

1 up at the end and argue to you the conclusions and  
2 inferences that you should make and what the  
3 verdict is that you should render at the end of the  
4 day.

5 They'll speak to that briefly today, but  
6 really today is mainly about what they expect the  
7 evidence to be and I'll hold the lawyers to that.  
8 All right. The first to proceed will be the State  
9 and then the Defense has the right to make their  
10 opening statement. Ms. Rich for the State?

11 (OPENING STATEMENT BY THE STATE)

12 THE COURT: Ms. Rich for the State.

13 MS. RICH: Yes, Your Honor. May it  
14 please the Court, counsel opposite, ladies and  
15 gentlemen of the jury.

16 THE COURT: Yes.

17 MS. RICH: This case is a case of the  
18 State of Alabama versus Jonathan Nakhla. Jonathan  
19 Nakhla is charged with reckless indifference murder  
20 and we will talk about what the law says in regards  
21 to reckless indifference murder today in the  
22 opening statement, so you will understand what the  
23 charge is and what the State has to prove.

24 Because as you heard in voir dire, the  
25 State has the burden of proof in each and every

1 criminal case, and that burden of proof is beyond a  
2 reasonable doubt. That is not to a mathematical  
3 certainty as we also talked about in voir dire but  
4 beyond a reasonable doubt.

5 And I will submit to you, ladies and  
6 gentlemen of the jury, that this case and what the  
7 evidence will show is that the Defendant thought he  
8 was entitled, and that will be the theme of the  
9 State's case in this particular case because he  
10 thought he was entitled.

11 What is the definition of entitled? It's  
12 believing one's self to be inherently deserving of  
13 privileges or special treatment, and we expect the  
14 evidence to show that this is what the Defendant  
15 believed. And how will the evidence show that?

16 Well, first, we need to introduce you to  
17 the victim in this case, the deceased victim,  
18 Samantha Thomas. Samantha Thomas, the evidence will  
19 show, was 24-years-old at the time of the crash  
20 that -- of the car that the Defendant, Jonathan  
21 Nakhla, was driving in. At the time he was  
22 driving the car and that crash, at the hands of him  
23 at the wheel of that automobile, resulted in  
24 Samantha Thomas's horrific death. She had just  
25 finished her second year of medical school. And in

1 the second year of medical school -- I've learned a  
2 lot about medical school in this case.

3 And in the second year of medical school  
4 is when you get your white coat, and your third and  
5 fourth year of medical school is where you do your  
6 clinicals. You learn about each particular  
7 specialty within medicine and those specialty  
8 assignments are followed by tests in that  
9 specialty.

10 You will hear that Samantha Thomas had a  
11 really good friend that she had met in medical  
12 school named Paige Farley who was also in medical  
13 school with her and started medical school at the  
14 exact same time that Paige did.

15 They also had a mutual friend that lived  
16 at Highland apartments, that's where Samantha  
17 Thomas lived. The mutual friend that lived with  
18 his wife at Highland apartments was Tristan Hughes,  
19 and you'll hear from Tristan Hughes in this case.

20 And so Paige and Samantha and Tristan  
21 were all friends. Tristan was actually in pharmacy  
22 school, a little bit different than medical school,  
23 but they were all friends, friends from medical  
24 school and friends from the apartment complex.

25 And when they weren't doing their

1       clinicals or their assigned rotations, yes, they  
2       had a little bit of free time, not much because  
3       they were, you know, in school, but they had some  
4       free time, and they would hang out at the pool at  
5       Highland apartments.

6               So what happened that particular evening  
7       and early morning of August 1st, 2020? What we  
8       expect the evidence to show, ladies and gentlemen  
9       of the jury, is that Samantha had just finished an  
10      exam in her OB/GYN clinicals, and she didn't have a  
11      great test. She didn't know what the results of  
12      the test were, but she didn't have a great test,  
13      and so she was ready to relieve some stress. It  
14      had been a very stressful time for her in taking  
15      that test.

16             And Paige, her friend Paige, who did not  
17      live in the apartment complex, had also had some  
18      pretty intense things that were going on with her.  
19      She had a class, an on-line conference with some of  
20      her study partners, and she said Samantha texted  
21      her and said, hey, do you want to hit the pool this  
22      afternoon.

23             And it was about 12:30, 1 o'clock, and  
24      Samantha also texted Tristan Hughes and said, hey,  
25      you want to hit the pool this afternoon. Tristan

1 was in between his clinicals, he was changing over  
2 to a different clinical, and so he had a little bit  
3 of time on his hands too.

4 So they agreed they were going to go hit the  
5 pool.

6 So Tristan Hughes said, I'm going to go  
7 to the gym first. You'll hear he's a bodybuilder  
8 and he works out a lot. He was going to go to the  
9 gym first and then he said he would meet you and  
10 Paige at the pool.

11 So he got to the pool about 3 o'clock and  
12 Samantha and Paige were there and they were at the  
13 pool.

14 Samantha had gone to pick Paige up  
15 because Paige had had some car troubles, and so  
16 they went and got some White Claw alcoholic  
17 beverages, and they went to McDonald's and ate some  
18 McDonald's. Got back to the pool, they drank a  
19 few White Claws. And after doing that, Tristan was  
20 there and the Defendant comes in, Jonathan Nakhla,  
21 and he lives at the Highland Apartments with his  
22 wife and children and he came, drove up. He has  
23 two cars. And you'll see on video, he pulled up in  
24 his regular car and he pulled up next to his sports  
25 car, which is an Audi R8 high performance sports

1 car.

2 He pulls in and he goes to the pool, he's  
3 in his scrubs. And Paige is there, Samantha is  
4 there and Tristan is there. And Samantha says,  
5 Paige, push Nakhla in the pool, and Paige tries to  
6 do so.

7 You'll also hear Paige is very unusual.  
8 She's in medical school, but she's also a very  
9 awarded MMA fighter, mixed martial arts fighter.  
10 So she tries to use her mixed martial arts and push  
11 Nakhla in the pool, the Defendant in the pool.  
12 They're not successful.

13 Nakhla goes up to his apartment, and the  
14 video shows him coming down to hang out at the  
15 pool. He has what appears to be a cocktail in his  
16 hand when he leaves his apartment. He goes to the  
17 pool and they're at the pool.

18 And at some point, around 7:30, Tristan  
19 Hughes goes back to his apartment. He goes to eat  
20 dinner with his wife. Then he leaves Paige and  
21 Samantha and the Defendant at the pool.

22 The Defendant then goes and gets a bottle  
23 of wine, we believe the evidence will show, another  
24 whiskey cocktail or some type of mixed drink and  
25 then he comes back for the night and gets another

1       bottle of wine.

2               The pool closes at 10 o'clock, and at 10  
3 o'clock you have to leave the pool area. So it's  
4 commonplace at this apartment complex when you  
5 leave the pool area, if you want to still keep  
6 hanging out, you go to the gazebos, okay, which are  
7 away from the pool area.

8               So Paige and Samantha and the Defendant  
9 go to the gazebo area, and at some point Tristan  
10 comes back and meets up with them again. Well,  
11 actually, when they go to the gazebo area, Tristan  
12 is out there smoking a cigar. He's cigar guy, and  
13 so he's out there smoking a cigar. So it's the  
14 four of them, again, at the gazebo.

15              So at some point you'll hear evidence  
16 that the Defendant starts hitting on Paige and  
17 starts trying to put his arm around her, trying to  
18 get close to her and Paige is not having any part  
19 of it.

20              And Paige will testify that she is, you  
21 know, feeling really uncomfortable at this point  
22 and this is going on. Then the Defendant asked  
23 Paige to go for a ride in his sports car. And  
24 Paige says, yes, I'll go. And you'll hear from  
25 Paige to say that she went because -- she'll

1 explain why she went.

2 So she gets in the sports car with the  
3 Defendant, and you will hear testimony from Paige  
4 that they go down the interstate and they are  
5 traveling at speeds in excess of 150 miles an hour.

6 And at the time that the Defendant is  
7 driving with her at over 150 miles an hour, that  
8 she has had a tremendous amount to drink, and he  
9 then begins placing his hand on her thigh, taking  
10 his hand off the wheel of the automobile and begins  
11 placing it on her thigh and making advances in that  
12 manner to her. She does not accept any of those  
13 advances. When she gets out of that car, she goes  
14 up to Samantha's room and goes to bed. Samantha  
15 is still at the gazebo with Tristan. And then the  
16 Defendant moves over to Samantha and starts making  
17 advances, putting his arm around Samantha, trying  
18 to kiss Samantha and Samantha is not having any of  
19 that either.

20 So Tristan -- it's about midnight at this  
21 point, so Tristan and Samantha decide to go up to  
22 Samantha's apartment, and Tristan is walking  
23 Samantha back to Samantha's apartment. Paige is  
24 already there.

25 And so when Tristan drops Samantha off,



1       there's a conversation between Paige and Samantha  
2       and Tristan and Tristan goes to his apartment where  
3       he lives with his wife. Paige is spending the  
4       night with Samantha that night. Paige goes back to  
5       sleep.

6               And at some point there is a phone call  
7       from the Defendant to Samantha and Samantha gets --  
8       comes out of her apartment and Samantha gets in the  
9       car with Johnny Nakhla.

10              At the point when Samantha gets in the car  
11       with Johnny Nakhla, Johnny Nakhla has been drinking  
12       since around 7 p.m. that evening. This is a little  
13       bit after midnight that night. Samantha gets in  
14       the car, she buckles her seatbelt.

15              And the Defendant drives down the  
16       beltline from Highland Apartments on the service  
17       road, then proceeds across Dauphin Street there at  
18       Legacy Village and there's Dauphin Way Baptist  
19       Church. Precedes across Dauphin Street, gets on  
20       the additional service road, the service road that  
21       goes from Dauphin Street to Airport Boulevard.

22              If you will recall, in that area, if  
23       you're familiar with that area, when you go across  
24       Dauphin Street, there's a slight turn to the left  
25       and then there's a significant turn to the right

1       and then you go down the beltline. So the church  
2       is right there in the curve, Dauphin Way Baptist  
3       Church, and after that curve, there's a series of  
4       businesses.

5               There's a parking lot for the church and  
6       then there's a series of businesses. There's AOC  
7       or Alabama Orthopedic Clinic, it's got a different  
8       name now. And then there's the new law firm, Long  
9       and Long, and then there's a series of hotels.  
10      There's a Comfort Inn. There's a U-Haul, and then  
11      there's an Econo Lodge.

12             And the evidence will show that while on  
13      that service road, the Defendant is driving. So  
14      what happens in vehicles now -- and not to get too  
15      technical with politics, but when Obama was the  
16      President, he required cars to have a black box,  
17      okay, and a black box is in every car now. The  
18      black box records the seconds before of what is  
19      going on in a car before a crash.

20             And so we believe and the evidence will  
21      show and we have the download from the black box of  
22      the Defendant's car, and we believe the evidence  
23      will show that when the Defendant was coming out of  
24      that curve at Dauphin Way Church, he was going 138  
25      miles an hour 8 seconds before final rest of his

1        vehicle.

2                    And the crash occurred, and I'll talk  
3        about how the crash occurred. The car flipped in  
4        the air, again, at 138 miles an hour. And the  
5        vehicle ended -- the car, when it was flipping in  
6        the air, hit the guardrail on the interstate side  
7        and that cut off the top of Samantha Thomas's head.  
8        The actual top of her head was left on the  
9        guardrail with her hair intact, and her body  
10       continued flipping with the vehicle until final  
11       rest in front of the Econo Lodge upside down in the  
12       ditch. She is obviously dead because the entire  
13       portion of her head is missing.

14                   So in that crash, you will see video of  
15       the Defendant flying down the service road from  
16       various businesses on the service road. You will  
17       see the video of the Defendant at the Highlands  
18       repeatedly leaving the pool to go back to his  
19       apartment to get more alcohol. You will see the  
20       last moments that Samantha was alive when she got  
21       into the car with him, the last moments of her  
22       life, and we believe the evidence will show that  
23       she's hesitating before getting in that car.

24                   You will hear from Darlene Stradford who  
25       was a driver on the interstate who will tell you

1       that she was driving on the interstate when debris  
2       from the crash hit her car so much that she got off  
3       the interstate, drove down the service road to find  
4       out what had hit her car and make a report, and  
5       that's when she saw the Defendant's vehicle upside  
6       down in the ditch.

7                You know, what is the evidence that we  
8       believe will show the Defendant's entitlement? You  
9       know, when the car landed upside down, the  
10      Defendant walked away, and there is the victim's  
11      body in the car with the top of her head missing.  
12      We believe the evidence will show the first officer  
13      on the scene, the first Mobile Police Department  
14      officer on the scene comes up.

15              Now, the Defendant is in the ditch  
16      between the beltline road and the interstate. And  
17      so when that officer first comes up, there's a  
18      fence. You know, by law, interstates have to be  
19      surrounded by a fence. And so there's a fence that  
20      is on the beltline to keep people from, you know,  
21      walking from the beltline onto the interstate, and  
22      there's a fence. He's trapped behind that fence  
23      because we believe the evidence will show that the  
24      car entered through that fence way down the road,  
25      okay, way down the road.

1                   Hundreds of feet down the road is when he  
2                   lost control of the vehicle and went through the  
3                   fence and then began flipping, and that flipping  
4                   motion did not destroy the fence.     We believe the  
5                   evidence will show when the vehicle landed upside  
6                   down, that the fence was still intact there.

7                   So the first responding police officer  
8                   goes up to the fence, and the first thing that the  
9                   Defendant does is show his Police Identification  
10                  Card from the Mobile Police Department that had  
11                  been given to him from the Mobile Police Department  
12                  because he volunteered as a police surgeon.

13                  Now, he wasn't yelling and screaming at  
14                  that moment about her or anything else.   He wanted  
15                  to make sure that first responding officer knew  
16                  that he was a police surgeon with the Mobile Police  
17                  Department.

18                  In addition to that, when they cut the  
19                  fence, you'll see video of them cutting the fence  
20                  to try and get him away from the car so they can  
21                  get in and secure the scene.   When they cut the  
22                  fence, they say, come on, sir, you know, you've  
23                  been involved in a really bad accident, we need to  
24                  check you out.   The ambulance is there.

25                  And when he gets in the ambulance, he

1 doesn't do anything but fight with the ambulance  
2 people. First, they say, you know, sir, you've  
3 been involved in a very bad accident, we need to  
4 get your injuries checked out and we need to take  
5 you -- in these types of serious crashes, we take  
6 all of our patients to USA Hospital which is a  
7 Level 1 Trauma Center and it specializes in Level 1  
8 traumas.

9 And he's, like, no, I'm not going there,  
10 and he says some really bad things about USA  
11 Hospital. And then after that, he even says, I  
12 don't need any treatment, I don't need any  
13 treatment. Then he starts, I'm a neurosurgeon at  
14 Mobile Infirmary, and I'm only going to go to  
15 Mobile Infirmary. We believe the evidence will  
16 show that he demanded the Mobile Infirmary Medical  
17 Center where he worked.

18 In the ambulance, Samantha Thomas, we  
19 believe the evidence will show, is still trapped  
20 underneath the car, dead, and he's in the  
21 ambulance. And in the ambulance he is worried  
22 about his alleged \$50,000.00 expensive watch and is  
23 asking and demanding them to find his watch and get  
24 his watch for him.

25 And while Samantha Thomas is laying dead

1 in that car upside down, he is demanding that they  
2 get his cell phone and bring him his cell phone.  
3 And he couldn't believe, we believe the evidence  
4 will show, he couldn't fathom that his expensive  
5 \$299,000.00 sports car was totaled.

6 He has a conversation, we believe the  
7 evidence will show, in that ambulance where he is  
8 demanding, demanding that the EMTs let him use  
9 their phone. If you're not going to get my phone,  
10 then let me use your phone and the EMT is, like,  
11 sir, my priority is you, my priority is checking on  
12 you, my priority is to make sure you're okay and  
13 that you're stable before we transport you to a  
14 hospital, and he doesn't care about any of that.

15 He says, I'm fine. He goes into I got to  
16 use the phone, I got to use the phone. So when  
17 they finally get his vitals and determine that he  
18 is stable, then they give him a phone. And we  
19 believe the evidence will show that on that phone  
20 he says, I know you love that car, I know you love  
21 that car. Doesn't talk about the victim who's  
22 dead, and I know you love that car.

23 All right. What else do we believe the  
24 evidence is going to show regarding entitlement and  
25 history? He has a significant history of speeding

1 in his 2018 Audi R8 Spyder. It's a two-seater  
2 convertible. It's a high performance sports car.

3 And in the months leading up to the  
4 crash, somebody he knew, Nazmi Ozokur, will testify  
5 and tell you that when he rode in the car with the  
6 Defendant earlier that summer, that the Defendant  
7 was going so fast that Mr. Ozokur could not even  
8 move his hand towards the door handle his body was  
9 so pressed against the seat.

10 He will also tell you that the Defendant  
11 would cross three lanes at a time, passing cars on  
12 the left and the right, and that he, in his  
13 opinion, would never get in a car with the  
14 Defendant again.

15 You will hear evidence, repeatedly, that  
16 the Defendant has a history of using his Police  
17 Surgeon's ID Card to get out of speeding in his  
18 sports car. He has a history of using his police  
19 surgeon badge.

20 They're two different things. One is a  
21 little ID card sort of like this, it's plastic and  
22 it has information about the Mobile Police  
23 Department and says he's a police surgeon. And  
24 then the other is actually a police badge that he  
25 has and that you will hear that he has a history of



1        getting out and using his police surgeon badge and  
2        his Police Surgeon ID Card to get out of speeding.

3                And in the months leading up to the  
4        crash, he was stopped by Mobile Police Department  
5        Officer Antoine Stewart and was seen flashing his  
6        badge and being told that he had to stop this  
7        behavior. The Defendant responded to the officer by  
8        saying, well, I'll just go to a street where we  
9        don't have to be quiet.

10                You will also hear from Major William  
11        Reed at the Mobile Police Department who is  
12        supervisor over the police surgeons. And you will  
13        hear that at the Mobile Police Department, various  
14        other law enforcement agencies in town, the  
15        Sheriff's Office and such, that when they do  
16        critical incidents, they do have police surgeons  
17        that come out and make sure that if something  
18        traumatic happens, that either the person, the  
19        person that they're engaging in, if they need  
20        immediate medical assistance, trauma, you know,  
21        help or a police officer who gets hurt or shot  
22        needs immediate medical assistance from a surgeon,  
23        that they do have police officers that come and  
24        assist the Mobile Police Department.

25                But you will hear from Major Reed that

1 the Defendant came and volunteered for this  
2 position. And he volunteered and that when he came  
3 to get his badge, he had a discussion with Major  
4 Reed about how he loved his Audi Spyder and he  
5 loved to drive it fast and that it had a V10  
6 Lamborghini engine in it and it was very high costs  
7 to upkeep, but he loved driving fast in his sports  
8 car.

9 Now, the Defense counsel asked some  
10 questions in voir dire about something else causing  
11 this accident to deflect and take away from what  
12 the State believes we will be able to show in the  
13 evidence --

14 MR. JAFFE: Objection. That is being pure  
15 argument.

16 THE COURT: Well, I'll overrule for now.  
17 We'll tie it up with facts. Go ahead. Get to the  
18 facts.

19 MS. RICH: So the State believes we will show  
20 in this case that the Defendant was speeding and  
21 was driving under the influence of alcohol to a  
22 degree that he could not safely operate his motor  
23 vehicle.

24 And so the Defendant interjects in voir dire,  
25 oh, well, something else happened to cause this

1 accident; in other words, my client didn't cause  
2 this accident, something else happened.

3 Ladies and gentlemen of the jury, we will  
4 submit to you that absolutely Christopher Davis was  
5 driving down the beltline that evening. This is a  
6 driver's license photo. (Indicating) He's  
7 embarrassed about this photo, but he'll be here to  
8 testify.

9 Christopher Davis was driving down the  
10 beltline highway and he was going towards Dauphin  
11 Street, and he was going to meet up with some of  
12 his friends. And some friends from the military  
13 were in town, and he had another friend named Harry  
14 and they were meeting up and they were having a  
15 get-together at the Econo Lodge.

16 And he says that as he was driving down the  
17 beltline -- and he will testify and you will hear  
18 his testimony -- that when he drives down the  
19 beltline, he sees a car way, way, way off in the  
20 distance, and he observes that car and that he is  
21 not driving erratically.

22 You will see, we believe, video of that.  
23 He's driving at a normal speed, and he will testify  
24 that he was not under the influence of anything and  
25 that he safely turned into the Econo Lodge.

1           He went all the way past the entrance to the  
2 Econo Lodge and pulled up into the entrance of the  
3 Econo Lodge where you would park and check in. And  
4 then he looked back and sees a car flipping down  
5 the beltline.

6           I submit to you, ladies and gentlemen of the  
7 jury, that the evidence will show that the Defense  
8 will claim that Christopher Davis is why this crash  
9 happened. But in reality, ladies and gentlemen of  
10 the jury, we believe the evidence will show that  
11 Mr. Davis turning left would never have been an  
12 issue in this case at all if the Defendant had not  
13 been driving drunk and had not been speeding at an  
14 excessive rate, over three times the speed limit in  
15 that area of 45 miles an hour.

16           And then you will also hear testimony, we  
17 believe, that the Defendant lied about how fast he  
18 was going in his own statement to the police.

19           So driving under the influence, what does the  
20 State have to prove in regards to driving under the  
21 influence? The law is that a person is presumed to  
22 be too intoxicated to safely operate a motor  
23 vehicle if their blood alcohol content is .08 or  
24 greater.

25           We believe the evidence will show that the

1 Defendant was drinking from 7 p.m. until midnight  
2 that night. He was drinking whiskey and wine or  
3 some type of mixed drink and wine, and that his  
4 blood alcohol level, at the time of the crash, was  
5 a .11, and he was going 138 miles per hour and he  
6 crashed his sports car.

7 We believe the evidence will also be that  
8 alcohol affects your central nervous system. If  
9 affects your ability to react to events, especially  
10 and particularly when driving and to safely operate  
11 a motor vehicle.

12 As I said, the speed limit is "75" miles per  
13 hour. And then we expect to show that the black  
14 box data shows that 9 seconds before the final rest  
15 of the Defendant's sports car, he was going 138  
16 miles an hour. At 8 seconds before the final rest,  
17 he was going 133 miles an hour. At 7 seconds, 128  
18 miles an hour. At 6 seconds before the final  
19 crash, he was going 124 miles an hour, and that the  
20 difference between 124 miles an hour at 6 seconds  
21 and 113 miles an hour at 5 seconds is when he  
22 begins braking.

23 I'm sorry, I said 75 miles an hour. Excuse  
24 me, she's correcting me, it's 45 miles an hour in  
25 that location as I said before. But between 6 and

1       5 seconds before the final rest is when he begins  
2       the braking in this vehicle. Prior to the braking,  
3       he was going 138, 133, 128, and 124.

4       And then the vehicle, 5 seconds before the  
5       crash is 113. It goes down to 4 seconds before the  
6       final rest, 99 miles per hour, 3 seconds before the  
7       final rest, 52 miles an hour. And the significant  
8       increase between 52 miles an hour and 26 miles an  
9       hour is when he hit the embankment or the road --  
10      the grassy area in the ditch and begins the  
11      flipping of the vehicle and flips multiple times,  
12      one of which the flips causes the contact with  
13      Samantha Thomas's head into the guardrail and she  
14      is killed, and then continues flipping until the  
15      final rest of the vehicle in front of the Econo  
16      Lodge.

17      This case is a reckless indifference murder  
18      case. And so the roadmap for you, ladies and  
19      gentlemen of the jury, is what we have to prove in  
20      this particular case.

21      And what we have to prove, these are the  
22      elements that we have to prove in this particular  
23      case; Samantha Thomas is dead; that the Defendant  
24      caused the death of Samantha Thomas by speeding  
25      and/or driving under the influence of alcohol. So

1       that in committing the acts that caused the death  
2       of Samantha Thomas, the Defendant acted with  
3       extreme indifference to the value of human life.  
4       And that is what is called reckless indifference  
5       murder, okay, commonly referred to as reckless  
6       indifference murder.

7               Extreme indifference to the value of human  
8       life is defined as a person acts with extreme  
9       indifference to human life if, under the  
10      circumstances, he recklessly engages in conduct  
11      which creates a grave risk of death to a person  
12      other than himself under circumstances manifesting  
13      extreme indifference to the value of all human  
14      life.

15             Ladies and gentlemen of the jury,  
16      recklessness is defined as when the person is aware  
17      of a risk that a result will occur, but consciously  
18      disregards that risk.

19             No one is standing before you today saying  
20      that this Defendant intentionally set out and  
21      planned to kill Samantha Thomas. You will not hear  
22      that from the State of Alabama. This is not an  
23      intentional murder as you heard in the voir dire  
24      process. This is reckless indifference murder.

25             So make no mistake about it and do not think

1       that in any way, shape or form the State is arguing  
2       that the Defendant set out to intend to kill  
3       Samantha Thomas. What the Defendant did, we submit  
4       that the evidence will show, is that he was aware  
5       of a risk that the results would occur but  
6       consciously disregarded that risk, and that is  
7       reckless murder in the State of Alabama and that is  
8       what the Defendant is indicted and charged with.

9       And we submit to you, ladies and gentlemen of  
10      the jury, and at the end of this case, we will ask  
11      you to return a verdict of guilty of reckless  
12      murder against the Defendant, Jonathan Nakhla.

13      THE COURT: Mr. Jaffe, for the Defense.

14      (OPENING STATEMENT BY THE DEFENSE)

15      MR. JAFFE: Thank you, Your Honor. May it  
16      please Your Honor and Counsel?

17      THE COURT: Yes, sir.

18      MR. JAFFE: Good morning. Let me first say  
19      that the picture that was just painted certainly is  
20      horrific.

21      (OFF THE RECORD)

22      MR. JAFFE: There's a reason that at the end  
23      of the case the judge is going to instruct you that  
24      what the lawyers say is not evidence. The only  
25      evidence that you can consider is that which you