

1 Now, counsel asked me if I asked him any
2 questions. It's important that I not do that
3 either because I did not want to influence what he
4 wrote other than to tell him to tell the truth,
5 that's all I wanted. Why? Because that young lady
6 lost her life in that ditch on that August night in
7 September of 2020. I wanted everything to be as
8 honest as possible.

9 THE COURT: All right. Ms. Rich, your next
10 question.

11 MS. RICH: That's it, Your Honor.

12 THE COURT: Any Cross?

13 MR. JAFFE: None.

14 THE COURT: Thank you, Lieutenant. You may
15 step down. Watch your step there.

16 MS. RICH: We call Harry Matthews.

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

20 DIRECT EXAMINATION

21 BY MS. RICH:

22 Q. State your full name please, sir.

23 A. Harry Wayne Matthews.

24 Q. Mr. Matthews, where do you work?

25 A. Currently, right now, Savor.

1 Q. And what is that?

2 A. It's a temp agency.

3 Q. It's a temp agency?

4 A. Yes.

5 Q. Speak slowly for me so I can hear you, all right?

6 And what do you do for them?

7 A. Well, the last job I was at was working at a place
8 called TBDN. They make air filters for Toyota.

9 Q. TB what?

10 A. TBDN.

11 Q. DN, okay. And prior to that, where did you work?

12 A. I ended up working at ADM, it's a corn mill.

13 Q. And back in July and August of 2020, where were you
14 working?

15 A. Alabama Roofing Supply and Pizza Hut.

16 Q. Two jobs?

17 A. Yes, ma'am.

18 Q. Where did you go to high school?

19 A. BC Rain.

20 Q. What year did you graduate?

21 A. 2017.

22 Q. Where were you living in July and August of 2020?

23 A. At my mom's house.

24 Q. What was that address?

25 A. 2518 Farnell Drive.

1 Q. How old are you?

2 A. 23.

3 Q. How do you know Christopher Davis?

4 A. He dates my sister.

5 Q. Did you know him in high school?

6 A. Yes, ma'am.

7 Q. What were you doing for Alabama Roofing Supply in
8 2020?

9 A. I was a roof loader. So if you was getting your
10 roof done, I would be the one that get on top of
11 the roof and unload the shingles on top of the
12 roof.

13 Q. And what did you do for Pizza Hut?

14 A. Delivery driver.

15 Q. At that time, back in 2020, you were 20?

16 A. 20 or 21.

17 Q. Did you plan a get-together on the night of July
18 31st of 2020?

19 A. Yes, ma'am, I believe so.

20 Q. Where was it at?

21 A. The Comfort Inn.

22 Q. Why the Comfort Inn?

23 A. Well, I'm not sure. My friend booked the room, so.

24 Q. Why didn't you do it at your house?

25 A. I stay with my mama.

1 Q. And who booked the rooms?

2 A. I'm not sure who booked the room. I don't
3 remember.

4 Q. Well, who was coming to the party?

5 A. Me, Isaiah, Devin, Kobe, Roman, and my brother JQ.

6 Q. And what were y'all going to be doing that night?

7 A. Well, they was going to be drinking.

8 Q. Do you drink?

9 A. During that time, no, ma'am, I didn't.

10 Q. Do you know if they had one room or two rooms?

11 A. It was two rooms.

12 Q. And who was in the military?

13 A. Roman.

14 Q. Do you know what branch of the military he was in?

15 A. He's in the Navy.

16 Q. Do you know where he was stationed?

17 A. Either North or South Carolina. I can't remember.

18 Q. And did you know Roman?

19 A. We went to school together.

20 Q. High school?

21 A. Yes, ma'am.

22 Q. Was there anybody else coming from the military?

23 A. Well, Emanuel was supposed to come but he never --
24 he didn't come.

25 Q. Where is he stationed?

1 A. California.

2 Q. And what branch is he in?

3 A. Navy.

4 Q. When is last time you had seen him prior to this
5 night of July 31st, 2020?

6 A. Maybe before they got deployed, maybe like '20 --
7 I'm not sure, before they got deployed.

8 Q. And were y'all spending the night in the hotel
9 room?

10 A. Yes, ma'am.

11 Q. So you, Isaiah, Roman, who else?

12 A. Me, and I stayed in a room with Devin, Kobe, I
13 think that's it.

14 Q. What about your mother?

15 A. Oh, JQ, my brother, they didn't spend the night.

16 Q. He didn't spend the night but he was there?

17 A. Yes, ma'am.

18 Q. And La'jerric Bell, who's that?

19 A. Yeah, La'jerric.

20 Q. Where did Kobe live?

21 A. I think he was in Georgia, but he come down to
22 Mobile with his dad, but his mom stay in Georgia,
23 so that's where he was staying.

24 Q. Where did y'all all agree to meet up?

25 A. The Comfort Inn.

1 Q. And you had one of your friends that was wearing a
2 white hoodie, do you remember who that was when you
3 looked at the videos?

4 A. Yeah, Devin.

5 Q. Devin?

6 A. Uh-huh.

7 Q. Devin Tower?

8 A. Yes, ma'am.

9 Q. And he lives in Mobile, right?

10 A. Yes, ma'am.

11 Q. And what about the big husky guy with no shirt on?

12 A. La'jerric.

13 Q. And he was passed out drunk, right?

14 A. Yes, ma'am.

15 Q. La'jerric, what's his last name?

16 A. Bell.

17 Q. And what about the guy in the white T-shirt?

18 A. Kobe.

19 Q. Okay. Kobe "Bryant?"

20 A. No --

21 Q. Not Kobe Bryant, that's a famous guy.

22 A. Kobe Matthews.

23 Q. I'm missing my words. Kobe Matthews?

24 A. Yes, ma'am.

25 Q. And he was from Georgia, he lived in Georgia with

- 1 his mom, but he came to visit his dad?
- 2 A. Yes, ma'am.
- 3 Q. Are you related to him?
- 4 A. Yeah, that's my cousin.
- 5 Q. What is your sister's name?
- 6 A. Chante?
- 7 Q. Uh-huh.
- 8 A. Chante Lawson.
- 9 Q. And who is she engaged to?
- 10 A. Chris Davis.
- 11 Q. So how do you know Chris Davis?
- 12 A. Went to high school together.
- 13 Q. And do they have a child together?
- 14 A. Two children.
- 15 Q. Now, at that time you were working two jobs, right?
- 16 A. Yes, ma'am.
- 17 Q. So how often did you see your sister?
- 18 A. I'm not sure. I know it was not like every day, so
- 19 I'm not sure exactly how often.
- 20 Q. Do you know what you did that morning, that Friday
- 21 morning before you went to the Comfort Inn?
- 22 A. No, ma'am.
- 23 Q. Do you know what time you got to the Comfort Inn?
- 24 A. No, ma'am.
- 25 Q. And were the people that were with you there, were

1 some of them drinking?

2 A. Yes, ma'am.

3 Q. Were you drinking?

4 A. No, ma'am.

5 Q. Were you doing any drugs of any kind?

6 A. No, ma'am.

7 Q. At some point in the evening, did you talk to
8 Christopher Davis?

9 A. Yes, ma'am.

10 Q. What time?

11 A. I'm not sure exactly what time.

12 Q. How did you talk to him?

13 A. I believe it was a phone call.

14 Q. Do you know when the phone call was?

15 A. No, ma'am.

16 Q. Do you know what he was doing when you made the
17 phone call?

18 A. No, ma'am.

19 Q. Did Christopher Davis come to the get-together?

20 A. Yes, ma'am.

21 Q. And do you know who was with him?

22 A. My sister and my nephew.

23 Q. How old was your nephew?

24 A. Maybe 4, maybe 3. I'm not sure.

25 Q. Do you know about what time Christopher Davis got

1 there?

2 A. No, ma'am, not exactly.

3 Q. So when did you first see Christopher Davis at the
4 Comfort Inn?

5 A. Well, when we came downstairs he called and said he
6 heard a noise, so. And we all -- me, Devin, and
7 Kobe, we came down and that's when we saw him.

8 Q. And so he said he heard a noise and you came down;
9 where did you come down to meet him?

10 A. We came in the parking lot. Like, we walked, like,
11 on the side of the hotel to where the exit was.

12 Q. Where did he park?

13 A. Chris, in the back of the hotel.

14 Q. So did you meet him in the back or on the side?

15 A. I can't remember. Like, when we walked down there
16 we met him, but I think he started running, like,
17 towards that way and we just ran behind him.

18 Q. Is that the first time you'd seen him that night at
19 the Comfort Inn?

20 A. Yes, ma'am.

21 Q. When he got out of the car, what did y'all do?

22 A. When we went down to it?

23 Q. Huh-uh.

24 A. We ran to the scene.

25 Q. And what did you see?

1 A. A car, like, in the ditch.

2 Q. Were there people there?

3 A. Yeah, it was a lot of people there.

4 Q. So what did y'all do?

5 A. After we saw a lot of people there and we saw
6 people on the phone with the police, we went back
7 to the room.

8 Q. Did you call 911?

9 A. No, ma'am.

10 Q. Why not?

11 A. When I got to the scene, like, we saw people on the
12 phone with the police, so.

13 Q. What did y'all do then?

14 A. I think we went back to the room, you know, just
15 still just shocked about that we just saw that car
16 in a ditch. And then I think Chris ended up
17 leaving, like, a little shortly after that.

18 Q. At any point when Christopher was in the room, did
19 you see him drinking alcohol?

20 A. No, ma'am.

21 Q. Did you ever see him doing drugs?

22 A. No, ma'am.

23 Q. When you first saw him when he got out of the car,
24 did you smell any alcohol on him?

25 A. No, ma'am.

1 Q. Where was your sister and your nephew?

2 A. My sister was in the passenger seat and I believe
3 my nephew was behind her.

4 Q. Do you have any idea about how long Christopher
5 Davis stayed there?

6 A. I'd say maybe, like, 30 or 40 minutes maybe.

7 Q. Did you give a statement to the police? Did they
8 come see you the next day?

9 A. Yeah, the next morning.

10 Q. Where?

11 A. At the room at the Comfort Inn.

12 Q. And did you talk to the police?

13 A. Yes, ma'am.

14 Q. Did they ask you who your friend was driving the
15 car that came to the room after the crash?

16 A. Yes, ma'am.

17 Q. Did you give him his name?

18 A. Yes, ma'am, I believe so.

19 Q. What name?

20 A. Chris Davis, Christopher Davis.

21 Q. Did you call Christopher Davis and let him know the
22 police needed to speak to him?

23 A. Yeah, I believe I called him, yes, ma'am.

24 MS. RICH: I'm going to move to play State's
25 Exhibit Number 238 which is the video of Detective

1 McCullough speaking with Harry Matthews at the
2 Comfort Inn.

3 THE COURT: Is this in evidence?

4 MS. RICH: I'm moving to introduce it into
5 evidence, Your Honor.

6 THE COURT: Any objection?

7 MR. KNIZLEY: No, sir.

8 (STATE'S EXHIBIT 238 MARKED AND ADMITTED IN
9 EVIDENCE)

10 (PLAYING VIDEO)

11 Q. Is that you?

12 A. Yes, ma'am.

13 (PLAYING VIDEO)

14 Q. Who is the guy at the door?

15 A. That's Roman.

16 (PLAYING VIDEO)

17 Q. So did you see Chante, your sister, that night?

18 A. Yes, sir.

19 Q. Where did you see her?

20 A. In the car.

21 Q. Where was your nephew?

22 A. In the back seat.

23 Q. Did Chante ever get out of the car and go inside to
24 the Comfort Inn into the room?

25 A. No, ma'am.

1 Q. And when you got a subpoena, did you agree to come
2 to court?

3 A. Yes, ma'am.

4 Q. But you're not happy about being here?

5 A. No, ma'am.

6 Q. Why is that?

7 A. Because I got to go to work. I got a baby on the
8 way. I can't do nothing.

9 MS. RICH: Pass the witness.

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

11 CROSS-EXAMINATION

12 BY MR. KNIZLEY:

13 Q. Good afternoon, Mr. Matthews.

14 A. Good afternoon.

15 Q. How are you doing?

16 A. Good. What about you?

17 Q. Pretty good. Thank you. Let's go back to that
18 video just a second. Okay?

19 A. Okay.

20 Q. It's not very long, so let's just go through it
21 very quickly.

22 (PLAYING VIDEO)

23 MR. KNIZLEY: If you could stop it right
24 there a moment.

25 Q. Mr. Matthews, looking up at the date, this says 8/2

1 and I think it is 13:36, but that's five hours
2 earlier I think when it says the Z on there, the
3 Zulu. So I think it's like 10:30; does that sound
4 about right?

5 A. Yeah.

6 Q. And what you remember that morning, is that about
7 the time they came up there?

8 A. Well, I'm not sure exactly what time.

9 Q. Sure. Now, this is 8/2, so that wreck happened on
10 8/1, the early morning hours of August 1st; is that
11 the way you recall it?

12 A. Yes, sir.

13 Q. This isn't the night, the morning after the wreck,
14 this is the next day, right?

15 A. Yes, sir.

16 Q. So a few of y'all stayed over for another night in
17 the hotel; is that right?

18 A. Yes, sir.

19 Q. Who all was there right then; do you remember?

20 A. I know me, Roman, La'jerric and Kobe and Isaiah.

21 Q. Kobe and Isaiah still there?

22 A. Yes, sir.

23 Q. And La'jerric?

24 A. Yes, sir.

25 Q. And Roman?

1 A. And Roman.

2 (PLAYING VIDEO)

3 MR. KNIZLEY: Play it, Stephen.

4 Q. Now, you're asking La'jerric for Chris's number,
5 right?

6 A. Yes, sir.

7 Q. Does La'jerric know Chris?

8 A. Yeah, we know him from school.

9 Q. When you say we all, are you talking about you,
10 La'jerric, Chris, who else?

11 A. Roman, Isaiah.

12 Q. Isaiah Evans?

13 A. Yes, sir.

14 Q. And who else, anybody else in that group?

15 A. Devin.

16 Q. Devin, Devin Tower?

17 A. Yes, sir.

18 Q. Anybody else in that group?

19 A. No, sir.

20 Q. Y'all all know each other?

21 A. Yeah, we all went to school together.

22 Q. Y'all went to school together, but I'm talking
23 about back in 2020, y'all were on Facebook groups
24 together and stuff like that?

25 A. Yeah, we had a group chat, yes, sir.

1 Q. Did y'all talk frequently with one another?

2 A. I believe so.

3 Q. So Chris knew Isaiah Evans, Devin Tower and
4 La'jerric Bell, right?

5 A. Well, I don't know if he knew them like I knew
6 them, but we all went to school together.

7 Q. That's your brother-in-law, right?

8 A. Yes, sir.

9 Q. Y'all run together all the time?

10 A. No, sir.

11 Q. Y'all run together?

12 MS. RICH: Well, Judge, argumentative.

13 THE COURT: I understand. Just let him
14 finish.

15 Q. Y'all run together, don't you?

16 A. I don't work with Chris. Once again, I don't see
17 him all the time. Like, I don't see my sister all
18 the time.

19 Q. You knew him well enough to invite him to this
20 party y'all were having, right?

21 A. Yes, sir.

22 Q. He's your brother-in-law?

23 A. Yes, sir.

24 Q. You live with his wife's mom?

25 A. Yes, sir.

1 Q. And his wife comes to see his mama?

2 A. Yes, sir.

3 Q. So you know Chris real well, don't you?

4 A. Yeah, but --

5 Q. And you know who his buddies are?

6 A. No, sir.

7 Q. But you invited him to come up to a place where
8 "Ivan" and Devin Tower and La'jerric Bell all were?

9 A. Yes, sir.

10 Q. Even though he's your brother-in-law, you asked
11 La'jerric Bell for his number?

12 A. Yes, sir.

13 Q. Because La'jerric knows him?

14 A. Yes, sir.

15 Q. Knows him well?

16 A. I guess. I'm not sure.

17 MR. KNIZLEY: So go ahead.

18 (PLAYING VIDEO)

19 MR. KNIZLEY: Stop it there.

20 Q. Mr. Matthews, you didn't know your brother-in-law's
21 last name?

22 A. Once again, we just woke up, like, my mind is all
23 over the place. I'm trying to see what's going on.

24 Q. Okay.

25 (PLAYING VIDEO)

1 Q. Now, Harry was one of your friends in the Navy --

2 A. I'm Harry.

3 Q. Excuse me, Harry. I mean, Roman, I apologize,
4 Harry.

5 A. Yes, sir.

6 Q. Roman was one of y'all's friends in the Navy?

7 A. Yes, sir.

8 Q. Went to --

9 A. BC Rain.

10 Q. Went to BC Rain with y'all at the same time?

11 A. Yes, sir.

12 Q. He's one of reasons you called Chris to come
13 because y'all hadn't seen that friend in a while?

14 A. Yes, sir.

15 Q. Did you hear him saying that he didn't know Chris?

16 A. Yes, sir.

17 Q. That's just not correct now, is it?

18 A. No, sir.

19 MR. KNIZLEY: Go ahead.

20 (PLAYING VIDEO)

21 Q. Mr. Matthews, did Roman or you or any of these
22 people that graduated in 2017 or Chris, did y'all
23 play athletics together?

24 A. No, sir. I didn't play no sports.

25 Q. How about Roman, if you know?

- 1 A. I don't think so.
- 2 Q. How about Chris?
- 3 A. I think he ran track.
- 4 Q. He ran track you said?
- 5 A. Yeah.
- 6 Q. Okay. I know you said you just woke up there, so I
7 want to sort of take you up to the last week.
8 Okay. Did an investigator from my office come by
9 your house if you remember?
- 10 A. Yes, somebody called my house.
- 11 Q. Did he try to call your phone before he came there
12 if you know?
- 13 A. Not that I know of.
- 14 Q. And he knocked on the door; is that right?
- 15 A. Yes, sir.
- 16 Q. It was about 9:30 in the morning; does that sound
17 right?
- 18 A. I'm not sure.
- 19 Q. And did he talk to you?
- 20 A. Yes, sir.
- 21 Q. Did he ask you who these people were at that place?
- 22 A. Well, I told him at that time I just woke up and he
23 said he'll call me back.
- 24 Q. Right. And like you were in this, a little bit
25 sleepy?

1 A. Yes, sir.

2 Q. And you gave him your number, right?

3 A. Yes, sir.

4 Q. And he called you back in about a couple of hours,
5 didn't he?

6 A. No, sir. I went back to sleep.

7 Q. Did he call you back -- did you receive any phone
8 calls, or did you call him and ever tell him who
9 these people were?

10 A. No, I never called him.

11 Q. And you're telling the jury that you don't remember
12 whether he called you and asked you?

13 A. No, sir, I don't.

14 Q. What is that phone number that you gave him if you
15 could tell us, please?

16 A. (251) 301-2669.

17 Q. So that would be the number he would call from his
18 cell phone to get to you?

19 A. Yes, sir.

20 Q. Now, Kobe, the man in the white T-shirt, do you
21 know him?

22 A. Yes, sir.

23 Q. Tell me how you know him.

24 A. That's my cousin.

25 Q. And how is he your cousin? Who's his mama and daddy

1 and stuff like that?

2 A. Well, his daddy is my uncle.

3 Q. His daddy is your uncle, would that be -- okay.

4 And he's younger a little bit?

5 A. Yes, sir.

6 Q. And he was 16 at the time of all this; was he not?

7 Do you remember?

8 A. Probably was, I'm not sure.

9 Q. And he knows Chris, doesn't he?

10 A. Yes.

11 Q. And he was the guy in the white T-shirt when the
12 four of y'all were walking out and coming back in?

13 A. Yes, sir.

14 Q. Just so we'll be clear, Devin Tower is the guy with
15 the white hoodie on?

16 A. Yes, sir.

17 Q. And you said that Chris knows him as well?

18 A. Yes, sir.

19 Q. Now, Kobe, right now, where does he work?

20 A. He work on a boat too.

21 Q. And he goes out of Louisiana, right?

22 A. Yes, sir.

23 Q. And he's on that boat right now, right?

24 A. Yes, sir.

25 Q. Do you know when he gets back?

1 A. Either this week or next week.

2 Q. Could it be March 15th or do you have any idea?

3 A. It could be March 15th, yeah.

4 Q. Okay. You told us I think that right at the time
5 of the accident -- and I think you did or right
6 about -- you didn't know when the accident
7 happened, right?

8 A. No, sir.

9 Q. Y'all didn't hear the noise up there?

10 A. No, sir.

11 Q. All you know is that Chris called?

12 A. Yes, sir.

13 Q. Now, was Kobe in the room when Chris called you, if
14 you remember?

15 A. He may have been.

16 Q. If we go back and look at those videos, we see who
17 comes in and out of the rooms, right?

18 A. Yes, sir.

19 Q. And if we look at them and if it looks like the
20 last time y'all all went in the room before 12:40?

21 A. Yes, sir.

22 Q. And it looks like Kobe went in there, would you
23 agree that Kobe was probably in the room with
24 y'all?

25 A. Yes, sir.

1 Q. And it's a regular size hotel room, right?

2 A. Yes, sir.

3 Q. So if somebody calls on the phone, unless somebody
4 is in the bathroom or something, I can pretty much
5 hear what you're saying and you can hear what I'm
6 saying?

7 A. Correct, yeah.

8 Q. Did Chris call on that phone and say something to
9 this effect, if you would, did Chris ask about --
10 let me back up a little bit before I say that. Did
11 you have a Chevrolet Camaro?

12 A. Yes, sir.

13 Q. Was it a convertible?

14 A. Yes, sir.

15 Q. What do y'all call a convertible sometimes? A
16 rag-top we used to call them.

17 A. Drop-top.

18 Q. Drop-top, correct. Did Chris call and ask you or
19 anybody in that room whether or not your drop-top,
20 your Camaro had a wreck out in the front?

21 A. Probably did, I'm not sure.

22 Q. He probably did, right?

23 A. Yes, sir.

24 Q. So it would have been close enough and so he said
25 -- at least you felt, he was recognizing that a

1 convertible was involved in the wreck?

2 A. Yes, sir.

3 Q. Did he tell you that?

4 A. Not sure. Maybe he did, maybe. I'm not sure.

5 Q. But it was before y'all came up and went back to
6 the scene, right?

7 A. Yes, sir.

8 Q. This is right at the time it happened?

9 A. I'm not sure exactly when it happened.

10 Q. Well, let's go look back at these videos and let's
11 see if we can figure it out.

12 A. Go ahead.

13 Q. We'll go to Defendant's Exhibit 15. Okay?

14 (PLAYING VIDEO)

15 A. Okay.

16 Q. Look at that time up there in the corner, do you
17 see it, Mr. Matthews?

18 A. Yes.

19 Q. What time does it say?

20 A. 12:51.

21 Q. 12:51. Let me stop there. Who all is walking up --
22 you got the seconds on there too so we can get
23 pretty close to it?

24 A. 03.

25 Q. 03?

1 A. Yes, sir.

2 Q. Who all is coming up right then?

3 A. That's me, Kobe, Devin, and Chris.

4 Q. Now, is that the first time, if you know, at 12:51,
5 okay, that y'all came back to the hotel room?

6 A. Yeah, but we went outside.

7 Q. That was the first time Chris came up though,
8 wasn't it?

9 A. I don't think. Well, I think Chris called him and
10 he went down.

11 Q. Right. Use your best recollection. I don't have
12 the video right here, so it's sort of hard for me
13 to pop it up here. Okay. Your recollection would
14 be then that Chris called and you three went
15 downstairs?

16 A. Yes, sir.

17 Q. You told us earlier that Chris was already running,
18 sort of jogging or running toward the scene?

19 A. Yes, sir, I already said that.

20 Q. And y'all went out there and followed him?

21 A. Yes, sir.

22 Q. And he hadn't been up by that time?

23 A. No, sir.

24 Q. So it would have been before he was jogging and
25 y'all three went down, it would have been before

1 that he made that phone call?

2 A. Yes, sir.

3 Q. And so y'all were already at the hotel room when he
4 made the phone call?

5 A. Yes, sir.

6 Q. And he said something, to the best of your
7 recollection, asking was your drop-top involved in
8 an automobile accident, right?

9 A. Yes, sir.

10 Q. Because he was, I guess, concerned his friend and
11 brother-in-law, that may have been his car he was
12 driving close to?

13 A. Yes, sir.

14 Q. Now, you told us that the purpose of the
15 get-together was -- I know you said you didn't pay
16 for the rooms, but why would it have been in your
17 name? Is that how Detective McCullough found y'all
18 or do you know?

19 A. No, sir.

20 Q. You don't know how that mistake came about, right?

21 A. No, sir.

22 Q. You told us that the purpose of all that was for a
23 group of people to get together and party?

24 A. Yes, sir.

25 Q. When we say party, that generally includes

1 drinking, right?

2 A. Yes, sir.

3 Q. We saw the video and the jury saw the video earlier
4 of you and someone else before Chris got there
5 carrying a friend of y'all's that wasn't doing real
6 well?

7 A. Yeah, Roman.

8 Q. And that was Roman?

9 A. Yes, sir.

10 Q. And actually, he was just unconsciousness, y'all
11 had to tote him down a hallway?

12 A. Yes, sir.

13 Q. Then we saw La'jerric Bell a little bit later on,
14 right?

15 A. Yes, sir.

16 Q. It was a couple of minutes later and this is before
17 Chris got there, right?

18 A. Yes, sir.

19 Q. What was wrong with him?

20 A. Both of them was drunk.

21 Q. And he's the big fellow without a shirt on?

22 A. Yeah, La'jerric.

23 Q. He was having a hard time getting down the hallway,
24 right?

25 A. Yeah.

1 Q. Was that you helping him on the arm or someone
2 helping him with --

3 A. Probably, I'm not sure.

4 Q. And these guys had had a drinking challenge or
5 something, hadn't they?

6 A. Yes, sir.

7 Q. Tell me what that was?

8 A. Isaiah, Roman and La'jerric, they was just, like,
9 oh, I can out-drink you, this, that and the other.

10 Q. Do you remember sending the video -- did you take
11 the pictures that -- they threw up, didn't they?

12 A. Yes, sir.

13 Q. One of them did anyway, right?

14 A. Yes, sir.

15 Q. And the other two were passed out?

16 A. Yes, sir.

17 Q. And that was shortly before Chris got there, right?

18 A. Yes, sir.

19 Q. Did someone take a picture of them and send them to
20 the group Facebook to Chris?

21 A. I believe that was my brother.

22 Q. Who was that?

23 A. Jaquarius.

24 Q. And he sent them to the Facebook group to Chris?

25 A. Yes, sir.

1 Q. Do you recall Chris responding in that group on
2 Facebook?

3 A. He might have said something back, but I don't know
4 exactly what he said.

5 Q. Did he say something along the lines of I can
6 out-drink both of them or all of them?

7 A. Maybe so, I'm not sure.

8 Q. That was in response to seeing these people in a
9 drinking challenge?

10 A. Yes, sir.

11 Q. By the way, with Kobe, I meant to ask you, when is
12 the last time you talked to him?

13 A. Probably last night.

14 Q. He talks to you about every day?

15 A. Yes, sir.

16 Q. He's on that ship building that rig?

17 A. Yes, sir.

18 Q. And he can only call from before 6 in the morning
19 or after 6 at night; is that what you understand or
20 is it something different?

21 A. I'm not sure exactly what -- I think he called
22 whenever. I'm not sure.

23 Q. He can call whenever he wants to then, right?

24 A. Yes, sir.

25 Q. And you talk to him about every day?

1 A. Yes, sir.

2 Q. When he gets off, is he coming back to Mobile or is
3 he going to Georgia?

4 A. No, he'll come to Mobile first.

5 Q. Did you and he talk about the fact that you're
6 going to have to come to court and that sort of
7 thing?

8 A. Yes, sir.

9 Q. Did he say he'd be available to come to court or do
10 you know?

11 A. I'm not sure. I don't remember him saying he coming
12 or not.

13 Q. Did he tell you that my investigator talked to him
14 on the phone about a week ago?

15 A. Yes, sir.

16 Q. And did he tell you that we wanted him here?

17 A. Maybe, I'm not sure.

18 Q. All right. Thank you. So you could call him
19 tonight and find out whether he could be available
20 for court the next day or so?

21 A. Yes, sir.

22 Q. Did he say that the investigator from my office had
23 called him just a couple -- that Friday night and
24 Saturday night, but he didn't talk to him and
25 didn't call him back?

1 A. I'm not sure when -- I know he say he talked to
2 them but --

3 Q. Called him one time, he said I called him after
4 that, if you know?

5 A. Maybe, I'm not sure.

6 Q. Now, you said that Chris called and said he heard a
7 noise; is that right?

8 A. Yes, sir.

9 Q. Now, did he say he heard a wreck or did he say he
10 heard a noise?

11 A. He probably said wreck.

12 Q. And you say that; do you remember you and I talked
13 a week and-a-half ago in this courtroom if you
14 remember?

15 A. Yes, sir.

16 Q. And did you tell me back then that he said wreck?

17 A. I think I said noise.

18 Q. Let's take a look at it, okay? If you remember, on
19 March 3rd in the courtroom, you were placed under
20 oath, remember?

21 A. Yes, sir.

22 Q. And you and I were having an exchange like we're
23 having now?

24 A. Yes, sir.

25 Q. And I asked you this question here: I said, okay,

1 did he tell you anything about what happened out
2 there in the car. And was this your response if
3 you'd read it for us, please?

4 A. He called me and said he believed it was a --

5 MS. RICH: Dennis, what page are you on?

6 MR. KNIZLEY: I'm on page 21 at the bottom,
7 that's line 23.

8 Q. And Harry, if you'd start over again.

9 A. He called me and said he believed it was a wreck or
10 something, so that's when me, Kobe and Devin ran
11 out there to try to see could we help.

12 Q. To the best of your recollection, or at least what
13 you told us last week, was that he didn't say he
14 heard a noise, he said he thought it was a wreck,
15 right?

16 A. Yes, sir.

17 Q. And would that have been the same conversation
18 where he told you, if you recall it correctly, that
19 he was concerned that it was your drop-top that had
20 been in the wreck?

21 A. Yes, sir.

22 Q. And I guess they were relieved to understand it
23 wasn't you involved in the wreck, everyone was?

24 MS. RICH: Now, Judge, it calls for
25 speculation --

1 (SIMULTANEOUS CROSS-TALK)

2 THE COURT: Wait a minute. Wait a minute.
3 Wait a minute.

4 MS. RICH: It calls for speculation. THE

5 COURT: Well, you can ask him what somebody
6 expressed and that may or may not be relevant or
7 may be hearsay.

8 Q. Did Chris express to you that he was relieved that
9 it wasn't your drop-top in the wreck?

10 A. You mean, like, glad it wasn't me or something like
11 that?

12 Q. Right.

13 A. Probably.

14 Q. Do you remember?

15 A. No, sir.

16 Q. Now, when y'all went back to that room, what we saw
17 just a second ago at about 12:52, was that about
18 the right time, 50, 52, something like that?

19 A. Yeah.

20 Q. I think you told the ladies and gentlemen of the
21 jury earlier y'all talked about the wreck; is that
22 right?

23 A. Before we got back to the home?

24 Q. Yes, sir.

25 A. Yes, sir.

1 Q. Your sister, you know, it's a drinking party,
2 right?

3 A. Yes, sir.

4 Q. And a bunch of guys?

5 A. Yes, sir.

6 Q. And it's 12:30 at night?

7 A. Yes, sir.

8 Q. And your sister lives with -- at that time with
9 Chris and his mother?

10 A. Yes, sir.

11 Q. That's out at Moffett?

12 A. Yes, sir.

13 Q. And Wolf Ridge?

14 A. Yes, sir.

15 Q. Do you know if Chris's mama was there that night?

16 A. No, sir. I don't know.

17 Q. But you're telling me that everybody packed up at
18 12:30 at night to come downtown -- to come down to
19 the Comfort Inn?

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

21 Q. And did you ask them to come?

22 A. Yeah, I called Chris.

23 Q. But did you ask your sister?

24 A. I didn't talk to my sister, I didn't answer.

25 Q. Did you know she was coming before you came out

1 there?

2 A. No, sir.

3 Q. You live with your sister's mother?

4 A. Yes, sir.

5 Q. So, I mean, I would think your sister comes over
6 often to see her mother?

7 A. I guess, yeah.

8 Q. And you're there a good part of the time back then
9 because you weren't working out of own back then,
10 right?

11 A. No, sir. I was working at the roofing place and
12 Pizza Hut.

13 Q. In town?

14 A. Yes, sir.

15 Q. I mean, your sister could see you during the
16 daytime any time she wanted to once you got off
17 work?

18 A. Yes, sir. But Pizza Hut closed at 11, and I got
19 off the roofing place, like, 3 and then I went to
20 Pizza Hut, like, 4 or 5.

21 Q. All right. When was it that you saw your nephew and
22 your sister? What time in all the sequence of all
23 this?

24 A. I think after we came back from the wreck or maybe
25 before after Chris left. I don't really remember.

1 Q. Either the first trip coming back from the wreck,
2 but then y'all went up to the room, then y'all went
3 back out?

4 A. Yes, sir.

5 Q. Everybody went back out?

6 A. Yes, sir.

7 Q. Then y'all came back up?

8 A. Yes, sir.

9 Q. And then y'all went from room to room a little bit?

10 A. Yes, sir.

11 Q. And then y'all went back down, right?

12 A. Yes, sir.

13 Q. It was either the first trip up that you saw your
14 sister or maybe when y'all would leave, right?

15 A. Yes, sir.

16 Q. Your nephew wasn't asleep, was he?

17 A. I don't think so. If he was, I woke him up. I'm
18 not sure.

19 Q. But you said you talked to him?

20 A. Yeah, I did.

21 Q. So he wasn't sleeping if you talked to him?

22 A. No, sir.

23 Q. And I asked you if he was asleep and you told me he
24 was asleep, right?

25 A. Yes, sir, he was asleep.

1 Q. Okay. Have you talked to Chris after he testified
2 here today?

3 A. Yes, sir.

4 Q. You have?

5 A. Yes, sir.

6 Q. Did he talk to you about what he said in here and
7 what I asked him in here?

8 A. No, sir.

9 Q. Did he say one word about it?

10 A. No, sir.

11 Q. Have you talked to anybody else about what was said
12 in here?

13 A. No, sir.

14 Q. Now, when you went back up when you saw your sister
15 and your nephew and Chris was leaving, he came
16 down, we all saw y'all -- let's just look at this
17 real quick. Let's look at Defendant's Exhibit 19.

18 (PLAYING VIDEO)

19 Q. And what's the time up there, Mr. Matthews?

20 A. 1:18:50.

21 Q. And who all is coming out the door right there?

22 A. That's Chris, Kobe, Devin and me.

23 Q. You're not quite out yet, right?

24 A. No, sir.

25 Q. But do you come on in the minute after that, or do

1 you want to see to make sure? We'll wait and see.
2 Okay. And you're going down to join the group,
3 right?

4 A. Yes, sir.

5 Q. If you look at Defendant's Exhibit 21 and look at
6 the time again, what time is that one?

7 A. 12:52:23.

8 Q. So the other one right there, about the same time,
9 right?

10 A. Yes, sir.

11 Q. I'm sorry. It's not that one, that's 12:52, the
12 one before was, like, 126, right?

13 A. Can we go back to it?

14 Q. And the first one we looked at, the one where y'all
15 just walked out?

16 MS. RICH: Well, he asked to go back to it.

17 Q. Sure. Go back to Defendant's Exhibit 19.

18 (PLAYING VIDEO)

19 A. Yes, 1:19.

20 Q. Okay. And y'all are all going out of the room,
21 right?

22 A. Yes, sir.

23 Q. And Chris does not come back after that time or
24 does he? That's 1:19.

25 A. I don't think he came back.

1 Q. What did you do after -- Chris went downstairs,
2 y'all walked down there with him, right?

3 A. Yes, sir.

4 Q. What did y'all do down there? That's the time you
5 saw your sister --

6 A. Yeah, probably the time I saw my sister. I'm not
7 sure.

8 Q. What did you do then?

9 A. After I talked to my sister?

10 Q. Yes, or after you walked down with Chris and then
11 after the time you talked to your sister?

12 A. Yeah, I believe they were leaving at the time but
13 yeah, I probably talked to them for a little while.

14 Q. Then what did you do?

15 A. I don't remember.

16 Q. Come back up to the room?

17 A. Probably so.

18 Q. Y'all stayed there that night and the next night,
19 right?

20 A. Yes, sir.

21 Q. Did y'all go anywhere or something? Do you
22 remember that night?

23 A. Not that I remember.

24 Q. You didn't get in your car and leave when Chris
25 did, did you?

1 A. I'm not sure, maybe I did. I'm not sure.

2 Q. Let's look at Defendant's Exhibit 12.

3 (PLAYING VIDEO)

4 Q. Stop it right there, please. Can you tell me what
5 time it is on that one?

6 A. 1:22:58.

7 Q. And does that look like the camera that shoots to
8 the front of the Comfort Inn?

9 A. Yes, sir.

10 Q. Do you want to look at it a little further and make
11 sure that's the Comfort Inn or are you pretty
12 comfortable --

13 A. Yes, I'm pretty comfortable.

14 Q. Pretty sure it is?

15 A. Yes, sir.

16 Q. Do you see that car right there?

17 A. Yes, sir.

18 Q. Whose car is that?

19 A. That's my car.

20 Q. That was that convertible you had, that Camaro
21 convertible, right?

22 A. Yes, sir.

23 Q. So it does look like you were leaving about that
24 time?

25 A. Yes, sir.

1 MR. KNIZLEY: All right. Go ahead. Play it
2 a little bit further.

3 (PLAYING VIDEO)

4 Q. And whose car is that?

5 A. Chris.

6 Q. So you and Chris are leaving right behind each
7 other then, right?

8 A. Yes, sir.

9 Q. Do you remember where you were going?

10 A. I probably just went to see what was going on up
11 there again.

12 Q. That's what you felt like at this time you were
13 going to drive rather than walk?

14 A. Yes, sir.

15 Q. And see what was going on -- when you say up there,
16 again, where are you talking about?

17 A. The wreck.

18 MR. KNIZLEY: If you would look then, please,
19 to Defendant's Exhibit 24.

20 (PLAYING VIDEO)

21 Q. Now, if you stop right there; does that look like
22 the Comfort Inn from the roadway?

23 A. Yes, sir.

24 Q. And you see all those police lights and stuff
25 there?

1 A. Yes, sir.

2 Q. And you see what time it is? See the time that
3 says 6:23 up there?

4 A. Yes, sir.

5 Q. You see that little Z up there?

6 A. Yes, sir.

7 Q. And it says 05Z?

8 A. Yes.

9 Q. Do you understand that to be Zulu time and then
10 it's really five hours earlier than that? So
11 rather than 6:30 in the morning, it was 1:23 in the
12 morning; does that sound about right to you?

13 A. Yes, sir.

14 Q. All right. Let's watch the car coming down this
15 way. (Indicating)

16 MR. KNIZLEY: Back up a little bit if you would,
17 please.

18 (PLAYING VIDEO)

19 Q. Whose car is that right there?

20 A. That's my car.

21 Q. Let's see if you turn your blinker on. Sure do,
22 don't you?

23 A. Yes, sir.

24 Q. Come on out. Now, which way did you turn?

25 A. To the left.

1 Q. Well, that's not where all the wreck was, the wreck
2 was to the right?

3 A. Yes, I believe they had it blocked off.

4 Q. Okay. You left somewhere and went somewhere,
5 right?

6 A. Yes, sir. I probably turned around.

7 Q. Do you remember?

8 A. No, sir. I said I probably.

9 Q. You might be gone maybe 20 or 30 minutes maybe?

10 A. Well, I'm not sure.

11 Q. Let's watch this next car. Tell me if you see that
12 blinker come on? See it?

13 A. I'm not really sure. I can't even tell.

14 Q. Let's try it again. Back it up and let's look one
15 more time. It's going to be yours and see that one
16 and see if we can tell.

17 MS. RICH: Judge, I want to object. He's
18 already said he can't tell. He's doing it again.

19 THE COURT: Well, let him see, so we can look
20 at it one more time. We'll try it one more time.

21 Q. See yours come on there?

22 A. Yes, sir.

23 Q. Is it pretty clear to you?

24 A. Yes, sir.

25 Q. Let's see the next one and see if we can tell about

1 it. Didn't look like one came on, did it?

2 A. I'm not sure. I can't tell.

3 Q. All right. Now, you and Chris didn't talk and say,
4 look, I'm fixing to leave and you said I'm about to
5 leave in front of you, you going to leave right
6 behind me? Y'all didn't talk about that?

7 A. I don't think so.

8 Q. Okay. Do you remember about going and getting
9 anything or anything?

10 A. No, sir.

11 Q. If you could look -- we may have to find this one a
12 different way.

13 MR. KNIZLEY: Thank you, Mr. Matthews.

14 THE COURT: Redirect.

15 REDIRECT EXAMINATION

16 BY MS. RICH:

17 Q. Was anybody doing drugs that night?

18 A. No, ma'am, not that I know of.

19 Q. Well, I mean, you were with everybody, right?

20 A. Yes, ma'am.

21 Q. There's a lot drinking, right?

22 A. Yes, ma'am.

23 Q. Was Chris's car older or newer than yours?

24 A. Maybe a bit older.

25 Q. Do you know?

1 A. No, ma'am.

2 Q. And when Chris called -- you know, the Defense
3 asked you probably what Chris asked you and you
4 said, probably, I'm not sure. Do you know what
5 conversation you had with Chris that night about
6 the car?

7 A. Not really, but I know he said probably something
8 along the lines either a noise or a wreck or
9 something like that.

10 Q. Right. But you don't know what exactly he said?

11 A. No, I don't remember exactly.

12 MS. RICH: That's all I have, Your Honor.

13 THE COURT: Any recross?

14 RECROSS-EXAMINATION

15 BY MR. KNIZLEY:

16 Q. Now, Chris lives with your sister, right?

17 A. Yes, sir.

18 Q. And you remember when they lived out on Tampa
19 Drive? I'm going to show you what's marked as
20 Defendant's Exhibit 8 and tell me if you recognize
21 that house right there? (Indicating)

22 A. No, sir.

23 Q. But you know where they live today, don't you?

24 A. Yes, sir.

25 Q. And Chris and your sister live together?

1 A. Yes, sir.

2 Q. With their children and how many children do they
3 have?

4 A. They have two together but my sister already got
5 one.

6 Q. You've been to their house; have you not?

7 A. Yes, sir.

8 Q. And I've asked you about it before, and it's out in
9 west Mobile?

10 A. Yes, sir.

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

14 A. Yes, sir.

15 Q. And is that where Chris lives?

16 A. Yes, sir.

17 Q. And that's where your sister lives?

18 A. Yes, sir.

19 Q. And Chris's two children live?

20 A. Yes, sir.

21 Q. So the jury can see what I'm talking about, how
22 long has Chris lived there?

23 A. I don't think that long, maybe a year.

24 Q. He bought that about a year ago you think?

25 A. Yeah.

1 Q. You've been there to see him there and stuff?

2 A. Yes, sir.

3 Q. How many times have you been to the house?

4 A. Maybe twice.

5 Q. And they don't live out there with Chris's mom
6 anymore, do they?

7 A. No, sir.

8 MR. KNIZLEY: Thank you.

9 THE COURT: Any Redirect?

10 REDIRECT EXAMINATION

11 BY MS. RICH:

12 Q. That house right there, that was not the house
13 Chris or Chante were living in when all this
14 happened, was it?

15 A. No, ma'am.

16 MS. RICH: Thank you. That's all I have,
17 Your Honor.

18 THE COURT: Any Recross?

19 MR. KNIZLEY: No, sir.

20 THE COURT: Is the witness discharged as far
21 as the State and Defense?

22 MS. RICH: Yes, Your Honor.

23 THE COURT: You can go, sir. Thank you.

24 Ladies and gentlemen, there is one more witness. I
25 realize it's 5:05. There's one more witness I'm