

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