unless I'm up here on the
5 stand.

6 Q. And then he came to your house again, right, just a
7 few days ago?

8 A. Yes, sir.

9 Q. And that's the second time he came to your house?

10 A. Yes, sir.

11 Q. And I think that's what you told him that time,
12 he'll hear what you have to say in court?

13 A. Yes, sir.

14 Q. And that's at your home?

15 A. Yes, sir.

16 Q. You told the ladies and gentlemen of the jury a few
17 moments ago that you live right now with your
18 mother at Moffett and Wolf Ridge; is that right?

19 A. Yes, sir.

20 Q. Now, Ms. Rich asked you the simple question of
21 where do you live and you told her you lived on
22 Moffett Road, right?

23 A. Yes, sir.

24 Q. Actually, Tampa Drive, right?

25 A. No, I live on Moffett.

1 Q. Okay. I'm going to show you what's marked as --

2 MS. RICH: Judge, I've never seen any of
3 this. I don't know what he's --

4 MR. KNIZLEY: It's impeachment. Impeachment.
5 May I approach the witness, Your Honor?

6 THE COURT: Yes, sir. Any objection?

7 MS. RICH: I don't know what he's going to
8 ask. I don't know.

9 THE COURT: Let's see where it goes. Go
10 ahead.

11 Q. I'm going to show you what's marked as Defendant's
12 Exhibit 7 and tell me if you recognize that home?

13 A. That's my mom's home.

14 Q. That's out Moffett Road and Wolf Ridge Road area?

15 A. No, that's her first home. She have multiple
16 homes. We stay on Moffett.

17 Q. Is that the one you live at?

18 A. No.

19 Q. Now, let me ask you this: I'm going to show you
20 Defendant's Exhibit 7 and tell me if you recognize
21 this photograph?

22 A. Yes, sir.

23 Q. What is that?

24 A. That's a house.

25 Q. Whose house?

1 A. I stay with my mom.

2 Q. Whose house is this?

3 A. That's my house but I don't stay there. I don't
4 live there. My wife and kids stay there.

5 MR. KNIZLEY: Judge, we'd offer Defendant's
6 Exhibit 7.

7 THE COURT: Objection?

8 MS. RICH: No, Your Honor.

9 THE COURT: It's in without objection. Let
10 her mark it on her list.

11 (DEFENDANT'S EXHIBIT 7 MARKED AND ADMITTED IN
12 EVIDENCE)

13 Q. And you own that house; do you not?

14 A. Yes, sir. I purchased it but I don't live there.
15 That's for my wife and kids.

16 Q. We'll get to that. May I approach the witness,
17 Judge?

18 THE COURT: Yes.

19 Q. I'm going to show you Defendant's Exhibit 9, and
20 just take a little time and look at this and tell
21 me if you recognize that?

22 MS. RICH: I haven't seen this, Your Honor.

23 MR. KNIZLEY: I'm sorry.

24 MS. RICH: Judge, we're going to object to
25 this and probably need to have a side bar.

1 MR. KNIZLEY: I don't think we need a side
2 bar, but see what the witness says.

3 THE COURT: Let me see the document. Mr.
4 Knizley, can you come around?

5 (OFF-THE-RECORD SIDE BAR DISCUSSION)

6 Q. Mr. Davis, I'm going to show you Defendant's
7 Exhibit 9, and ask you to take a look at it again,
8 please, and tell me if you recognize it? Is that
9 the deed to your home?

10 A. I never actually seen a deed, so this is my first
11 time looking at it.

12 Q. Just take a moment and look at it and see if you
13 recognize that deed where the Johnson family sold
14 you your home that we just saw a picture of in
15 Defendant's Exhibit 7? Just tell me if that's what
16 you think -- if that's what that is and if you can
17 recognize it?

18 A. I said this is my first time seeing it.

19 Q. Is it your deed to your home?

20 A. I haven't seen a deed to my home.

21 Q. You don't know what this is? I'm sorry. You didn't
22 finish. Go ahead.

23 A. I didn't see the deed to my home. They just gave
24 me a packet and that was it. I just got the house
25 for my wife and kids.

1 Q. Did you buy a home on July 27th, '22?

2 A. Yes, sir.

3 Q. And is the home you bought the one that we have a
4 picture of in Defendant's Exhibit 7?

5 A. Yes, sir.

6 Q. Let me put this up here so the jury can see it.

7 THE COURT: You can use the Doc. Cam back
8 there if you wish.

9 MR. KNIZLEY: Thank you, Judge.

10 THE COURT: Put it under that camera, Mr.
11 Knizley.

12 MR. KNIZLEY: Yes, sir.

13 Q. Let me ask you again, Mr. Davis, I'm displaying
14 Defendant's Exhibit 7 and that is your home; is it
15 not or is it?

16 A. May I ask a question?

17 THE COURT: No. You have to answer his
18 question, sir.

19 Q. Is this the building, is this the residence that
20 you bought July 27th, 2022?

21 A. Yes, sir.

22 Q. And it's in your name; is that right?

23 A. Yes, sir.

24 Q. And you've told the ladies and gentlemen of the
25 jury that you live with your mother, right?

1 A. Yes, I do. I still stay with my mother.

2 Q. And you also told the ladies and gentlemen of the
3 jury that Mr. Golson came to your home where you
4 live with your wife, didn't you?

5 A. My wife was there. I wasn't there. What that has
6 -- that's an irrelevant question. What do that
7 have to do with this incident?

8 Q. Mr. Davis, did you tell the jury, under oath, a
9 moment ago that Mr. -- you told them twice that Mr.
10 Golson came to your home and left you a subpoena?

11 A. He left my wife a subpoena. I was never home. I
12 talked to him through a camera.

13 Q. Right. And you talked to him through your ring
14 camera at your home?

15 A. Sir, my wife and my children stay there.

16 Q. You want to tell this jury that's not your home?

17 A. I purchased the home, but I don't live there.

18 Q. You have a ring camera?

19 A. That's for my wife and kids' safety, sir. I work
20 316 days offshore.

21 Q. And you're telling me your wife doesn't live there?

22 A. Yes, sir. My wife lives --

23 Q. Your brother doesn't live there either?

24 A. My wife lives here. That's for my wife and my
25 kids, yes, sir. I'm never home.

1 Q. That's not your home?

2 A. I purchased the home for them. I'm supposed to
3 have a roof over their head.

4 Q. That's not your home?

5 A. That's the home I purchased, yes, sir.

6 Q. I don't mean to belabor it any further and I'll
7 move on. Do you live in this house, yes or no?

8 A. I live on Moffett Road with my mom.

9 Q. All right. Now, let's talk a little bit about
10 where you work. Okay. What does HOS stand for?
11 Do you know?

12 A. Hornbeck Offshore Energy and Service.

13 Q. And you sound like you got a good job, that you
14 work a lot, 316 days?

15 A. Yes, sir.

16 Q. And I think Ms. Rich asked you where did you work
17 on August 1st and I'll go a little further, July
18 31st and August 1st of 2020, and I believe your
19 response was that you worked at the same job?

20 A. Yes, sir.

21 Q. And is that your testimony?

22 A. Yes, sir, where I worked offshore.

23 Q. Back then you still worked 316 days a year; is that
24 right?

25 A. Yes, sir. We don't have a specific schedule. If

1 we want to work over, we can work over.

2 Q. That was a pretty important day in your life,
3 wasn't it, in that there was a horrible accident, a
4 person died, that you were there in the proximity
5 of the accident and you went there, that's a pretty
6 important day, wasn't it?

7 A. Somebody died. I mean, I don't -- I get that, yes,
8 somebody lost their life, yes.

9 Q. Is that the only time you've ever been called to
10 the police department to give a statement?

11 A. Yes, sir.

12 Q. Isn't that pretty important?

13 A. Yes, sir, for somebody to lose their life, yes,
14 sir.

15 Q. Sure. You didn't work offshore then, did you?

16 A. I was working offshore. I just came home.

17 Q. Sir, you worked at Field and Stream, didn't you?

18 A. Hold on. What was the question? Hold on. What --

19 Q. The day on July 31st, 2020, you did not work
20 offshore as you told these people under oath, you
21 worked at Field and Stream out on the beltline,
22 didn't you?

23 A. No, sir. I worked for Hornbeck Offshore.

24 Q. And you didn't go to work on July 31st at Field and
25 Stream --

1 A. I was coming home from offshore.

2 Q. May I finish?

3 A. Yes, sir.

4 Q. You didn't go to work on July 20th at Field and
5 Stream you're telling this jury under oath?

6 A. Yes, sir. I didn't work at Field and Stream during
7 that time.

8 Q. Sir?

9 A. I didn't work at Field and Stream during that time.

10 Q. And you didn't work the next day at Field and
11 Stream?

12 A. I was off work from offshore. I was just coming
13 home.

14 Q. All right. Do you have a Facebook account?

15 A. Yes, sir.

16 Q. I'm going to draw your attention to a Facebook
17 account which I believe is in evidence --

18 MS. RICH: It's not in evidence.

19 MR. KNIZLEY: Well, I'll offer the Facebook
20 account into evidence that the Court has reviewed.

21 THE COURT: What's the name and number?

22 MR. KNIZLEY: Judge, it's already been marked
23 at one time, the 994-page Facebook account as a
24 Court's Exhibit, I believe.

25 THE COURT: Are you offering all of the

1 pages?

2 MR. KNIZLEY: Yes, sir.

3 THE COURT: State's position?

4 MS. RICH: Give us just a minute, Your Honor.

5 THE COURT: So no objection from the State
6 provided that all the pages are in, right? MS.

7 RICH: Correct.

8 THE COURT: It's in without objection. You
9 got it marked, Ms. Cook?

10 THE REPORTER: Yes, sir.

11 THE COURT: Your witness, Mr. Knizley.

12 MR. KNIZLEY: Yes, sir.

13 (DEFENDANT'S EXHIBIT 25 MARKED AND ADMITTED
14 IN EVIDENCE)

15 BY MR. KNIZLEY:

16 Q. You had a Facebook account back in 2020; did you
17 not?

18 A. Yes, sir.

19 Q. And from time to time, would you use that Facebook
20 account to communicate with your wife?

21 A. Yes, sir.

22 Q. And would you use that Facebook account to
23 communicate with some other acquaintances of yours
24 from time to time?

25 A. Yeah, family and friends.

1 Q. Family and friends?

2 A. Yes, sir.

3 Q. Okay. Back in 2020, in July of 2020, we were
4 having a pandemic as some may have called it in
5 relation to Covid, you remember that?

6 A. Yes, sir.

7 Q. From that Facebook account, I'm going to show you a
8 couple of entries and you tell me if these are your
9 entries.

10 MR. KNIZLEY: And Mr. Yeager, if you can draw their
11 attention to the aspect about being left off from
12 --

13 (OFF THE RECORD)

14 Q. Okay. I'm going to show you on page 381 of what's
15 been admitted into evidence as Facebook records and
16 let you take a look at this. See this entry right
17 here, is that your name right there? (Indicating)

18 A. Yes, sir.

19 Q. What is the date right there if you can read it?

20 A. 2020/07/31.

21 Q. And this is what they call UTC time, so that says
22 21:54:27, but that's to let you know it's backed up
23 five hours, so that'd really be 16 or about 5
24 o'clock in the afternoon if you'll accept that for
25 me, please.

1 We'll just stick with UTC time. This says on July
2 31st of 2020 at 21:54, did you send a message to
3 your wife that said -- could you read what that
4 says right there?

5 A. We're getting sent home for two weeks. Someone
6 tested positive for Covid.

7 Q. And then there's another one you sent right after
8 that on the same date and the same time, what does
9 that say?

10 A. On Dick's side.

11 Q. Now, what is next door to Field and Stream in the
12 same building?

13 A. I mean, Dick's side, but I sent her someone being
14 sent home for Covid because that happened on our
15 vessel.

16 Q. And the next message is on Dick's side, right?
17 That wasn't on Dick's side of Dick's sporting goods
18 on that day? Sir?

19 A. What was the question one more time?

20 Q. Okay. You've told the ladies and gentlemen of the
21 jury that you were offshore working, right, at that
22 timeframe?

23 A. Yes, sir.

24 Q. And you did not work at Field and Stream?

25 A. Not during that time, no, sir.

1 Q. Have you ever worked at Field and Stream?

2 A. Yes, sir.

3 Q. Now, on this date, on July 31st, the day this
4 accident happened, you sent your wife a message on
5 Facebook that says we're getting sent home for two
6 weeks, someone tested positive for Covid; did you
7 not?

8 A. Yes, sir, on my vessel. Yes, sir.

9 Q. Then the next one in just -- it looks like about 15
10 seconds later, you said on Dick's side?

11 A. I was letting her know we was at Field and Stream
12 shopping.

13 Q. Okay. Let me just see if we can -- if you don't
14 mind displaying that up here. Let's let the ladies
15 and gentlemen of the jury take a look at it.

16 MR. KNIZLEY: And Mr. Yeager, if you could pull it
17 down a little bit where it says -- I'm sorry, as
18 you had it, Stephen, please.

19 Q. Now, can you see it up there, sir?

20 A. Yes, sir. I see it on the screen.

21 Q. You're telling the ladies and gentlemen of the jury
22 when you told them that somebody is getting sent
23 home for two weeks because they were positive for
24 Covid and 15 seconds later you said it was on
25 Dick's side, that has something to do with you

1 working offshore?

2 A. Yes, sir. I was just coming home from offshore.

3 Q. Where were you -- you were coming home from
4 offshore at 4 o'clock in the afternoon before this
5 accident?

6 A. We don't have specific times when we get off that
7 vessel, sir. They release us whenever they get a
8 chance. It doesn't matter what time we get off
9 that vessel. They say so. It's up to the drill
10 manager of that oil rig.

11 Q. Okay. And Field and Stream has guns there, don't
12 you?

13 A. Yes, sir.

14 Q. And when you worked at Field and Stream, you sold
15 guns, didn't you?

16 A. Yes, sir, that's the only position they had open
17 available.

18 Q. You had friends that looked for guns, right?

19 A. Yes, sir.

20 Q. And you tried to show it to them, right?

21 A. Yes, sir.

22 Q. Now, I'm going to show you what's marked from the
23 same exhibit on page 111.

24 MR. KNIZLEY: If you could put that up on the
25 screen please, sir.

1 Q. And I won't walk up to you. I'll let you read it
2 up there and let the jury read it. Look at the time
3 up there where it says -- you see that one right
4 there?

5 MR. KNIZLEY: If you'll blow it up, the very first
6 entry, Mr. Yeager.

7 Q. Now, what date is that entry where it says that
8 Chris Davis commented from July 30th? What day is
9 that?

10 A. 12:20, 7/31.

11 Q. And what did you say in that comment?

12 A. Somebody asked me where I worked, I never tell
13 nobody where I work offshore.

14 Q. I'm not asking you that. I'm just asking you what
15 --

16 A. I say I work with guns, that's what it says, but I
17 never tell nobody exactly where I work at.

18 Q. Did you work with guns on July 30th?

19 A. No, sir. I was working for Hornbeck Offshore
20 during that time.

21 Q. Were you offshore on July 30th?

22 A. I was just coming home.

23 Q. And you just got home that day or what?

24 A. I'm not sure, sir, what time I came home. That was
25 2020. I can't remember that far back.

1 Q. Well, let's try though. It's your testimony to
2 this jury you worked on that day of this wreck?

3 A. Yes, sir.

4 Q. A lady passed away, that you were just coming home
5 that day?

6 A. I'm not sure I was coming home that exact day. I
7 was home. I eventually got home.

8 Q. How about the next day?

9 A. I'm not sure.

10 Q. Did you go to work at Field and Stream the next
11 day?

12 A. No, sir. I didn't work at Field and Stream during
13 that time.

14 Q. All right. I want to show you page 295 if I could,
15 please. You look at that page on your screen
16 there. All right. And you're the second entry at
17 -- if you look at the second entry, you see where
18 it says 20/28/01?

19 MR. KNIZLEY: If you'll blow it up, please, Mr.
20 Yeager.

21 Q. Do you see that? First, do you see that?

22 A. Yeah, I see it. I see it, yeah. The store opened
23 at 11 and I was shopping. It opened up at 11.

24 Q. Hold on. Hold on, okay. Hold on. Now, who is
25 Chante?

1 A. My wife -- well, my fiance.

2 Q. On 2020, August 1st at 17:31 UTC time which I
3 suggest to you that means 12:30 Central Standard
4 Time, what does she say to you?

5 A. So did I have to go, I mean.

6 Q. Before we go any further, you're saying -- what do
7 you think it means, shopping or something or what?

8 A. Obviously, I had to go get -- during that time I
9 had to go get a physical and a drug screen right
10 there at Mobile Infirmary downtown.

11 Q. I gotcha. All right. So let's look at the next
12 entry which you wrote back some 15 seconds later.

13 A. Yeah, and I told her, yeah, the store opens at 11.
14 I mean, obviously, I told her I was going to go
15 shopping as well.

16 Q. That's so you're going shopping, right? Going
17 shopping, is that what you're telling these people
18 on this jury, under oath, that you're talking about
19 going shopping?

20 A. Yes, sir.

21 Q. Look at the next entry that you said. Read it for
22 the ladies and gentlemen of the jury.

23 A. I said I was late but they don't care. Obviously,
24 I was late getting the physical.

25 Q. This is about a physical, not about shopping; is

1 that right?

2 A. Yes, because see, I had an appointment there, but
3 obviously the doctors and stuff don't care if you
4 late or not as long as you show up.

5 Q. What's the next thing that you say skipping over
6 what Chante says on 20:28, 22:27 about a safe?

7 A. Yes. I was --

8 Q. Excuse he. Just read that for the ladies and
9 gentlemen of the jury.

10 A. Come in, I want you to look at a safe, yes, a gun
11 safe, yes, sir.

12 Q. Do y'all have gun safes at Field and Stream?

13 A. Yes, they have -- obviously, they have gun safes
14 like Academy Sports.

15 Q. And let's go back over starting at the top again,
16 okay, where the second entry is. So you did have
17 to go --

18 A. Sir, we was talking about two things in that
19 conversation.

20 Q. Let me finish the question. Okay.

21 A. Yes, sir.

22 Q. At about 12:30, the day after the accident, she
23 asked you did you have to go, right?

24 A. Yes, sir.

25 Q. And what your response was, the store opens at 11,

1 right?

2 A. Yes, sir.

3 Q. And you then said they didn't care if you were
4 late, right?

5 A. Yes, sir.

6 Q. And then you said come in after you got to work --
7 if you come in, I want you to look at a safe,
8 right?

9 A. Yes, sir.

10 Q. And then you said which one or just do the shoe
11 box, right?

12 A. Yes, sir, reading two different things.

13 Q. And you're telling the -- I'm sorry. Go ahead.

14 A. You can go ahead. I'm sorry. I didn't mean to
15 interrupt.

16 Q. You're telling the ladies and gentlemen of the jury
17 when you wrote that you were going home early
18 because of Covid, they were letting everybody go
19 and put everybody off two weeks because of what
20 happened on Dick's side, right, the day before, we
21 read that, right? Want me to go back over that
22 again?

23 A. Yes, sir. We read it.

24 Q. Do you want to go back over it again?

25 A. No, sir.

1 Q. And you're leaving for Covid, you're going to be
2 put off for two weeks, put off of work because of
3 what happened on Dick's side. You're saying that's
4 talking about something being offshore?

5 A. Sir, I was coming -- I was home from offshore.
6 Obviously, I was home, they let us go.

7 Q. Let's go back to the Dick's side and we can get
8 that straight.

9 MR. KNIZLEY: Do you have that number, Stephen? Go
10 back to Dick's side.

11 Q. Okay. Before we get to -- going back over to
12 Dick's side, go to page 294. If you'll look at the
13 entry fifth from the bottom at 13:43:41 UTC.
14 Now, Chante, your wife and this is the same day,
15 the day after the wreck is asking you at 14:51,
16 which I suggest to you is 11:50 in the daytime --
17 excuse me, 13:43 to begin with, that's going to be
18 about 10:45 in the daytime; what does Chante ask
19 you?

20 A. Did I have to work, do you have to work.

21 Q. And what was your response 12 seconds later?

22 A. I don't know. We don't know if that vessel been
23 cleaned or anything. When somebody catch Covid on
24 our vessel, they have to do a deep cleaning, that's
25 serious.

1 Q. I gotcha. She's not talking about work that day,
2 huh?

3 A. She asked me did I have to go to work. Obviously,
4 do I have to go back offshore. I told her I don't
5 know because we haven't received any information of
6 us going back to work.

7 Q. That's on page 294, okay. And then what did you
8 say after that? What's the next thing you say
9 after that, I don't feel like going back to work.
10 What's the next thing you said?

11 A. I said I'm buying this safe and I'm going to take
12 cash out, I only have 150 in the account.

13 Q. And it will tell us the safe at Field and Stream
14 and then go to page 292 to 295. And the first
15 entry, page 295, what Chante says, huh, if you'll
16 see that?

17 A. She say, so, did you to have go.

18 Q. Now, before that she says yeah. So did you have to
19 go -- that will do right there --- and then what
20 did you say?

21 A. I said, yeah, the store open at 11, I mean.

22 Q. Well, the page before she asked you did you have to
23 go to work and your response is -- then she asked
24 you again, so did you have to go. And you say,
25 yeah, the store opens at 11 and I was late, but

1 they don't care, come in, I want you to look at the
2 safe and they sell safes at Field and Stream and
3 you tell the ladies and gentleman of the jury --

4 A. Sir, those are two different -- we talking two
5 different things in this conversation.

6 Q. You're telling the ladies and gentlemen of this
7 jury that you weren't talking about going to work
8 at Field and Stream --

9 A. I didn't work at Field and Stream. You go ahead.
10 I'm sorry to interrupt.

11 Q. You're telling the ladies and gentlemen of the jury
12 that you weren't talking about going to work at
13 Field and Stream, about them being laid off from
14 Covid and because of Dick's next door, and that you
15 didn't work at Field and Stream and that you didn't
16 work with guns at that time, and that you weren't
17 working at Field and Stream?

18 A. No, sir. I didn't work at Field and Stream during
19 that time.

20 Q. All right. A little bit more about it.

21 THE WITNESS: Your Honor, can I ask a question?

22 THE COURT: You have to answer his questions,
23 sir. I can't have conversations with witnesses.
24 It's nothing personal.

25 THE WITNESS: Yes, sir.

1 Q. I want to direct your attention to page 222 of
2 those records. Excuse me, let's start at 215 of
3 those records. Do you know who Travis Pettway is?

4 A. Yes, sir, that's my car salesman.

5 Q. Do you remember having a conversation with him on
6 July 31st, that's the date before the wreck, you
7 remember having a conversation with him? Actually,
8 it was July 30th. If you look at the first entry
9 on this page at 2:15.

10 A. Yes, sir, that's the only SUV I get.

11 Q. So you're talking to Travis about buying a car,
12 right?

13 A. Yes, sir.

14 Q. And what date is that?

15 A. 2020/07/31.

16 Q. Now, the next two days later on August 1st, the day
17 of this incident, you have an exchange with him and
18 what do you say to him?

19 A. How much you trying to spend on a gun, he was
20 trying to buy personal gun from me.

21 Q. Right. And you don't sell guns, do you?

22 A. No, sir. I purchase them from the pawn shop,
23 that's where I get them. I buy guns from the pawn
24 shop.

25 Q. You do buy guns from the pawn shop and sell them to

1 other people?

2 A. No, not like that, no.

3 Q. Sir?

4 A. Not like that, no. We get a Bill of Sale and we do
5 everything the right way. I get them registered,
6 you know.

7 Q. You're talking to him about selling a gun from a
8 pawn shop then; is that what you're telling me?

9 A. Yes, sir. That's where the gun was at, a pawn
10 shop, yes, sir, and I was at the pawn shop probably
11 during that time. I was trying to see how much he
12 was trying to spend on the gun.

13 Q. Let's read the rest of it. You asked him at
14 7:23:43 on the day after this wreck, the day of
15 this wreck, how much are you trying to spend on a
16 gun and his response was, if you'll look, depends
17 on what it is and then you sent him a photo, right?

18 A. Yes, sir.

19 Q. That photo you sent -- first, go to page 216, that
20 was 215, 216, and I'm going to show you this photo.
21 See that photo right there?

22 A. Yes, sir.

23 Q. What kind of gun is that?

24 A. I'm not sure what kind of gun that is but...

25 Q. Well, see the little thing down there that says

1 clearance, 579?

2 A. Yes, sir.

3 Q. And that photo was sent just moments after he asked
4 you what have you got? And the little clearance
5 thing, is that something you might find if you
6 worked at Field and Stream where you're selling
7 guns?

8 A. I don't work at Field and Stream. Obviously,
9 that's on the other side of the glass where
10 customers can see, see the price. So I was
11 shopping.

12 Q. Okay. So that's nothing to do with the pawn shop
13 you were talking about just a second ago; is that
14 what you're saying?

15 A. No, it had nothing to do with that.

16 Q. Look at page 217, and this is, again, on August 1st
17 during the same conversation you just had where you
18 just sent that picture; what do you say there?

19 A. The price is 405.

20 Q. And you sent another picture. And it says you sent
21 a photo, right?

22 A. Yes, sir.

23 MR. KNIZLEY: And on page 218, could we see
24 the photo, please?

25 Q. What's that a picture of?

- 1 A. Of a gun.
- 2 Q. And where? Obviously, a retail store, right?
- 3 A. Yes, sir.
- 4 Q. It could be Field and Stream you think maybe?
- 5 A. It could be Sports Academy. It could be Field and
- 6 Stream, yes, sir.
- 7 Q. Page 219, what do you say, the same thing, August
- 8 1st?
- 9 A. Basically, a Glock 19 at 674.
- 10 Q. All right. And what are you talking about there,
- 11 about a pawn shop?
- 12 A. No. Obviously, he was talking about the gun that
- 13 was in the picture.
- 14 Q. A picture of where? Where was the picture taken?
- 15 A. At a retail store, at a store.
- 16 Q. Okay. And look at 220, what's that?
- 17 A. That's a picture of a gun.
- 18 Q. At a retail store, right?
- 19 A. Yes, sir.
- 20 Q. And that sticker right there, that wouldn't be
- 21 Field and Stream by any chance, would it?
- 22 A. It could be any store, Sports Academy, Field and
- 23 Stream, it could be any store.
- 24 Q. It wouldn't have been you at work at Field and
- 25 Stream that day taking pictures of guns and sending

1 them to Mr. Pettway and telling him what you got
2 there?

3 A. Sir, I didn't work at Field and Stream during that
4 time. I worked for Hornbeck Offshore.

5 Q. Okay. Let's look at page 221. And again, we're
6 looking on August 1st, 2020 at 17:44 UTC which
7 would have been 12:44 Central Time, what do you say
8 there?

9 A. Sig, 1,911, that's the price.

10 Q. What are you talking about that?

11 A. Obviously, that's a gun.

12 Q. What gun are you talking about? Were you at the
13 pawn shop?

14 A. No, it's a Sig.

15 Q. You got it at a pawn shop?

16 A. I don't know. I mean, are you talking about in the
17 picture or like --

18 Q. What did you talk to him about?

19 A. Obviously, I was at Field and Stream shopping.

20 Q. What did you talk to him about?

21 A. I was talking to him about a gun. He was talking
22 about purchasing a gun. I told him I was at Field
23 and Stream shopping, looking for a safe.

24 Q. Sir, you're telling this jury that none of this
25 talk is about Field and Stream?

1 A. I was --

2 Q. And that you didn't --

3 A. He obviously asked me about a gun. And I was, just
4 so happened, at Field and Stream looking for a
5 safe. I was there purchasing a safe.

6 Q. Right. We're going to talk about the safe in a
7 little bit. All right. We'll get back to that.
8 You're just telling the jury you didn't work there?

9 A. Not during that time, no, sir.

10 Q. Do you have a driver's license?

11 A. Do I have what?

12 Q. A driver's license?

13 A. No, sir, not during that time, no, sir.

14 Q. Sorry. I didn't hear that last part.

15 A. No, sir.

16 Q. Have you ever in your life had a driver's license?

17 A. I had a driver's license during the time, but
18 obviously something with my Social Security number
19 and another guy got mixed up.

20 Q. I'm sorry, sir. You're telling the ladies and
21 gentlemen --

22 A. What the lady told me at the DMV when me and my mom
23 was there is another Christopher Davis, we have --
24 the last four of our Socials is similar, so
25 obviously something got mixed up with mines and his

1 and we're trying to figure that out at this time
2 now.

3 Q. Have you ever had a driver's license?

4 A. No, sir, not during 2020.

5 Q. At any time in your life?

6 A. No, sir.

7 Q. So you never took a test to determine what the
8 rules of the road were?

9 A. Yes, sir. I took a permit test.

10 Q. Did you pass it?

11 A. The lady said I passed. But like I said, it was a
12 thing with our Social Security number.

13 Q. You don't have a driver's license today and you've
14 never owned a driver's license?

15 A. I won't say I never owned a driver's license. We
16 trying to figure that out now.

17 Q. Just tell the ladies and gentlemen of the jury,
18 under oath, whether you have ever had a license to
19 drive a motor vehicle in the State of Alabama?
20 Just yes or no.

21 A. No, sir, not --

22 Q. Tell them.

23 A. No, sir.

24 Q. And in August when you drove that car down that
25 service road that night, you didn't have a driver's

1 license, did you?

2 A. No, sir.

3 Q. Now, I'm going to show you a document -- now you
4 have an ID card, right?

5 A. Yes, sir.

6 Q. You talk about this confusion with some other Chris
7 Davis and Social Security number, but you got you
8 an ID card, right?

9 A. Yes, sir, that's the one she issued me out and she
10 said would I come there whenever I get a chance and
11 we trying to figure it out now --

12 Q. I'm sorry. That was issued back on February 11th
13 of 2019?

14 A. Yes, sir.

15 Q. And y'all have been working on figuring this out
16 for four years?

17 A. No, sir. Well, she told me to come back. She said
18 come back to the DMV when you get a chance, and I
19 just never got time to get around to it because I
20 be at work.

21 MR. KNIZLEY: May I approach the witness,
22 Your Honor?

23 THE COURT: Yes, sir.

24 Q. I'm going to show you what's --

25 THE COURT: Have you showed it to counsel?

1 MR. KNIZLEY: I'm sorry. She's the one that
2 gave it to me.

3 THE COURT: Go ahead. This was given to us by
4 the State. Now, tell me what this is. Let me mark
5 them, please, if I might.

6 Q. I'm going to show you what's been marked as
7 Defendant's Exhibit 26 and tell me if you recognize
8 that? (Indicating)

9 A. It's a photo of me and it's just got my information
10 on it.

11 Q. Is that your identification card you told the jury
12 about a little while ago?

13 A. It doesn't say it up there.

14 Q. Is that the identification card you told the jury
15 about a few minutes ago?

16 A. Yes, sir.

17 MR. KNIZLEY: I offer Defendant's Exhibit 26.

18 THE COURT: Objection?

19 MS. RICH: No objection.

20 THE COURT: It's in without objection. Let
21 her mark it. Just a minute.

22 (DEFENDANT'S EXHIBIT 26 MARKED AND ADMITTED
23 IN EVIDENCE)

24 MR. KNIZLEY: Mr. Yeager, if you would blow
25 that up just a little bit.

1 Q. It says DL number on there, right? You see right
2 there at the top left, it comes in and says DL
3 number?

4 A. Yes, sir. It also shows my Social Security number.
5 I don't feel comfortable with that being showed.

6 Q. I'm sorry. We'll take that off there, please, sir.
7 I'm glad you mentioned it. Is that better?

8 A. Yes, sir.

9 Q. I'm sorry about that. I didn't realize it was on
10 there. This says DL number, but you don't have a
11 driver's license?

12 A. No, sir, that's the identification card that the
13 lady issued to me.

14 Q. That picture of you over there is not a driver's
15 license picture, that's a picture on your
16 identification card; is that right?

17 A. Yes, sir.

18 Q. And a matter of fact, you had to show that
19 identification card when you got stopped back in
20 November of '22 for no driver's license. You
21 remember that?

22 A. Yes, sir, and I explained to the officer what was
23 going on and he said, okay, first thing in the
24 morning, go check it out.

25 Q. Well, he gave you a ticket, didn't he?

1 A. I mean, obviously, he had to give me a ticket.

2 Q. I'm sorry. I didn't hear you.

3 A. Obviously, he had to give me a ticket during that
4 moment until I could --

5 Q. What did he give you a ticket for?

6 MS. RICH: Judge, I object to the form. Go
7 ahead.

8 THE COURT: Any objection?

9 MS. RICH: No.

10 THE COURT: Go ahead, Mr. Knizley.

11 Q. What did he give you a ticket for?

12 A. For no driver's license during that time.

13 Q. Okay. Now, I want to talk to you a little bit
14 about these people that you say that were at -- you
15 remember going in the hotel, right?

16 A. Yes, sir.

17 Q. And you say the only two people you knew, three
18 people were Harry and your brother-in-law, right?

19 A. Yes, sir.

20 Q. Jaquarius, I know I'm mispronouncing his name. How
21 do you pronounce it?

22 A. Jaquarius.

23 Q. Jaquarius is your other brother-in-law?

24 A. Yes, sir.

25 Q. And Roman?

- 1 A. Yes, sir.
- 2 Q. And you didn't know anybody else there?
- 3 A. No, sir.
- 4 Q. You don't know Kobe Matthews?
- 5 A. No, sir.
- 6 Q. You never met Kobe Matthews?
- 7 A. I mean, he was in the hotel room, I never met him,
8 like, personally.
- 9 Q. That was the first time you ever saw him?
- 10 A. Yes, sir.
- 11 Q. If someone else says that y'all have been
12 acquainted for quite some time, they'd be mistaken?
- 13 A. Yes, sir, because obviously I don't know him. He
14 was there at the hotel. I only came there for
15 actually Harry Matthews, Jaquarius Matthews, Roman
16 and Emanuel, but Emanuel never made it there. He
17 was on the carrier.
- 18 Q. I'm just asking you first who you were acquainted
19 with there. Okay.
- 20 A. Yes, sir.
- 21 Q. You didn't know Mr. Bell, you didn't know him?
- 22 A. Who?
- 23 Q. Bell, La'jerric Bell, you don't know him?
- 24 A. No, I never heard of that name.
- 25 Q. You don't know Devin?

1 A. No, sir.

2 Q. And you know the gentleman in the hood was Devin,
3 do you remember seeing the video the other day when
4 you were taken through it and asked who the man in
5 the white hood was, you remember that when the
6 Judge was asking you some questions?

7 A. In what video? In the hotel?

8 Q. Yes, sir. Remember we were here and the judge was
9 asking you --

10 A. Yes, sir. I remember that.

11 Q. -- he asked you the man in the white hood and you
12 said -- he asked you did you know that man and you
13 said that you didn't know him?

14 A. No, sir.

15 Q. And that's Devin, and you don't know Devin?

16 A. No, sir.

17 Q. And you don't have Facebook exchanges with Devin?

18 A. Not that I know of, no, sir. I don't know.

19 Q. Well, if you don't know him, you wouldn't have
20 Facebook exchanges with him, would you?

21 A. I don't know him personally, I don't know him know
22 him.

23 Q. Well, I don't know the difference in know him know
24 him and know him. So could you tell me, tell the
25 ladies and gentlemen of the jury, you testified

1 under oath you don't know Devin, whether you do or
2 do not know a gentleman named Devin Tower?

3 A. I don't know him personally. I don't know him like
4 that. I just know those people that was at the
5 hotel, my brother-in-law and the two people that's
6 in the Navy. I don't know the other guys like
7 that.

8 Q. And you didn't tell Devin -- you didn't exchange
9 Facebook messages --

10 A. I don't remember if I exchanged messages with Devin
11 or not. I probably did or I probably didn't. I
12 don't remember. I don't know.

13 Q. Well, why would you be talking to someone on
14 Facebook if you don't even know who they are?

15 A. That's my first time meeting them at the hotel,
16 like, during that time. I don't really know him
17 like that or before. I don't really know him like
18 that.

19 Q. Well, let's just look at your Facebook again. Okay?

20 A. Okay.

21 Q. Page 263, when you look down there where it says
22 thread, and he's going to blow it up for you, but
23 I'm talking about on 9/30 -- excuse me. I take it
24 back to the night this happened, okay, 2020, 8:01,
25 you will see that right there?

1 MR. KNIZLEY: The third and fourth from the bottom,
2 Mr. Yeager.

3 A. I see it. It also say Harry, also my
4 brother-in-law was letting me know. Obviously, his
5 phone was always down. He was, like, using his
6 phone, obviously.

7 Q. Mr. Davis, I want to draw your attention to the
8 entry of --

9 MR. KNIZLEY: Fourth from the bottom if you can
10 bring that down, please.

11 Q. If you'll see what time of day that is, it's 2020,
12 August 1st at 5:29, and I suggest to you the UTC
13 time is five hours behind. So that's going to be
14 12:30 at night, 12:29:20 at night. The day this
15 happened, okay, at 12:30, coming up there at that
16 Comfort Inn, who does that say you called?

17 A. Obviously, my brother-in-law's phone had died.
18 Obviously, that's the person I had to call. He had
19 called me on there and then I called him back.

20 Q. And you called Devin?

21 A. Obviously that's the -- he called my --
22 brother-in-law called me on there because obviously
23 at the bottom it says Harry, he was letting me
24 know, hey, I'm using his phone.

25 Q. And I appreciate that, Mr. Davis. Let's go back to

1 this entry right up here on 12:30, that's the one I
2 want to talk about, okay, the one you're looking at
3 right there.

4 A. Yes, sir.

5 Q. Who does that say you called?

6 A. I said I called him, that's how I get in touch with
7 him, through my brother-in-law.

8 Q. And who is him?

9 A. That's the guy named Devin.

10 Q. And you don't know him?

11 A. I don't know him know him. I don't know him
12 physically. I don't know him personally.

13 Q. Okay. How about Isaiah Evans, do you know him?

14 A. I don't remember him personally. I don't know him.
15 I don't know them like I know my brother-in-law and
16 the other guys. They was just in the hotel. I
17 didn't know they was going to be there at the
18 hotel.

19 Q. You say you didn't know them personally. You've
20 testified under oath you don't know them at all?

21 A. I don't know them like that. I don't know them.
22 I'm not saying I don't know them, like,
23 face-to-face. I don't know them personally.

24 Q. Well, do you remember testifying back here on
25 August -- excuse me, on March 3rd, 10 days ago,

1 Friday, you remember coming to this courtroom and
2 testifying under oath?

3 A. Yes, sir.

4 Q. You remember this Judge asking you, under oath, did
5 you know anybody other than Roman, Harry, and
6 Jaquarius, you remember him asking you that?

7 A. Yes, sir.

8 Q. And you remember what your answer was?

9 A. I don't know them. I don't know them, like,
10 personally.

11 Q. Do you remember him pointing out the guy in the
12 hoodie that was Devin and you told this judge that
13 you didn't know him?

14 A. I don't know him like that.

15 Q. I'm just asking did you tell the judge that?

16 A. Yeah, I told him I don't know him, like, I don't
17 know him, physically know him.

18 Q. You didn't say it like that, you just said you
19 didn't know him?

20 A. Yeah, but I'm just saying I don't know him. I'm
21 sorry if the words got mixed understanding them or
22 anything like that. I just don't know them
23 personally like that.

24 Q. And you said you didn't know Isaiah Evans?

25 A. I don't know him personally like that.

1 Q. That's what you say in your Facebook at page 263 on
2 the 2nd?

3 A. Obviously, that's a group chat. Yes, sir, it's a
4 group chat. All of us get put in -- we got put in
5 a group chat. So I can't help that they was in the
6 group chat with me. I just got put in a group chat
7 with them. I can't control that.

8 Q. On page 236, on the second entry, it says Chris
9 Davis; you see that?

10 A. Yes, sir.

11 Q. And that is on August 3rd at 1:30, it's actually
12 August 2, you say amazing role?

13 A. Yes, sir.

14 Q. And Isaiah responds to you?

15 A. Why do I look so weird.

16 Q. And you respond to him?

17 A. It's not the pink wrap no more.

18 Q. So you're saying that's why it looks weird because
19 it's not the pink wrap anymore?

20 A. Well, it's sushi, a shogun.

21 Q. Then you respond to him again; what do you say?

22 A. Like the first time we got it in a long time, a
23 long time ago.

24 Q. Like the first time we got it in a long time ago,
25 that means you had some dealings with this man a

1 long time ago?

2 A. No. I put it in the group chat. Obviously, I was
3 sending it to a group chat. He just responded.
4 The person I was actually talking to never
5 responded.

6 Q. And what does Isaiah say after that?

7 A. Said, oh, okay, always was like that, don't look
8 like no amazing role. They change at 4.

9 Q. And like Devin and like Kobe, you don't know
10 Isaiah?

11 A. I don't know them personally. I don't know them
12 like that.

13 Q. All right.

14 A. I don't really talk to them. I don't know them.

15 Q. I want to ask you about some of your activities
16 earlier in the day, July 31st, 2020. And you've
17 already told the jury -- and correct me if I'm
18 wrong -- you say that you did not work at Field and
19 Stream that day; is that right?

20 MS. RICH: Judge, he's asked that 15 times.
21 Asked and answered over and over and over again.

22 THE COURT: I'm going to overrule. I will
23 say he's entitled to a thorough and sifting
24 Cross-Examination. Mr. Knizley, you need to wrap
25 up and move to another point. You've established.

1 Q. And then you say that you were home all day; is
2 that right? You were at home at your mama's house
3 all day?

4 A. Yes, sir.

5 Q. And all day long to the best of your recollection?

6 A. I don't remember, but I know I was home with her.
7 But what do all this have to do with this accident?
8 I don't --

9 Q. We'll get to it.

10 A. Well, all the other people and all that stuff, what
11 do that have to do with what happened with the car
12 wreck, sir?

13 Q. We'll get to it. Okay.

14 A. I feel like those questions are irrelevant.

15 Q. Yes, sir. And you didn't recall going anywhere
16 else. Obviously, you don't recall working, you
17 don't recall going anywhere else that day, do you?

18 A. I don't remember, sir. During that night I just --
19 during the nighttime I was at home with my wife and
20 kids and my mother.

21 Q. I'm asking you about daytime right now. Okay?

22 A. I don't know what I was doing daytime. I can't
23 answer those questions because I don't remember. I
24 feel like that's an irrelevant question from what
25 I'm actually here for.

1 Q. Do you recall testifying in this courtroom on March
2 3rd, last Friday and being asked the question, do
3 you remember what you had done earlier that day
4 before you got in the car? You remember? May I
5 approach the witness, Your Honor?

6 THE COURT: Yes.

7 Q. Again, you recall giving that testimony, and do you
8 recall being asked this question right here: Okay,
9 by me, and when you went -- do you remember what
10 you had done earlier that day before you got in the
11 car to go to the Comfort Inn; you remember being
12 asked that question?

13 A. Before going in the Comfort Inn, yes, sir.

14 Q. You remember me asking you the question under oath
15 last week? Do you remember me asking you?

16 A. Yeah, before I got in the Comfort Inn, that's,
17 like, when I was driving, yes, sir.

18 Q. What was your answer?

19 A. Yes, sir.

20 Q. And what's the rest of it?

21 A. I was at my mom's house.

22 Q. Did you say anything else about going anywhere
23 else?

24 A. I didn't go anywhere else.

25 Q. You didn't go -- did you or did you not?

1 A. I don't know. I don't remember.

2 Q. But your testimony was you just was at home?

3 A. Yes, sir, that's what I remember, I was at home.

4 Q. And do you remember me asking you then just a few
5 questions later -- do you remember me asking you
6 this: Do you remember what you had done all that
7 day, anything? You remember me asking you that?

8 A. Yes, sir, and I said I was just at home. That's
9 what I recall.

10 Q. Then I asked you, the best you can recall, all day
11 long, you remember me asking you that?

12 A. Yes, sir.

13 Q. And what was your answer?

14 A. Yes, sir, that's what I remember.

15 Q. All right. Well, that's not true though, is it?

16 A. I don't remember. I don't know if I was -- I
17 probably went somewhere or I probably didn't. I
18 don't know.

19 Q. You didn't say, under oath, you don't remember; you
20 said that's where you were, at home all day?

21 A. You said what I recall, that's what I recall. I
22 was at home, that's what I remember.

23 Q. In fact, if you worked that day at Field and
24 Stream, when you left, you went to the casino,
25 didn't you?

1 A. Probably did. I'm always at the casino.

2 Q. And you went to the casino in Montgomery, didn't
3 you?

4 A. I don't know Montgomery -- Montgomery don't have
5 casinos, sir. I go to Biloxi, Mississippi.

6 Q. You didn't go to Wind Creek?

7 A. I don't remember. I probably did --

8 Q. And you had a conversation with your wife about it,
9 didn't you?

10 A. I probably did, but what that have to do with what
11 I'm actually here for, sir?

12 Q. Okay. Do you recall going to the Wind Creek
13 Casino?

14 A. I guess. I'm not sure. I probably did.

15 Q. If you saw your Facebook entries, would that
16 refresh your recollection, your Facebook entries
17 where you communicated with your wife?

18 A. Probably.

19 Q. It wouldn't?

20 A. Probably, I don't -- I probably did. I ain't saying
21 I didn't.

22 Q. Well, you don't remember, so I'm asking you if you
23 looked at your Facebook entries, would that refresh
24 your recollection or help you remember something?

25 A. It might.

1 Q. If I could show that to you please, sir. MR.

2 KNIZLEY: Stephen, do you have that Facebook entry
3 for that afternoon? Maybe I can direct it to you.
4 291. Could you play 291, please, and blow that up,
5 please?

6 Q. Start at the first entry, please start up there.

7 A. Just said I'm leaving.

8 Q. And then go on down to the fourth entry.

9 A. I said, baby, my hand keep itching, what's the
10 move.

11 Q. I'm sorry. What was the last part you said?

12 A. W-T-M-S, what's the move, actually saying, hey,
13 what are we going to do.

14 Q. Well, let's see what the timeframe is. We're
15 talking about July 31st at 2021 and that's going to
16 be at -- if you minus the five hours, about 4:18 in
17 the afternoon. You see that?

18 A. Yes, sir.

19 Q. Do you recall what you meant by my right hand keep
20 itching?

21 A. It's an old saying that I got from my mom. If your
22 right hand itching, that mean money is coming your
23 way. I'm not sure if everybody heard that or not.

24 Q. What is the next thing you said?

25 A. I said money -- money coming, but I meant to say my

1 way, but I put an e.

2 Q. Right. And then you corrected it on the next one;
3 is that right?

4 A. Sir?

5 Q. You corrected it on the next entry?

6 A. Yeah, I said way.

7 Q. As a matter of fact, you were gambling and you had
8 won some money, hadn't you?

9 A. I'm not sure. I'm always winning or losing, sir.

10 Q. But this is a very important day and we're trying
11 to figure out what you did that day before you
12 drove that car down that road, so I'm trying to
13 just see if I could help you remember what you did
14 because remember you told us, under oath, that you
15 stayed at your mom's all day?

16 A. It said do you recall, and I said that's what I
17 recall. Obviously, it's got me right here saying
18 I'm going to the casino earlier. So I was saying
19 I'm --

20 Q. I couldn't understand a word you said just then.

21 A. I said -- when he asked that question, it said do
22 you recall what you did that day. And I said,
23 well, what I remember is pretty much staying at my
24 mom's house. This right here is showing me going
25 to the casino earlier.

1 I mean, I said obviously I just told you, I
2 don't know if I went to a casino or not. I didn't
3 say I wasn't going or I didn't say I did go. What
4 I remember when you had asked me, I was just at my
5 mom's house before the incident.

6 Q. Well, let's see if we can figure out if you went to
7 the casino. Okay? So what's the next thing you
8 say? Your wife, you say you got some money coming
9 your way and then your wife asked you is it
10 stimulus money; you see that?

11 A. Yes, I see that says was it stimulus.

12 Q. And you told her it wasn't, didn't you?

13 A. Yeah. I said casino money.

14 Q. If y'all win on casino money and she says no
15 "camino" --

16 A. She said no casino. She obviously didn't want me
17 to go to the casino, sir.

18 Q. She didn't want you to be there?

19 A. I'm always either losing money or winning money.

20 Q. By the way, do they give free alcohol if you're at
21 the casino?

22 A. I don't drink, sir.

23 Q. I didn't ask you -- you don't?

24 A. I don't do --

25 Q. You don't drink?

1 A. Not when I'm -- not when I'm out like that, only
2 when I'm home inside the house. I don't drink or
3 drive or anything like that.

4 Q. You don't drink or do you drink?

5 A. On occasion, a special occasion, yes, but I don't
6 drink on the road or anything. You asked me that
7 question last week and you said do I drink or
8 somebody asked me that question, and I said, no,
9 because I don't drink on occasion, like, not on the
10 road.

11 Q. Let's talk about drinking a little bit if we could,
12 please.

13 A. Yes, sir.

14 Q. Let's wrap up on the casino right now and then
15 we'll get to the drinking. Okay? She said no
16 casino and you say right after that and this is
17 about that now, you know, 4 o'clock in the
18 afternoon, yeah, about 4 o'clock in the afternoon.
19 No, like, FR; is that for real?

20 A. Yeah, for real.

21 Q. What is it you can't stop doing?

22 A. I talking about the casino.

23 Q. What is it, you can't stop gambling?

24 A. No. Me, my mother-in-law and my brother-in-law, we
25 always go to the casino. There's nothing else to

1 do in Mobile, so we just go to the casino.

2 Q. But what did you mean when you said I can't stop?

3 A. I was talking to her about going to the casino.

4 Q. Do you recall sending a picture of \$152,000.000
5 jackpot that was won?

6 A. I didn't win it but somebody else won it. I wish
7 I'd won it.

8 Q. Okay. And you just were at the casino that day?

9 A. Yeah.

10 Q. Do you remember sending the picture?

11 A. I don't remember the picture. You got the picture?

12 Q. Yes, I sure do.

13 MS. RICH: Well, Judge, I'm just going to object.

14 I mean, just the relevance of him going to a casino
15 and somebody winning money. Relevance.

16 THE COURT: All right. Overruled.

17 MR. KNIZLEY: Stephen, do you have that
18 picture, please, sir, the jackpot picture?

19 Q. Do you remember taking the jackpot picture?

20 A. I don't remember. I probably did. I probably did.
21 I don't know.

22 Q. And you sent it to your wife?

23 MR. KNIZLEY: Stephen, do you see it there?

24 Q. Anyway, well, would you agree then at about 4
25 o'clock, and again, we're talking about 7/31 at

1 21:19 when you say you can't stop and at the
2 casino, it's about 4:20 in the afternoon? Would
3 you agree you were at the casino at 4:20 in the
4 afternoon?

5 A. It says it right here, I was pretty much at the
6 casino, so I guess so.

7 Q. And I'm going to have to take a moment and find it,
8 but if you took a picture, and the jackpot said it
9 was Wind Creek, Montgomery, would you agree with
10 Wind Creek, Montgomery?

11 A. If it says it on there, yeah.

12 Q. You've been to the one in Wetumpka, in Montgomery,
13 you know what I'm talking about, right, the Wind
14 Creek up there?

15 A. I don't think that's in Montgomery. It's in
16 Alabama, but I'm not sure if it's that far.

17 Q. Wetumpka, there's one in Atmore and then one in
18 Wetumpka.

19 A. Yeah, Atmore.

20 Q. Okay. We'll take Atmore, okay. Well, would you
21 agree that you were at the Wind Creek casino about
22 4:20 before all this happened?

23 A. Like, I guess so because it says it right here.
24 Obviously, I was probably at the casino.

25 Q. Okay. And then you talked about buying a safe,

1 right? You remember talking to your wife about a
2 safe?

3 A. For money and for my guns at home, yes, sir.

4 Q. Right. And because you won some money --

5 A. Well, I didn't win the jackpot, sir --

6 Q. I'm not saying you did.

7 A. I didn't win that. I wish I did. Everybody wish.

8 Q. Did you talk to her about buying a safe after that
9 winning?

10 A. Yeah.

11 Q. And not keep your money in the shoe box anymore,
12 you remember that? I'll show it to you if you want
13 me to.

14 A. Yeah, I remember. I done won about \$150.00 that
15 day.

16 Q. And you were going to put it in the shoe box?

17 A. She don't want me to spend a lot of money on
18 unnecessary stuff, like, gun safes or anything like
19 that. And I told her I could just put it in a shoe
20 box until we, you know, build up some more extra
21 money to put it in a safe, to buy a safe.

22 Q. And that was the talk about the safe was the next
23 day about coming to the store, suggesting Field and
24 Stream when you were working to show her the safe?

25 A. I wasn't working there, sir, not during that time.

1 Q. Okay. I want to draw your attention to page 262 of
2 your Facebook. Do you remember when you went to --
3 excuse me -- before. I know you disagree with me
4 about working at Field and Stream. You don't
5 disagree with me about being at the casino. But
6 then after going to the casino, did you come back
7 to Mobile if you recall?

8 A. Probably.

9 Q. Well, you had to eventually get to the Comfort Inn
10 that night, so we know you did that, right?

11 A. Yeah, yeah.

12 Q. All right. And you knew you had your friend Roman
13 there?

14 A. Yeah.

15 Q. And there was a another buddy there, some other
16 buddies there?

17 A. Yeah.

18 Q. Okay. Do you remember talking to them and seeing
19 the pictures on Facebook about Roman drinking too
20 much and passing out?

21 A. I just seen him, like, sleep in the bed and them
22 carrying him on the video and that was it.

23 Q. Mr. Davis, I'm sorry and maybe I just don't hear
24 very well. You saw him in the bed and you saw him
25 do what else?

1 A. I said I saw him in the bed and the video they
2 showed when I was in here last time, my
3 brother-in-law was carrying him. So yeah, that's
4 what I saw.

5 Q. Did you see the regurgitation, the vomit, did you
6 see that in the picture last time?

7 A. I just seen stuff on the floor. I don't -- was it
8 vomit?

9 Q. Just tell me what you saw and what you thought it
10 was?

11 A. I just remember going in there and seeing them and
12 that was pretty much it. I wasn't really paying
13 attention to the details or anything.

14 Q. Was that a matter of the Facebook conversation that
15 y'all had about the drinking they were doing?

16 A. Yeah. And I seen where it says right here, it says
17 I out-drink everybody, but obviously I was just
18 joking because I don't really -- they know I don't
19 do that.

20 Q. Okay. Well, let's just go over that a little bit.
21 Okay? Okay? At 261 --

22 MR. KNIZLEY: Back up one, if you would,
23 Stephen.

24 Q. And they start talking about them needing some milk
25 and stuff like that. Let's go through that

1 one-by-one starting at the top. I believe it's
2 251.

3 MR. KNIZLEY: Stephen, that's 261.

4 Q. On 262, do you see where you said I'll out-drink
5 everybody?

6 A. Yeah.

7 Q. And that was in response to seeing the videos of
8 your friends drinking a lot and that sort of thing?

9 A. Yeah, but I didn't have nothing to drink that
10 night, sir.

11 Q. All right. You had been to the casino, and then
12 you told them before you ever got there, you told
13 them before you ever got there, in the time that
14 you told them that was August 1st. And if you back
15 up the five hours, so it's going to be about 9:50,
16 you sent this e-mail right here?

17 A. Yeah.

18 Q. Bet I'll out-drink everybody.

19 A. Yeah, but obviously they know I'm joking because
20 they know I can't do none of that stuff. My job --
21 my job does alcohol tests and drug tests every time
22 we get on that vessel.

23 Q. Well, you wasn't on the vessel then, were you?

24 A. Yes, but I don't do none of that unless it's like a
25 special occasion.

1 Q. Maybe on a special occasion?

2 A. Yeah, but to me, that's not a special occasion.
3 That's just me going to say hey.

4 Q. Special occasion, like, having friends that you
5 hadn't seen in three years coming into town that's
6 in the military?

7 A. Sir, they was already drinking before I got to the
8 hotel.

9 Q. I know that.

10 A. I didn't get to the hotel until about midnight.
11 Obviously, that was like 9 something, so obviously
12 they probably already -- probably drinking and
13 everything there.

14 Q. Right.

15 A. That's a group chat. Obviously, we joke around and
16 there's other stuff, I mean.

17 Q. Okay. Now, do you know where you were when you
18 sent the message about I will out-drink all of
19 them? Do you know if you were still in the casino
20 or were you on your way home?

21 A. No, I probably wasn't home. I wasn't there. What
22 time did it say?

23 Q. About 4 o'clock. You want to go back and look at
24 it again about the drinking? That's going to be --
25 if we make the time go back, it's not going to be 4

1 o'clock. It's going to be 2 going back up to --
2 it'll be 21 and that's going to be 9:49. That's
3 going to be like almost 10 o'clock at night before
4 this wreck happened. It's going to be about three
5 hours before this wreck happened. When you said --

6 A. I was at home during that time. 9 or 10 o'clock, I
7 was at home.

8 Q. When you told them, yeah, I'll out-drink everybody?

9 A. Yeah.

10 Q. And they were having a party there?

11 A. Yeah, they was having a party.

12 Q. And you saw the drinking?

13 A. Yeah. They was probably drinking, yeah.

14 Q. They were having a drinking contest?

15 A. I don't know about a drinking contest but yeah,
16 they was probably drinking. I don't know about
17 that.

18 Q. And you're going to the party?

19 A. Yeah. When I seen it, they was on Facebook and
20 they were just in the group chat talking.

21 Q. All right. So it comes about you're at home on
22 Moffett Road with your wife and your four-year-old
23 and you decide and you eventually get --

24 A. And my mom, she was there too.

25 Q. And your mom, and your mom was there. And you

1 eventually get, at about 12:40, to the Comfort Inn;
2 does that sound right?

3 A. Yes, that sound about right.

4 Q. And if we showed you a video that said 12:39 or
5 12:40; does that sound about right?

6 A. Yeah.

7 Q. All right. So how long did it take you to go from
8 Moffett Road to the Comfort Inn?

9 A. I can't give a specific time when I showed there.
10 I'm not sure on the time.

11 Q. Well, you went straight, you didn't go anywhere
12 else, right?

13 A. I went straight there.

14 Q. From whatever, Moffett and Wolf Ridge down to the
15 interstate, you said you got on the interstate,
16 went over to Airport and came back, so 15 minutes,
17 maybe 20?

18 A. I guess, yeah.

19 Q. Somewhere around 12:30 or 12:35 at night, you're
20 going to pack your child and your wife up to go
21 down where they're having a drinking party; is that
22 right?

23 A. And they stayed in the car.

24 Q. We'll get to that.

25 A. My wife wanted to see my brother -- my

1 brother-in-law, wanted to see her brother and I
2 said, okay, let's go.

3 Q. And your mother was home?

4 A. I'm not sure if she was home or not. I'm not sure.
5 I don't know about that time, no, sir.

6 Q. 12:30, 12:35 at night, you've got your wife and
7 your four-year-old child in a car to go to the
8 Comfort Inn where they're having a party?

9 A. Because her brother was there. That don't mean my
10 son got out the car. My son never left that car.
11 She wanted to see her brother. I can't help that I
12 have to take my child with me because I'm not sure
13 if my mom was there or not.

14 Q. And your brother lives with your wife's mother?

15 A. Yes, sir.

16 Q. And so she sees him all the -- he sees -- she sees
17 her brother all the time?

18 A. I'm not sure if she sees him all the time. I'm not
19 always home. I don't know -- like, when she
20 leaves, I'm not sure where she goes. I'm never --
21 I'm never really at home. I'm always at work.

22 Q. Offshore?

23 A. Yes, sir.

24 Q. Not at Field and Stream?

25 A. No, sir.

1 Q. And was it because your wife went down to see her
2 brother and just because she wanted to see him at
3 midnight at 12:30 in the morning or because --

4 A. I mean, she wanted to see her brother.

5 Q. Because she didn't get to see him very often. What
6 are you telling this jury why you say -- why you
7 say your wife and kids get in the car at 12:30 at
8 night?

9 A. Sir, if you wanted to see your brother, would you
10 go see him?

11 Q. Not at 12:30 at night.

12 A. Obviously, I had a reason to go to leave the house
13 that night and I had my wife in the car with me and
14 my son. Yes, they was in the same hotel -- they
15 never went to -- they never got out the car. They
16 ain't never went upstairs. My brother and I, after
17 we seen the wreck and everything, he went to go see
18 my wife when she was in the car. He had woke my
19 son up, my son was sleep during the time when I
20 arrived to the hotel.

21 Q. We'll get to that in just a minute, okay?

22 THE COURT: Mr. Knizley, if you're about to
23 change topics, I want to give the jury about 10,
24 15. Okay.

25 MR. KNIZLEY: Yes, sir.

1 THE COURT: It's going on 11. We've gone a
2 little over an hour and-a-half.

3 So ladies and gentlemen, we'll be just in
4 recess for, say, 10 or 15 minutes, personal break
5 for you guys. Remember all the rules I told you,
6 be very careful to follow those rules and we'll
7 have you back in about 10 after, 10 after 11.
8 Okay. Take your notepads with you.

9 (JURY NOT PRESENT)

10 THE COURT: Be seated, parties, attendees.
11 You're going to have a break as well. I will tell
12 you just stay in the courtroom right now until the
13 jurors have time to go to the restroom. And do not
14 discuss the facts of this case with anybody, the
15 lawyers, your uncle or anybody during this break,
16 okay?

17 THE WITNESS: No, sir.

18 (BRIEF RECESS)

19 (JURY PRESENT)

20 THE COURT: All jurors, parties, attendees,
21 please be seated. Mr. Davis, you're still under
22 oath. Mr. Knizley, you're still on
23 Cross-Examination.

24 BY MR. KNIZLEY:

25 Q. Mr. Davis, I want to speak to you a little bit more

1 about your employment on July 31st. I'm going to
2 turn your attention to Facebook page 259. And if
3 you'll look at the very top, and I think you told
4 the ladies and gentlemen of the jury earlier that
5 you did not know La'jerric Bell?

6 A. I don't know him personally, no.

7 Q. How do you know him if you don't know him
8 personally?

9 A. I think we all went to BC Rain, graduated together.

10 Q. And did you stay in contact with him after high
11 school?

12 A. I'm not sure.

13 Q. Were you in contact with him in July of 2020?

14 A. I'm not sure, I mean.

15 Q. Did you have a discussion with him about coming to
16 work on Facebook?

17 A. Coming to work?

18 Q. Coming to work with you?

19 A. I don't remember.

20 Q. Well, let's look at this, if you would, please. If
21 you'd look at page -- right where it says thread on
22 the first entry, the participants are La'jerric and
23 you, see that? What is the date of that please,
24 sir?

25 A. 2020/09/30.

1 Q. And then right below that it says, author, Chris
2 Davis, and tell me the date of that, whatever you
3 sent to La'jerric?

4 A. Casino.

5 Q. And that is on July 29th, it says 4:56 a.m., but we
6 back up the five hours and it'd be, like, 11:56.
7 So July 28th at 11:56, you sent him a message,
8 casino, right?

9 A. 2020/07/29.

10 Q. And he wrote back and decided he didn't want to go,
11 if you'll see, right? See that?

12 A. Yes. But obviously, that's a group chat.

13 Q. Well, let's go back. The group chat is two people.
14 Go back up a little bit where it says thread and
15 tell me how many people is in here. How many is in
16 there? How many participants in this group chat?

17 A. I mean, I see somebody that also say Darnell
18 Turner.

19 Q. What does it say, the people in this group chat,
20 participants?

21 A. Me and the guy, La'jerric.

22 Q. And that's the guy you say you don't know
23 personally, right?

24 A. I don't know him personally, not like that, not
25 like how I know my brother-in-law and the other

1 guys.

2 Q. I understand. Now, you responded whoa or wow, you
3 see there?

4 A. Yeah. I said wow.

5 Q. And the next thing La'jerric asked you on 7/29 is
6 what?

7 A. Work in the morning, he has to go to work in the
8 morning, obviously.

9 Q. That's not a question to you. Do you work in the
10 morning?

11 A. I mean, my shift is midnight to noon or noon to
12 midnight. I work 12 hours when I work offshore.

13 Q. And you're not saying you're having this
14 conversation with him when you're offshore; is that
15 what you're saying?

16 A. No. I'm just saying he saying he have to go to
17 work in the morning, he asked me what my shift
18 would be.

19 Q. I didn't ask you what your shift was. You're
20 saying this conversation is not while you're
21 offshore, is it? You're not having a Facebook
22 conversation offshore, are you?

23 A. I'm not sure where I was when this conversation --

24 Q. What's the next thing he asked you?

25 A. He asked me what -- is my job still hiring.

1 Q. And then if you'll look on page 260, the next page
2 at the first full entry where it says author,
3 La'jerric Bell, what does he ask you?

4 A. Yeah, I need another job though.

5 Q. Then what does he say after that?

6 A. So I'm going to come up there.

7 Q. Sir?

8 A. Go back to it.

9 Q. Yes, what's the next thing you say?

10 A. So I need to come up there, so I need to come up
11 there.

12 Q. That wouldn't be up there at Field and Stream,
13 would it?

14 A. I mean. Obviously, he's talking about coming to
15 Louisiana.

16 Q. Okay. Then you say you're off, right?

17 A. Yeah.

18 Q. All right. And then let's go to page 347, and this
19 is the next day. We just looked at 7/29. You see
20 the third entry?

21 A. Yeah.

22 Q. Chris Davis was 7/30 and 18:27 which would be 12:27
23 in the day, right?

24 A. Yeah.

25 Q. This is the day before 7/31?

1 A. Yes, sir.

2 Q. You just say what?

3 A. I just uploaded the truck, I'm off.

4 Q. Off to what?

5 A. I mean, I'm off, I mean.

6 Q. Off what?

7 A. Apparently, I guess, off work.

8 Q. And that truck is on that rig?

9 A. Yes, sir. That's how they bring the food to us,
10 it's called Provision.

11 Q. On a truck or a boat?

12 A. When they bring the food to the boat, it's a truck.
13 It's like a U-Haul called Provision, that's how
14 they bring it.

15 Q. That doesn't mean you didn't drive around, does it?

16 A. No, I don't drive the truck.

17 Q. Okay.

18 A. The guys at Provision drive the truck and bring the
19 food to us.

20 Q. And then what does Juan say?

21 A. He just say let me know how much. I guess he
22 talking to La'jerric or somebody. He wasn't
23 talking to me.

24 Q. And when you say -- you don't have people out there
25 offshore that works just on the truck, do you?

1 A. I don't know who works on that truck. They don't
2 -- we don't -- they don't really work for my
3 company, they just bring us the food, they like
4 third-party.

5 Q. Right. So that would be if you've got someone on a
6 job on a truck, you couldn't help doing that
7 because that's the third party, right?

8 A. No. We get involved. We rig it, rig on the boat.
9 We use a crane to get the food on with pallets and
10 everything.

11 Q. And that's the third-party, right?

12 A. That company is like a third-party. They don't
13 work for my company. They just bring the food to
14 us because we can't go shopping ourselves no more.

15 Q. So if you'll look at your next entry down there,
16 La'jerric says how much do they pay, you see that;
17 at least they'd pay \$11.00?

18 A. Where it says that?

19 Q. See it? (Indicating)

20 A. Yeah. I guess they pay like at least \$11.00. I
21 guess, I'm not sure.

22 Q. And what do you say next?

23 A. Yeah. I told him we need people on the truck, we
24 need people on the truck.

25 Q. You don't work for the company that has the truck

1 you said?

2 A. No, they need people on the truck.

3 Q. Well, you don't work for the company that has the
4 truck, right?

5 A. No. I work for Hornbeck Offshore --

6 Q. So you know they need people on the truck?

7 A. Yeah.

8 Q. And they need one person, right?

9 A. I mean, they just saying they hiring. I asked the
10 guy was they hiring and he said they hiring.

11 Q. You asked the guy on the truck offshore were they
12 hiring?

13 A. Yeah. When we're at the dock and we tie it up, the
14 guy on the truck, we talk to him, tell him thank
15 you for bringing the food and we have a little
16 conversations while we offloading the food and
17 everything. Obviously, he need a job and I just
18 want to say, hey, are you hiring.

19 Q. And then you tell La'jerric what the hours are,
20 right?

21 A. Yeah, because that was the times he told me.

22 Q. You're going to tell me that somebody that brings
23 the food -- how far is that rig offshore?

24 A. No. No. No. We at the dock when they bring us
25 the food.

1 Q. Okay. 2 a.m. to 9:30 and 10 to 12; is that what
2 you say there?

3 A. Yeah, 10 to 12 hours. I mean, that's what --

4 Q. This is a dock guy you're talking about?

5 A. This is a company that brings food to all the
6 vessels, all the Hornbeck vessels, all of the other
7 vessels that other companies that work there, it's
8 a big port.

9 Q. On July 31st on page 369, when you go offshore, you
10 go off for 6 or 8 months at a time, right?

11 A. Yes, sir, if we have a job, yes, sir.

12 Q. Tell the ladies and gentlemen of the jury what you
13 told La'jerric on July 31st at 12 o'clock about --
14 if you will see there, the middle entry at
15 18:49:51, tell the ladies and gentlemen what you
16 said about going to work?

17 A. I have to be at work at 2, that's when the crew
18 change is.

19 Q. That's when --

20 A. Crew change. When we crew change, when people on
21 the boat, they did they time and we swap out,
22 that's what we do.

23 Q. So that day -- let's back up a little bit. Let's
24 back up a little bit. Let's go back up a little
25 further where it says La'jerric asks you at

1 18:48:48, what does La'jerric ask you?

2 A. He said, I think I need a ride.

3 Q. And he's in Mobile, right?

4 A. Yes.

5 Q. What do you say?

6 A. I say, where you at.

7 Q. What is the next thing you tell him?

8 A. I tell him I have to be at work at 2.

9 Q. Because you can't go pick him up if you got to be
10 work at 2, right?

11 A. I mean, I don't -- I pick him up, depends on what
12 time I have to be there. I mean, I have to be
13 there at 2 o'clock but I mean, it depends on what
14 time that was sent. I'm not sure what this time
15 is. I'm not used to UTC time.

16 Q. Take your time. Take a look at it. Let's go back
17 up to the top. La'jerric Bell, 7/31, 18:48, which
18 we know is 12:48 on the day of this accident, okay,
19 or immediately before the accident, he wants to
20 know if he can have a ride, right?

21 A. Yeah.

22 Q. And you tell him, at 12:49, where are you, right?

23 A. Yeah.

24 Q. And at 12:49, about 30 seconds later, you tell him
25 that you have to be at work at 2?

1 A. Yes, sir.

2 Q. Well, if you going to work at 2, you're trying to
3 say that you're going to go get him, take him to
4 wherever he needs to go and then go to Louisiana
5 and be at work at 2?

6 A. I mean, that's the crew change time. They give us
7 to 2 o'clock, but everybody don't get there. We
8 have people flying in on airplanes all over the
9 place. People work all over. We don't
10 specifically have to get there at 2, that's just
11 the requirement they want us to, you know, kind of
12 get there.

13 Q. So you went off and left on the 31st to go to work
14 in Louisiana at 2 o'clock?

15 A. No. They said I have to be at work at 2, but
16 obviously I didn't go because I didn't feel
17 comfortable going back to that vessel. If Covid
18 just hit, I didn't feel like going back to that
19 vessel. If I bring Covid back to my home and get
20 my wife, my mom and my son sick, huh-uh.

21 Q. But you saw the messages earlier where you went to
22 work -- where you said you went the next day,
23 August 1st at 2, do you remember that, I mean, to
24 work? You remember that?

25 A. My wife asked me did I have to go to work.

1 Q. The next day, right?

2 A. Yeah, and I told her no because I didn't get
3 nothing.

4 Q. No, you told her yes, you were going to work, you
5 remember, that you were running late, that you came
6 here late, remember all that?

7 A. What message? Go back to the message.

8 Q. I want to show you page 344 on July 30th, the day
9 before you sent a photo, you see that?

10 A. What photo?

11 Q. I'm asking you, you see where on the bottom of the
12 page where it says 7/30 at 10:54 p.m. that you sent
13 a photo on page 344?

14 A. You going to pull it up for me?

15 Q. At the very bottom.

16 A. Yeah, I see it.

17 MS. RICH: What page is it?

18 MR. KNIZLEY: 344, the last entry on there.

19 A. Yeah, I see it.

20 Q. On 345, you see where there's some entries that
21 describe the photo and on 346 you get to see the
22 photo; what's that a photo of?

23 A. Bullets.

24 Q. Sir?

25 A. Bullets.

1 Q. Where do they sell those bullets?

2 A. At retail stores.

3 Q. Would that include Field and Stream?

4 A. Sir, how many times I have to tell you I did not
5 work at Field and Stream during that time?

6 Q. All right. You were talking about that you decided
7 to leave your home around 12:25, 12:30, 12:30 or
8 12:35 that evening with your wife and child; do you
9 remember that?

10 A. I'm not sure what time it was, but I left the
11 house.

12 Q. And you remember you said you went to the Comfort
13 Inn?

14 A. Yes, sir.

15 Q. And you told us that you had had some conversation
16 with some of your friends, Harry and some others
17 that were there, and we saw where you said that you
18 could out-drink both of them but you said you were
19 kidding, right, or all of them, right?

20 A. Yeah, it was just a joke.

21 Q. Sure. And you said you saw some video of Roman,
22 your friend from out of town, okay?

23 A. That's what you guys played in courtroom, yes, sir.

24 Q. All right. If I could show you that video at
25 12:27, that would be Defendant's Exhibit 13, it's

1 13. What's already been in evidence is a larger
2 exhibit of all the Comfort Inn videos. This is an
3 excerpt from one of those that we've marked as
4 Defendant's Exhibit 13 which is a portion of a
5 video that's already been offered.

6 THE COURT: You've got an excerpt as 13?

7 MR. KNIZLEY: Yes, sir.

8 THE COURT: Any objection from the State?

9 MS. RICH: No, sir.

10 MR. KNIZLEY: Now, if you'll hold on before
11 you start it, Mr. Yeager.

12 Q. You went to this hotel that night; did you not?

13 A. Yes, sir, Comfort Inn.

14 Q. And that's the hallway into the room you think?

15 A. I don't remember the hallways.

16 Q. Does it look like it?

17 A. I guess.

18 Q. Tell me if you recognize these people coming down
19 the hall. Tell me what time it says up there
20 please, sir? Can you read it?

21 A. 12:19:42.

22 Q. And tell me if you recognize these people coming
23 down the hall? You recognize the gentleman in
24 front?

25 A. I can't see they face.

1 Q. Let me help you some. See the guy in the hood back
2 there in the white, you recognize him?

3 A. No, I can't see his face.

4 Q. How about now?

5 A. I still can't see his face.

6 Q. Now, you were with him for just a few minutes and
7 spent some time with him in just a few minutes.
8 You're saying you don't recognize him?

9 A. No. I said, I seen Roman, I guess he was drinking
10 over there with my brother-in-law, Harry. I want
11 to say he had a black shirt on and my
12 brother-in-law, JQ.

13 Q. Who is the gentleman that's laying in the floor?

14 A. I don't know who that is. I can't see they face.

15 Q. Is that Roman?

16 A. Was he bending down or was he laying on the floor?
17 Where was he talking about? The guy that's holding
18 the guy or the guy that's I guess passed out or
19 whatever? What gentleman is you talking about?

20 Q. Do you recognize the guy that's passed out?

21 A. I believe that's Roman that's in the Navy.

22 Q. Now, I want you to look at Defendant's Exhibit 14
23 which is also an excerpt. You want to look there a
24 little bit? Can you see the gentleman having a
25 little trouble walking?

1 A. I can't see his face. I see him barely walking,
2 but yeah. I don't know. I can't see his face.

3 Q. Okay. Look real close if you can when he gets a
4 little closer.

5 A. I don't know who that is.

6 Q. All right.

7 A. I don't know him. Well, I don't know him
8 personally, just put it like that.

9 Q. Those two people appear to you to be intoxicated,
10 don't they?

11 A. And they in a safe facility as well.

12 Q. Those two people appear to be intoxicated, don't
13 they?

14 A. Yeah, in a safe facility.

15 Q. And you told -- in your Facebook exchanges that,
16 you know, you need to put both of them in the tub,
17 you remember that, they need to take a cold shower,
18 they need some milk, you remember saying all that?

19 A. I don't remember saying all that. I'd like to see
20 the messages because I probably did, I'm not sure.

21 Q. You said you probably did say that?

22 A. I said I probably did say that. I'm not sure. I
23 don't remember.

24 Q. And that's when you said you could out-drink both
25 of them, right?

1 A. No. What I said in the group chat, I said, I could
2 out-drink everybody, but they know I don't drink.
3 They know I can't drink.

4 Q. You were on your way up there, that was at what
5 time again?

6 A. On there it says 12:21:38 a.m.

7 Q. So there was drinking of that nature going on and
8 you made the Facebook remark that you could
9 out-drink everybody and this is about 30 minutes
10 before the car wreck happened, right?

11 A. I'm not sure what time that car wreck happened, but
12 obviously I got to the hotel after all those guys
13 was drinking and everything. So I didn't have
14 nothing to drink all that day.

15 Q. If you look at Defendant's Exhibit 50, I think --
16 let's go back to that. So you say you didn't have
17 anything to drink and then -- let's go back to your
18 Facebook comment about drinking and see exactly
19 what you said in reference to these two people
20 drinking. Okay?

21 MR. KNIZLEY: Mr. Yeager, I don't know if you can
22 find that easily or not. You think you can?

23 A. Obviously, they was drinking --

24 Q. Hold it. You don't have a question, okay.

25 MR. KNIZLEY: Stephen, did you locate it?

1 MR. YEAGER: No.

2 Q. Let's see what you said about that, Mr. Davis.

3 A. Where I say what? And what time would that be?

4 Q. Right here. The time is going to be on -- it says
5 August 1st at 2:49, we're going to back that up
6 five hours to 9:49.

7 A. A.m.?

8 Q. In the evening of July 31st. And what did you tell
9 those people in that Facebook group?

10 A. I said, I drink out everybody, but obviously they
11 know I'm joking.

12 Q. I couldn't hear what you said --

13 A. I said --

14 Q. Read it.

15 A. It says that I out-drink everybody, but they know
16 I'm joking. They know I don't drink.

17 Q. I thought you said you drank at home and stuff like
18 that?

19 A. Special occasions, sir.

20 Q. Special occasions drinking at home, you told us
21 that, right?

22 A. Like weddings or stuff like that.

23 Q. Reunions with people from high school?

24 A. No, for something like this, no, I don't drink,
25 sir, no.

1 Q. All right. Okay. But you certainly told them when
2 you saw the condition of those two people, that
3 you'd bet you'd out-drink all of them, right?

4 A. Obviously, they probably drunk if they walking like
5 that and passed out like that and also they look
6 like they in a safe facility.

7 Q. Now, if you will look at Defendant's Exhibit 15,
8 please. Now, I believe you told the ladies and
9 gentlemen of the jury earlier today that you
10 arrived there to see your friends?

11 A. Yes, sir.

12 Q. And one of them being your brother-in-law, right?

13 A. It was two of them that was my brother-in-law,
14 right.

15 Q. Two brother-in-laws and Roman, and you didn't know
16 any other people there, right?

17 A. No.

18 Q. And you also told us that you went up there to say
19 -- when you got there, did you say that Harry
20 called you as soon as you turned in?

21 A. I'm not sure if I called him or he called me. I'm
22 not sure.

23 Q. Somebody called somebody right as you turned in,
24 right?

25 A. I don't remember if it was right as I turned in.

1 I'm not sure.

2 Q. Tell us when the call took place to the best of
3 your recollection?

4 A. I don't remember. I'm not sure.

5 Q. And then y'all went to the wreck scene and you went
6 back up to tell them bye?

7 A. Yeah. We went up back there, and they said, all
8 right, bye, y'all, and that was it.

9 Q. That was it. You went up there one time, tell
10 y'all bye, went back down to the car where your
11 wife was, right?

12 A. Yeah.

13 Q. You didn't go in and out these rooms, you didn't go
14 back and forth to two of these rooms, did you?

15 A. Not that I remember, no. I don't know. I'm not
16 sure if I did or not.

17 Q. You didn't leave, you didn't come back, you didn't
18 do any of that, did you?

19 A. All I can remember is me just going up to the room
20 telling them bye, that was pretty much it. I'm not
21 sure if I left or not.

22 Q. Is your memory clear or not or you don't remember
23 real well?

24 A. I don't remember real well.

25 Q. You don't remember everything that happened that

1 night?

2 A. All I remember -- this is all I remember. I
3 remember going to the hotel. When I got to the
4 hotel, that's when I heard the loud noise. That's
5 when we checked it out to see what it was, people
6 was already out there. I assume they already
7 called the police. It was a lot of people out
8 there by the time we could make it to the wreck.
9 That was a good little -- from Comfort Inn to where
10 the incident happened, that was a good little
11 distance.

12 MR. KNIZLEY: All right. If you'd play
13 Defendant's Exhibit 15, please.

14 (PLAYING VIDEO)

15 MR. KNIZLEY: Stop it right there.

16 Q. Who's the guy in the black shirt, if you know?

17 A. I can't see his face. I'm not sure.

18 Q. You don't know who that is?

19 A. I'm not saying I don't know who it is. I just
20 can't see his face very well.

21 Q. Do you or do you not know who that is?

22 A. I can't see his face very well.

23 MR. KNIZLEY: Keep playing it.

24 (PLAYING VIDEO)

25 A. That looks like my brother-in-law.

1 MR. KNIZLEY: Keep going.

2 Q. How about that gentleman right here in the white
3 T-shirt?

4 A. I'm not sure who that is. I don't know.

5 MR. KNIZLEY: Okay. Keep going.

6 (PLAYING VIDEO)

7 Q. How about the guy in the white hoodie?

8 A. I don't know who that is. I'm not sure who that
9 is.

10 Q. How about the next one?

11 A. That's me.

12 Q. You go in the room with them right there. All
13 right. You're in this room with these people, you
14 don't have a recollection of these people that you
15 saw in that room?

16 A. Obviously, I went there for my brother-in-law and
17 my friend that came from --

18 MR. KNIZLEY: Judge, I'd ask that the witness
19 be more responsive to the question.

20 THE COURT: Just answer the question, sir.
21 Go ahead.

22 A. What was the question one more time?

23 Q. You went in that room and you don't have a
24 recollection of who those two people who just
25 walked in the room with you?

1 A. I can't help that they was in the hotel room. Sir,
2 I just can't kick them out, that's not my hotel.

3 Q. All right. And you're saying you just don't
4 recognize these people at all?

5 A. No, I don't. I don't know them personally.

6 Q. Then if we look at Defendant's Exhibit 16, let me
7 back up. In the timeframe on the 15 --

8 A. It was 12:50.

9 MR. KNIZLEY: The timeframe on 15 if you
10 would, please?

11 A. 12:50:53 a.m.

12 Q. There's no question before you, sir, please. Okay?
13 That's 12:50. All right.

14 MR. KNIZLEY: Now, 15, keep going with 15. I
15 don't think you completed 15, did you, Stephen?
16 Keep going with 15. Okay. I think you started
17 over with 15 but that's okay. We can run through
18 it. I'm going to hold off there, please.

19 Q. Now, you went up there to tell them bye, and I
20 guess that's when you went up there to tell them
21 bye, right?

22 A. Yeah.

23 MR. KNIZLEY: All right. Keep going.

24 (PLAYING VIDEO)

25 Q. So I guess you're in the room giving the goodbyes

1 and getting ready to go, right?

2 A. I was probably in the room talking, ain't no
3 telling.

4 Q. Stop there, please. You say you're probably in
5 there talking?

6 A. Yeah. We was probably in there talking.

7 Q. The wreck just happened, right?

8 A. What time did the wreck happen?

9 Q. You didn't walk up there until after the wreck
10 happened, did you?

11 A. Yeah, so it probably happened before. The wreck
12 happened before that.

13 Q. You didn't walk in the hotel -- you wasn't in that
14 hotel until after the wreck happened, right?

15 A. After the wreck? That's when I -- I went to see
16 the wreck first, then I went to the hotel.

17 Q. Right. So this wreck is over and you were in this
18 hotel room with these guys, right?

19 A. Yes.

20 Q. Now, five of them come out, right?

21 A. Yeah.

22 Q. And you went up there just to say goodbye, right?

23 A. Yeah, I went up there to talk to them.

24 Q. See what happens next.

25 (PLAYING VIDEO)

1 Q. What time of day was that now up at the top corner?

2 What time of day did you say, Mr. Davis?

3 A. Talking to me?

4 Q. Yes, sir.

5 A. 12:52:20 a.m.

6 Q. Now I'm going to go to Channel 19 and Exhibit 21 --

7 excuse me, Channel 19, Defendant's Exhibit 21.

8 MR. KNIZLEY: Yeah, go to Channel 19, Defendant's

9 Exhibit 21.

10 Q. Recognize any of those faces?

11 A. My brother-in-law's, I see it.

12 Q. Which one is that?

13 A. No shirt is Jaquarius and the one with the Pizza
14 Hut shirt or something like that, that's my other
15 brother-in-law.

16 Q. So those people we just saw in the hallway, you did
17 know those people, right?

18 A. Just those two guys.

19 Q. What about the next one?

20 A. I don't know them personally, no.

21 Q. You know Kobe Matthews?

22 A. I don't know him personally, no.

23 Q. I don't understand what you mean. Explain to the
24 jury what you mean by knowing them personally and
25 just not knowing them.

1 A. Knowing someone personally, it's actually like you
2 interact with them. I don't know them personally.
3 I haven't grew up with them. I haven't, you know,
4 been in the same neighborhood with them or anything
5 like that. I just know those two guys in the
6 front.

7 Q. How about that guy right there?

8 A. That's me.

9 Q. How about the next guy?

10 A. I can't see his face, so I don't --

11 Q. You don't know Devin Tower?

12 A. No, I don't know him personally.

13 Q. You don't know the one we were talking about back
14 and forth on Facebook --

15 A. I don't know him personally, no.

16 Q. All right. Is that y'all leaving from where you
17 just were?

18 A. I'm guessing from that room, yes.

19 Q. Now we'll go back to Defendant's Exhibit 16.

20 (PLAYING VIDEO)

21 Q. Is that you?

22 A. Yeah.

23 Q. What time is it?

24 A. It say 1.

25 Q. How long had y'all been gone?

1 A. I'm not sure. We'll say 12:52, 1 o'clock, 9
2 minutes or so, I guess. I'm not sure.

3 Q. Other than your two brother-in-laws, you don't know
4 these people personally as you say?

5 A. No, I don't know them personally, no.

6 Q. And this is all during your goodbye time?

7 A. I'm guessing that's the time that's goodbye to
8 -- I guess when I went out there, that's when I was
9 just saying hey.

10 Q. When you told us you didn't go up there and come
11 back, that's sort of not true because we saw you
12 come back up there now, right?

13 A. I mean, I said I was up there talking. I'm just up
14 there talking.

15 MR. KNIZLEY: Okay. If we look at -- keep
16 going on this frame.

17 (PLAYING VIDEO)

18 Q. Now we're looking at Defendant's Exhibit 17. When
19 you were telling me you're making your goodbyes,
20 you didn't go in and out of those rooms, did you,
21 one room to another, did you?

22 A. I said, I don't remember. I'm not sure if I did or
23 not.

24 Q. But you might have, right?

25 A. I guess. I don't know. I'm not sure.

1 Q. And this whole time your wife and child, on August
2 1st, are sitting down there in the car?

3 A. Yes, sir.

4 Q. Who is that? (Indicating)

5 A. That's me.

6 Q. You don't know these guys except your two
7 brother-in-laws?

8 A. I just know my brother-in-laws and Roman. Emanuel
9 never made it there.

10 Q. Well, Roman made it there though, right?

11 A. Roman made it there. Emanuel never made it there.

12 Q. Now, look at Defendant's Exhibit 18. What time we
13 got on 18?

14 A. That's 1:17:12 a.m. What the inside of the hotel
15 have to do with what's going on on the outside of
16 the hotel? That's where I'm confused at because
17 that's irrelevant right there, and that's pretty
18 much I guess after the wreck. So, to me, I feel
19 like that's irrelevant, all these questions to me
20 personally.

21 Q. We don't have a question right now. Okay? Did I
22 ever ask you a question? Did I?

23 A. No.

24 Q. All right. Well, you'd been there now -- if that's
25 1:17 and it was 12:52, so you'd been there about 25

1 minutes, right?

2 A. I'm guessing, yes, sir.

3 MR. KNIZLEY: All right. Go ahead.

4 (PLAYING VIDEO)

5 Q. So y'all went back in the other room this time,
6 right?

7 A. I'm guessing so, yes, sir. Looks like it's in two
8 rooms.

9 Q. Now, if you would look at Defendant's Exhibit 19
10 and let's figure what time it is right now when you
11 go in this other room on 19.

12 MR. KNIZLEY: Hold on. What time we got,
13 Stephen?

14 Q. What time is it, Mr. Davis?

15 A. It says 1:18:49 a.m.

16 Q. So you've been giving this goodbye for nearly 30
17 minutes now, right?

18 A. I mean, I said we was talking, then I said goodbye.

19 Q. So it's talking and goodbye?

20 A. Yeah, I mean, just talking.

21 Q. You just had that wreck, right? That wreck just
22 took place, right?

23 A. Yes, sir.

24 Q. Might have been talking about that wreck a little
25 bit maybe?

1 A. No.

2 MR. KNIZLEY: Go ahead.

3 (PLAYING VIDEO)

4 Q. All right. If you look at 21, y'all are just now
5 getting out of the room?

6 A. Yes, sir.

7 Q. The four of y'all?

8 A. Yes, sir.

9 Q. And now if you'll look at 21 -- excuse me. Okay.
10 So y'all all leave within 30 minutes. You told
11 Harry bye, right?

12 A. Yeah.

13 Q. And you left him there, I guess?

14 A. Yeah.

15 Q. And they were partying pretty good, right?

16 A. There were doing whatever they was doing in a safe
17 facility.

18 Q. And they were partying pretty good, weren't they?
19 You had two guys passed out drunk, one guy passed
20 out drunk and one guy was staggering real bad,
21 right?

22 A. Was they drunk? You saying they was drunk?

23 Q. Did you see the gentleman that couldn't stand up
24 and have you tote him to the room?

25 A. Yeah.

1 Q. And you went in the room where he was?

2 A. Yeah.

3 Q. Did you see how intoxicated he was?

4 A. I mean, they had him in the bed by the time I got
5 there.

6 Q. Did you see the gentleman that couldn't walk down
7 the hallway, the big gentleman, Jaquarius, the guy
8 you talked to about a job, did you see him?

9 A. That's not Jaquarius. Jaquarius is the one with no
10 shirt on. That's the -- with the braids.

11 Q. Who's the big man --

12 A. I'm not sure who that is. I'm not sure who the big
13 guy is.

14 Q. All right. Do you see the man staggering down the
15 hallway?

16 A. Yeah.

17 Q. Pretty drunk?

18 A. If you call it that, yeah.

19 Q. You went in the room where he was?

20 A. Yeah.

21 Q. People had a pretty good party going on, didn't
22 they?

23 A. You say that, yeah.

24 Q. And then you left Harry and them up there, right?

25 A. Yeah.

1 Q. Y'all wasn't talking about the wreck?

2 A. No.

3 Q. Nobody was worried about the wreck?

4 A. No, sir.

5 Q. You said Harry -- did he come down and see his
6 sister?

7 A. Yes, sir.

8 Q. When was that? Which one of all these events here
9 when y'all -- the two times y'all left, did he see
10 her before he went up or when did Harry see his
11 sister?

12 A. Harry seen her after I actually said goodbye,
13 physically left, physically left the facility.
14 That's when he came down and said --

15 Q. And then once he told her goodbye, what did he do?

16 A. I'm not sure what he did after that. I was in the
17 car leaving.

18 Q. Did he go back up to the room or what?

19 A. I mean, he's in a hotel. I mean, obviously, he
20 went back to the room. I left him, like, left him
21 there. He didn't ride with me.

22 Q. Say that again now. What did Harry do after he
23 told your wife, his sister, bye-bye? What did
24 Harry do?

25 A. I'm not sure what Harry did. I'm guessing he went

1 back to the room. I'm not sure what he did after
2 that.

3 Q. But he disappeared into the hotel, I suppose,
4 right?

5 A. I mean, I guess. I'm not sure what he did.

6 Q. Okay. But he didn't go anywhere with you, did he?

7 A. No, he didn't leave with me.

8 Q. Do you know anything about Harry -- he didn't have
9 anything more to do with you, did he, that night?

10 A. No. No.

11 Q. Okay. Good.

12 MR. KNIZLEY: Now, if you would play 24.

13 Q. Before we get to 24, what kind of car does Harry
14 drive?

15 A. He done had about 13 cars by then. I'm not sure
16 what he was driving.

17 Q. Did he have a Camaro drop-top, Camaro convertible?

18 A. I'm not sure. I don't know which car he was
19 driving during that time. Like I said, he had so
20 many.

21 Q. But you don't remember a Camaro convertible he
22 drove?

23 A. I remember he had a Camaro, but I'm not sure if he
24 had it during that time. I'm not sure.

25 Q. You remember it being a convertible?

1 A. I think it was a convertible, but I'm not sure.

2 Q. Was it dark-colored?

3 A. I'm not sure what color it was.

4 Q. Well, let's look at this picture, maybe this will
5 help you out a little bit.

6 MR. KNIZLEY: Before you show that one, the one
7 from the hotel.

8 MS. RICH: Which video, Dennis, are you
9 talking about?

10 MR. KNIZLEY: I'm about to show body cam 47
11 that we're going to go back to.

12 MS. RICH: Body cam of who?

13 MR. KNIZLEY: Estes. Stephen, have you got
14 the channel? Maybe Channel 6, I think, maybe not.

15 (PLAYING VIDEO)

16 Q. Does that look like the parking lot of the Comfort
17 Inn back there, Mr. Davis?

18 A. Yeah, that looks like it.

19 Q. You see that car right there?

20 A. Uh-huh.

21 Q. Does that look like a Camaro convertible to you?

22 A. It's look like a Camaro. I don't know if it's a
23 convertible or not. I can hardly see it.

24 Q. It looks exactly like the car that Harry used to
25 drive? Now, does it look like a convertible to

1 you?

2 A. Look like a convertible, but I'm not sure what
3 color it was.

4 Q. Does it look exactly like the car that Harry drove
5 back then?

6 A. I'm not sure what car Harry drove back then, what
7 color that car was. I'm not sure. I can't
8 remember.

9 Q. Okay. And that car is leaving at what time?

10 A. I don't know who car that is, but it's leaving at
11 1:22:59. I'm not sure if that's his car or not.

12 Q. Okay.

13 A. I don't remember what color the car was, sir.

14 Q. All right. At 1:22 a car, a convertible Camaro
15 leaves and you knew he owned a convertible Camaro,
16 and you were just standing right beside him a few
17 moments earlier, right?

18 A. Right. So you're assuming that's him? I'm not
19 sure who's driving. I can't even see who driving.

20 MR. KNIZLEY: Keep going.

21 (PLAYING VIDEO)

22 Q. Whose car is that?

23 A. That's my car, well, my old car.

24 Q. All right. The car you were driving that night
25 that you turned into that Comfort Inn?

1 A. Yes, sir.

2 Q. So if that was Harry's car, you didn't just tell
3 him goodbye and he didn't go back in the hotel
4 room, you and him were -- if that's Harry's car,
5 you and him were leaving?

6 A. I was leaving. I'm not sure what he was doing. I
7 said, I'm not sure what he did after that. All I
8 know, I got back in the car with my wife and my son
9 and we drove and went home.

10 Q. And if you would look at Defendant's Exhibit 24.

11 (PLAYING VIDEO)

12 Q. We see this car again. This is a body cam of a
13 police officer, right?

14 A. Yes, sir.

15 Q. Does that look like a convertible Camaro to you?

16 A. It does but I mean, I'm not sure who's driving.

17 Q. Does it look very similar to the vehicle that Harry
18 had owned back then?

19 A. All of them look the same to be honest.

20 Q. This is at 1:40 in the morning or 1:20 in the
21 morning, excuse me, is that right, if you look at
22 the time up there?

23 A. It's 82308Z.

24 Q. That Z is Zulu, same thing as an UTC. So you back
25 it up five hours. And you move up one and that

1 says 6:23, so it's 5:23. So you got a car that
2 looks a whole lot -- you've got a Camaro that's a
3 convertible just like Harry drove and it's 1:30 in
4 the morning and Harry is right there. And Harry,
5 we just saw him walk down the steps. And we just
6 see this car that looks an awful lot like his
7 coming out right in front of your car, but you
8 don't want to say that's Harry car, right?

9 A. I'm not sure if that's his car or not because I'm
10 not sure what color was that car.

11 MR. KNIZLEY: All right. And go ahead.

12 (PLAYING VIDEO)

13 Q. Is that your car?

14 A. That's my vehicle.

15 Q. Watch for the blinker. Sort of missed it, right?

16 MR. KNIZLEY: Back it up and let's see if Harry
17 turned on a blinker.

18 (PLAYING VIDEO)

19 Q. Is that a blinker?

20 A. Yeah.

21 Q. And that car looks like Harry's. And what about
22 you, about your blinker?

23 A. My blinker was on.

24 Q. It was?

25 A. My blinker was on.

1 Q. Let's see it. Let's watch and see.

2 A. If you could hold it right there. Go back just a
3 little bit. If you go look real close, you can see
4 the little orange light that's flashing. Go back
5 just a little bit more. Yeah, you can see that
6 orange light that's blinking.

7 Q. It's what they see is what matters, not me. Okay?

8 A. You can see the orange light.

9 Q. I see an orange light flashing on the side of the
10 car, if that's what you're saying, some other
11 reflection.

12 A. No.

13 Q. It's up to what the jury sees, that's all right.

14 A. You can see my blinker.

15 Q. So you're saying that Harry -- that you have no
16 knowledge of Harry Matthews coming down there,
17 getting in the car right in front of you and you
18 and him both leaving one behind one another, that
19 hotel where somebody just had a wreck and died out
20 front or a while earlier?

21 A. I'm not sure what he was doing. All I know, I was
22 getting my son and my wife back home.

23 Q. Okay. And --

24 A. Whatever he was doing after that, that's his
25 business. I'm worried about my business, my safety

1 of my son and my wife, getting them home.

2 Q. Okay.

3 A. Whatever he does and whatever they does in that
4 hotel, that's them. Me, I'm here for a wreck, an
5 incident.

6 Q. Right.

7 A. Whatever happens in the hotel to me, that's
8 irrelevant. I'm here for what's happened outside
9 of that hotel.

10 Q. Now, we're going to look a little bit in a little
11 bit at your driving.

12 A. Yes, sir.

13 Q. Okay?

14 A. Yes, sir.

15 Q. But you knew that there was a wreck that took
16 place, right?

17 A. Yes, sir.

18 Q. And you walked out there and you saw a deceased
19 person, right?

20 A. I couldn't really see nothing, it was nighttime.

21 Q. Well, did you hear or understand a person was dead
22 sooner or later, that night?

23 A. I didn't hear about that until --

24 Q. You say you saw the wreck and a car upside down in
25 the ditch, right?

1 A. Yes, sir.

2 MS. RICH: Judge, he was trying to answer. If
3 he will let the witness answer.

4 THE COURT: Just answer the question, sir.
5 Go ahead, Mr. Knizley.

6 MS. RICH: Are you saying answer the
7 question?

8 THE COURT: Do you need to say something else
9 about that question, sir?

10 THE WITNESS: Yeah. If he can repeat the
11 question.

12 THE COURT: Mr. Knizley?

13 Q. Did you see a car upside down in the ditch?

14 A. Yes, sir, I saw a car upside down in the ditch.

15 Q. And you know that you were driving along the
16 service road and you've already told the prosecutor
17 that you saw a car coming towards you in the
18 distance?

19 A. Up in the distance, yes, sir.

20 Q. And then you saw that car upside down in the ditch.
21 No, excuse me. Then you heard a loud noise?

22 A. Yes, sir.

23 Q. Then you saw the car upside down in the ditch?

24 A. I'm not sure was it that car or not. I just saw a
25 car up in the distance, which way it was traveling,

1 I mean --

2 Q. But you looked back after a noise immediately
3 passing and saw a vehicle upside down in the ditch?

4 A. Yes, sir. It was a loud noise, I mean.

5 Q. There had been an accident?

6 A. I didn't know it was an accident until I went and
7 saw it.

8 Q. You saw it and you knew it was an accident after
9 you saw it upside down in the ditch, right?

10 A. Yes, sir.

11 Q. Did you stay there and talk to the police and tell
12 them what you knew about it?

13 A. No, I didn't talk to them. I had just went there.
14 We went there and we saw it and we left.

15 Q. Did you tell them you saw a car in the distance and
16 that you turned on your blinker right in front of
17 you? Did you tell the police all that?

18 A. I didn't talk to the police.

19 Q. You left the scene, right?

20 A. Sir, yes, somebody called 911 already. It was a
21 lot of people out there.

22 Q. You didn't stay there and talk to anyone and tell
23 them -- share the information that you had because
24 you seem to be the last car that saw that car
25 before it left the road, didn't you?

1 A. I was on the road. I don't know if I was the last
2 car there because I turned in the hotel. I'm not
3 sure if there was a car behind me or what. I'm not
4 sure.

5 Q. All right.

6 THE COURT: Is this a good spot, Mr. Knizley?
7 You tell me.

8 MR. KNIZLEY: Yes, sir.

9 THE COURT: About to finish up with a line?

10 MR. KNIZLEY: I'll be a little bit longer, so
11 this would be a good spot.

12 THE COURT: This is a good time?

13 MR. KNIZLEY: Yes, sir.

14 THE COURT: Ladies and gentlemen, let's take
15 a lunch break now because it is now 12:15, and I
16 don't want to have you going to lunch at 2. So
17 we'll have you back in the jury room at 1:30.
18 We're going to start the trial back at 1:30. You
19 guys, it's the same process, decide if you want to
20 go, you'll go together. And those that want to eat
21 here, just stay here and eat. All right. Thank
22 you, guys.

23 (JURY PRESENT)

24 THE COURT: Jurors are in the box. Ladies and
25 gentlemen, be seated. Mr. Davis, you're still

1 under oath, and Mr. Knizley, you're on
2 Cross-Examination.

3 MR. KNIZLEY: Thank you, Your Honor.

4 (CONTINUED CROSS-EXAMINATION)

5 BY MR. KNIZLEY:

6 Q. Mr. Davis, I draw your attention to page 138 of the
7 Facebook business record. Mr. Davis, if you could
8 focus in on the top and we'll point it out for you,
9 the writing on the top, let me ask you a question.

10 A. Yes, sir.

11 Q. Okay. And the date on that is 8/1/2020 at 3:12 UTC
12 and back that up to being about 10:12, and that's
13 when the picture was sent, not necessarily taken.
14 Okay. Do you recognize that photograph by any
15 chance?

16 A. Yes, sir, like a casino photo.

17 Q. And if you'll look at the bottom left-hand corner,
18 what is the casino name down there?

19 A. Wind Creek Casino.

20 Q. What's the winnings there?

21 A. \$152,000.00.

22 Q. Now, you sent that photograph; is that correct?

23 A. I shared it on Facebook.

24 Q. Okay. That means you took it --

25 A. No, I shared it on Facebook.

1 Q. You got it from somewhere, right?

2 A. Facebook, yeah. As you can see --

3 MS. RICH: Judge --

4 Q. You got it from somewhere?

5 THE COURT: Wait a minute. Let him answer, Mr.
6 Knizley.

7 MS. RICH: Judge, he can finish his answer.

8 A. As you can see, I tagged my mother-in-law and my
9 brother-in-law as well. I had shared that photo.
10 I didn't take it.

11 Q. Okay. Then we showed you some photographs before
12 lunch of some guns, if you remember, from retail
13 sales?

14 A. Yes, sir.

15 Q. That was on page 216, 218, and 220, you remember
16 that?

17 A. Yes, sir.

18 Q. And you remember the little retail sticker that
19 they have in front of them?

20 A. Yes, sir.

21 Q. And these are all around July 30th, 31st, and
22 August 1st, everything we've shown so far; is that
23 right?

24 A. Yes, sir, as far as the dates, the dates, yes, sir.

25 Q. I want to show you what's on page 222, and you sent

1 that picture on or about that timeframe, did you?

2 A. At about what timeframe?

3 Q. That would have been, I think, 8/1 around -- looks
4 like 2 o'clock in the afternoon?

5 A. Probably did, yeah. I'm guessing.

6 Q. And back to the first one, let's don't leave 216
7 first. Focus in, if you would, on the retail
8 sticker; do you recognize that retail sticker from
9 what store it might be from?

10 A. I mean, I shop in Field and Stream and Sports
11 Academy.

12 Q. Okay. And that seems to be in a glass case; is
13 that correct?

14 A. Yes, sir.

15 Q. Like you'd find in a retail store?

16 A. Yes, sir.

17 Q. The next one, please, at 2:24.

18 MS. RICH: And Judge, I'm going to object.
19 Asked and answered. These same pictures have been
20 shown before. The same questions have been asked.

21 MR. KNIZLEY: These are not the same
22 questions. These are new pictures.

23 THE COURT: Overruled. Go ahead.

24 Q. And if you'll look at page 222 and you see this
25 picture up here, page 222?

1 A. Yes, sir.

2 Q. And we'll flip back to 221 if you would, please.

3 And so we'll make sure we've got the right date,
4 could you tell us the date that it says that you
5 sent a photo, that Chris Davis sent a photo?

6 A. 2020/08/01.

7 Q. It says 14:44, which if we back up five hours, that
8 would be 12:44, right?

9 A. I'm guessing. I'm not sure.

10 Q. Five minus six, that'd be about 5:12?

11 A. Yeah.

12 Q. Okay. And then that picture would be -- that was
13 221, page 221. Page 222, if you'll focus in on the
14 retail tag, please and page 223, it says that you
15 sent another photo?

16 A. Yeah, I don't see a photo. It just say I sent a
17 photo.

18 Q. It says body, read the words there, please.

19 A. It say you sent a photo, that could be any photo.

20 Q. Okay. If you'll look at the date, please.

21 A. 2020/08/01.

22 Q. And what time?

23 A. 17:44.

24 Q. We believe that to be 17:44 because we subtract 5?

25 A. I'm guessing.

1 Q. And that was page 223 of the Facebook records. And
2 page 224 of the Facebook records and what do we
3 see?

4 A. A picture of a firearm.

5 Q. That's a photo?

6 A. Yeah, it's a photo.

7 Q. Following your entry of 223 where it says you sent
8 a photo?

9 A. But it don't say a time on this photo.

10 Q. If you'll look at page 225 and you're bringing it
11 out and we'll try to get through these, it says
12 another time right about the same timeframe, 17:15
13 at 128, says you sent a photo at 225, right?

14 A. Yes, sir.

15 Q. Then 226, what do we see?

16 A. A photo.

17 Q. Of what?

18 A. A firearm.

19 Q. Apparently, in a retail setting?

20 A. Yeah. That don't mean I work there. I just take
21 photos. Obviously, that's facing towards the
22 customers and the employee because you can see I'm
23 on the other side of that glass.

24 Q. And 227, if you'll look at the front page of 227
25 and this is, again, the same date, 8/1/20 at 17:45;

1 do you see that?

2 A. Yes, sir.

3 Q. That's about the same time?

4 A. Yes, sir.

5 Q. What does the body of your message say?

6 A. I sent the photo.

7 Q. No. Above that, the first one?

8 A. Can you pull it up for me?

9 Q. Sure.

10 A. It says the 9 millimeter come with a laser, yeah.

11 Q. You're telling someone that a 9 millimeter comes
12 with a laser?

13 A. Yeah.

14 Q. And 228, another gun in a retail setting; is that
15 right?

16 A. Yeah, it comes with a laser.

17 Q. In 229, do you send another photo?

18 A. Yeah.

19 THE COURT: Mr. Knizley, are you going to tie
20 this up at some point?

21 MR. KNIZLEY: Yes, sir, I am, Judge.

22 THE COURT: Okay. Sir, no signs of emotion
23 or exasperation, please. Just question and answer
24 is the process. Mr. Knizley, tie it up.

25 Q. And the last photo, a picture you took and sent of

1 a retail setting of a gun, right?

2 A. Yes, sir.

3 Q. So within a day or so, you sent eight retail
4 settings of guns; is that right, pictures of guns?

5 A. Yes, sir.

6 Q. Well, the three that we saw before lunch and the
7 five after lunch. Then I want to show you page
8 372. Did you send another photo? If you'll look
9 at 7/31 at 20:10.

10 A. It said I did.

11 Q. And the photo was this time of what appears to be a
12 retail setting of some kind of shotgun shells or
13 something of that nature? Is that what it appears
14 to be?

15 A. It just say .40 S&W.

16 Q. What does that mean?

17 A. The name of the firearm, the bullets I guess.

18 Q. If you look at page 306, you see that? And at the
19 top you receive a message, I believe, from your
20 wife; it says it's from 8/3/2222 which would be
21 17:22 which would be about 5:20 and it says a home
22 cooked meal, to be pampered; you see that?

23 A. Yes, sir.

24 MR. KNIZLEY: Can you bring that up please,
25 Stephen?

1 Q. And then you respond, "really." Is that correct?

2 A. Yes, sir.

3 Q. And then you sent a photo. If you'll see one more
4 time and we'll show it to you.

5 A. Yes, sir.

6 Q. And then I'm going to show you on page 307, that's
7 the photo you sent, that's the break room at Field
8 and Stream, isn't it?

9 A. Nah.

10 Q. Look real close now.

11 A. I'm looking at it.

12 Q. Okay. You're saying that's not a break room or a
13 room at Field and Stream where employees can go
14 into?

15 A. I don't know what they break room look like --

16 Q. Well, you worked there, right?

17 A. Not during this time, no.

18 Q. But you worked there, right?

19 A. Yeah, when I worked there, but not during this
20 time.

21 Q. Did you have a break room?

22 A. I usually just stay out. And if I go get something
23 to eat, I just walk to another facility.

24 Q. Did you have a break room?

25 A. I'm guessing they had a break room, but I'm not

1 sure if that's it or not.

2 Q. Had you ever been in a room that looked like that?

3 A. I mean, I've been in multiple rooms when I was
4 traveling --

5 Q. Did you take that picture?

6 A. I don't remember if I did or not. I guess.

7 Q. If you'll focus in on this part of that picture and
8 this is following an exchange with your wife about
9 a home-cooked meal, remember?

10 A. Yeah.

11 Q. Okay. Could you read, for the ladies and gentlemen
12 of the jury, what that says on that post? If you
13 can't read it, we'll blow it up a little more.

14 A. Blow it up a little more for me.

15 Q. Let's see if we can help you out. Would you read
16 it for us? Says sales?

17 A. It says, sales, sales something, sales something.
18 I'm not sure.

19 MR. KNIZLEY: May I approach the witness?

20 THE COURT: Yes, sir.

21 Q. This one doesn't have a glare on it. Maybe you can
22 read it for the jury, right there. (Indicating)

23 A. That's still a blur to me.

24 Q. Let me try and see if you think this is fair or
25 not. A clutter-free sales floor, are those the

1 words I just read? Look real close. What's that
2 word right there; a clutter-free sales floor?

3 A. That's what you read, I mean.

4 Q. You don't read it that way?

5 A. It's blurry right here. I can't read it. I'm
6 sorry.

7 Q. Okay. Now, you have a sales floor out on that
8 ship?

9 A. No, but that doesn't mean I was working there
10 during that time, sir. You probably pulling up old
11 messages.

12 Q. Sure. But at least we know that you sent eight
13 guns, two boxes of shells and a picture of what
14 appears to be a break room with a sign,
15 clutter-free sales floor --

16 A. So --

17 THE COURT: Sir, he's asking a question.
18 Wait. Go ahead.

19 Q. All about that time you sent those pictures, right?

20 A. So you're assuming that I was working at Field and
21 Stream, and I told you I was working offshore. I'm
22 pretty sure I know where I was working at.

23 Q. I'm sorry. I don't mean to be ugly at all but --

24 A. I'm not -- I never been there. I'm confused on the
25 question. I'm sorry.

1 THE COURT: Wait a minute. Wait a minute.
2 Look, question, answer, question, answer. The
3 court reporter cannot take down two people talking
4 at once, okay. So if he's asked a question or if
5 he's asking a question, wait until the question is
6 finished before you answer. If he's answering a
7 question, Mr. Knizley, let him finish the answer
8 before you start another question.

9 MR. KNIZLEY: Yes, sir.

10 THE COURT: The court reporter cannot take
11 down two people at once. Go ahead.

12 A. I'm sorry.

13 Q. We heard about the exchange that you had about I
14 got to be at work at 2; you remember that?

15 A. Yes, sir.

16 Q. You remember the exchange about they got Covid and
17 sent us home early; you remember that?

18 A. Yes, sir.

19 Q. You remember they said it was over on Dick's side,
20 you remember that?

21 A. Yes, sir.

22 Q. And you remember them talking about we got a job on
23 the truck for one of your friends?

24 A. Yes, sir.

25 Q. And you're telling the ladies and gentlemen of this

1 jury, that doesn't have anything to do with working
2 at Field and Stream?

3 A. No, sir. That's two different -- two different
4 conversations.

5 Q. All right. Now, I want to take you to the evening
6 or early morning hours of August 1st, 2020. And we
7 had discussed this a little bit, how you had left
8 your mother's home with your wife and son and were
9 approaching the Comfort Inn?

10 A. Yes, sir.

11 Q. Do you recall that?

12 A. I recall me leaving with my wife and son going to
13 the Comfort Inn.

14 Q. Do you have a clear recollection of the events of
15 that evening?

16 A. I can just tell you what I remember.

17 Q. Okay. Was your memory hazy for any reason?

18 A. No, I can just tell you what I remember.

19 Q. Well, do you remember proceeding -- as you
20 proceeded to make your turn into the Comfort Inn
21 parking lot, you got a call from your
22 brother-in-law and he told you to come to the back
23 of the building? As you were turning, as you were
24 proceeding in making the turn, did you get a call
25 from your brother-in-law?

1 A. Yes, sir.

2 Q. So as you're making this turn, you're receiving a
3 telephone call?

4 A. It was connected to my Bluetooth but yes, sir.

5 Q. Bluetooth or whatever it is, you're getting a phone
6 call, aren't you?

7 A. Yes, sir.

8 Q. Sir?

9 A. Yes, sir.

10 Q. So you're turning and you got a call coming in; is
11 that right?

12 A. Yes, sir.

13 Q. Now, you told the prosecutor that you saw a car --
14 as you're making the turn or about to make the
15 turn, you see a car in the distance?

16 A. Yes, sir, far in the distance.

17 Q. I'm sorry?

18 A. Far in the distance, yes, sir.

19 Q. Could you tell the ladies and gentlemen of the jury
20 how far away from your car was that car when you
21 first saw it?

22 A. I'm guessing from that church to that Comfort Inn
23 coming around that curve, I'm guessing about 400
24 yards.

25 Q. 400 yards?

- 1 A. Yes, sir.
- 2 Q. A hundred yards is a football field.
- 3 A. Yes, sir.
- 4 Q. You played football in high school, didn't you?
- 5 A. Yes, sir.
- 6 Q. You was a quarterback, right?
- 7 A. Yes, sir.
- 8 Q. You threw the ball 50 or 60 yards, right?
- 9 A. Yes, sir.
- 10 Q. So you know how far a hundred yards is?
- 11 A. Yes, sir.
- 12 Q. And you know how far you could throw that football
- 13 50 or 60 yards, maybe you could throw it further, I
- 14 don't know.
- 15 A. Yes, sir.
- 16 Q. So you know the distance we're talking about?
- 17 A. Yes, sir.
- 18 Q. So you say you first saw that car 400 yards away?
- 19 A. Yes, sir, from that church coming around that
- 20 curve.
- 21 Q. All right. And you turned at that time?
- 22 A. Yes, sir, I saw I had clearance. I had my turn
- 23 signal on and I made the turn.
- 24 Q. Was the car 400 yards away when you made the turn?
- 25 A. Yes, sir.

1 Q. When you made the turn?

2 A. When I made -- I'm not sure specifically where that
3 car was when I made the turn. I just know I had
4 clearance from that car.

5 Q. 400 yards -- I'm sorry.

6 A. So when I saw that -- when I saw headlights up in
7 the distance, that car was approximately where that
8 church was and I'm going to guess, as far as yards,
9 it's 400 yards.

10 Q. When you made the turn?

11 A. When I made the turn, I'm not sure where that car
12 -- exactly where it was, but I know it was far in
13 the distance. I had clearance. It was nowhere near
14 me.

15 Q. No way it was close to you?

16 A. Nowhere near me when I was making that --

17 Q. You first saw it at 400, certainly, it was still
18 300 yards away when you turned, right?

19 A. I mean, I can't guess the car's speed coming
20 towards me or anything else.

21 Q. Right. I'm not asking you about speed. I'm asking
22 you where it was. You know where it was when you
23 turned, didn't you?

24 A. I'm not sure.

25 Q. You don't know where the car was when you turned?

1 A. When I -- when I turned, I had clearance and that
2 car was still further.

3 Q. You remember when you testified here about a week
4 ago?

5 A. Yes, sir.

6 Q. And you remember when I asked you how far the car
7 was when you turned?

8 A. Yes, sir, and I said 400 yards.

9 Q. And is that still true?

10 A. Yes, sir, that car was 400 yards.

11 Q. When you turned?

12 A. When I turned, I was still focused on my turning
13 and turning into that parking lot.

14 Q. My question to you is, do you recall me asking you
15 --

16 MR. KNIZLEY: May I approach the witness, Your
17 Honor?

18 THE COURT: Yes, sir.

19 Q. You came in here on March 3rd, you remember, a week
20 ago Friday?

21 A. Yes, sir.

22 Q. And you took an oath to tell the truth?

23 A. Yes, sir.

24 Q. Do you recall me asking the following question.

25 Question: So you knew what distance it is, was the

1 car more than a hundred yards; you remember me
2 asking you that?

3 A. Yes, sir.

4 Q. And what was your answer?

5 A. Yes, sir, it was like, I want to say, probably 400
6 yards.

7 Q. Now, I want to ask specifically about when you
8 turned, okay?

9 A. Yes, sir.

10 Q. And again, I asked you a question: And then you
11 thought it was safe to make the turn, and what was
12 your answer?

13 A. I had clearance to make the turn, yes, sir, 400
14 yards.

15 Q. That was mine -- I said 400 yards and you said,
16 yes, sir. And then I asked, and that's 400 yards,
17 right, yes, sir, and you turned, yes, sir. So was
18 it 400 yards at the time of your turn or right
19 about?

20 A. When I was approaching the Comfort Inn, a vehicle
21 -- I saw headlights up in the distance. The
22 vehicle was 400 yards. When I was making my turn,
23 I'm not sure where that car was actually coming on,
24 how fast that car was coming.

25 Q. Still a long ways away, though, wasn't it?

1 A. Yes, sir.

2 Q. You had clearance, right?

3 A. Yes, sir.

4 Q. It was a long ways away, wasn't it?

5 A. Yes, sir.

6 MS. RICH: Judge, again, that's the exact
7 same question asked back-to-back.

8 THE COURT: I understand. It's
9 Cross-Examination, confrontation clause.
10 Overruled.

11 Q. And did you have your blinker on?

12 A. Yes, sir.

13 Q. Sir, have you ever seen the video of your car
14 approaching the Comfort Inn and Dr. Nakhla's car
15 approaching the Comfort Inn?

16 A. No, sir.

17 Q. And you spent time with Ms. Rich last week going
18 over this case?

19 A. She has told me about coming to get a subpoena.

20 Q. All I asked you is if you spent time with her?

21 A. I just told her I'm here, that was it.

22 Q. I just asked you did you spend time with her?

23 A. Yes, sir.

24 Q. Did you spend time with Ms. Walsh?

25 A. Who?

1 Q. Ms. Walsh?

2 A. No, I never talked to her.

3 Q. Did you spend time with the detective here?

4 A. As far as the written statement, yes, sir.

5 Q. I just asked did you spend time with him?

6 A. Yes, sir.

7 Q. And how many times did you meet with him?

8 A. Going on three weeks, every day here.

9 Q. Every day for three weeks?

10 A. Well, not every day like here. I just seen him. I
11 don't talk to him, not like every day.

12 Q. You didn't see the video?

13 A. No.

14 Q. I want to show you what is marked as Defendant's
15 Exhibit 10.

16 (PLAYING VIDEO)

17 Q. Let me stop it right there. Do you recognize where
18 that is?

19 A. That was at the hotel.

20 Q. What perspective, if you know, would that be, the
21 camera would be pointing in what direction?

22 A. I'm not sure. I just seen a full parking lot.

23 Q. Okay. You told us about how the front parking lot
24 was full?

25 A. Yes, sir.

1 Q. And you see these cars up here?

2 A. Yes, sir.

3 Q. Is that the front parking lot?

4 THE COURT: Mr. Knizley, you want the pointer?

5 MR. KNIZLEY: Yes, sir, Judge. That'd be
6 great. Thank you.

7 THE COURT: Sure. Push that button and you'll
8 have a red light.

9 MR. KNIZLEY: Judge, if I could ask the ladies
10 and gentlemen of the jury, is that the better
11 camera for them or is that the better camera for
12 them?

13 THE COURT: Would you rather have it up here?
14 Most people like it up here. If you'll just step
15 down kind of in front of the court reporter so he
16 can see the screen, Mr. Knizley.

17 MR. KNIZLEY: Yes, sir.

18 THE COURT: Watch your step there. You'll go
19 right over here right where that piece of paper is.
20 Just kind of stand there and look back at the
21 screen and you can answer the question.

22 THE WITNESS: Yes, sir.

23 Q. All right. Mr. Davis, you said the front parking
24 lot was full; you see where that red dot is?

25 A. I never said the front parking lot was full. I was

1 just -- when my brother-in-law called me --

2 Q. You're facing away, so it can be a little hard for
3 you to hear. If you don't mind, you know, speak up
4 just a little bit.

5 THE COURT: Ms. Rich?

6 MR. KNIZLEY: And maybe turn to the jury too,
7 Judge.

8 THE WITNESS: I'm sorry?

9 THE COURT: A little bit sideways. There you go.

10 Q. Mr. Davis, when you talk about the parking lot
11 being full, is that what you're talking about right
12 there? (Indicating)

13 A. I had got a call telling me go to the back, the
14 back of the parking lot.

15 Q. I thought you told us in your Direct Examination
16 the reason you did that was because the front
17 parking lot was full; was I incorrect?

18 A. I guess so. I'm not sure.

19 Q. Now, do you remember this little thing right here?
20 (Indicating)

21 A. Yes, sir.

22 Q. What is that?

23 A. It looked like a front entrance.

24 Q. Is that like the pillars or a canopy or a roof that
25 goes out from the front entrance?

1 A. I guess so.

2 Q. Would the front door be right around here?

3 A. I'm assuming where the car was parking.

4 Q. I'm going to let Mr. Yeager play it just a little
5 bit further before you sit down. Okay?

6 A. Yes, sir.

7 (PLAYING VIDEO)

8 Q. All right. Right there, you see that? See if you
9 can back it up too. So I want the jury to
10 understand where we are. Okay. Watch right in
11 here, and these cars are back there on the
12 interstate. Tell me if you see a car coming down
13 -- is that a car coming down the service road right
14 there, looks like to you?

15 A. It looks like a vehicle coming --

16 Q. I'm not saying that was your car. I'm saying is
17 that a car?

18 A. Yeah, it look like -- yeah, it was a car coming
19 down the service road. It was a car.

20 Q. So that's the perspective we have, there's some
21 traffic back here on the interstate and then like
22 we just saw that car come by there?

23 A. Yes, sir.

24 Q. I may not have to get you to step up again, Mr.
25 Davis, if you'll look at your screen there. Okay?

1 Now, what time have we got right here, at that
2 junction right there?

3 A. 12:39:29 a.m.

4 Q. So I'm just going to alert you, the next 10 seconds
5 are real important, okay. So let's just pay close
6 attention here.

7 MR. KNIZLEY: Now, Mr. Yeager, if you would run it
8 for the next 20 seconds.

9 (PLAYING VIDEO)

10 Q. Whose car is that that just came into the picture?

11 A. That's "mines."

12 Q. Did you see the other vehicle passing you?

13 A. I seen -- when I made my turn, I had clearance and
14 I had my blinker on, made clearance and the car
15 just came.

16 Q. Did you see the other vehicle passing you?

17 A. On here?

18 Q. Yes, sir.

19 A. You got to play it back. That was fast, that was a
20 car on the interstate.

21 Q. Would you like to play it back?

22 A. Yes, sir.

23 MR. KNIZLEY: Play it all the way back to
24 about 2020 --

25 THE COURT: And if you could have your IT man

1 to leave the time increment so we can see that at
2 the top.

3 MR. KNIZLEY: Stephen.

4 MS. RICH: And play it in full speed.

5 THE COURT: Yes, real speed, that's right.

6 MR. KNIZLEY: You heard the Judge's
7 instruction?

8 MR. YEAGER: Yes, sir.

9 (PLAYING VIDEO)

10 Q. Stop. You see that car?

11 A. Yes, sir.

12 Q. I'm going to back it all the way up to about -- to
13 just before your -- I want to talk to you a little
14 bit about your blinker first. Okay?

15 A. Yes, sir.

16 MR. KNIZLEY: Mr. Yeager, if you could back
17 it up to about 25.

18 Q. And Mr. Davis, I want you to pay particular
19 attention to this area -- and I know you can't see
20 me with this red dot. Would you mind looking over
21 your shoulder and looking right there while I'm
22 talking about -- right there. Okay.

23 A. Yes, sir.

24 Q. Your vehicle is going to come in that area right
25 there. Okay?

1 A. Yes, sir.

2 Q. And I want you to watch on your screen and you tell
3 the ladies and gentlemen of the jury when your
4 blinker comes on, okay, and we'll stop. Are you
5 ready? Look, I'm going to show you right here is
6 where we're talking about. Okay?

7 A. Yes, sir.

8 MR. KNIZLEY: Play it.

9 (PLAYING VIDEO)

10 A. Can you go back? Go back.

11 (PLAYING VIDEO)

12 A. Just a little bit further. About right there,
13 that's when I started turning my blinker on.

14 Q. Do you see a blinker blinking?

15 A. I mean, my headlights was bright, so I mean, you
16 could just see my lights flashing.

17 MR. KNIZLEY: Take it back out. Stephen,
18 take it back out.

19 Q. Now, would you rather it be focused in, focused
20 out? I want you to tell this jury when that
21 blinker starts blinking.

22 (PLAYING VIDEO)

23 A. Yes, sir. Can you rewind it? All right. Now you
24 can play it.

25 (PLAYING VIDEO)

1 A. That's when my -- right there. (Indicating)

2 Q. Where?

3 A. You might have to go back just a little bit when I
4 just said where it was. Further back a little bit
5 more.

6 (PLAYING VIDEO)

7 A. Further back a little bit more.

8 (PLAYING VIDEO)

9 A. Just a little bit more.

10 (PLAYING VIDEO)

11 A. That's when I started turning my signal on.

12 Q. Yes, sir. I want you to tell the ladies and
13 gentlemen of the jury in that video where the
14 blinker is. If you want to use this red pen, you
15 can.

16 A. Yes, sir.

17 Q. Can you point to it with the blinking light?

18 A. I just hit this red button?

19 THE COURT: Mash the red button and it's going
20 to be little red dots, a laser.

21 THE WITNESS: Okay.

22 Q. As you guys can see, as I was approaching the
23 Comfort Inn, about right here where I was just
24 turning my blinker -- can you play that video just
25 a little?

1 (PLAYING VIDEO)

2 A. As you can see the orange, it's an orange -- I know
3 my headlights was bright. You can see the orange
4 flash.

5 Q. Are you telling the ladies and gentlemen of the
6 jury they're supposed to be seeing something
7 flashing right now?

8 A. Yes, sir.

9 Q. And you're saying it's flashing on that screen?

10 A. Yes, sir. It's, like, flashing.

11 Q. It is flashing on that screen?

12 A. Yes, sir. Like I can see it but I don't know if
13 you --

14 Q. All right. Thank you, Mr. Davis.

15 MR. KNIZLEY: And if you'd let that frame -- go
16 frame by frame again, please, just as you're going.

17 (PLAYING VIDEO)

18 Q. Stop. All right. Mr. Davis, I'm going to have to
19 ask you to step back down if you don't mind too
20 much. Okay?

21 A. Yes, sir.

22 Q. I'll try to stand over there and let you stand
23 here, okay.

24 (PLAYING VIDEO)

25 Q. Mr. Davis, see those headlights right there?

1 A. Yes, sir.

2 Q. And the taillights --

3 A. Yes, sir.

4 Q. -- you just saw in the picture, that's Dr. Nakhla's
5 vehicle; is it not?

6 A. I'm not sure. I don't know if it was his or not.

7 Q. That's your vehicle right there? (Indicating)

8 A. That's my vehicle.

9 MR. KNIZLEY: Mr. Yeager, can you back it up
10 a frame or two, please?

11 (PLAYING VIDEO)

12 Q. All right. Stop right there. Now, you see your
13 headlights right now pointing down the roadway?

14 A. Yes, sir.

15 Q. You have not made the turn yet, right?

16 A. No, sir.

17 MR. KNIZLEY: Frame by frame.

18 (PLAYING VIDEO)

19 Q. You see your headlights sort of turning a little
20 bit now toward this way? See how they're turning a
21 little bit now? They're not always squared up, are
22 they?

23 A. If you could go back just a little --

24 A. No, no, no. You --

25 THE COURT: Let him answer. Mr. Knizley, let

1 him answer. You asked him a question.

2 MR. KNIZLEY: Sure.

3 A. If you can go back just a little bit further
4 because I was making my turn like a little before
5 that as well. That's when I started making my
6 turn.

7 (PLAYING VIDEO)

8 Q. All right. Right there, you started making it
9 right there? Keep on going frame by frame.

10 (PLAYING VIDEO)

11 Q. Stop. Is it your contention you made that turn
12 yet? Are you in the left-hand lane?

13 A. They driveway is pretty out there if anybody ever
14 been to the Comfort Inn, right. Their driveway is
15 already pretty much --

16 Q. Those lights are not squared up this way though,
17 are they? How far do you think it is from right
18 there to right there?

19 A. I'm not sure. When I seen --

20 Q. Let's back up a little bit.

21 A. That car going so fast, I can't even tell --

22 Q. Back it up a little bit.

23 (PLAYING VIDEO)

24 Q. See that right there? That's your car light, okay?
25 I suggest to you that's 14.3 feet.

1 MS. RICH: Well, Judge, is Mr. Knizley
2 testifying? There's not a question.

3 MR. KNIZLEY: No, I won't testify.

4 MS. RICH: Objection. It's not a question.

5 THE COURT: Okay. Sustained. Mr. Knizley,
6 ask a question. It could be leading, but ask a
7 question. Don't just testify.

8 Q. Do you think your car is about 14 and-a-half feet
9 long?

10 A. From right there to where this car --

11 Q. No, no. The vehicle itself. Look here --

12 A. From where, from --

13 Q. 1, 2, 3, 4, 5, you think your car was about that
14 long? (Demonstrating)

15 A. From right here at this point of view?

16 Q. The whole length of your car?

17 A. The whole length?

18 Q. Your car.

19 A. I'm not sure --

20 Q. From right here to right down there?

21 A. I'm not sure -- I'm not sure the length -- how long
22 that vehicle was.

23 Q. Do you think it's about as far as from --

24 A. I'm not going to speculate on that. That requires
25 me to guess. I'm not sure.

1 Q. Okay. That's fine. All right.

2 THE COURT: Y'all are talking over each other.
3 I mean, my court reporter, I know, is struggling to
4 get this down, and it's really hard when you're
5 both talking --

6 THE WITNESS: I'm sorry, Your Honor.

7 MR. KNIZLEY: I apologize.

8 THE COURT: You've got to do it. Go ahead.

9 Q. Whatever your car length is --

10 MR. KNIZLEY: Stephen, would you put the car back
11 in there, please?

12 (PLAYING VIDEO)

13 Q. See it right there to right there? Maybe 1? Maybe
14 2?

15 MR. KNIZLEY: Stop.

16 Q. Right there. You've still got it pointed at a
17 little bit of an angle, don't you, the headlights?

18 A. Yes, sir.

19 Q. Maybe 1 length, maybe 2?

20 MS. RICH: Well, Judge, Mr. Knizley is
21 speculating, and there's no question on the table.
22 He's testifying. Objection. THE
23 COURT: Overruled. Just make sure it's a question,
24 Mr. Knizley, okay. Don't just testify.

25 MR. KNIZLEY: Yes, sir.

1 Q. Mr. Davis, see this car right there? I'm going to
2 do this -- and tell me if you think this is about
3 the right count? 1 car length, 2 car lengths,
4 about 3 car lengths?

5 THE COURT: Is that the question?

6 Q. Yes, sir. Does there seem to be about three car
7 lengths between the two cars at that time?

8 A. Probably a little bit more than that. I mean,
9 that's on that video, sir.

10 Q. How many do you think it is?

11 A. That requires me to speculate. I don't want to
12 guess it.

13 Q. All right. Well, let's go a little bit further.

14 MR. KNIZLEY: Frame by frame.

15 (PLAYING VIDEO)

16 Q. Is that car totally turned in that driveway yet?

17 A. I mean, you playing it in slow motion, it probably
18 was. That requires me to speculate.

19 MR. KNIZLEY: Frame by frame.

20 (PLAYING VIDEO)

21 Q. Has that car turned yet?

22 A. It's proceeding. Yes, it's turning.

23 Q. It's turning, isn't it?

24 A. Yes, sir.

25 Q. Turning right now, isn't it?

1 A. It's pretty much been turning.

2 Q. It's turning, but it's not in there yet, is it?

3 A. That driveway is out, sir. Pretty much my --
4 pretty much my -- where my headlights at and a
5 little bit top of my engine is pretty much already
6 probably in that driveway as well.

7 MR. KNIZLEY: Keep on going.

8 (PLAYING VIDEO)

9 Q. It's still turning, look at this car right here.

10 (Indicating)

11 A. No --

12 Q. Well, let's see if it squares up. Just let it
13 speak for itself if you would. Let's keep turning.
14 Tell me when it's all squared up.

15 (PLAYING VIDEO)

16 MS. RICH: Judge, he's asking him a question
17 but then when he tries to answer, he's giving
18 testimony, and I'll object to this whole line of
19 questioning.

20 THE COURT: Overruled. Mr. Knizley, let him
21 answer your questions. Go ahead.

22 (PLAYING VIDEO)

23 Q. Tell me when that car is totally squared up in that
24 driveway.

25 A. Definitely had already been in that driveway.

1 Q. Stop. Would you agree that the car is about squared
2 up for the first time right there?

3 A. It's pretty much been in that driveway.

4 Q. Okay. Thank you. You can have a seat, Mr. Davis.
5 Mr. Davis, your car was totally in the left-hand
6 lane when Dr. Nakhla avoided hitting you and your
7 wife and your son, wasn't it?

8 A. Say that again one more time.

9 Q. Your car was totally in the left-hand lane of
10 traffic, in Dr. Nakhla's lane of traffic when Dr.
11 Nakhla had to turn his car to avoid hitting you and
12 your wife and your son, wasn't it?

13 A. No, sir. I was never in that left-hand lane when
14 his car was approaching me. I was --

15 Q. And you didn't turn --

16 THE COURT: Wait a minute. Mr. Knizley, he's
17 got to answer -- go ahead, Mr. Davis. Finish your
18 answer.

19 A. When that -- when that car was pretty much
20 approaching me, that car was -- I can't even tell
21 if that car is on the interstate, it was going so
22 fast. When I was approaching the Comfort Inn,
23 stopped, had my turn signal on, and I had clearance
24 before the car even came towards me. I was already
25 proceeding my turn and making my way into that

1 driveway.

2 THE COURT: Mr. Knizley, next question.

3 Q. Are you telling the ladies and gentlemen of the
4 jury it's 400 yards when you made that turn?

5 A. Sir, that car was up in a distance when I was
6 approaching the Comfort Inn. That car was right
7 there by that church.

8 Q. Are you telling the ladies and gentlemen of the
9 jury that that video we just watched depicted the
10 car being 400 yards away from you?

11 A. Sir, that car was going fast. I mean, obviously, I
12 thought it was on the interstate.

13 Q. Sir, you saw the video and you saw your blinker
14 never came on, didn't you?

15 A. My blinker was on.

16 Q. And these ladies and gentlemen of the jury saw the
17 blinker you think?

18 THE WITNESS: Did you guys see the blinker?

19 THE COURT: No.

20 A. I can't answer for them. I'm sorry.

21 Q. I'm sorry. Go ahead.

22 A. I can't answer for the jury. I'm not sure if they
23 saw it or not.

24 Q. And you're in the left-hand lane when his car is
25 there; are you not?

1 A. No, sir. I was in that right-hand lane. I was
2 proceeding making my turn. I had clearance. His
3 car was obviously, I'm guessing, going fast because
4 clearance on the interstate the way he was going.

5 Q. And if he hadn't have made the evasive action -- if
6 he hadn't have taken the evasive action he did,
7 your turn may have cost your life and your child's
8 life and your wife's life, hadn't it?

9 A. That's his speed -- to me, I feel like if he wasn't
10 speeding that fast, I mean, none of this would have
11 happened.

12 Q. Then you turn on in --

13 MR. KNIZLEY: If you would, please. Stephen.

14 (PLAYING VIDEO)

15 Q. And you stop your car there, don't you?

16 (Indicating)

17 A. No, I was slowing my car --

18 Q. Tell me when to stop it.

19 A. During this time, I was on the phone with my
20 brother-in-law, and I was trying to see do I go
21 through the front door as usually you go -- when
22 you enter a hotel, you usually go to the front
23 lobby.

24 He told me to come to the back. It was a
25 back door. They had the key to the room and that

1 key opens that back door if you was at the hotel.
2 So he just told me to come to the back, that's
3 where all the cars usually park at, in the back.
4 There's a little bit more space there.

5 Q. Did you call your brother Harry or e-mail him or
6 Facebook him to tell him and his people there,
7 including Kobe Matthews, did you tell Harry and
8 Kobe -- I'm not through. Did you ask them --

9 A. No, I talked to --

10 THE COURT: Wait a minute. He's asking a
11 question. Go ahead.

12 Q. -- that I just passed a convertible that went in
13 the ditch, was that Harry's car; did you say that?
14 Did you tell Harry -- call him in and say, look, I
15 just saw a convertible go in the ditch, was it
16 Harry's car?

17 A. No, sir. No, sir. When I was on this end, I had
18 called Harry and I said I heard a loud noise.
19 Well, Harry is already telling me to come to the
20 back. My brother-in-law was telling me -- Kobe, I
21 never talked to him because I don't really know him
22 like that. The only person I talked to through
23 this whole situation was my brother-in-law.

24 Q. And if Kobe Matthews said that he heard you make a
25 phone call saying -- being concerned that you just

1 saw a convertible go in the ditch and was it
2 Harry's, he would be incorrect then, right? If he
3 comes in this courtroom and says --

4 A. I'm not sure he heard, but I know I heard a loud
5 noise. I never said it was a car in the ditch. We
6 didn't know what was the noise until we actually
7 got there. That could have been anything. It was
8 just a loud noise.

9 Q. And Kobe Matthews, if he says you said was that
10 Harry's convertible, he would be incorrect because
11 you didn't say that, right?

12 A. I don't know what Kobe said because I never talked
13 to Kobe.

14 Q. I know. But if Kobe said you said it --

15 A. That'd be Kobe's word against mine. I'm not sure.
16 I hadn't talked to him.

17 Q. It'd be Kobe's word against your word, right?

18 A. Yeah. I'm not sure -- I'm not sure what Kobe
19 heard. I'm not saying he did or didn't. I never
20 said it was a crash. I just said it was a loud
21 noise. If I could read my statement, you will
22 clearly see on this statement it shows everything
23 on this scene right here.

24 Q. All right. Then your car comes and sort of slows
25 --

1 MR. KNIZLEY: And Mr. Yeager, if you could back up
2 and show as his car comes in there and where it
3 slows down.

4 (PLAYING VIDEO)

5 Q. And you slow to almost a stop there, right?

6 THE COURT: Is that real time?

7 MR. KNIZLEY: Yes, sir. Stephen, is that
8 real time?

9 MR. YEAGER: Yes, sir.

10 MR. KNIZLEY: I say real time, Judge. That's
11 the time it came to us at.

12 THE COURT: Right.

13 MR. KNIZLEY: Play on through it, Stephen,
14 and go to the back.

15 (PLAYING VIDEO)

16 Q. All right, Mr. Davis. When you go around that
17 corner, you go alongside of the building and you
18 turn into a pretty big parking lot in the back,
19 right?

20 A. Yes, sir.

21 Q. At that corner when you alongside the building to
22 the parking lot in the back, that's where that
23 stairwell was that you and I looked at where some
24 fellows -- you and some other guys were going up
25 and down; is that right?

1 A. Wherever the back door was, I'm not really
2 particular on how that building was made. I'm not
3 sure what was -- I just know it was a back door,
4 then just go up some steps and that was it.

5 Q. And you didn't go up in that hotel as soon as you
6 parked the car, did you?

7 A. No, I don't remember going in the hotel.

8 Q. And you were on the phone with your friends, right?

9 A. I was on the phone with my brother-in-law, only one
10 person.

11 Q. And you say you didn't say anything about a
12 convertible, they came down?

13 A. I never said nothing about a convertible. I just
14 said -- like I said, if you let me read this
15 statement, it will clear all your questions.

16 Q. And they came down, right?

17 A. I believe so, yeah, I think.

18 Q. Then y'all all went about two or three minutes
19 after this --

20 MR. KNIZLEY: And Stephen, if could you fast forward
21 a little bit and see if you can see the big -- no,
22 it's not on this one. Excuse me. That's an
23 excerpt, Judge. It's not on there.

24 Q. But they come down and y'all go out there for a few
25 minutes, right?

1 A. Yeah, to see what the noise was about.

2 Q. And you go across the street?

3 A. Yes, sir.

4 Q. And you see there's been a horrible accident; do
5 you not?

6 A. Yes, sir, I see a car in the ditch.

7 Q. And you know what just happened, what we just saw
8 on this video --

9 A. No, I don't know nothing. I don't know nothing.
10 My eyes stayed in front of me. I never looked
11 back. I never looked.

12 Q. I want you to watch this one more time and tell me
13 if you knew this just happened.

14 (PLAYING VIDEO)

15 Q. Going back to 12:35. In real time, looking at
16 12:39:40, that just happened, didn't it?

17 A. I'm not sure if that was the car that was in the
18 ditch or not. I just heard a loud noise.

19 Q. And you went up there and you got your buddies to
20 come down and y'all went over there and y'all see
21 what appeared to be a vehicle that had just missed
22 your car?

23 A. I don't want to say it just missed it because I was
24 already proceeding my turn.

25 Q. Whatever it shows up there is what happened, right?

1 A. I mean, I was making my -- I was proceeding my
2 turn.

3 Q. Whatever it shows on that screen is what happened,
4 right?

5 A. Yes, sir.

6 Q. That's accurate what happened, isn't it?

7 A. Yes, sir.

8 Q. You don't think nobody has manipulated the video or
9 anything of that, do you?

10 A. I can't speculate that. I'm not going to get up
11 into all that.

12 Q. You knew how close you were and you knew how close
13 the car was and you knew whether or not you turned
14 on that blinker and you knew when you went over
15 there, there was a terrible accident and then you
16 left, didn't you?

17 A. Sir, as I went to the hotel -- like I said, if I
18 could read my statement, it'll answer all those
19 questions.

20 Q. You went up to the hotel and we saw you back and
21 forth in the hotel, right? Right?

22 A. Sir?

23 Q. We saw the video of what you did back and forth in
24 the hotel, right?

25 A. Yes, sir.

1 Q. And we saw you getting back in the hotel, this is
2 at 12:39, 12:40, we'll say, 12:39:50 or something.
3 So we saw you back in the hotel around 12:50,
4 12:51; do you remember that?

5 A. Yes, sir.

6 Q. About 10 minutes after this?

7 A. Yes, sir.

8 Q. Then you went in and out these rooms with your
9 buddies? You remember going in and out of rooms,
10 you remember that?

11 A. Yes, sir. Yes, sir.

12 Q. And then you went up and down?

13 A. Yes, sir.

14 Q. Then you went out at 1:20, about 30 minutes after
15 this and you got in your car and Harry got in his
16 car?

17 A. I don't know if Harry got in his car or not. I'm
18 not sure what he did. I was focused getting my
19 wife and kids home, that's it.

20 Q. You told us that Harry had a Camaro, that it was a
21 rag-top or was a convertible that looked an awful
22 lot like that car in that picture?

23 A. No. I said he had a Camaro. I'm not sure what
24 color it was, but Harry also had 13 cars back then.
25 I'm not sure --

1 Q. Did he have 13 cars at one time?

2 A. He went through 13 cars. I can't tell you what car
3 he actually had.

4 Q. I hear you. But I'm going to ask you this: Did
5 you know at or about that time he had a convertible
6 Camaro of dark color?

7 A. I'm not sure, I just know he had a Camaro, that's
8 all it was.

9 Q. We know, at some point in time, he had one, didn't
10 he?

11 A. Yeah, at one point in time. I'm not sure if it was
12 this year or in that year or the year after that.
13 I'm not sure.

14 Q. And you think it was just an unbelievable
15 coincidence that another Camaro convertible was at
16 that hotel, like Harry's, at 1:30 in the morning
17 and left in front of you and that's just some
18 unbelievable coincidence that that was Harry,
19 right?

20 A. It's a coincidence that I see 13 Camaros at
21 Walmart. I mean, I'm just --

22 Q. And you --

23 THE COURT: Wait a minute. Wait a minute. Finish
24 your answer.

25 A. I'm not sure if that was his car or not. It's a

1 lot of drop-top Camaros I see out on the road. I
2 mean, I just can't go to Walmart and say, oh,
3 that's Harry's car. I mean, I can't say that's his
4 car. I can't say that's his vehicle or anything.
5 Like I said, if you let me read that statement in
6 front of the jury, that will answer all your
7 questions.

8 Q. A car that was a convertible Camaro left a few feet
9 in front of your car?

10 A. Yes, sir. I'm not sure whose car that was.

11 Q. And y'all were leaving the hotel?

12 A. Me and my wife and my son was leaving the hotel.
13 That's all I was focused on.

14 Q. And that car that looked like Harry's left the
15 hotel?

16 A. I'm not sure if that's Harry's. I assume that's
17 Harry's car. I don't know. I'm not saying it's
18 not, I'm not saying it is. I don't know what car
19 Harry was driving during that time.

20 Q. A car that looked like Harry's car?

21 A. It's a lot of cars that look like Harry's car, sir.

22 Q. Well, that car didn't look like Harry's car was
23 leaving the hotel. I mean, we all saw it. You saw
24 it, didn't you?

25 A. Yes, it was a drop-top Camaro, but I can't say that

1 was his car.

2 Q. But you saw a car that looked like him, you saw it,
3 didn't you?

4 MS. RICH: That's the fifth time he's asked
5 that same question.

6 THE COURT: Well, he hadn't answered it yet,
7 Ms. Rich.

8 A. What was the question? I'm sorry.

9 Q. The car looked like Harry's car, didn't it?

10 A. It's a lot of Camaros that's drop-top.

11 Q. That car looked like Harry's car, didn't it?

12 MS. RICH: Judge, he's answered the question.
13 He's trying to force him to say something he's not
14 going to say.

15 THE COURT: Overruled. Either he says it looks
16 like the car or it doesn't. It's one way or the
17 other.

18 Q. That looked like Harry's car, didn't it?

19 A. It's a lot of cars that look like Harry's as well.
20 It's a lot of Camaros. So I'm saying -- I'm not
21 trying to be funny. I'm not trying to be smart.
22 I'm just saying it's a lot of cars, and I'm pretty
23 sure everybody in this room see a lot of drop-top
24 Camaros on the road.

25 I can't say if that's his car. I can't say

1 it's not his car. I don't know. I was just
2 focused on my wife, my son and getting back to the
3 home. I went to the hotel. I said hey and I said
4 bye.

5 THE COURT: Mr. Davis, that was it. Stop.

6 THE WITNESS: I'm sorry.

7 Q. You left, didn't you?

8 MS. RICH: Again, Judge, he's asked that at
9 least six times.

10 THE COURT: Well, he has answered that, Mr.
11 Knizley. Follow up with your next question.

12 Q. And after that, the next day -- excuse me, not the
13 next day but Sunday, you got a call saying that the
14 police were looking for you, right?

15 A. I'm not sure what day that was. All I know, my mom
16 just called me and said, hey, it's a guy calling
17 you that want you to come down to the station and
18 give a statement. And I wasn't sure what was going
19 on or anything. Like I said, my uncle was a
20 retired Lieutenant at the Mobile Police Department
21 for 30 years, and I went to him for, you know,
22 advice about this whole situation.

23 Q. The police were looking for you, weren't they?

24 A. I'm not sure. All I know, my mom said there was a
25 guy that wanted to talk to me.

1 Q. You're not sure that the police were looking for
2 you?

3 A. I mean, he just -- all I can tell you is what I
4 know. All I know, the person just said, hey -- I
5 mean, my mom said, hey, it's a guy just want you to
6 give a statement, that's it.

7 Q. That guy was a policeman, wasn't he?

8 A. I'm assuming, yes.

9 Q. So the police were looking for you?

10 A. That would cause me to speculate. I'm not sure.

11 Q. Okay. You didn't do anything wrong, right?

12 A. No, sir. No, sir.

13 Q. Did you go down there and sit down there like you
14 did and say, okay, what y'all want to know?

15 A. Well, me and my uncle went down to the station.
16 All he told me, just say, hey, don't give a verbal
17 statement, give a written statement.

18 Q. Your uncle was a lieutenant in the police
19 department, right?

20 A. Yes, sir.

21 Q. And he told you not to give a verbal statement,
22 give a written statement, right?

23 A. Yes, sir, because that's something that requires
24 the laws and I would let him explain all of that to
25 me.

1 Q. But your uncle did not want you to sit down -- did
2 he want you to sit down with him, Detective
3 McCullough want you to sit down with him and talk
4 to him?

5 A. Yes, sir. He wanted me to sit down and talk to
6 him.

7 Q. And you refused?

8 A. No, sir. I did not refuse. I just asked him for a
9 written statement that says Traffic Driver Witness
10 Statement Form.

11 Q. Whatever the video between what Detective
12 McCullough and you said would be true, I suppose,
13 right? That's what's going to tell whether you
14 refused or not; would you agree?

15 A. No. I just told him I would prefer a written
16 statement, not a verbal statement. I just want a
17 written statement, that's all I wanted.

18 Q. And because you talked to your uncle and he told
19 you don't sit down and talk to that police officer
20 --

21 MS. RICH: Judge --

22 Q. Excuse me. Let me finish, please. You talked to
23 your uncle and he told -- this is a law enforcement
24 officer of 30 years, and he loves you, doesn't he?

25 A. Yes, sir, obviously.

1 Q. He loves you, doesn't he?

2 A. Obviously, yes, sir.

3 Q. He don't want you to be in no trouble, does he?

4 A. No, sir. I'm pretty sure nobody want to be in
5 trouble.

6 Q. And he told you don't sit down and talk to this man
7 right here, you write out that statement and don't
8 say anything else, didn't he?

9 A. Like I told you, me and my -- I called my uncle, I
10 told him about the officer was calling me. He said,
11 go down there, it's a form you have to fill out,
12 it's a Witness Statement Form.

13 Like I say, he can explain all that, I'm not
14 sure how the forms go or the law or anything like
15 that. He just told me just give a written
16 statement so it'll be on paper. It's just not one
17 word, he-say, she-say word type.

18 Q. And you didn't give a statement, an oral statement
19 to this detective?

20 A. I gave him a written statement.

21 Q. Sir, let me finish. Okay? You didn't give an oral
22 statement to this detective that wanted to hear
23 your side of the story, did you?

24 A. I gave him a written statement.

25 Q. That would not be an oral statement, right? You

1 did not give him an oral statement, did you?

2 A. I gave him a written statement.

3 Q. You did not give him an oral statement, did you?

4 A. I just gave him a written statement. That's what
5 I'm telling you. I mean, I have not talked to him.
6 I just gave him a written statement, that was it.

7 Q. Sir, just tell the jury you didn't give an oral
8 statement if you didn't. You didn't say that?

9 A. I didn't give an oral statement. An oral statement
10 is a verbal statement, right?

11 Q. Yes.

12 A. Okay. I did not give a verbal statement. I gave a
13 written statement.

14 Q. Thank you. Now, of course if you don't give him a
15 verbal statement, he can't ask you questions, can
16 he?

17 A. I mean, if I gave him a verbal statement, it would
18 have been my word against his, I'm assuming.

19 Q. And you sure didn't want it to be your word against
20 his, did you?

21 A. No. I just wanted to give him what I saw and what
22 everybody saw in this video.

23 Q. And this officer didn't have a chance to ask you
24 about whether you had your blinker on, did he?

25 A. Repeat that one more time.

1 Q. This law officer did not have an opportunity to ask
2 you did you turn your turning indicator on, your
3 blinker on before you made the left-hand turn? He
4 also didn't have that opportunity to ask you, did
5 he?

6 A. No, sir. I gave it to him on a written statement.

7 Q. You've been wanting to read the --

8 A. Yes, sir.

9 Q. Read the part about the blinker.

10 A. I was traveling northbound on I-65 service road and
11 stopping to make a left turn into the parking lot
12 of the Comfort Inn. I saw headlights in the
13 opposite lane up in the distance and proceeded
14 making my turn. I had clearance after completing
15 my turn and was in the parking lot when I heard a
16 loud noise. After I got into the rear parking lot,
17 I called my friends and we walked to the front to
18 see what was the noise.

19 We saw a car in the ditch. We stayed and
20 looked at the car for a few minutes, and then we
21 walked back into the room. I did not witness a car
22 crashing, but I heard a loud noise. I didn't know
23 which direction the car was in the ditch was
24 traveling. End of statement.

25 Q. Read the part about the blinker again.

1 A. When I said I was on I-65 service road stopping to
2 make -- to turn left into the parking lot of the
3 Comfort Inn.

4 Q. You didn't say anything about a blinker, did you?

5 A. No, sir, but the videotape shows it blinking. Like
6 I said, my headlights obviously brake, but my
7 blinker was on. And when I'm leaving the hotel,
8 you can also see my left-hand blinker was on.

9 Q. Sir, this officer is investigating the death of a
10 person, and you didn't give him the opportunity to
11 even ask you about your blinker, did you?

12 A. He asked me to give a statement and it was a
13 written statement.

14 Q. Sir, you told this jury 400 yards away, you didn't
15 get an opportunity to tell -- one, you didn't tell
16 this officer that, nor did he have an opportunity
17 to investigate whether or not you were being
18 truthful about it, did he?

19 A. No. When I went down there, he asked me what did I
20 see and I just told him I wanted to give you a
21 written statement, not a verbal statement.

22 Q. Sir, when you saw on that video, you didn't give
23 this officer an opportunity to ask you about how
24 close you were to that car, did you?

25 A. I gave him a written statement what I -- no, sir.

1 That's it.

2 Q. And sir, and then the fact that officer told you
3 you wasn't in any trouble, didn't he?

4 A. Yes, sir.

5 Q. And he also told you that they had someone else
6 they were focusing on, right, if you remember?

7 A. I don't remember that part. He just told me that I
8 wasn't in no trouble, nothing at all. That's it.

9 Q. And he didn't take your cell phone to see when you
10 were talking on that phone and who you were talking
11 to, did he?

12 A. No, nobody never had my cell phone.

13 Q. You had the cell phone with you; did you not?

14 A. Where? At the station?

15 Q. No, sir. At the time you turned in front of Dr.
16 Johnny Nakhla's car?

17 A. I had my phone in the console where the cup holder
18 is at. I was talking through Bluetooth speakers of
19 the car.

20 Q. And this officer didn't get that phone to see if,
21 at the very moment you turned in front of that car,
22 you were on that phone, did he?

23 A. You're saying I was on my phone or --

24 Q. We don't know, do we, because we never got your
25 phone, right?

1 A. I mean, I don't see where he needs my phone to see.
2 It's a video right here of the camera of the hotel.

3 Q. And nobody came and searched your house?

4 A. No, sir.

5 Q. Nobody got your credit card records to see what you
6 may have been doing earlier that day?

7 A. No, sir.

8 Q. And so you never spoke to another person for two
9 and-a-half years about this case?

10 A. No, sir.

11 Q. But you did have a little more Facebook
12 conversations about the case, didn't you?

13 A. That was a group chat, yes. One of my friends had
14 said something about speed or something like that,
15 and I just reminded them of the incident, you know,
16 not the speed on the road, you know.

17 Q. I'm sorry. I didn't quite understand you, Mr.
18 Davis. What did your friend say to you on the
19 group text?

20 A. In the group chat, my friends was talking about
21 speeding. Obviously, we boys, we love cars and
22 stuff. But they was talking about speeding, and I
23 was just reminding them, hey, you know, it was an
24 incident on the news that somebody was speeding a
25 hundred and something miles per hour and somebody

1 lost they life. And I was just reminding them,
2 hey, look, don't speed because anything could
3 happen on the road. Obviously, when I travel from
4 Mobile to Louisiana, I see wrecks all the time.
5 And my mom reminds me when she was driving a school
6 bus, she'd see wrecks all the time and not to
7 speed.

8 Q. Since you brought it up, y'all were talking a
9 little bit more than just about other people
10 speeding, you were also talking about your own self
11 speeding; were you not?

12 A. Talking about what speeding? I never said I was
13 speeding.

14 Q. Sir?

15 A. I never said I was speeding.

16 Q. Well, okay. Look at page 453.

17 A. I mean, you can see in the group chat, obviously, I
18 love to joke around. That's not to say I was
19 speeding. But like I say, as you can see right
20 here, it says I don't max out, I went past 145, but
21 I never said I was driving. I was in a car that
22 was going that fast.

23 Q. I hadn't asked you a question yet. Okay? On page
24 453 on what was probably the late night hours of
25 August 2nd, y'all were discussing the speed you

1 talked about?

2 A. Yes, sir.

3 Q. Could you read the words that you put in that text?

4 A. Yes, sir. You could see --

5 Q. No, sir. Where it is blown up, if you would see
6 the third entry.

7 A. Yes, sir, that one.

8 Q. Just read the words if you would, please. And if
9 the prosecutor wants to get you to explain it,
10 that's fine. But you read the words to this jury
11 what you said.

12 A. I said, I don't max out. I went past 145. I never
13 said I was speeding. I was driving.

14 Q. Sir?

15 A. I said I never said I was driving. I just --

16 Q. You were just talking about that you don't max,
17 that'd be the maximum speed; is that right?

18 A. Yeah --

19 Q. When you pass, that would be 145 miles an hour,
20 right?

21 A. Yes, sir. I said I went past 145, but I never said
22 I was driving.

23 Q. And right after that, that was at 83 and 128, and
24 I'm going to take you to 81, that same day the
25 accident happened but the evening at that time.

1 Were y'all also talking about -- at page 406, okay,
2 you see where it says Juan's message at 406 at
3 23:46:36?

4 A. Yes, sir.

5 Q. What's it say there?

6 A. La'jerric, the police was in front of y'all's
7 hotel.

8 Q. Now, at 23:46:36, that's going to be that next day
9 because now we're talking about 8-1, so the next
10 day, look if you would, please, at what you did
11 right after that at 23:47:21. Chris Davis, what
12 did you do?

13 A. Said I sent the wrong message but --

14 Q. What does unsending message mean?

15 A. I'm not sure.

16 Q. Did you mean deleting the one you had sent?

17 A. I'm not sure what unsent message is. I'm not an IT
18 person. I don't know too much about Facebook like
19 that.

20 Q. You don't know too much about Facebook?

21 A. Not like that, as far as messages I don't.

22 Q. What did your brother-in-law say to you then right
23 after that? You don't have to say words that you
24 feel uncomfortable about saying.

25 A. He said you the only one I know who love to remove

1 messages as you don't want no one to see no further
2 than the group chat.

3 Q. He's saying you removed a message, right?

4 A. He's saying I removed that, my phone, it shows the
5 message.

6 Q. And what does La'jerric Bell say in the next entry?

7 A. On which one?

8 Q. The next entry, La'jerric Bell, in the body, it
9 says f-a what?

10 A. He says for what.

11 Q. All right. Look at what Juan said first when he
12 says you don't want to remove a message. What did
13 Juan say?

14 A. He said, we know why, like, it's a secret or
15 something and he just assumed. I don't even know
16 who that was.

17 Q. He's assuming something, right?

18 A. He is assuming.

19 Q. And then La'jerric says Juan says and we know why
20 it's like a secret or something, and this is the
21 day of the accident. What does La'jerric then say?

22 A. He says for what but that's a group chat. Anybody
23 could be talking about anything in that group chat.
24 He just says the police in front of the hotel. I
25 just tagged my brother-in-law. That was it. I let

1 him know like, hey, it's a police in front of that
2 hotel.

3 Q. And you're in the group text, right?

4 A. Yeah, that's a group text.

5 Q. What's the next thing La'jerric says -- and he says
6 for what and you answered the question. He says
7 "dat" wreck, right?

8 A. He put a question mark, he just said that wreck.

9 Q. And then the next thing, about two minutes later
10 you sent a video, right?

11 A. Yes, sir.

12 Q. You took that text down you didn't want anybody to
13 see?

14 A. No. I mean, I don't know what that text is. I
15 don't know how it got sent or whatever. Like I
16 said, on my phone it said it was sent. I don't know
17 what it did after that. They just speculating.
18 They just guessing or something.

19 Q. Then I'm going to take you to the next day on 8/3,
20 that's really 8/2, and this is the next day. On
21 page 456, you see at the third from the bottom
22 entry on 456 and this is 8/3, 1:50, so we back it
23 up five hours to 8:50, so it's 8:50 in the evening
24 on August 2nd. And is that the day that the police
25 came to see you on August 2nd?

1 A. I'm not sure when the police came.

2 Q. Well, excuse me, they didn't come see you. Is that
3 the day the police contacted you?

4 A. I'm not sure. I don't remember.

5 Q. And I believe I said that wrong. Is that the day
6 Harry told you the police came by the hotel looking
7 for you?

8 A. I never talked to Harry about the incident or
9 anything. He never told me anything about police
10 was coming looking for me.

11 Q. And when you say talk, did he e-mail you, text you
12 --

13 A. No. When we talked, we'd talk on the phone, but he
14 never said anything about police coming and looking
15 for me. I found out through my mom, they contacted
16 my mom. I didn't know --

17 Q. On that day, August 2nd, the police, I suggest,
18 came to see Harry, you say about 9 o'clock, that
19 white car; do you see that?

20 A. Yeah. We was talking about a whole other car, sir.
21 We're not talking about the wreck at that point
22 because we obviously talk about a lot of cars in
23 this group chat.

24 Q. Okay. What did Isaiah say?

25 A. He said they on you next, they trying to come for

1 me or something like that. Obviously, me and
2 Isaiah -- obviously, Isaiah was saying something
3 else. I'm not sure what he was talking about.

4 Q. And what did you say?

5 A. I said, ain't on, the word.

6 Q. So Isaiah said they on you and you said they ain't
7 on, the word, right?

8 A. Yes.

9 Q. Then the next --

10 A. Obviously he -- go ahead.

11 Q. Mr. Davis, you saw that video, didn't you?

12 A. Yes, sir. I saw the video.

13 Q. The car wasn't 400 yards away, was it?

14 A. Yes, sir. That car was up in the distance, yes,
15 sir. It was 400 yards when I was coming around
16 getting off on Airport when I was coming,
17 approaching the Comfort Inn, that car was at the
18 church.

19 Q. Mr. Davis, that car was --

20 A. That car was speeding.

21 MS. RICH: Objection. Argumentative.

22 THE COURT: Go ahead. I didn't hear the
23 question yet.

24 MR. KNIZLEY: I didn't ask it yet, Judge.

25 Q. That car was four car lengths from you, wasn't it?

1 A. Sir, that car was up at a distance when I saw the
2 vehicle. I saw headlights up in the distance as my
3 statement says. For that car to get from that
4 church to where it was, obviously it had to be
5 speeding because I thought the car was on the
6 interstate the way it flew past on that video.

7 Q. When you turned that car and those lights didn't
8 come on in that parking lot, you weren't but four
9 car lengths from the man, were you?

10 A. Sir, when I saw that vehicle, when I saw the
11 headlights of that vehicle, that vehicle was at the
12 church. I had plenty of clearance. Now, for that
13 vehicle to get from the church to there, obviously,
14 he had to be speeding because it take a while to
15 get down that road, on that service road. So for
16 him to get to where I was and to get speeding like
17 that, obviously, he was speeding. That wasn't the
18 speed limit.

19 Q. Sir, you never turned that blinker on, did you?

20 A. Yes, sir, I did.

21 Q. Sir, had he have turned away from you, you may have
22 lost your family that night?

23 A. If he hadn't have been speeding --

24 MR. KNIZLEY: Thank you. That's all.

25 THE COURT: Ms. Rich, how long do you expect

1 Redirect?

2 MS. RICH: Brief, very brief.

3 MR. KNIZLEY: Judge, we would offer the
4 excerpts 10 through 24.

5 THE COURT: No objection, Ms. Rich, right,
6 the excerpts of the videos he played along the way?

7 MS. RICH: No.

8 THE COURT: They're in without objection. Let
9 her mark them, Mr. Knizley.

10 (DEFENDANT'S EXHIBITS 10-24 MARKED AND
11 ADMITTED IN EVIDENCE)

12 THE COURT: Let's do 10 minutes. I'm not even
13 going to leave the bench. I'm going to wait to 10
14 minutes sharp. Okay, everybody, 10 minutes.

15 (BRIEF RECESS)

16 (JURY NOT PRESENT)

17 THE COURT: Be seated, everybody. I do want
18 to give some instructions that are a concern to me.
19 Please be seated. During the course of the
20 Cross-Examination, at least a couple of times I
21 heard sounds from the audience, one time sort of
22 some gasp sounds, another time some chuckling
23 sounds in response to some question. I think the
24 gasp sounds came from the Defendant's side. I
25 don't know where the chuckling sounds came from.

1 But just, simply, I would say this. We
2 cannot have any outbursts, verbal or physical in
3 the courtroom during the trial. Any signs that
4 attendees agree with a line of testimony or
5 disagree with a line of testimony or think it's
6 good for their side or bad for their side or funny
7 or sad, I cannot allow any expressions, verbal or
8 physical.

9 Now, I've had some experiences during this
10 trial where the Court has given instructions and
11 had to do it repeatedly and still had them not
12 followed. I'm only going to say this one time,
13 this one time about these expressions.

14 If the expressions occur again and I find out
15 who did it, you will be excluded from the courtroom
16 for the remainder of the trial, if not considered
17 for contempt of court which can be three days in
18 jail. I've been on the bench for almost 11 years.
19 I've only had to do that two or three times. I
20 will do it if necessary to keep order in the court.

21 I cannot allow this in front of the jury. I
22 understand emotions are high and people want, on
23 each side, to have their version of the case given
24 to the jury, but I'm not going to have any verbal
25 or physical outbursts. Okay.

1 Let's be clear about it. I've been as low-key
2 and as nice as I can. I'm not going to say it
3 another time. The next time it happens, there will
4 be a consequence. I'm not going to repeat like I
5 did about the cell phone issue or about talking to
6 people in the court room.

7 (BRIEF RECESS)

8 (JURY PRESENT)

9 THE COURT: Jury is in the box. Be seated,
10 everybody. And ladies and gentlemen of the jury, I
11 know one thought that you've had during the course
12 of this trial and it is this, can Brooks tell time.
13 I know you've thought that. Well, I can. I told
14 you it'd be 10 minutes. I actually kept my word
15 this time. I can tell time, and I'm trying to tell
16 time accurately throughout. I appreciate your
17 patience. We're on Redirect from the State. Ms.
18 Rich.

19 REDIRECT EXAMINATION

20 BY MS. RICH:

21 Q. So Mr. Knizley asked you a bunch of questions about
22 your house and your job and your fiance that you
23 call your wife and all those things. Did any of
24 that have anything to do with what the Defendant
25 was doing that night?

1 A. No, ma'am, it didn't.

2 Q. And the video that he showed you in the hall by the
3 Defense at 12:21 a.m., there were several videos
4 that he showed you that you weren't even there yet,
5 right?

6 A. No, ma'am --

7 MR. KNIZLEY: Object. Leading.

8 THE COURT: Yes, don't lead.

9 Q. In any of the videos that were in the hall, were
10 any of those where you weren't even present yet?

11 A. Yes, ma'am. It was a few I wasn't -- I hadn't made
12 it to the hotel yet.

13 Q. Right. And what time did you get to the hotel?

14 A. From the video shows at 12:48.

15 Q. Okay. And you stayed about how long?

16 A. Like I say, about like 30, maybe 30 minutes or so,
17 if that.

18 Q. And there's a video showing when you pulled out,
19 right?

20 MR. KNIZLEY: Objection. Leading.

21 THE COURT: Don't lead, Ms. Rich.

22 Q. So when did you learn that someone was killed in
23 the crash in a convertible?

24 A. I didn't know until maybe a few days after. That's
25 when the officer had told me when I went to go give

1 a statement, the written statement. I didn't know
2 nobody was killed or anything. I just seen a car
3 up in the ditch, and we just thought, incidentally,
4 it was people out there and I just assumed they
5 called 911, you know.

6 MR. KNIZLEY: Your Honor, I object. It's
7 beyond the scope of the question. The answer is
8 beyond the scope of the question.

9 THE COURT: Overruled. Go ahead.

10 Q. So would you expect anyone on the service road to
11 be travelling at 138 miles an hour that night?

12 MR. KNIZLEY: Object.

13 THE COURT: Sir? Objection?

14 MR. KNIZLEY: Relevance.

15 THE COURT: Overruled.

16 Q. You may answer the question. Would you expect
17 anyone to be travelling at 138 miles an hour on the
18 service road that night?

19 A. No, ma'am.

20 MS. RICH: That's all I have, Your Honor.

21 THE COURT: Recross, Mr. Knizley.

22 RE-CROSS EXAMINATION

23 BY MR. KNIZLEY:

24 Q. Mr. Davis, you said you did not know anything about
25 the accident being a fatality?

1 A. No, sir. I wasn't aware that somebody was killed.

2 Q. And were you concerned about that may have
3 happened?

4 A. I seen the wreck. I wasn't sure if anybody was
5 hurt or anything. Like I said, it was other people
6 that was out there. I just assumed they called 911
7 and that was pretty much it. I was on the other
8 side of the fence. I couldn't get to that fence
9 right on the other side.

10 Q. Were you concerned about someone may have died in
11 the accident?

12 MS. RICH: Asked and answered, Your Honor.

13 THE COURT: Overruled. Go ahead.

14 Q. Were you concerned about someone may have died in
15 the accident?

16 A. I was concerned with somebody hurt or anything in
17 the accident. I mean, pretty much anybody would be
18 concerned if anybody was hurt.

19 Q. But you didn't stay and talk to the police?

20 A. No, sir. I went to see what was the noise. We saw
21 it was a car in the ditch, then people was out
22 there. So there was a lot of people out there.
23 And I mean, I just went on back in.

24 Q. You were a little worried about what happened
25 though, you wanted to know what happened, didn't

1 you?

2 A. I wanted to know what was the noise.

3 Q. Other than the noise, but you wanted to know what
4 the news report about that was, didn't you?

5 A. I mean, that didn't cross my mind at the moment. I
6 mean, I wasn't sure that it made the news or not
7 until like after, like days after.

8 Q. Like days after?

9 A. Yeah, it was like -- I couldn't tell you when. I'm
10 not sure when I saw it on the news, but it was on
11 the news.

12 Q. But it had to be some days after, right?

13 A. It wasn't that night.

14 Q. It wasn't that night, was it?

15 A. No, sir. I didn't see it on the news that night.

16 Q. Okay. I want to draw your attention to page 107,
17 the third and fourth entry, who's making that
18 search, what person?

19 A. That says search, it's saying search Fox 10 News.

20 Q. Who is making the search?

21 A. Me, but that night I had some other stuff going on,
22 and I was searching the news for that because it
23 was something else family-related that happened.

24 Q. What time of day was that search made?

25 A. Sir, you're putting two different things in.

1 Q. I'm just asking you what time is all I'm asking
2 you.

3 A. It was at 08/1/2020 at 7:36 UTC time. Like I said,
4 I was searching because something else had
5 happened. I wasn't searching anything about this
6 incident because I didn't know anybody --

7 Q. I'm just asking you about the time, nothing else.
8 Okay?

9 A. Yes, sir.

10 Q. Can we go back to the time?

11 A. Yes, sir.

12 Q. You told us today and you said 7:36 UTC time. What
13 time of day is that if we know now subtracting that
14 five hours?

15 A. I'm not a hundred percent sure.

16 Q. What about 2:36, does that sound about right? If
17 you left that hotel at 1:20, an hour and 15 minutes
18 later at 2 o'clock in the morning, 2:30 in the
19 morning, you're doing searches for Fox 10 News,
20 aren't you?

21 A. Yes, sir, for something that happens in my family,
22 it happened in my family. I wanted to know the
23 update of a family member.

24 Q. Just a few minutes before that at 7:36:38, you did
25 another search for Fox 10 News?

1 A. Yes, sir.

2 Q. Let me see, if that was about your family, it just
3 happened to be a coincidence --

4 A. Not a coincidence.

5 Q. -- that it followed you turning in front of someone
6 two hours before you did this search?

7 A. I never turned in front of someone. I had
8 clearance.

9 MR. KNIZLEY: Thank you.

10 MS. RICH: Nothing further, Your Honor.

11 THE COURT: All right. You may step down, Mr.
12 Davis.

13 Members of the jury, is anybody on the jury
14 acquainted or do you know even distantly a person
15 named -- is it Chante?

16 MS. RICH: Uh-huh.

17 THE COURT: Chante Lawson? Chante Lawson,
18 anybody? Ms. Rich, your next witness.

19 MS. RICH: Alfred Davis.

20 THE COURT: Chris Davis, is he discharged from
21 -- he left or is he still on call by either side?

22 MR. KNIZLEY: I can't think of a reason we
23 would need to keep him, Judge.

24 THE COURT: Ms. Rich, same to you?

25 MR. KNIZLEY: Wait. Excuse me. There could

1 be one matter and I'll be able to have the answer
2 to that by 5 o'clock.

3 THE COURT: If I can have the State's
4 representative to let Mr. Davis know to stay in the
5 courthouse right now, to just stay in the
6 courthouse right now. Officer Davis, right around
7 this way.

8 ALFRED DAVIS,
9 after having been first duly sworn, was
10 examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. RICH:

13 Q. Tell us your full name, please, sir.

14 A. Alfred Davis.

15 Q. And Mr. Davis, you're retired; are you not?

16 A. That's correct.

17 Q. And where are you retired from?

18 A. Mobile Police Department.

19 Q. And how long did you work for the Mobile Police
20 Department?

21 A. 30 years and one month.

22 Q. And where did you start at the police department?

23 A. In Patrol Division.

24 Q. What other areas did you work at the Mobile Police
25 Department?