

1 MR. JAFFE: I'm sorry, Judge, what channel is
2 this, please?

3 THE COURT: This is Channel 6. You say
4 channel, camera 6.

5 (PLAYING VIDEO)

6 THE COURT: Is that Davis in the video in the
7 back or no?

8 MS. WALSH: No, Your Honor. No, it's not, to
9 my knowledge, Your Honor.

10 MR. KNIZLEY: Is that Harry Matthews?

11 THE COURT: While we're watching this, tell
12 me, who is Harry Matthews? What is his role in
13 this?

14 MR. KNIZLEY: He is the State's witness that
15 was here yesterday in the court. All I know so far
16 has rented the hotel rooms and appears to be in the
17 videos from time to time.

18 THE COURT: Just pause it. Who is Harry
19 Matthews? What's his role in this case?

20 MS. RICH: Your Honor, Harry Matthews and
21 Christopher Davis went to high school together at
22 BC Rain. Harry Matthews is Christopher Davis's
23 brother-in-law. Christopher Davis is married to
24 Harry Matthews' sister.

25 THE COURT: Okay.

1 MS. RICH: And they've been friends for a
2 long time. So just to set all this up, Your Honor,
3 this is what we will proffer will happen on the
4 stand is that Harry Matthews, about a week or two
5 before, they have two other friends from high
6 school that are in the military. One is in the
7 military in California, don't quote me on the
8 branches, one is in the military in South Carolina,
9 and they were coming home for this particular
10 weekend. Okay.

11 And so Harry Matthews says, let's get
12 together, haven't seen them, blah, blah, blah, and
13 Harry Matthews rents the hotel room. The two
14 friends from the military come into town. Harry
15 Matthews has rented the hotel room, and they're
16 having a get-together.

17 At around 11:30, Christopher Davis finds out
18 through Facebook that Harry Matthews has these
19 friends that he hasn't seen either from the
20 military that are in town. So he gets on the phone
21 with Harry Matthews and Harry says, yeah, we're
22 having a get-together at the Comfort Inn.

23 So Christopher Davis, his wife and child all
24 go to the -- and the State had no knowledge of any
25 of this, Your Honor, until the trial began, because

1 Christopher Davis has not been cooperative with the
2 State nor with the Defense. Okay. We lawfully
3 subpoenaed him. He honored his subpoena, and we
4 did not know any of this that I am telling you
5 until this week during trial when Christopher Davis
6 showed up as a witness. Okay. That's very
7 important.

8 The only thing either side knew about
9 Christopher Davis's testimony is State's Exhibit
10 Number 190, which is a written statement that he
11 prepared. He refused to give Detective McCullough
12 an interview. He refused to talk to anyone at all.
13 He came down to the police station with his uncle
14 Alfred Davis and he gave this written statement in
15 the -- what the State knew about any of this, nor
16 the Defense.

17 And so when he comes in, this is when we
18 learn everything that I am telling you now. So he,
19 his wife and his child arrive at the Comfort Inn in
20 the car. Okay. That's the video that will be
21 played in a minute that has been given to the
22 Defense.

23 And so Christopher Davis is there from
24 sometime, 11:30 -- I'm sorry, sometime, 12:30, 10
25 minutes. You know, he's arriving at the time that

1 the crash occurs, so that's around 12:40 in the
2 morning. Okay. And he is only there until 1:23 on
3 Officer Estes' body camera. That's it. That's the
4 extent of Christopher Davis being at this hotel,
5 period.

6 THE COURT: Did the Defense ever issue a
7 Subpoena Duces Tecum to the hotel for all their
8 surveillance videos?

9 MR. KNIZLEY: No, sir.

10 THE COURT: Why not?

11 MR. KNIZLEY: We didn't realize the
12 importance of it at that time. I mean, we got
13 produced everything -- the State goes and produces
14 -- grabs all the videos and produces what they have
15 here and that is what we understand --

16 THE COURT: I'm not critical of anybody. I'm
17 just trying to find out the dynamics of who did
18 what pretrial. You had some videos, so you had
19 some videos from the hotel.

20 MR. KNIZLEY: One.

21 THE COURT: One.

22 MR. KNIZLEY: It was other channels. The video
23 of importance is the video on the road, okay, and
24 we knew nothing about the other videos that the
25 State had taken. The State had given us a bunch of

1 videos, but these were the ones that were left out.

2 MS. RICH: Your Honor, just so I may continue
3 with the party, okay. And so Christopher Davis
4 leaves at 1:20. Then there's Facebook photos that
5 were sent at 1:40 to Christopher Davis of three
6 people. I don't know who they are, they're not
7 Christopher Davis, they're all males, black males.

8 THE COURT: Sent from who to Christopher
9 Davis?

10 MS. RICH: Sent in a group chat to and
11 McCullough can tell you who, from some person to a
12 bunch of people, including Christopher Davis, of
13 guys sleeping in their throw-up, but that has
14 nothing to do with Christopher Davis. Okay. And
15 that was after Christopher Davis had left with his
16 wife and his child. And so they have no
17 relevance whatsoever, no bearing on this case and
18 we can argue that later, but I just need you to lay
19 the foundation of this.

20 THE COURT: I just wanted to know who the
21 other guy was. I got it. All right. So go ahead
22 and keep playing.

23 MS. WALSH: Judge, I will just note, for the
24 record, the timestamp is 11:53:14 p.m.

25 THE COURT: Yes. Do that as you go along if