

# EXHIBIT 2

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 1

UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN

ESTATE OF KEVIN MATTHEWS,  
deceased, by KIM MATTHEWS,  
Personal Representative,  
Plaintiff,  
vs. Case No. 2:16-cv-13763-GCS-SDD  
Hon. George Caram Steeh  
Hon. Stephanie Dawkins Davis  
CITY OF DEARBORN and CITY  
OF DEARBORN POLICE OFFICER  
CHRIS HAMPTON,  
Defendants.

---

The Deposition of CORPORAL CHRISTOPHER HAMPTON,  
Taken at 16901 Michigan Avenue, Suite 14,  
Dearborn, Michigan,  
Commencing at 9:02 a.m.,  
Wednesday, January 24, 2018,  
Before Halan F. Benhart, CSR-2614.

Page 3

TABLE OF CONTENTS

3	WITNESS	PAGE
4	CORPORAL CHRISTOPHER HAMPTON	
6	EXAMINATION	
7	BY MR. GREENMAN: 5	
9	EXHIBITS	
11	EXHIBIT	PAGE
12	(Exhibits attached to transcript.)	
14	DEPOSITION EXHIBIT 1	4
15	DEPOSITION EXHIBIT 2	77
16	DEPOSITION EXHIBIT 3	81
17	DEPOSITION EXHIBIT 4	83
18	DEPOSITION EXHIBIT 5	85
19	DEPOSITION EXHIBIT 6	108
20	DEPOSITION EXHIBIT 7	118
21	DEPOSITION EXHIBIT 8	127
22	DEPOSITION EXHIBIT 9	133

Page 2

APPEARANCES:

MILTON H. GREENMAN  
The Thurswell Law Firm, P.L.L.C.  
1000 Town Center, Suite 500  
Southfield, Michigan 48075  
(248) 354-2222  
mgreenman@thurswell.com  
Appearing on behalf of the Plaintiff.

LAURIE M. ELLERBRAKE  
REBECCA A. SCHULTE  
City of Dearborn  
16901 Michigan Avenue, Suite 14  
Dearborn, Michigan 48126  
(313) 943-2035  
lellerbrake@ci.dearborn.mi.us  
rschulte@ci.dearborn.mi.us  
Appearing on behalf of the Defendants.

ALSO PRESENT:  
LAUREN LUZOD - Video Technician  
KIM MATTHEWS  
KAITLYN BRUCE

Page 4

Dearborn, Michigan  
Wednesday, January 24, 2018  
9:02 a.m.

MARKED FOR IDENTIFICATION:  
DEPOSITION EXHIBIT 1  
9:02 a.m.

VIDEO TECHNICIAN: We are on the record.  
The date is January the 24th, year 2018. The time is  
9:02 and three seconds. My name's Lauren Luzod, video  
technician. This deposition is being taken at 16901  
Michigan Avenue in Dearborn, Michigan, in the case of  
the estate of Kevin Matthews versus the City of  
Dearborn and Officer Chris Hampton, United States  
District Court, Eastern District of Michigan, Case  
Number 2:16-cv-13763-GCS-SDD.  
Could the attorneys identify themselves for  
the record, please.  
MR. GREENMAN: Milt Groenman for Plaintiff.  
MS. ELLERBRAKE: Laurie Ellerbrake for  
Defendants.  
VIDEO TECHNICIAN: Can we have the witness  
sworn in, please.  
CORPORAL CHRISTOPHER HAMPTON,  
Was thereupon called as a witness herein, and after

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 5

1 having been first duly sworn to testify to the truth,  
 2 the whole truth and nothing but the truth, was  
 3 examined and testified as follows:  
 4 **EXAMINATION**  
 5 **BY MR. GREENMAN:**  
 6 Q. Can you state your name for the record?  
 7 A. Corporal Christopher Hampton.  
 8 Q. Good morning.  
 9 A. Good morning.  
 10 Q. We've never met, correct?  
 11 A. Correct.  
 12 Q. And you understand today and this morning is the time  
 13 and date set for your sworn testimony regarding the  
 14 shooting incident of Kevin Matthews, is that correct?  
 15 A. Yes, I do.  
 16 Q. I assume you've reviewed materials in anticipation of  
 17 your dsp?  
 18 A. Yes, I have.  
 19 Q. I've had marked as Exhibit 1 your report. You've --  
 20 that's your report, correct?  
 21 **MS. ELLERBRAKE:** Can he have a minute just  
 22 to take a look at it?  
 23 **MR. GREENMAN:** Sure.  
 24 **THE WITNESS:** Yes, this is my report.  
 25 **BY MR. GREENMAN:**

Page 7

1 **Detroit?**  
 2 **A. Not particularly on this dynamic situation that**  
 3 **started in Dearborn.**  
 4 **Q. It started in Dearborn?**  
 5 **A. Correct.**  
 6 **Q. What, your following of Kevin Matthews?**  
 7 **A. My observation of him and following, correct.**  
 8 **Q. Well, the point is you didn't make any attempt of**  
 9 **initial contact until you were in Detroit**  
 10 **jurisdiction, correct?**  
 11 **A. Correct.**  
 12 **Q. I mean, you could have stopped right at Tireman and**  
 13 **said, well, he's now in Detroit. I should communicate**  
 14 **with Detroit authorities and say I'm in their**  
 15 **jurisdiction to try to what, make an arrest, correct?**  
 16 **You could have?**  
 17 **A. I could have.**  
 18 **Q. Would that have been complying with Dearborn policies?**  
 19 **A. Not particularly. I mean --**  
 20 **Q. Well, wasn't there a policy that indicates if you're**  
 21 **going to make an arrest outside the City of Dearborn,**  
 22 **you should contact the other jurisdiction ahead of**  
 23 **time?**  
 24 **MS. ELLERBRAKE:** Asked and answered. Go  
 25 ahead.

Page 8

1 Q. Okay. Thank you. That's marked as Exhibit 1. You  
 2 understand that?  
 3 A. Yes.  
 4 Q. Okay. You can set that down. Might I assume you  
 5 reviewed that before today's date understanding I was  
 6 going to take your sworn testimony today?  
 7 A. Yes, I did.  
 8 Q. You know, in this matter, we have some audio evidence  
 9 that the jury is likely to hear as well as some video  
 10 evidence. Have you looked at -- looked or heard of  
 11 any of the video or audio evidence in this case?  
 12 A. Not particularly other than the short clip that was  
 13 released me running from the car and Kevin Matthews.  
 14 Q. Okay. Now, as I understand that, that's where you  
 15 parked your car on Whitcomb north of Tireman?  
 16 A. Yes.  
 17 Q. Wasn't that in the City of Detroit, the jurisdiction?  
 18 A. That immediate location where I parked the car was --  
 19 Q. Yeah.  
 20 A. -- yes, City of Detroit.  
 21 Q. Were there rules, policies or procedures that  
 22 indicated if you were going to try to arrest someone  
 23 and you're not in the jurisdiction of Dearborn, you're  
 24 supposed to communicate with the other jurisdiction  
 25 that you're going into their jurisdiction, i.e.,

Page 8

1 **THE WITNESS:** Not particularly in this  
 2 situation where it's physically right in front of me.  
 3 **BY MR. GREENMAN:**  
 4 Q. Okay. So I'm just asking about a policy. Did there  
 5 exist a policy in December 2015 that indicated that?  
 6 A. Not to my knowledge.  
 7 Q. Okay. With regard to your report, that was made  
 8 within approximately 24 hours of the shooting of  
 9 Kevin, is that true?  
 10 A. Yes, sir.  
 11 Q. Okay. I want to go over in essence -- you're sort of  
 12 a package because once the shooting occurred, you were  
 13 taken away by other people as a package and then the  
 14 package went someplace and went someplace else, and I  
 15 just want to talk about that, okay?  
 16 A. Okay.  
 17 Q. Does that make sense to you?  
 18 A. What do you refer to as a package?  
 19 Q. You. You're the package.  
 20 A. Okay.  
 21 Q. Okay?  
 22 A. Okay.  
 23 Q. It's my understanding after the shooting you ended up  
 24 to some extent on the front steps of 8080 Whitcomb,  
 25 correct?

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 9

1 A. Correct.  
 2 Q. And in essence a couple of officers came to you and  
 3 took you to a car?  
 4 A. Correct.  
 5 Q. Did you go directly to Oakwood Hospital?  
 6 A. Correct, after the scene.  
 7 Q. So you went -- you didn't stop at the Dearborn police  
 8 station or any administrative offices for Dearborn.  
 9 You went right to Oakwood Hospital, Beaumont Oakwood  
 10 Hospital at what, is that -- right on Oakwood  
 11 Boulevard, right?  
 12 A. 18101 Oakwood, yes, sir.  
 13 Q. All right. And after you left the hospital, where do  
 14 you go?  
 15 A. Directly after the hospital I went to the station in  
 16 the police classroom.  
 17 Q. Were you debriefed?  
 18 A. No, not particularly. It's hard to recall in the  
 19 classroom, but that's where family and -- came.  
 20 Q. Might I assume in the time period we just talked about  
 21 between the time you leave the steps of 8080  
 22 Whitcomb -- and that's where the shooting took place,  
 23 correct?  
 24 A. Correct.  
 25 Q. From that time, by the time you got to the -- you said

Page 11

1 A. I was -- yes, briefly, it's my dad is who I made  
 2 contact with.  
 3 Q. Was he the first person you made contact with?  
 4 A. Yes, it was.  
 5 Q. Was that in the patrol car going to Oakwood Hospital?  
 6 A. Yes, it was.  
 7 Q. So you called your father first probably because he's  
 8 a police officer?  
 9 A. No, sir.  
 10 Q. So why did you call your father first?  
 11 A. I did not call my father first.  
 12 Q. Oh, I thought you did. You called your wife first?  
 13 A. I called my wife first.  
 14 MS. ELLERBRAKE: She wasn't the wife at the  
 15 time.  
 16 THE WITNESS: Correct. My fiancée.  
 17 BY MR. GREENMAN:  
 18 Q. Oh, fine. Fine. Okay. By the evening of  
 19 December 23, 2015, did you communicate or get  
 20 debriefed by Chief Haddad or any supervisory officer  
 21 about what occurred?  
 22 A. No, sir.  
 23 Q. And so the morning of the 24th into the afternoon of  
 24 the 24th, same question.  
 25 A. No de --

Page 10

1 the classroom?  
 2 A. Correct.  
 3 Q. Is that in this building or is this in the police  
 4 office down the street?  
 5 A. No, sir. It's at the police station --  
 6 Q. Down the street?  
 7 A. -- building, yes, sir.  
 8 Q. And what's the address of that? Because this is  
 9 16901.  
 10 A. Sixteen --  
 11 Q. I mean, you go there every day, right?  
 12 A. Right. Right.  
 13 Q. Well, it's just right down the street?  
 14 A. Right. Correct. Yeah. It's just east of here.  
 15 Q. Might I assume in that time period you made a phone  
 16 call? It's my understanding you're married.  
 17 A. Correct.  
 18 Q. You made a phone call to your family?  
 19 A. Correct.  
 20 Q. Okay. Did you make phone calls to your parents?  
 21 A. Yes, sir.  
 22 Q. Now, your parents were both Dearborn police officers?  
 23 A. Yes, sir.  
 24 Q. And did you explain to your father and mother what  
 25 occurred?

Page 12

1 Q. Did anyone interrogate you, anything like that?  
 2 A. No, sir.  
 3 Q. You understand I sent a subpoena to your counsel today  
 4 to produce all notes that you might have prepared in  
 5 anticipation of writing that report, Exhibit 1. Do  
 6 you understand that?  
 7 A. I understand.  
 8 MS. ELLERBRAKE: Wait. You sent me a  
 9 subpoena?  
 10 MR. GREENMAN: I sent you a subpoena by  
 11 mail.  
 12 MS. ELLERBRAKE: When?  
 13 MR. GREENMAN: About a week ago and to  
 14 produce for the deposition any notes that were  
 15 generated --  
 16 MS. ELLERBRAKE: Oh, you're talking about  
 17 attached to his dep?  
 18 MR. GREENMAN: Yeah.  
 19 MS. ELLERBRAKE: I thought you were talking  
 20 about different discovery. Okay.  
 21 BY MR. GREENMAN:  
 22 Q. Do you understand that?  
 23 A. Yes. Notes regarding this report?  
 24 Q. Yes. Do you have any?  
 25 A. (Indicating).

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 13

Page 16

1 Q. There are no notes?  
 2 A. No notes.  
 3 Q. You prepared that by typing it into a computer  
 4 yourself?  
 5 A. Correct.  
 6 Q. No one helped you type it?  
 7 A. Correct.  
 8 Q. Now, it's fair to say on December 24, 2015, you turned  
 9 that in to some supervisory officer?  
 10 A. I did it electronically on a computer in the training  
 11 classroom and hit save I guess so --  
 12 Q. Well, did you formally turn it in to Chief Haddad?  
 13 A. No, sir.  
 14 Q. Were you ordered to file that report within a certain  
 15 time period?  
 16 A. Yes, sir. I was ordered that night on Christmas eve.  
 17 Q. To file it --  
 18 A. Correct.  
 19 Q. -- within that day --  
 20 A. Right.  
 21 Q. -- on the 24th?  
 22 A. Correct.  
 23 Q. And so when you pushed save, it got sent to somebody  
 24 in archives here at the Dearborn administrative  
 25 offices or police department?

1 look like they are. Can you -- I'm going to ask you  
 2 slowly to rotate the first photograph to the videotape  
 3 operator, and he'll simply zoom in on that?  
 4 A. Okay.  
 5 Q. Okay. That's you at Oakwood Hospital, correct?  
 6 A. Yes, it is.  
 7 Q. This is within like two hours of the shooting, is that  
 8 true?  
 9 A. Yes, sir.  
 10 Q. Who took the photograph?  
 11 A. Corporal Nisha. He's an evidence tech.  
 12 Q. Okay. You can put that down now. Now, this  
 13 photograph which was just shown on the videotape shows  
 14 you in essence in the uniform that you had on at the  
 15 time of the shooting, is that true?  
 16 A. Yes.  
 17 Q. Did you have a coat on over your uniform at the time  
 18 of the shooting and then you took it off after the  
 19 shooting?  
 20 A. No, sir.  
 21 Q. So you didn't have any coat on?  
 22 A. No, sir.  
 23 Q. And on your left shoulder, is that a prep radio?  
 24 A. Yes, sir.  
 25 Q. How is that attached to your shoulder?

Page 14

Page 16

1 A. Correct.  
 2 Q. The report's never changed. Exhibit 1 has never  
 3 changed, has it?  
 4 A. No, it has not.  
 5 Q. You're going to tell us it was true and accurate when  
 6 you prepared it, correct?  
 7 A. Yes, sir.  
 8 Q. And it's true and accurate today?  
 9 A. Yes, sir.  
 10 Q. You understand you're under oath, correct?  
 11 A. Yes, sir.  
 12 Q. You don't wish to make any changes to it, do you?  
 13 A. No, I do not.  
 14 Q. You understand if that was your choice, you could say,  
 15 yeah, I think there was some errors in it. Are there  
 16 errors in it?  
 17 A. No, sir.  
 18 Q. Fine. I want to show you some photographs that were  
 19 taken at Oakwood Hospital.  
 20 MR. GREENMAN: I have a copy for you.  
 21 MS. ELLERBRAKE: Okay. I've got them.  
 22 BY MR. GREENMAN:  
 23 Q. Okay. Want to look at those?  
 24 A. Sure.  
 25 Q. I was hoping they'd be anything more, but it doesn't

1 A. On the uniform, sir, there's two little straps there  
 2 you can kind of see and then there's a clip for that  
 3 shoulder mic that secures on the strap.  
 4 Q. Okay. There was a point in time after you stopped  
 5 your patrol vehicle north of Tireman on Whitcomb where  
 6 we have some video downloads, photographs, that show  
 7 you sort of chasing Kevin Matthews, correct?  
 8 A. Correct.  
 9 Q. Okay. Now, I had asked in questions, interrogatories  
 10 that said -- that asked you did you then drive your  
 11 car to 8080 Whitcomb or that close address, and you  
 12 indicated you didn't do that, did you?  
 13 A. Right. Correct.  
 14 Q. Did you run after Kevin Matthews down Whitcomb?  
 15 A. Yes.  
 16 Q. And your prep radio doesn't fall off?  
 17 A. No.  
 18 Q. Is it attached just by a clip, like a pretty strong  
 19 clip?  
 20 A. Correct.  
 21 Q. Okay. So you're able to run and your prep radio  
 22 doesn't fall off your shoulder?  
 23 A. Not that I recall. At a certain point on initial I  
 24 remember the prep -- the radio itself, the unit, was  
 25 right here on my hip. That stayed --

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 17

1 Q. Is that connected with a wire?  
 2 A. Correct, and that stayed secure the whole time. As  
 3 far as the shoulder mic goes, I can't recall  
 4 specifically. I mean, I had it at the end of the  
 5 incident, but I may -- I can't recall if I -- it came  
 6 dislodged on the initial foot pursuit or any time  
 7 there within.  
 8 Q. Okay. Just -- you know, we're not here to mince  
 9 words, so to speak. The incident means after the  
 10 shooting, correct?  
 11 A. Correct.  
 12 Q. Okay. And so as I look at you in the picture that  
 13 we've just -- have seen on video, you're able to run  
 14 as a police officer and your weapon -- your weapon on  
 15 your right hip doesn't fall out, correct?  
 16 A. Correct.  
 17 Q. And why is --  
 18 MS. ELLERBRAKE: Object. Can I just  
 19 clarify weapon? There are a lot of weapons on his  
 20 duty belt, and you're referring to the gun or  
 21 something else?  
 22 MR. GREENMAN: The gun.  
 23 THE WITNESS: Correct, it did not fall.  
 24 BY MR. GREENMAN:  
 25 Q. It doesn't fall out when you're running as a police

Page 18

1 So this particular holster, you have one that would be  
 2 a lever, so to speak, that you'd hit with your thumb  
 3 on the inner part. That would be between the one side  
 4 of the holster and your thigh, and then there's an  
 5 outer depressant button that you'd hit with your index  
 6 finger to release it. The first one, the retention,  
 7 the thumb, that pops the hood, so the hood is popped,  
 8 and then the one on the outside is -- you know, allows  
 9 for the gun to come out.  
 10 Q. I see. So that prevents the gun from falling out as  
 11 you're running, correct?  
 12 A. Correct.  
 13 Q. And how about the -- also on the right side on your  
 14 duty belt -- that's called a duty belt?  
 15 A. Correct.  
 16 Q. Is that where the gun cartridge cases are placed?  
 17 A. Correct. Magazines.  
 18 Q. Magazines. Is there a flip-over, a flip-over flap  
 19 that then buckles? Is that how that works?  
 20 A. No, not for the magazines, no, sir.  
 21 Q. Okay. So how are the magazines retained such that you  
 22 can run down the street and they don't fall out?  
 23 A. I guess the elasticity or the strength because there's  
 24 no strap that goes over top of these so just the  
 25 fabric inside and the tightness of it is conformed to

Page 18

1 officer, is that correct?  
 2 A. Correct.  
 3 Q. It's my understanding that's not the same weapon that  
 4 was used in the shooting, is that correct?  
 5 A. What's that?  
 6 Q. The gun that's in this photograph was not the same gun  
 7 used in the shooting, correct?  
 8 A. Correct. That's correct.  
 9 Q. For some internal rule, policy or procedure you're  
 10 provided a replacement gun?  
 11 A. Correct.  
 12 Q. Is that true?  
 13 A. Yes, sir.  
 14 Q. Nonetheless, that's the same holster you had, correct?  
 15 A. Correct.  
 16 Q. And you understand your counsel has provided us an  
 17 exemplar holster of the holster you had at the time of  
 18 the shooting. Do you understand that?  
 19 A. Yes, sir.  
 20 Q. Okay. Explain to the members of the jury why the gun  
 21 doesn't fall out when you're running.  
 22 A. It doesn't fall out because it's a retention holster  
 23 and it has two points of retention.  
 24 Q. What does that mean, two points of retention?  
 25 A. It's just a safeguard with the holster to secure it.

Page 20

1 the magazine.  
 2 Q. Okay. And to the left in this photograph is -- what's  
 3 to the left underneath your -- sort of your left arm?  
 4 What goes there?  
 5 A. That is the Freeze Plus P chemical agent spray.  
 6 Q. That has a button or like a steel -- a stainless steel  
 7 clip?  
 8 A. Yes, sir, like a button that just -- that clips, yeah.  
 9 Q. Okay. This photograph was taken to show what, your  
 10 condition after the shooting, is that true?  
 11 A. Correct.  
 12 Q. And I notice there was a hole -- you understand there  
 13 was a hole in your uniform right around the mid tummy?  
 14 A. Yes.  
 15 Q. Mid abdomen, so to speak?  
 16 A. Yes.  
 17 Q. I assume that was from your scraping over the fence?  
 18 A. The whole situation. I can't definitively say it was  
 19 over the fence, but I did hop over a fence and then  
 20 there was an intense struggle that followed as well so  
 21 I'm not sure.  
 22 Q. Okay. Fair enough. So when you reported in in the  
 23 morning, you didn't have that hole in your shirt,  
 24 correct?  
 25 A. Right. Correct.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 21

Page 23

1 Q. It looks like a tear, does it not?  
 2 A. Correct.  
 3 Q. And when -- you told us at the beginning of the  
 4 deposition you left the scene and you went right to  
 5 Oakwood, correct?  
 6 A. Correct.  
 7 Q. I assume you made a purposeful effort not to wash.  
 8 A. Wash the clothes?  
 9 Q. Wash your hands.  
 10 A. Wash my hands.  
 11 Q. Wash your face, because you have a little dirt on your  
 12 head, correct?  
 13 A. Correct, yeah.  
 14 Q. You have dirt on your right chin, so to speak?  
 15 A. Correct.  
 16 Q. You have a -- like a little blood mark on your middle  
 17 knuckle, fair, on your right hand?  
 18 A. Correct.  
 19 Q. And you're right handed, correct?  
 20 A. Correct.  
 21 Q. When you shot and killed Kevin Matthews, you shot him  
 22 with your right hand, with your gun in your right  
 23 hand, correct?  
 24 A. Correct.  
 25 Q. Did you ever train shooting your gun with your left

1 A. Yes.  
 2 Q. Would you be suggesting that in whatever activity you  
 3 had with Kevin Matthews that his body did that to you  
 4 whether his fingers or something like that? Would you  
 5 be suggesting that?  
 6 A. It's possible. I'm not sure. I can't say with 100  
 7 percent certainty because I didn't see the actual tear  
 8 or how that occurred during the whole thing.  
 9 Q. Okay. So let's -- have you ever heard the word  
 10 algorithm, take one step and next step? Okay. Let's  
 11 algorithm that out, okay? Because you have a college  
 12 degree, don't you?  
 13 A. Yes.  
 14 Q. Okay. So you know what that means?  
 15 A. Yes.  
 16 Q. So we know when you reported to work you didn't have  
 17 that hole in your shirt, correct?  
 18 A. Correct.  
 19 Q. By the time you're with Civilian Winbush where you're  
 20 talking to him in the car and you see Kevin Matthews  
 21 and you tell Mr. Winbush you're going to go arrest  
 22 Kevin Matthews, you didn't have that hole in your  
 23 shirt, correct?  
 24 A. Correct.  
 25 Q. When you stop your car north of Tireman on Whitcomb,

Page 22

Page 24

1 hand?  
 2 A. Yes.  
 3 Q. If you go to the next few pages -- can you go to this  
 4 page? Can you go to that page right there?  
 5 MS. ELLERBRAKE: Give me a minute.  
 6 BY MR. GREENMAN:  
 7 Q. That shows like a dirt mark on your right chin really  
 8 approaching your mandible, so to speak, your right  
 9 mandible?  
 10 A. Yes.  
 11 Q. Why was that picture taken?  
 12 A. Just to illustrate the --  
 13 Q. Dirt on your face?  
 14 A. Correct.  
 15 Q. Okay. Can you go to this picture now, please.  
 16 MR. GREENMAN: Are you zooming in on those  
 17 --  
 18 VIDEO TECHNICIAN: Yes.  
 19 MR. GREENMAN: -- adequately, Lauren?  
 20 BY MR. GREENMAN:  
 21 Q. It's the tear in your -- what do you call that, just  
 22 your uniform or your shirt? Your shirt?  
 23 A. Either, yeah, uniform shirt.  
 24 Q. This is pretty durable -- pretty durable clothing,  
 25 isn't it?

1 you don't have that hole in your shirt, correct?  
 2 A. Correct.  
 3 Q. Kevin Matthews never had any knife in his hands, did  
 4 he?  
 5 A. Not that I observed.  
 6 Q. Okay. As far as you're aware, he never had any sharp  
 7 utensil in his hands, knives, scissors, for which he  
 8 was attacking you with, correct?  
 9 A. Correct.  
 10 Q. Okay. So the only conclusion I think reasonably one  
 11 can make is when you jumped over the fence, or however  
 12 you got over the fence between 8090 Whitcomb and 8080  
 13 Whitcomb, you likely tore your shirt, is that  
 14 reasonable?  
 15 A. That's possible and reasonable.  
 16 Q. Okay.  
 17 MS. ELLERBRAKE: I'm going to object just  
 18 to clarify something. I've advised Corporal Hampton  
 19 not to speculate, not to guess, to tell you what he  
 20 knows, and it's bordering upon badgering when he tells  
 21 you he doesn't know how that hole got there. He's  
 22 doing the best he can. I mean, you can't create  
 23 memory for him when he doesn't have it.  
 24 MR. GREENMAN: It's called a speaking  
 25 objection. Please don't do that.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 25

1 MS. ELLERBRAKE: I'm going to do a speaking  
2 objection if I want to.  
3 BY MR. GREENMAN:  
4 Q. Okay. Underneath your shirt, was it a -- is that a  
5 Kevlar vest?  
6 A. Yes, sir.  
7 Q. So let's assume I have at least some experience with  
8 Kevlar vests. Some can be lightweight and others can  
9 be pretty sort of heavy and durable?  
10 A. Mm-hmm.  
11 Q. I assume you as a police officer, you have the heavy  
12 durable ones that weigh five or six pounds?  
13 A. Correct. It's not heavy necessarily as opposed to  
14 like tactical, like SWAT, you know, flak jacket  
15 vest --  
16 Q. Right.  
17 A. -- of course, but, yeah, it's -- I would say five or  
18 six pounds is accurate.  
19 Q. Okay. Can you show that to the videotape operator  
20 again?  
21 A. Yes.  
22 Q. Is that the Kevlar vest underneath your shirt?  
23 A. Yes, it is.  
24 Q. Okay. Thank you. Can you go to this picture?  
25 A. Yes.

Page 27

1 Q. I don't assume you're out baling hay or chopping  
2 wood --  
3 A. Correct.  
4 Q. -- but that's -- those are lifting weights calluses,  
5 is that true?  
6 A. I would presume.  
7 Q. At the time and still today do you lift weights  
8 regularly?  
9 A. Lately I've just been doing cardio, but I exercise  
10 regularly, yes.  
11 Q. But back in the time 2014, 2015, would you lift  
12 weights regularly?  
13 A. Yes. That's fair.  
14 Q. Where? Where would you lift weights?  
15 A. At the gym.  
16 Q. Okay. I still have Olympics at home. Do you have  
17 Olympics?  
18 A. Olympics?  
19 Q. Yeah, big plates.  
20 A. No, nothing at home.  
21 Q. So where at the gym would you lift weights. Planet  
22 Fitness --  
23 A. Oh, location? LA Fitness.  
24 Q. Okay. Does the police department pay for that?  
25 A. No, sir.

Page 28

1 Q. We're communicating okay, aren't we?  
2 A. Yes.  
3 Q. This is where the freeze spray is held in your duty  
4 belt?  
5 A. Correct.  
6 Q. And that's a -- you believe it's a pretty durable  
7 clip? I mean, you have to make a concerted effort to  
8 try to get that out, to get the freeze spray out, is  
9 that correct?  
10 A. Yes.  
11 Q. Okay. Thank you. The next photograph shows I think  
12 your left hand?  
13 A. Yes.  
14 Q. Any reason that photograph's taken of your left hand?  
15 Looks pretty --  
16 A. Yes. I'm not sure.  
17 Q. Okay. Fine. You know, Ms. Sevon might have told you  
18 that she says I say this likely in every dep. I grew  
19 up on a farm and so I can look at your left hand and I  
20 can tell -- what can I tell? I can tell you lift  
21 weights still, am I right?  
22 A. Correct.  
23 Q. And that's why you still have calluses on your hands.  
24 That's from lifting weights, isn't it? I mean --  
25 A. In part, yes.

Page 28

1 Q. Okay. I also noticed that for Schoolcraft College,  
2 did you teach periodically as a physical trainer?  
3 A. Yes, sir.  
4 Q. Do you still do that?  
5 A. Occasionally, but with my schedule, not so much.  
6 Q. Are -- physically are you approximately the same size  
7 today you were in December 2015?  
8 A. No. I was a little bit smaller or weighed less.  
9 Q. You know, I used to be a big lifter. I'd say you've  
10 got a what, 46-inch chest?  
11 A. Correct.  
12 Q. Okay. And are you telling me you might have been a  
13 44-inch chest in 2015 December?  
14 A. I don't know for sure, but that's possible, 42 to  
15 46 -- or 42 to 44.  
16 Q. Did you play high school sports?  
17 A. Yes.  
18 Q. Was it Canton?  
19 A. Salem.  
20 Q. Okay. Same campus. Probably in your day it wasn't  
21 the same campus. Is that when they just merged the  
22 campuses?  
23 A. No, it was the same, and then there's also Plymouth  
24 now.  
25 Q. Right, right.



Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 28

Page 31

1 A. So there's three, so we have three.  
 2 Q. But you didn't play any sports at Michigan State?  
 3 A. No, sir.  
 4 Q. As you got into college as I did and I played college  
 5 football, did you get heavier into weights and  
 6 lifting?  
 7 A. Not too much, you know, different from the latter  
 8 parts of high school into college is similar, similar  
 9 type.  
 10 Q. Did you ever try to acquire like your best bench  
 11 weight, things like that?  
 12 A. No. No, sir.  
 13 Q. Okay. Even today? No?  
 14 A. No, sir.  
 15 Q. The next photograph shows your left hand back side, is  
 16 that correct?  
 17 A. Yes, sir.  
 18 Q. Can you rotate that to the videotape operator.  
 19 A. Mm-hmm.  
 20 Q. That would suggest to me that you also work with a  
 21 body bag.  
 22 A. That is not accurate.  
 23 Q. So why are there calluses on your left hand, on your  
 24 knuckles? No specific reason?  
 25 A. No. Yeah, I wouldn't know. I'm not sure on that one.

1 A. At some point during the struggle with Kevin Matthews.  
 2 Q. You think you got that by striking him?  
 3 A. It's possible.  
 4 Q. Understanding things are possible, that's the best you  
 5 can say as opposed to it's more likely to be the cut  
 6 on the fence similar to your shirt versus it's just  
 7 everything's possible and I don't know?  
 8 A. Well, some of that, but the fence --  
 9 MS. ELLERBRAKE: Objection.  
 10 THE WITNESS: The fence --  
 11 MS. ELLERBRAKE: Argumentative. He's  
 12 answered the question. He doesn't know. You can't  
 13 make him remember what he doesn't remember.  
 14 MR. GREENMAN: Thank you for that. Please  
 15 don't interrupt the deposition.  
 16 BY MR. GREENMAN:  
 17 Q. Go ahead.  
 18 A. I would say not from the fence because it's on the  
 19 upper part of my hand, and I didn't go through the  
 20 fence, you know, in this direction, you know, when I  
 21 jumped over it so --  
 22 Q. Okay. Go to this photograph that shows dirt on --  
 23 well, yeah, dirt on your boots and some on your knee,  
 24 left knee.  
 25 A. Yes.

Page 30

Page 32

1 Q. Okay. Can you go to the photograph that shows the cut  
 2 on your hand?  
 3 A. The close-up?  
 4 Q. Yeah, that one. Now, this shows and then the next  
 5 photograph also shows a close-up of a -- like a  
 6 laceration to your hand. Do you see that, the right  
 7 next one.  
 8 MR. GREENMAN: Do you have that, Laurie?  
 9 MS. ELLERBRAKE: Yep, I do.  
 10 BY MR. GREENMAN:  
 11 Q. Would you agree that likely you didn't have that cut  
 12 in your hand until you jumped the fence of 8090 to  
 13 slash 8080 Whitcomb?  
 14 A. I would say that's fair, yes.  
 15 Q. Okay. Is that how you believe you likely got that cut  
 16 on your hand?  
 17 A. I'm not certain from what -- you're asking how I got  
 18 it?  
 19 Q. Yeah.  
 20 A. From what?  
 21 Q. I'm asking is it reasonable to believe you probably  
 22 got it on the fence, cutting it on the fence?  
 23 A. I would say actually no, most likely not.  
 24 Q. Okay. How do you believe you got that cut on your  
 25 right hand?

1 Q. I assume that the dirt is from the part of 8080  
 2 Whitcomb that we'll get to that was on the side of the  
 3 fence when you jumped over the fence?  
 4 A. Yes.  
 5 Q. You didn't land on your feet. You landed somehow  
 6 otherwise not on your feet?  
 7 A. Correct.  
 8 Q. And so your clothing and your boots got dirty --  
 9 A. Correct.  
 10 Q. -- correct?  
 11 Now, eventually you get to a situation  
 12 where in chasing Kevin Matthews you're on a cement  
 13 pad, so to speak, is that right?  
 14 A. The driveway approaching?  
 15 Q. Yeah, the driveway.  
 16 A. Yes.  
 17 Q. And, by the way, have you been to the scene since the  
 18 shooting?  
 19 A. No, sir.  
 20 Q. Have you attempted to -- have you been involved in any  
 21 re-creations of the scene?  
 22 A. No, sir.  
 23 Q. So clearly your boots couldn't have gotten dirty on  
 24 the cement slab.  
 25 A. If it was all cement. I don't recall if there was --

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 33

Page 35

1 if it was one of those driveways where it had packed  
 2 grass and mud or -- but if it was all cement, then no.  
 3 Q. The photographs we're looking at from the hospital,  
 4 were those -- have you ever seen those?  
 5 A. Yes.  
 6 Q. Okay. So you reviewed them before your dep?  
 7 A. Yes.  
 8 Q. At least within the last few months?  
 9 A. Yes.  
 10 Q. So now we go to the photograph that shows dirt on your  
 11 back side, so to speak.  
 12 A. Yes.  
 13 Q. So we have dirt on your left arm?  
 14 A. Mm-hum.  
 15 Q. Between your elbow and your shoulder, correct?  
 16 A. Correct.  
 17 Q. And dirt on your back side which is just a little bit  
 18 below your butt, is that true?  
 19 A. Yes.  
 20 Q. And can you rotate that yourself?  
 21 A. Sure.  
 22 Q. What is the -- what do you have in a pocket on your  
 23 left leg? It almost looks like a knife, but I  
 24 wouldn't assume it's a knife.  
 25 A. Yes. That's what it is, yeah. It's a --

1 BY MR. GREENMAN:  
 2 Q. Doesn't look to be any --  
 3 MS. ELLERBRAKE: That's okay. Go ahead.  
 4 BY MR. GREENMAN:  
 5 Q. Doesn't look to be anything wrong with your left ear?  
 6 A. No.  
 7 Q. Okay. So there's some photographs taken. I assume  
 8 this is at Ms. Ellerbrake's office?  
 9 A. No, that's not correct.  
 10 Q. And where is this photograph taken?  
 11 A. This is at the police station in the --  
 12 Q. Do you know who took that dep? That picture. Sorry.  
 13 A. Corporal Nisha, same as the Oakwood, responded for  
 14 this as well.  
 15 Q. Was this after?  
 16 A. Yes, it was.  
 17 Q. So you get cleaned up and you're now in -- is this  
 18 around the same time that you meet in the -- you said  
 19 the -- some room.  
 20 A. Yeah. This is our school resource office for school  
 21 on the second floor I remember. I don't recall the  
 22 date. It was not the same day, I can tell you that.  
 23 Q. Was this after you executed and signed Exhibit 1, your  
 24 report?  
 25 A. Yes. Yes, it was.

Page 34

Page 38

1 Q. Is it a knife?  
 2 A. Yes.  
 3 Q. Okay. And how is that attached into that little  
 4 pocket?  
 5 A. That has a really strong -- I don't know if you've  
 6 ever seen the clasp or the metal clasp that will  
 7 attach to the pocket.  
 8 Q. Okay. So here again you can run down the street and  
 9 your knife doesn't fall out?  
 10 A. Correct.  
 11 Q. Okay. Um -- there's a photograph -- strike um.  
 12 There's a photograph I think of your right ear. Can  
 13 you show that to the videotape operator? Any idea why  
 14 we're looking at that?  
 15 A. I guess it's got some redness to it. That would be  
 16 the only thing I could see. It's redder than usual.  
 17 Q. Okay. You didn't have any injury to your right ear,  
 18 did you?  
 19 A. Not -- I mean, not specific or apparent, you know,  
 20 just --  
 21 Q. Okay. And there's also a photograph of your left ear.  
 22 Can you go to this one?  
 23 MR. GREENMAN: Am I going too fast, Laurie?  
 24 MS. ELLERBRAKE: Yep.  
 25 MR. GREENMAN: This one, going backwards.

1 Q. It was after December 24th?  
 2 A. Yes.  
 3 Q. Can I see Exhibit 1 again, please?  
 4 A. Yes.  
 5 Q. Can I ask why is this considered a supplemental  
 6 report? Why isn't it just your report? What's it  
 7 supplement I guess?  
 8 A. I imagine other reports were already submitted. As  
 9 far as the administrative part of it, all I did is  
 10 typed my report, statement report, on the document and  
 11 saved it and then administratively whoever uploaded it  
 12 onto that form did it that way. You know, I can't  
 13 answer I guess really why it says supplemental.  
 14 Q. Okay. But if you look at the bottom of the page,  
 15 left-hand margin at the bottom it says original and  
 16 then underneath that it says supplemental. Do you see  
 17 that?  
 18 A. Yes, I see that.  
 19 Q. Well, one would, you know, ponder was this the  
 20 original -- your original report or was there an  
 21 original report. One could think that perhaps, right?  
 22 A. Yeah, I could see that. I'm not sure why it's checked  
 23 off supplemental, but that's my one and only report I  
 24 wrote.  
 25 Q. Do you recall when these photographs were taken where

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 37

1 you -- you're shown with your blue shirt?  
 2 A. Not exactly. I mean, I know it's documented.  
 3 MS. ELLERBRAKE: Number one in that packet,  
 4 unless you want him to answer the question, it gives  
 5 you all that information.  
 6 MR. GREENMAN: Okay. Fine.  
 7 BY MR. GREENMAN:  
 8 Q. December 28th?  
 9 A. December 28th? Okay. Yeah.  
 10 Q. There's another photograph that looks like you have a  
 11 little bruise on your left arm?  
 12 A. Yes.  
 13 Q. I don't want to say little bruise. A bruise on your  
 14 left arm. Do you see that?  
 15 A. Yes, I do.  
 16 Q. Is that a bruise that you got in the encounter with  
 17 Mr. Matthews?  
 18 A. Yes. Yes, sir.  
 19 Q. Okay. You know, I have to say I'm thinking, you know,  
 20 you're curling what, with dumbbells 20 -- 45 pounds  
 21 apiece? I mean, you got some pipes there.  
 22 MS. ELLERBRAKE: Objection, irrelevant.  
 23 You can put the picture down now.  
 24 BY MR. GREENMAN:  
 25 Q. That's really a question. I want you to answer it.

Page 38

1 When you do biceps curls -- you have to do biceps  
 2 curls to have biceps like that, am I wrong?  
 3 A. Yes. I actually don't do arms.  
 4 Q. You don't do any arms, right? You're telling me that?  
 5 A. Yes, because when I -- I feel when I do chest or back  
 6 it's --  
 7 Q. You get too big too fast.  
 8 A. -- it's ancillary so you're still working them out so  
 9 I don't need to isolate arms.  
 10 Q. Pretty strong guy, you are?  
 11 A. Not particularly.  
 12 Q. Okay. So in 2015 when you went to Oakwood Hospital,  
 13 the records indicate that your height is six foot two  
 14 and you're 215 pounds. Was that accurate at the time?  
 15 A. That's from Oakwood Hospital --  
 16 Q. Yeah.  
 17 A. -- where I got weighed? You know, all my stuff was on  
 18 so I was probably 205 I would guess at that time.  
 19 Q. Okay. Well, if we throw on five to six pounds of  
 20 Kevlar, that's maybe 210?  
 21 A. With all the -- if I got weighed with all the belt --  
 22 I can't remember how I was weighed, but the boots that  
 23 I wear and all that, you know, I would say, you know,  
 24 20 pounds fearfully, you know, with the firearm as  
 25 well, the replacement.

Page 39

1 Q. I'm sure you're not getting weighed with a firearm,  
 2 but I digress. So let's look at these Oakwood  
 3 records. When you went into Oakwood, you talked to  
 4 the care providers about what happened, right?  
 5 A. A little bit, vaguely, not the full --  
 6 Q. Okay. The records indicate you signed in at 2:05.  
 7 You wouldn't disagree with that, would you?  
 8 A. No, I would not.  
 9 Q. Okay. And there's a note from the medical record that  
 10 says chasing yard, hopped fences. Did you see that?  
 11 A. No.  
 12 Q. This is the Oakwood record.  
 13 A. Thank you.  
 14 Q. Chasing yard, hopped fences. Do you see that?  
 15 A. Yes.  
 16 Q. You didn't hop only but one fence, right?  
 17 A. Correct.  
 18 Q. But she has it in quotes, hopped some fences. You  
 19 didn't hop some fences. You only hopped one, and  
 20 that's the fence between 8090 and 8080 Whitcomb, true?  
 21 A. Correct.  
 22 Q. Okay. I want to show you this document. This is the  
 23 Oakwood Hospital record that has admission document  
 24 such that when a nurse or care provider asks you how  
 25 tall you are and what do you weigh, it has your

Page 40

1 dimensions. Did you ever see that before today?  
 2 A. No, sir.  
 3 Q. And the dimensions that are indicated on that document  
 4 are you weigh 215 pounds, you're six foot two,  
 5 correct?  
 6 A. Correct.  
 7 Q. Thanks.  
 8 A. Sure.  
 9 Q. Do you know how much Kevin Matthews weighed?  
 10 A. I believe 165 pounds.  
 11 Q. You had been in contact with Kevin Matthews many, many  
 12 times, had you not?  
 13 MS. ELLERBRAKE: Objection to the  
 14 characterization many, many times.  
 15 MR. GREENMAN: I'll withdraw the question.  
 16 BY MR. GREENMAN:  
 17 Q. You had come into contact as a police officer for the  
 18 City of Dearborn many times, had you not?  
 19 A. Approximately three or four times, sir.  
 20 Q. Okay. And when you shot Kevin Matthews, you were  
 21 employed for the City of Dearborn, were you not?  
 22 A. Yes, I was.  
 23 Q. And you intentionally shot and killed him because you  
 24 were -- according to your report, you were in fear of  
 25 your life, is that true?

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 41

1 A. I shot to stop the threat, yes, that's true.  
 2 Q. When you stopped your car at the location north of  
 3 Tireman on Whitcomb, you saw Kevin Matthews coming  
 4 down that alleyway, correct?  
 5 A. Coming - he was on Tireman, then -  
 6 Q. He was already on Tireman?  
 7 A. On Tireman and going north going towards the  
 8 Whitcomb - towards the alley and that's when I pulled  
 9 up and he was right by that alley there.  
 10 Q. Okay. And were any other people around?  
 11 A. Not that I observed, no, sir.  
 12 Q. When you were chasing Kevin Matthews, did you pass  
 13 people on the sidewalk?  
 14 A. No, I did not.  
 15 Q. Did you yell police, stop?  
 16 A. Yes, I did.  
 17 Q. Okay. You think Kevin saw you visually, true?  
 18 A. Yes, sir.  
 19 Q. And as you - did you go directly to the 8090 Whitcomb  
 20 driveway slash apron of the driveway?  
 21 A. No, sir.  
 22 Q. Okay. So where did you go first?  
 23 A. We both had sprinted north on Whitcomb, and there was  
 24 a lot of zigzagging, you know, northeast, northwest,  
 25 back and forth.

Page 43

1 A. Can you repeat - the physical contact, when my first  
 2 physical contact was?  
 3 Q. Yeah, yeah, yeah. I had asked you two questions ago  
 4 you made your first physical contact with Kevin  
 5 Matthews before he jumped over the fence. You said  
 6 yes, but you want to correct that. You didn't  
 7 apparently make physical contact with Kevin Matthews  
 8 until after he jumped over the fence?  
 9 A. Correct, physically. Contact, verbal contact  
 10 previously. Okay. So actual physical was after.  
 11 Q. You when came up - again, we now know it's 8090  
 12 Whitcomb.  
 13 A. Yes.  
 14 Q. Did you see any neighbors in the house or milling  
 15 around the porch or anything like that?  
 16 A. No, I did not.  
 17 Q. And when you eventually got into the 8080 Whitcomb  
 18 premises, the backyard, you never saw anybody there,  
 19 either, did you?  
 20 A. No, I didn't.  
 21 Q. Did you hear the dog bark?  
 22 A. No, I did not.  
 23 Q. Did you ever yell to Kevin Matthews stop it, stop it?  
 24 A. Yes.  
 25 Q. Did you ever - did Kevin Matthews ever yell to you

Page 42

1 Q. Okay. I guess what I'm asking is you eventually get  
 2 to 8090 Whitcomb. You probably don't know that's the  
 3 address, but in retrospect you know it's 8090  
 4 Whitcomb, correct?  
 5 A. Correct.  
 6 Q. Did you pass any civilians at all?  
 7 A. No, sir, not that I observed.  
 8 Q. Okay. So when you got to 8090 Whitcomb, Kevin runs up  
 9 the driveway?  
 10 A. Correct.  
 11 Q. And it's my understanding that's where the first -  
 12 your first time to actually engage him physically to  
 13 arrest him?  
 14 A. Correct.  
 15 Q. And does Kevin break away from you and jump over the  
 16 fence?  
 17 A. I didn't make contact prior to the fence. He had  
 18 already jumped over the fence.  
 19 Q. Okay. Then let me just - I'm going to have the court  
 20 reporter read back the last question. That means that  
 21 you didn't understand my last question because I think  
 22 I asked is that when you first physically made contact  
 23 with him before he jumped over the fence. I won't  
 24 have her do that, but if that's what the record says,  
 25 you need to correct that record then, right?

Page 44

1 get off me, get off me?  
 2 A. Not that I recall, no.  
 3 Q. Did you say get off me, get off me?  
 4 A. Possibly. I was saying a lot.  
 5 Q. Well, you just told me that you said stop it, stop it.  
 6 There is a witness who can recall somebody yelling get  
 7 off me, get off me. You never yelled get off me, get  
 8 off me, did you?  
 9 A. I most probably did if that's what -  
 10 Q. You most probably did?  
 11 A. If that's what the witness said because it wasn't  
 12 Kevin Matthews that was saying that.  
 13 Q. Getting back to these records from Oakwood Hospital -  
 14 well, I'm going to do this first. Once you shot your  
 15 weapon, you knew that the bullets that you had shot  
 16 that had come from your weapon had taken effect,  
 17 correct?  
 18 A. Correct.  
 19 Q. I didn't see in any reports that you tried to render  
 20 aid to Kevin Matthews. You didn't, did you?  
 21 A. No, I did not.  
 22 Q. Okay. And when you left the scene - strike that.  
 23 Before I ask that question, I'd like to ask you this  
 24 question. So you acknowledge that when you finished  
 25 discharging your weapon, you knew that the bullets

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 46

1 that had come from your weapon had taken effect. Did  
 2 Kevin Matthews say anything to you after he had been  
 3 shot at least the first time?  
 4 A. No, sir.  
 5 Q. Did he move at all?  
 6 A. No, sir.  
 7 Q. Pretty much you were certain that he was going to die?  
 8 A. No, sir.  
 9 Q. Well, you had shot your gun how many times?  
 10 A. I do not recall. Multiple times.  
 11 Q. Okay. What do we know now or still don't you know?  
 12 A. From the county report, I know it's nine times.  
 13 Q. No. You shot your gun eleven times. There were  
 14 eleven shell casings at the scene. Kevin Matthews  
 15 never shot any gun, did he?  
 16 A. No, he did not.  
 17 Q. You can't provide me with one piece of evidence that  
 18 suggests he had any weapon ever in his hand, can you?  
 19 A. Yes, I can.  
 20 Q. That was your weapon?  
 21 A. Yes, sir.  
 22 Q. So he had your weapon in his hands?  
 23 MS. ELLERBRAKE: Again I'm going to object  
 24 to the use of the word weapon. There are a lot of  
 25 things that can be a weapon. If it's a gun, then say

Page 46

1 gun.  
 2 MR. GREENMAN: That's fair.  
 3 BY MR. GREENMAN:  
 4 Q. You can't provide me with any evidence that Kevin  
 5 Matthews had a sharp utensil like a knife, scissors or  
 6 anything that was causing peril to you, correct?  
 7 A. A knife, sharp utensil?  
 8 Q. Anything.  
 9 A. No, sir.  
 10 Q. Nothing. And by the time he jumps over the fence --  
 11 well, strike that. A reasonable -- are you a  
 12 reasonable police officer?  
 13 A. Yes, sir.  
 14 Q. Were you acting reasonably on December 23, 2015, when  
 15 you were chasing Kevin Matthews?  
 16 A. Yes, sir.  
 17 Q. I had asked you in questions did he have any weapon in  
 18 his hand and you told me I don't know. Do you  
 19 remember that?  
 20 A. Correct.  
 21 Q. Do you want to see those questions and answers?  
 22 A. I don't need to, sir.  
 23 Q. Okay. Well, you didn't tell the truth on that, did  
 24 you?  
 25 MS. ELLERBRAKE: Objection, argumentative.

Page 47

1 BY MR. GREENMAN:  
 2 Q. You're chasing a man down a street and you're going to  
 3 tell a jury you're chasing him and he may have a gun  
 4 in his hand, you're going to case him anyway?  
 5 MS. ELLERBRAKE: Objection. It's a weapon  
 6 or a gun?  
 7 MR. GREENMAN: I just said a gun.  
 8 MS. ELLERBRAKE: Okay. Before it was a  
 9 weapon.  
 10 MR. GREENMAN: A gun.  
 11 THE WITNESS: The reason we answered the  
 12 way we did -- or I answered, excuse me, the way we did  
 13 is because I had information, a fleeing suspect. I  
 14 can't see, so I can't say yes or no definitively.  
 15 BY MR. GREENMAN:  
 16 Q. You're chasing him down the street. You can't see if  
 17 he has a gun in his hand?  
 18 A. No.  
 19 MS. ELLERBRAKE: Asked and answered,  
 20 argumentative.  
 21 BY MR. GREENMAN:  
 22 Q. Did you say no?  
 23 A. No, I cannot see his hands.  
 24 Q. And you're going to chase him anyway? He could simply  
 25 turn around and shoot you if he had a gun in his hand.

Page 48

1 You're still going to chase him?  
 2 A. I'm still going to do my job and try to place him  
 3 under arrest like I was --  
 4 Q. The point of the matter is he did not have a gun in  
 5 his hand, and you never saw him have a gun in his hand  
 6 up to the time he jumps over the fence, fair?  
 7 A. I never saw a gun in his hand.  
 8 Q. Okay. By the time you leave the scene of 8080  
 9 Whitcomb and you knew that your -- the bullets that  
 10 had come from your gun had taken effect on  
 11 Mr. Matthews and you then go to the Beaumont Oakwood  
 12 Hospital, is it clear in your mind likely Kevin  
 13 Matthews was dead or was going to die?  
 14 A. No, sir.  
 15 Q. So what was your thought process about him? Nothing?  
 16 A. Regarding? What thought process? What --  
 17 Q. Whether you just killed somebody.  
 18 A. It was on my mind. This is not something to take  
 19 lightly, of course, but I was not certain on the  
 20 status.  
 21 Q. Okay. The history from Oakwood Hospital Page 5 says  
 22 the following: This is a 20-year-old gentleman --  
 23 29-year-old gentleman. You were 29 at the time,  
 24 right?  
 25 A. Yes, sir.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 49

Page 51

1 Q. Who was in an altercation while at work. The patient  
 2 is a member of a 21 police force. It says please  
 3 force.  
 4 MS. ELLERBRAKE: Twenty-one police force?  
 5 MR. GREENMAN: It says 21, yeah.  
 6 BY MR. GREENMAN:  
 7 Q. And was involved with chasing and then wrestling with  
 8 an assailant. Are those your words? You were chasing  
 9 and then wrestling with an assailant?  
 10 A. I can't recall exactly what I said. I do - I will  
 11 tell you that we did not get into specifics on - with  
 12 the hospital staff on, you know, the actual shots  
 13 fired and things like that.  
 14 Q. Fairly stated, but I'm not asking you that.  
 15 A. Okay.  
 16 Q. I'm asking you did you - might have you used the  
 17 words, verbs chasing and wrestling with an assailant?  
 18 A. It's possible.  
 19 MS. ELLERBRAKE: If you know. Lack of  
 20 foundation.  
 21 THE WITNESS: It was long ago. I don't  
 22 know exactly.  
 23 BY MR. GREENMAN:  
 24 Q. Before Kevin Matthews jumps over the 8090 slash -  
 25 from now on we'll just call it the fence, is that

1 A. Okay.  
 2 Q. The point is you didn't run up to the fence and  
 3 literally vault such that you placed your feet on the  
 4 fence and then used the fence as sort of a  
 5 springboard. You didn't do that, did you?  
 6 A. No, sir.  
 7 Q. And it's my understanding as shown in some of the  
 8 videos that we're going to get to you had a hat on as  
 9 a police officer for the City of Dearborn, did you  
 10 not?  
 11 A. Yes, I did.  
 12 Q. And typically in your right hand pocket you would have  
 13 your arrest key and a ball point pen?  
 14 A. Correct.  
 15 Q. And -  
 16 MS. ELLERBRAKE: Handcuff key?  
 17 BY MR. GREENMAN:  
 18 Q. I said arrest key. I'm sorry. It's a handcuff key.  
 19 A. Handcuff key, yes.  
 20 Q. Which is - sort of has the configuration of a pen,  
 21 but at the bottom of the handcuff key is a little  
 22 cross, so to speak, that unlocks your handcuffs?  
 23 A. Right. Correct.  
 24 Q. Is that true?  
 25 A. Yes, sir.

Page 50

Page 52

1 fair?  
 2 A. Yes.  
 3 Q. No sense to keep saying it 8090, but we agree it's the  
 4 boundary line, so to speak, between 8090 Whitcomb and  
 5 8080 Whitcomb, is that fair?  
 6 A. Yes, sir.  
 7 Q. Do you ever - I want to make sure we can move  
 8 forward. We can agree that you never made any  
 9 physical contact with Kevin Matthews up to the time he  
 10 jumps over the fence?  
 11 A. Correct.  
 12 Q. How does Kevin Matthews jump over the fence?  
 13 A. He does it like in normal fashion, so to speak, you  
 14 know, using his leg and climbing, like in climbing it  
 15 and then hopping over so -  
 16 Q. Like straddling it?  
 17 A. Correct.  
 18 Q. Okay. On the other hand, some people can simply go  
 19 over a fence where they place their belly on the fence  
 20 and they sort of flip over. Is that how you did it?  
 21 A. I basically leaped, yeah, leaped over it, you know,  
 22 kind of like this way. It wasn't extremely high.  
 23 Q. Okay. Well, it's over four feet high, isn't it?  
 24 A. I'm not sure. I didn't measure it.  
 25 Q. Okay. Let's assume it is.

1 MS. ELLERBRAKE: I'll just take that.  
 2 THE WITNESS: You want to take that?  
 3 MS. ELLERBRAKE: Yes.  
 4 BY MR. GREENMAN:  
 5 Q. Did Kevin Matthews ever like punch you in the face?  
 6 A. Not in face, no.  
 7 Q. Okay. So neither with his right hand or left hand, he  
 8 never punched you in the face?  
 9 A. No, sir.  
 10 Q. Okay. Did you ever punch him in the face?  
 11 A. Yes, sir.  
 12 Q. Where did you punch him in the face? On the grass,  
 13 the grass, muddy area?  
 14 A. Yes, sir.  
 15 Q. You're right-handed, fair?  
 16 A. Yes, sir.  
 17 Q. So you would have punched probably with your right  
 18 hand?  
 19 A. Yes, sir.  
 20 Q. Was it one-time punch or what was it?  
 21 A. Two strikes, sir.  
 22 Q. Two strikes right in the face?  
 23 A. In the jaw.  
 24 Q. Right in the jaw?  
 25 A. Yes.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 53

1 Q. Okay. You ever been in a fight in bar?  
 2 A. No, sir.  
 3 Q. You've been I assume as a police officer in a lot of  
 4 fights or a lot of struggles with individuals,  
 5 civilians, fair?  
 6 A. A few, yes, sir.  
 7 Q. So sometimes one can see that someone who's going to  
 8 deliver a blow to the face will actually take with the  
 9 left hand grab clothing to sturdy the person they're  
 10 going to hit and then strike with their right hand.  
 11 Is that how you did it?  
 12 A. I don't recall what my left hand was doing.  
 13 Q. Okay. Did you -- when you struck Kevin Matthews twice  
 14 in the -- the right jaw?  
 15 A. Yes, right. It would have been right jaw, yes.  
 16 Q. Okay. Is this immediately after jumping over the  
 17 fence?  
 18 A. No, sir.  
 19 Q. Okay. When you jumped over the fence, you didn't land  
 20 on your feet, did you?  
 21 A. No, sir.  
 22 Q. When Kevin Matthews jumped over the fence, neither did  
 23 he, did he?  
 24 A. I'm not sure how he landed.  
 25 Q. Once you started shooting your weapon, you continued

Page 55

1 pulling the trigger or simply having your finger on  
 2 the trigger of your what? Is that a 40-caliber Glock?  
 3 A. Yes, sir.  
 4 Q. So does that tell us that if you simply hold your  
 5 finger down on the trigger, the weapon will continue  
 6 to disengage a bullet, shoot a bullet?  
 7 A. No, sir. It's a semiautomatic and not an automatic so  
 8 you do have to do what's called a trigger reset which  
 9 slightly for each shot is accounted for with a trigger  
 10 pull.  
 11 Q. So -- okay. So from an audio standpoint, you would  
 12 agree that sounding of what had occurred was something  
 13 like (indicating) bam, something like that?  
 14 A. Yes, sir.  
 15 Q. Whether it's nine or eleven, it would occur that fast,  
 16 correct?  
 17 A. Yes, sir.  
 18 Q. Okay. When that occurred, when you were doing that,  
 19 as stated in your report, Kevin Matthews was standing  
 20 over you, true?  
 21 A. Correct.  
 22 MR. GREENMAN: I need to go to the bathroom  
 23 so let's take a break.  
 24 MS. ELLERBRAKE: Okay. Let's take a break.  
 25 VIDEO TECHNICIAN: We're pausing 9:53:38.

Page 54

1 shooting until you stopped, correct?  
 2 A. Correct.  
 3 Q. From the time period you started shooting until the  
 4 end of your shooting, can you recollect how much time  
 5 passed?  
 6 A. From the first shot to the last shot?  
 7 Q. Sure.  
 8 A. Very short. I would say under two seconds.  
 9 Q. So in two seconds -- well, strike that. I'm going to  
 10 take that answer, but I started to ask another  
 11 question. Let me ask you this. You don't deny if  
 12 there are eleven shell casings at the scene, those are  
 13 your shell casings from shooting your weapon, correct?  
 14 A. I can't -- you know, because -- no, I can't affirm  
 15 that because I read the report of there being nine  
 16 shots.  
 17 Q. Okay. You don't have any recollection that there were  
 18 eleven shell casings at the scene?  
 19 A. No, sir.  
 20 Q. But you believe from the time you started shooting  
 21 until the end of your discharging your weapon was  
 22 probably two seconds, correct?  
 23 A. Or under, yes, sir.  
 24 Q. Or under. And so what does that -- what does that  
 25 tell us with regard to the rapidity of you either

Page 56

1 (Off the record at 9:53 a.m.)  
 2 (Back on the record at 10:04 a.m.)  
 3 VIDEO TECHNICIAN: Back on the record  
 4 10:04, 50 seconds.  
 5 BY MR. GREENMAN:  
 6 Q. You've -- have you ever testified in a deposition  
 7 before? This is a deposition.  
 8 A. Yes, sir.  
 9 Q. How many occasions?  
 10 A. One time, sir.  
 11 Q. And what did that circumstance arise out of?  
 12 A. It was a civil matter, you know, much less than what  
 13 it is like today as far as personnel that was there,  
 14 but it involved a bus in Dearborn that hit a  
 15 pedestrian at the --  
 16 Q. A bus?  
 17 A. Yeah, like a train.  
 18 Q. So you were like a witness?  
 19 A. Correct, yeah. I wrote the UD-10 crash report, right,  
 20 so yeah.  
 21 Q. Okay. But you testify in court frequently I assume in  
 22 the district court?  
 23 A. Yes, occasionally.  
 24 Q. Once a week or no?  
 25 A. Lately it's been on -- for arraignments, you know, my

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 57

1 position with the accident investigation bureau,  
 2 arraignments and probable cause hearings and things  
 3 like that.  
 4 Q. In terms of your future moving forward, are you  
 5 seeking to become a detective? I mean, how does that  
 6 work?  
 7 A. Currently right now I'm assigned to the accident  
 8 investigation bureau which is a detective role  
 9 specific with accident reconstruction and things of  
 10 that nature so --  
 11 Q. Have you taken any accident reconstruction courses?  
 12 A. Yes, I have.  
 13 Q. Was that the Northwestern course?  
 14 A. We do it through MSU traffic safety through Michigan  
 15 State University. I mean, they hold the classes at  
 16 Schoolcraft College or Oakland College, but it's  
 17 through MSU traffic safety.  
 18 Q. Once you left Oakwood Hospital, I assume that your  
 19 uniform was placed in safekeeping and you turned it  
 20 over to your supervisors. Is that -- do you have  
 21 knowledge of that or no?  
 22 A. Yes. At Oakwood Hospital I removed whatever said  
 23 items, vest, uniform shirt, duty belt, things of that  
 24 nature to the evidence technician that had taken the  
 25 pictures.

Page 68

1 some like a report that's made by a supervisory  
 2 officer that basically says we have some crime going  
 3 over here, we have some crime going over here, which  
 4 just gives the officers -- sort of the patrol officers  
 5 of which I consider you a patrol officer at the time,  
 6 fair?  
 7 A. Yes.  
 8 Q. Like sort of a daily news briefing of the police  
 9 activities in the City of Dearborn. Did something  
 10 like that go on on the morning of the 24th with you?  
 11 The 23rd, I'm sorry.  
 12 A. Yes, sir.  
 13 Q. You were in the TAC -- you were a TAC officer?  
 14 A. Yes, sir.  
 15 Q. T-A-C, TAC?  
 16 A. Correct.  
 17 Q. And your code at the time on the morning of the 23rd  
 18 was TAC-1?  
 19 A. Correct.  
 20 Q. It's my understanding from other officers who I've  
 21 deposed that your regular supervisory officer was off  
 22 that morning and you had some other supervisory  
 23 officer. Do you recall who that was?  
 24 A. It would have been Sergeant Vinnie -- Vincent Belloli.  
 25 Q. Sure about that? I think some other name was given to

Page 58

1 Q. Okay. You were placed on administrative leave,  
 2 correct?  
 3 A. Yes.  
 4 Q. Were you allowed to return to work at some point in  
 5 time before the prosecutor's decision?  
 6 A. No, sir.  
 7 Q. So you had to stay off work for a year?  
 8 A. Yes, sir.  
 9 Q. Did you come back on a few weeks within the time  
 10 period of the prosecutor's decision not to issue a  
 11 warrant?  
 12 A. Yes, sir.  
 13 Q. Okay. And have you been able to in essence rejoin the  
 14 ranks as a regular officer now?  
 15 A. Yes, sir.  
 16 Q. Okay. The night before Kevin Matthews was killed, he  
 17 was at the Citgo gas station. You have an  
 18 understanding of that, correct?  
 19 A. Correct.  
 20 Q. And so I've asked many officers -- and, by the way,  
 21 did you read any depositions of the other officers  
 22 I've deposed in this case?  
 23 A. No, sir.  
 24 Q. Okay. It's my understanding on occasion when police  
 25 officers come in for a shift, there's actually like

Page 60

1 me, but be that as it may, that's your best  
 2 recollection?  
 3 A. Well, he was the -- definitely the patrol sergeant on  
 4 duty for that shift and the second one on my scene.  
 5 Q. Okay. You being the first one on the scene?  
 6 A. Correct. Well, Corporal Carroni as far as backup was  
 7 the first at the scene.  
 8 Q. Was it at the morning report where you first became  
 9 aware that there was an attempt to arrest Kevin  
 10 Matthews at the Citgo gas station?  
 11 A. I don't recall on the roll call or in the morning  
 12 reports or the briefings being told. I know it was  
 13 articulated -- it was articulated to me, and I read  
 14 the report before roll call, the specific report from  
 15 the night.  
 16 Q. Okay. So you had knowledge -- was the report actually  
 17 completed?  
 18 A. Correct.  
 19 Q. Okay. And you make reference in your Exhibit 1, your  
 20 supplemental report, that you actually looked at the  
 21 LEIN on Kevin Matthews.  
 22 A. Correct.  
 23 Q. Do you recall that?  
 24 A. Yes, sir.  
 25 Q. And you had had contact with him two or three times



Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 61

Page 63

1 before at least, true?  
 2 A. True.  
 3 Q. Now, did it refresh your memory in the morning of the  
 4 23rd that when you looked at the LEIN that this is a  
 5 young man that I know?  
 6 A. Correct.  
 7 Q. Okay. Did you understand that Mayor O'Reilly actually  
 8 made a statement about your relationship with Kevin  
 9 Matthews? Did you ever see that statement?  
 10 A. I believe I read part of it on the -- whatever posted  
 11 the news.  
 12 Q. It was a news clipping or something like that?  
 13 A. Correct.  
 14 Q. And he said that -- something to the effect that you  
 15 had a positive relationship with him. Was that  
 16 information that you had delivered to other people at  
 17 the force here?  
 18 A. No, sir.  
 19 Q. Is that anything that came from you?  
 20 A. No, sir.  
 21 Q. Did you have a positive relationship with Kevin  
 22 Matthews?  
 23 A. Never any issues with him. You know, I've taken him  
 24 into custody, but it's all been, you know --  
 25 Q. Was he ever violent to you?

1 Q. And what was that?  
 2 A. I don't know, sir.  
 3 Q. Okay. So this -- so as it relates to your prior  
 4 contacts with Kevin Matthews, and you brought up the  
 5 Secretary of State, Secretary of State is the  
 6 government agency that deals with, you know, among  
 7 other things, motor vehicles?  
 8 A. Correct.  
 9 Q. And activities with driver's licenses and things of  
 10 that nature?  
 11 A. Yes.  
 12 Q. You know Kevin Matthews never had a driver's license,  
 13 right?  
 14 A. Correct.  
 15 Q. Did you ever ask him why, where's your driver's  
 16 license?  
 17 A. No. I knew he had the Michigan ID card and not a  
 18 license identifier, but I never asked him why he  
 19 doesn't drive or anything like that.  
 20 Q. But you figured out he -- in all your activity with  
 21 him, you never had any activity with him driving a  
 22 car?  
 23 A. I have not, no.  
 24 Q. And so this was a person that you would see on  
 25 occasion simply walking the neighborhood of Dearborn

Page 62

Page 64

1 A. No, sir.  
 2 Q. As far as you're aware, was he ever charged with any  
 3 crimes, serious crimes like murder or rape?  
 4 A. I don't recall his criminal history. I'm not sure.  
 5 Q. This is -- these are important issues, aren't they, as  
 6 it relates to whether he had a violent tendency?  
 7 A. Yes, sir, I'd agree.  
 8 Q. Okay. So as far as you're aware, even looking at the  
 9 LEIN, which is -- explain what the LEIN is to the  
 10 members of the jury.  
 11 A. A LEIN is going to be -- show his active warrants, you  
 12 know, in that his driving record would be on there,  
 13 Secretary of State LEIN work, any protection orders,  
 14 mental orders, things of that nature, and then also  
 15 one thing that -- you know, officer safety caution,  
 16 which it's not specific about a murder or a rape or  
 17 anything like that as far as the specific on charges,  
 18 but there's an officer safety caution or a SID number  
 19 which Mr. Matthews has. That's more part of LEIN work  
 20 that lets an officer know there is some -- you know,  
 21 there's been a charge in his past on a  
 22 civil conviction of a crime that was violent in  
 23 nature.  
 24 Q. Did he have a SID number?  
 25 A. Yes, sir.

1 on occasion, right?  
 2 A. Or on a bike, yes.  
 3 Q. Or on a bike.  
 4 A. He was typically walking, though, yes.  
 5 Q. And did you know or not know he had mental issues?  
 6 A. I did not know.  
 7 Q. Okay. So we have an individual who's always -- who  
 8 just whenever you would see him he would be in the  
 9 neighborhood. You had stopped him a few times and  
 10 arrested him a few times, correct?  
 11 A. Correct.  
 12 Q. For serious or nonserious crimes?  
 13 A. Depending on your definition. I mean, misdemeanors.  
 14 Q. Okay. And he didn't have a driver's license and as  
 15 far as you're aware didn't own a car, correct?  
 16 A. Correct.  
 17 Q. In the times that you were communicating with him, did  
 18 you ever ask him, you know, what do you do for a  
 19 living, are you employed, why don't you have a car,  
 20 why don't you have a driver's license, anything like  
 21 that?  
 22 A. Never specifically on the car. I'm sure -- I can't  
 23 recall. I'm sure I've asked him about his employment  
 24 situation because of all the problems at the Citgo he  
 25 had been causing so I wanted to kind of know a

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 65

1 circumstance, but I can't -- you know, I can't recall  
 2 specific.  
 3 Q. I guess I -- the officer safety, I guess I don't  
 4 understand what you were telling me there.  
 5 A. From the LEIN?  
 6 Q. Yeah, yeah.  
 7 A. Yeah. There's the -- when you type in an individual  
 8 on the LEIN, a separate screen will come up that  
 9 notifies you of officer safety caution with their SID  
 10 number which is like a sequence of six numbers, and,  
 11 you know -- so that's why I don't recall what his  
 12 specific SID number is, and it doesn't say specifics  
 13 of why it's on there as far as a charge in his past  
 14 but just a -- it's just an officer safety caution that  
 15 he had been charged with something violent or drug  
 16 related in the past.  
 17 Q. How far in the past?  
 18 A. I'm not sure on the -- I'm sure for the entirety of  
 19 the person's --  
 20 Q. Lifetime?  
 21 A. Correct.  
 22 Q. Okay. But you had just arrested him like weeks ago,  
 23 correct?  
 24 A. From when and relative to what?  
 25 Q. December 23, 2015, hadn't you arrested him within the

Page 66

1 last like 60 days?  
 2 A. I believe I did place him into custody in early  
 3 November, if I recall correctly.  
 4 Q. That's within 60 days.  
 5 A. Right.  
 6 Q. So the SID number wouldn't have been anything to do --  
 7 you knew who it was. It was Kevin Matthews.  
 8 A. Correct.  
 9 Q. And so when you're having a conversation with  
 10 Mr. Winbush who's in the back of the car, Civilian  
 11 Winbush, when you see Kevin go by, you actually say to  
 12 Mr. Winbush, and we're going to hear it on tape,  
 13 that's the guy who ran away from Citgo, I'm going to  
 14 go arrest him, correct?  
 15 A. Something to that effect, yes.  
 16 Q. You didn't need to look at the LEIN machine to see if  
 17 he had a SID number or not. You knew it was Kevin  
 18 Matthews and you knew he wasn't -- as far as had ever  
 19 been any contact with you, he'd never been violent  
 20 with you, is that true?  
 21 A. Never been violent with me, no.  
 22 Q. Right. Could we play the -- I want you to listen to  
 23 some audio tapes first, okay?  
 24 A. Okay.  
 25 MR. GREENMAN: Let's just start with his

Page 67

1 TAC-1 approaching on foot and we'll go from there,  
 2 okay?  
 3 BY MR. GREENMAN:  
 4 Q. These may take a little while to boot up, but you're  
 5 going to be listening to these and I'm going to just  
 6 ask you some questions, okay?  
 7 A. Okay.  
 8 MS. ELLERBRAKE: Tell me what you're  
 9 booting up.  
 10 MR. GREENMAN: Just the audio tapes, just  
 11 the straight dispatch tapes.  
 12 MS. ELLERBRAKE: The Winbush?  
 13 MR. GREENMAN: No, not that.  
 14 MS. ELLERBRAKE: After that.  
 15 MR. GREENMAN: Yeah.  
 16 MS. ELLERBRAKE: Okay.  
 17 MR. GREENMAN: Replay it. Stop.  
 18 BY MR. GREENMAN:  
 19 Q. That's you, isn't it?  
 20 A. Yes, sir.  
 21 Q. Says TAC-1, then there's a word that I don't  
 22 understand. Do you want me to play it again?  
 23 A. Approaching.  
 24 Q. Well, I know it says approaching one on foot, but  
 25 there's a word --

Page 68

1 MR. GREENMAN: Play it again, please.  
 2 THE WITNESS: Play it again. Show me.  
 3 Show me approaching.  
 4 BY MR. GREENMAN:  
 5 Q. Show me. What does that mean?  
 6 A. It's just how we'll communicate, many of us, with  
 7 dispatch, show me or have me out, you know, just  
 8 another way of saying --  
 9 Q. I see. You're telling the dispatcher so everybody  
 10 knows, you tell everybody else or by me announcing it  
 11 I'm going to be busy for a minute.  
 12 A. Right.  
 13 Q. Something like that, right?  
 14 A. Correct. Yes.  
 15 Q. We're going to get to this in a minute about code  
 16 green. Code green means you're safe at the time you  
 17 say code green?  
 18 A. Correct.  
 19 Q. Okay. Is that Dearborn nomenclature, police  
 20 nomenclature? Is that throughout the state of police  
 21 agencies or what?  
 22 A. Yeah, just Dearborn as far as I know. I've only other  
 23 worked for Wayne State police, and we didn't say  
 24 anything like that, so --  
 25 Q. Okay.

Page 69

1 A. -- I would assume just Dearborn.  
 2 Q. So we're going to continue this but in a minute. So  
 3 you're approaching a Kevin Matthews person that you  
 4 had engaged in the past, correct?  
 5 A. Correct.  
 6 Q. And who was reported the night before to have ran away  
 7 from two officers from Dearborn who wanted to arrest  
 8 him for stealing a can of what, Red Bull and  
 9 trespassing the Citgo gas station, is that true?  
 10 A. Correct, and probably his warrant as well.  
 11 Q. Warrant. Warrant for what?  
 12 A. A disorderly person out of Redford.  
 13 Q. Was that from 2013?  
 14 A. I'm not certain on the date.  
 15 Q. Okay. We'll look at those records, but would have  
 16 that LEIN told you what the warrant was from?  
 17 A. Yes.  
 18 Q. Okay. So let's assume it was from 2013 and the  
 19 records would show it is. You had arrested Kevin  
 20 Matthews a few times within the last six months of his  
 21 death, and no one took him to Redford.  
 22 A. Right.  
 23 Q. So why is this going to be the reason you're going to  
 24 arrest him for a disorderly contact warrant?  
 25 A. Well, it wasn't the sole reason, but it just

Page 70

1 depends -- you know, I can't speak for Redford because  
 2 they're the ones that -- or perhaps the booking  
 3 personnel when he gets released, you know, I'm sure  
 4 they called Redford. Maybe they didn't. I don't  
 5 know. I can't speculate, but it is an active warrant  
 6 out of Redford Township so --  
 7 Q. Okay. So the dispatcher I think is going to respond  
 8 to you. And these are all government recordings. You  
 9 agree with that?  
 10 A. Correct.  
 11 Q. Okay. Go ahead. So we don't know who the dispatcher  
 12 is necessarily. Perhaps you do, but I don't. Do you  
 13 know who that is?  
 14 A. I believe so.  
 15 Q. Okay. So go ahead. Tell me that person's name.  
 16 A. I believe that's Mark Eddy.  
 17 Q. Is that a Dearborn employee?  
 18 A. Yes.  
 19 Q. Okay. Are all the dispatchers we hear on all these  
 20 communications going back and forth even after the  
 21 shooting takes place -- strike that.  
 22 Have you listened to all the dispatches  
 23 going back and forth regarding the shooting of Kevin  
 24 Matthews?  
 25 A. Probably not. I've heard that, but I don't know if

Page 71

1 I've heard all of them.  
 2 Q. Are there female -- do you know how many dispatchers  
 3 there are working in the City of Dearborn at any  
 4 particular time that you're communicating with, you as  
 5 a Dearborn officer?  
 6 A. No, I don't for sure.  
 7 Q. Do you think it's more than one?  
 8 A. Yes.  
 9 Q. For example, you could have a male dispatcher, this is  
 10 Mr. Eddy, versus -- if the next person you communicate  
 11 with is a female, would that tell you there would be  
 12 two working the shifts generally?  
 13 A. Yes, absolutely, yeah.  
 14 Q. Are the dispatchers housed in the Dearborn Police  
 15 Department?  
 16 A. At that time they were, yes.  
 17 Q. That's changed apparently?  
 18 A. Yes.  
 19 Q. But they're still government -- City of Dearborn  
 20 government employees?  
 21 A. Yes.  
 22 Q. I'm going to start it from the beginning again where  
 23 you say TAC-1 approaching one on foot. That is you're  
 24 approaching Kevin Matthews, and you're now in City of  
 25 Detroit, correct?

Page 72

1 A. Correct.  
 2 MR. GREENMAN: Okay. Go ahead. Play the  
 3 dispatcher. Stop it.  
 4 BY MR. GREENMAN:  
 5 Q. Now, according to the records we have, that's at  
 6 12:27, 12:00 hour, 27 minutes and 43 seconds. You  
 7 have no reason to disagree with that, right?  
 8 A. No, sir.  
 9 Q. And so you stop your vehicle. Do you get out of the  
 10 vehicle or do you try to communicate through the  
 11 window?  
 12 A. I didn't get out. I opened my door, slowed down and  
 13 stopped and angled it in a northwest angle.  
 14 Q. In front of a tree. Do you recall that?  
 15 A. Not specifically with the tree, no, not particularly.  
 16 Q. Well, that tree's cut down now. I'll show you a  
 17 photograph in a minute.  
 18 A. Okay. So I opened the door, and simultaneously I knew  
 19 it was Mr. Matthews so, you know, I kind of at that  
 20 point said, you know, Kevin, and, you know, what  
 21 happened yesterday and then immediately told him to  
 22 stop because at that point he looked at me and then  
 23 sprinted north.  
 24 Q. Did he look scared?  
 25 A. Not particularly.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 73

Page 75

1 Q. Not particularly? Was he wearing that -- a red hooded  
 2 sweatshirt?  
 3 A. I believe purple hooded sweatshirt.  
 4 Q. Purple. I'm sorry. Yeah, purple sweatshirt. And  
 5 whether you know it or not, there's another car video.  
 6 You had the car video on at the time, right?  
 7 A. Yes.  
 8 Q. Did you have a body cam?  
 9 A. No, sir.  
 10 Q. Positive?  
 11 A. Yes, sir.  
 12 Q. Okay. We know from some other officer's dash cam  
 13 video when his car passed your car, the passenger or  
 14 the driver's side door of your vehicle was still left  
 15 open, so you did not go back to your car?  
 16 A. No, sir.  
 17 Q. When Kevin ran, you chased him?  
 18 A. Yes, sir.  
 19 Q. True?  
 20 A. Yes, sir.  
 21 Q. And he wasn't providing any threat to you. He was  
 22 trying to flee from you, wasn't he?  
 23 A. Yes, sir.  
 24 Q. Okay. And you were going to arrest him for what, the  
 25 misdemeanors that occurred and the LEIN, the

1 three times earlier, correct?  
 2 A. I can't say he resides there for sure.  
 3 Q. Okay.  
 4 A. And I dropped him off at Sussex in the past.  
 5 Q. The LEIN machine would have confirmed his address was  
 6 on Sussex, correct?  
 7 A. In the SOS records? I don't know how up to date, you  
 8 know. Like you said, he didn't have a driver's  
 9 license.  
 10 Q. He had a state ID, though.  
 11 A. State ID. Whether the address is accurate and current  
 12 I wouldn't be able to confirm.  
 13 Q. And he's -- not you're not pursuing for any violent  
 14 crimes?  
 15 A. No, sir, other than, you know, the fail to obey or  
 16 flee from yesterday or from the --  
 17 Q. It's clearly not a felony, though?  
 18 A. Correct.  
 19 Q. So you zigzag down Whitcomb until we -- we talked  
 20 about you get to 8090 and you both get over the fence,  
 21 correct?  
 22 A. Correct.  
 23 MR. GREENMAN: Can we go to his next? Stop  
 24 right there.  
 25 BY MR. GREENMAN:

Page 74

Page 76

1 misdemeanors that had occurred the night before?  
 2 A. Correct. It was fail to obey the officers and then  
 3 further trespass on what they --  
 4 Q. The night before?  
 5 A. From the night before, yes, correct.  
 6 Q. In your three earlier reports of arresting Kevin  
 7 Matthews, you knew both locations where he lived. He  
 8 lived on Sussex and he lived on Winthrop, correct?  
 9 Does your report show that?  
 10 A. I'm not sure of the exact address.  
 11 Q. Okay. If your reports show that, you wouldn't deny  
 12 it?  
 13 A. I know I dropped him off at a home on Sussex, I  
 14 couldn't tell you where exactly it was, and then --  
 15 yeah.  
 16 Q. Okay. By December 1st, 2015, had you had any training  
 17 about deescalating police situations?  
 18 A. Yes, sir.  
 19 Q. So you're chasing a man for misdemeanors in a foreign  
 20 jurisdiction, City of Detroit, and you haven't told  
 21 Detroit that you're in their jurisdiction. Is that a  
 22 fair summary so far?  
 23 A. Correct.  
 24 Q. And the records would show you know where this person  
 25 lives anyway according your arrest reports from two or

1 Q. Now, that's really hard to decipher, but if we take  
 2 the photographs that came from your dash cam video  
 3 that I'm going to show -- you have you seen these?  
 4 Have you seen your dash cam video?  
 5 A. No. The only thing I saw was a really short initial  
 6 foot chase by the alley.  
 7 Q. Okay. Those photographs come from that dash cam video  
 8 of your car, and they're not in any necessary order.  
 9 A. All right.  
 10 Q. You've had a chance to look at those, is that correct?  
 11 A. Yes, sir.  
 12 MR. GREENMAN: Can we -- do you care if we  
 13 get those photographs marked as Exhibit 2, we just  
 14 staple them, how do you want to do that, as opposed to  
 15 mark them separately?  
 16 MS. ELLERBRAKE: You can mark them as an  
 17 exhibit. I'm going to object to there's been no  
 18 foundation. I mean, I understand these are stills and  
 19 you can --  
 20 MR. GREENMAN: Just talking about --  
 21 MS. ELLERBRAKE: -- staple them together as  
 22 Exhibit Number 2, but I have an objection to their  
 23 admission.  
 24 MR. GREENMAN: Okay.  
 25 BY MR. GREENMAN:

1 Q. You've had a chance to look at those?  
 2 A. Yes, sir.  
 3 Q. That's you chasing Kevin Matthews, right?  
 4 A. Yes, sir.  
 5 Q. Okay. So --  
 6 MS. ELLERBRAKE: How many photos are there?  
 7 MR. GREENMAN: I'll count them.  
 8 THE WITNESS: They are back -- double sided  
 9 here. So one, two, three, four, five, six, seven,  
 10 eight, nine.  
 11 MS. ELLERBRAKE: Okay.  
 12 BY MR. GREENMAN:  
 13 Q. Nine photos?  
 14 A. Correct.  
 15 Q. So we'll have those stapled. That will be marked as  
 16 Exhibit 2. Let me find my exhibit stickers.  
 17 MARKED FOR IDENTIFICATION:  
 18 DEPOSITION EXHIBIT 2  
 19 10:26 a.m.  
 20 BY MR. GREENMAN:  
 21 Q. I'm going ask for those back. Can I see those for a  
 22 minute?  
 23 A. Yes, sir.  
 24 Q. Thank you. I'm going to -- as I start to  
 25 administratively do that, I'm going to go back and I'm

1 generally that we see in Exhibit 2 in the photograph?  
 2 A. Yes.  
 3 Q. Okay. And Kevin is fleeing from you but certainly not  
 4 putting you in any danger, correct? Are you in  
 5 fear -- can you answer my question?  
 6 A. I would feel I'm in danger in a foot chase with  
 7 somebody.  
 8 Q. Okay. You understand there isn't any guns in his  
 9 hands. You can see that, correct?  
 10 A. At the time I couldn't see his hands fully.  
 11 Q. As you run down the street chasing him, you can see  
 12 his back. You don't -- you won't admit he didn't have  
 13 any type of weapon in his hands. You won't admit  
 14 that?  
 15 A. I couldn't say with certainty one way or another. I'm  
 16 not going to say he did or he didn't.  
 17 Q. Were you in fear of your life chasing him like this?  
 18 A. No, I was not in fear of my life at that point.  
 19 MR. GREENMAN: Okay. So continue to the  
 20 next dispatch.  
 21 BY MR. GREENMAN:  
 22 Q. By the way, if the record indicates that that dispatch  
 23 was -- we don't have a time for that. Please  
 24 continue.  
 25 MS. ELLERBRAKE: You should have a time for

1 going to ask you this first. Do you recall my office  
 2 sending you questions or requests for admissions that  
 3 indicate and inquire of you do you recall when you  
 4 were chasing Kevin and he was running away from you,  
 5 you were probably trying to talk on your prep radio on  
 6 your left shoulder and you said yes.  
 7 A. Correct.  
 8 Q. That is in fact what you're doing in this photograph  
 9 right here, correct?  
 10 A. I would presume so, yes. I'm definitely touching my  
 11 shoulder there and the mic.  
 12 Q. I'm going to ask you to show that to the videotape  
 13 operator, which is one of the photographs in  
 14 Exhibit 2.  
 15 MR. GREENMAN: Did you get that, Lauren?  
 16 VIDEO TECHNICIAN: Yes.  
 17 MR. GREENMAN: Thanks.  
 18 BY MR. GREENMAN:  
 19 Q. And so consistent with what you just testified to, I'm  
 20 going to ask you to consider whether this little blip  
 21 is you basically trying to talk to the dispatcher by  
 22 way of your prep radio as you're running. Please  
 23 listen to this.  
 24 That almost sounds like black male. A, do  
 25 you think that's you talking about this scenario

1 that  
 2 MR. GREENMAN: I have 12:28 point 20  
 3 seconds or 12:28, 46 seconds.  
 4 MS. ELLERBRAKE: I think it was 12:28:13.  
 5 MS. BRUCE: I have it at 20.  
 6 MS. ELLERBRAKE: Okay. The first inaudible  
 7 on there was 12:28:13.  
 8 MR. GREENMAN: Okay. Please go to the next  
 9 one.  
 10 BY MR. GREENMAN:  
 11 Q. Would you agree with me that audio clip we just played  
 12 says tag one code green? TAC-1 code green.  
 13 A. Can you replay it one more time? I know code green is  
 14 in there. Make sure.  
 15 Q. Correct?  
 16 A. I presume. I heard code green. It was kind of hard  
 17 to hear, but, yeah, I'm TAC-1 and that's me, so that  
 18 was me calling code green.  
 19 Q. Code green indicates that you're safe. We already  
 20 discussed that, correct?  
 21 A. Correct.  
 22 Q. And that's at 12:28 and 46 seconds according to the  
 23 government records that I have. Any disagreement with  
 24 that?  
 25 A. No, sir.

Page 81

1 Q. Can you explain to me why -- I asked you that in  
2 request for admissions and you denied that was you.  
3 **MS. ELLERBRAKE:** I'd like to see that  
4 document.  
5 **THE WITNESS:** I don't recall denying that  
6 was me that said code green.  
7 **BY MR. GREENMAN:**  
8 Q. Okay. I'm going to show you what's been marked --  
9 what I'm going to mark as Exhibit 3.  
10 **MARKED FOR IDENTIFICATION:**  
11 **DEPOSITION EXHIBIT 3**  
12 10:31 p.m.  
13 **BY MR. GREENMAN:**  
14 Q. This is request for admission Number 15 which reads as  
15 follows: Admit that because Officer Hampton was not  
16 able to arrest Kevin Matthews at the specific location  
17 seen in the dash cam video referenced above, Officer  
18 Hampton communicated to Dearborn dispatch that he was  
19 code green status. Denied for the reason that it is  
20 untrue. I just want you to look at that.  
21 A. Sure.  
22 Q. That's Exhibit 3.  
23 **MS. ELLERBRAKE:** I'm going to object to the  
24 form of the question. The entire document has to be  
25 reviewed in order to answer the response.

Page 82

1 **BY MR. GREENMAN:**  
2 Q. Sir, you've had a chance to review Exhibit 3?  
3 A. Am I looking for Number 15 or 12?  
4 **MS. ELLERBRAKE:** Well, the entire document  
5 has -- why don't you take a minute and read the entire  
6 document and you'll understand that he was referring  
7 to the photo in the picture -- or the photo from your  
8 video where you touched your shoulder when the  
9 question was asked.  
10 **MR. GREENMAN:** My question only relates to  
11 Number 15.  
12 **MS. ELLERBRAKE:** Well, you can't isolate  
13 it. It would be nice to isolate things and create  
14 facts that aren't true.  
15 **MR. GREENMAN:** I really am not trying to  
16 engage in an argument with you.  
17 **MS. ELLERBRAKE:** I'm just telling you  
18 you're not being fair, unlike you.  
19 **MR. GREENMAN:** I can't believe you still  
20 have your motion pending against me. We digress.  
21 **MS. ELLERBRAKE:** You never responded to it.  
22 **MR. GREENMAN:** Sure, I did.  
23 **MS. ELLERBRAKE:** You responded with your  
24 motion.  
25 **MR. GREENMAN:** No, I responded to it,

Page 83

1 responded like a nine-page response saying, you know,  
2 we cooperated. We haven't seen everything. We're  
3 cooperating. We're moving forward.  
4 **BY MR. GREENMAN:**  
5 Q. Sir, let me just ask you this. More likely than not  
6 did you just tell the dispatcher at this situation  
7 where you're still chasing Kevin Matthews you're a  
8 code green status and that's what's on the audio tape?  
9 Most likely that's what we're hearing?  
10 A. I did say code green after the fence.  
11 Q. Fair enough. Just give me that document back. I'll  
12 move forward.  
13 I want to show you -- this is -- I'm going  
14 to mark it as Exhibit 4. It's one of the photographs  
15 in Exhibit 2.  
16 **MARKED FOR IDENTIFICATION:**  
17 **DEPOSITION EXHIBIT 4**  
18 10:34 a.m.  
19 **MS. ELLERBRAKE:** Do you want to just mark  
20 them all individually then?  
21 **MR. GREENMAN:** Perhaps. Perhaps.  
22 **MS. ELLERBRAKE:** Might be easier.  
23 **MR. GREENMAN:** But I've already marked it  
24 as two. Nonetheless, you'll get all the -- I want you  
25 to look at Exhibit 4.

Page 84

1 **THE WITNESS:** Sure.  
2 **BY MR. GREENMAN:**  
3 Q. That photograph shows --  
4 A. Okay.  
5 Q. That photograph shows, can you acknowledge, perhaps  
6 Kevin Matthews stumbling off the curb as he tries to  
7 flee from you?  
8 A. Yes.  
9 Q. Okay. And as you -- can you rotate that to the  
10 videotape operator? I have that marked as Exhibit 4.  
11 And the leg that's up in the air is Kevin Matthews'  
12 right leg. The leg that's on the ground is Kevin  
13 Matthews' left leg, correct?  
14 A. I'd say so, yea.  
15 Q. Okay. You don't see any big rip in Kevin Matthews'  
16 pants in that photograph, do you?  
17 A. It's very blurry. I can't see much of anything other  
18 than maybe blue jeans.  
19 Q. Well, to the extent any reasonable juror could look at  
20 that, I would submit there's no big tear or rip in  
21 Kevin Matthews' pants.  
22 **MS. ELLERBRAKE:** But you're not testifying.  
23 **BY MR. GREENMAN:**  
24 Q. Would you agree with that or no?  
25 **MS. ELLERBRAKE:** And he's answered your

1 question already.  
 2 **BY MR. GREENMAN:**  
 3 Q. Would you agree with that or no?  
 4 A. I can't see that.  
 5 Q. I'm sorry?  
 6 A. I can't see that.  
 7 **MARKED FOR IDENTIFICATION:**  
 8 **DEPOSITION EXHIBIT 5**  
 9 10:36 a.m.  
 10 **BY MR. GREENMAN:**  
 11 Q. Okay. I want to you show you Exhibit 5. This is one  
 12 of the photographs after Kevin --  
 13 **MS. ELLERBRAKE:** What number is that  
 14 from -- do you have --  
 15 **MR. GREENMAN:** I think this is your  
 16 Dearborn record.  
 17 **MS. ELLERBRAKE:** Yeah, but what number?  
 18 **MR. GREENMAN:** I don't have them numbered.  
 19 It shows Kevin's body.  
 20 **BY MR. GREENMAN:**  
 21 Q. I want to show you Exhibit 5. When you look at  
 22 that -- can you rotate that to the members -- the  
 23 videotape operator? Okay. Thanks.  
 24 Do you see the rip in Kevin's pants in his  
 25 left leg?

1 A. No, sir.  
 2 Q. No, sir? So tell me about your physical training, how  
 3 you would -- tell me about your physical training,  
 4 like, for example, running laps, running distances,  
 5 things like that.  
 6 A. Just personal?  
 7 Q. Yeah. Do you keep in shape?  
 8 A. I try to, sir, yes.  
 9 Q. Okay. Well, in a matter -- this is basically from  
 10 Tireman and Whitcomb to 8090, it's about 200 yards, is  
 11 it? About a half block?  
 12 A. Correct, a hundred to 200 I would say, somewhere in  
 13 there.  
 14 Q. You were able to catch him within a matter of what, 20  
 15 seconds?  
 16 A. I'm not sure on the time frame. I closed in on him  
 17 right at the -- finally at the fence, basically the  
 18 fence.  
 19 Q. Okay. Well, obviously you had to be catching up as  
 20 you were chasing him down Whitcomb, correct?  
 21 A. Correct, but --  
 22 Q. Did you think generally that was because you were in  
 23 good physical condition?  
 24 A. That helped a little bit, but it was mainly the way he  
 25 had hopped the fence delayed him and that's how I was

1 A. Yes.  
 2 Q. Okay. I would submit Exhibit 4 shows Kevin's pants  
 3 not with that rip. Exhibit 5 shows the rip. Would  
 4 you agree with that or no?  
 5 **MS. ELLERBRAKE:** Asked and answered. You  
 6 can answer it again.  
 7 **MR. GREENMAN:** I'm now comparing the two  
 8 exhibits.  
 9 **THE WITNESS:** Exhibit 5 has the rip clear.  
 10 **BY MR. GREENMAN:**  
 11 Q. Clear Exhibit 4 doesn't have a rip?  
 12 **MS. ELLERBRAKE:** Asked and answered.  
 13 **THE WITNESS:** I can't really tell.  
 14 **BY MR. GREENMAN:**  
 15 Q. Okay. Do you have a notion that when Kevin Matthews  
 16 jumped over the fence he ripped his pants?  
 17 A. I don't recall.  
 18 Q. Okay. Did you see him in close quarters enough, once  
 19 immediately over the fence, did you see his pants were  
 20 ripped?  
 21 A. No, sir.  
 22 Q. Okay. Did you ever notice -- strike that.  
 23 As you were running down Whitcomb, I assume  
 24 you're being a young man, you were able to catch up  
 25 with Kevin Matthews pretty quick?

1 able to close in on him better.  
 2 Q. Okay. Did -- before Kevin hopped the fence, did he  
 3 look at you?  
 4 A. No, sir, not that I recall.  
 5 Q. So was he delayed at hopping the fence? Did he appear  
 6 confused to you, like he was blocked in?  
 7 A. No, sir, but he took a moment to hop the fence and did  
 8 it the traditional way that we talked about, was  
 9 slower than how I got over it.  
 10 Q. Okay. So it would be your testimony you don't have  
 11 any knowledge how the rip came in his pants?  
 12 A. No, sir, I don't.  
 13 Q. And, again, you don't -- you've testified as best as  
 14 you can with regard to the rip in your shirt, your  
 15 uniform shirt?  
 16 A. Yes, I have.  
 17 Q. Could I have those two exhibits back now?  
 18 A. Yes, sir.  
 19 Q. When you jump over the fence for the reasons you've  
 20 testified in this case, it was to arrest Mr. Matthews,  
 21 correct?  
 22 A. Yes, sir.  
 23 Q. For the reasons you've talked about, correct?  
 24 A. Yes, sir.  
 25 Q. When you jumped over the fence, were you in fear of

1 your life?  
 2 A. Not at that immediate moment, no, sir.  
 3 Q. Could you have simply shot Kevin Matthews in the back?  
 4 A. No, sir.  
 5 Q. Why not?  
 6 A. Because I was chasing him for a misdemeanor. I did  
 7 not feel at the time when he's running away from me he  
 8 posed an imminent danger to myself at that point.  
 9 Q. Isn't it true all he was trying to do was run from  
 10 you?  
 11 A. At that point from running, I can't speculate on his  
 12 mindset, but he was running away from me.  
 13 Q. Okay. You had indicated -- strike that.  
 14 When -- you've now acknowledged that that  
 15 was your statement on the audio saying you're code  
 16 green status. Can you -- can we generally agree you  
 17 would have been chasing Kevin at that time using your  
 18 prep radio, and you told the dispatcher your code  
 19 green status, fair?  
 20 A. No, sir.  
 21 Q. Okay. Well, where would you have been if not on  
 22 Whitcomb?  
 23 A. I called code green after the fence incident, when we  
 24 hopped the fence.  
 25 Q. You called code green -- okay. So that's your sworn

1 took you 26 seconds to do that?  
 2 A. I know when I called code green for sure. I'm not  
 3 sure on the time frame, but I know I was on the other  
 4 side of the fence when I called code green, not on  
 5 the --  
 6 Q. Okay. So you had the time to call to tell the  
 7 dispatcher you were safe, if we believe your testimony  
 8 today, correct?  
 9 A. Correct.  
 10 Q. Okay. And if you had the time to go to your prep and  
 11 call code green, is Kevin Matthews at that time  
 12 running away from you still but now on the 8080  
 13 Whitcomb property?  
 14 A. No, sir. We were on the grass on the 8080 property  
 15 when I called code green. He's not running from me.  
 16 Q. Okay. So show me generally -- strike that.  
 17 Would you agree with me you would have used  
 18 your prep radio in the same way we see in Exhibit 2?  
 19 You take your right hand, you push a button on the  
 20 prep, and you talk into your prep radio by sort of  
 21 tilting your face to the left and talk in the radio?  
 22 A. Generally, yes. I don't know if it's right or left  
 23 handed in this situation but --  
 24 Q. Okay. Well, if you just sort of sit back, can you  
 25 take your left hand -- and as big as you are, you

1 testimony, correct?  
 2 A. Yes, sir.  
 3 MR. GREENMAN: Can you replay -- go back to  
 4 where he's trying to talk on his mic.  
 5 BY MR. GREENMAN:  
 6 Q. Okay. You heard that where it says black male.  
 7 You've already told the members of the jury on this  
 8 videotape that that's about the time you are chasing  
 9 Kevin at the Tireman and Whitcomb address and it shows  
 10 you trying to talk into your prep coming around the  
 11 bush, so to speak, right?  
 12 A. That was me on the radio. I'm not sure if that's how  
 13 I articulated that transmission at that time or if it  
 14 was further down.  
 15 Q. Well, you said what you said. We're going to move  
 16 forward. That transmission according to the  
 17 government record is at 12:28 and 20 seconds. I want  
 18 you to assume that.  
 19 A. Okay.  
 20 Q. Twenty-six seconds later we hear the code green status  
 21 according to the government record. Assume that to be  
 22 true. Are you telling us in 26 -- it only took you 26  
 23 seconds to run down Whitcomb, which is a half a block,  
 24 you said a hundred or 200 yards, go up the apron of  
 25 4090 (sic) Whitcomb and jump over the fence? It only

1 can't get your left hand up by the prep radio, can  
 2 you?  
 3 A. Yes. It's not as comfortable so typically in a normal  
 4 situation you're right, right hand usually.  
 5 Q. Okay. So you're telling us in that 26-second time  
 6 period you've already jumped the fence, and when you  
 7 jump the fence, we'll get into that in a minute, you  
 8 landed on top of Kevin Matthews?  
 9 A. Correct.  
 10 Q. Did you actually see him fall over the fence, stumble  
 11 over the fence? How would you describe it because you  
 12 said he didn't land on his feet.  
 13 A. I wasn't certain on how he landed. I'm not sure. I  
 14 wasn't observing how he scaled the fence on the other  
 15 side. I just know he took more time than I did  
 16 slowing down for preparation for jumping the fence.  
 17 Q. Okay. Well, Exhibit 1 tells us, though, the manner in  
 18 which you came over the fence, you were able to grab  
 19 him in the process of going over the fence.  
 20 A. That's correct.  
 21 Q. Is that true?  
 22 A. Yes, sir.  
 23 Q. Let me see what your report specifically says,  
 24 Exhibit 1. Matthews climbed over the fence. As he  
 25 touched down on the other side, I lunged over the



Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 83

Page 85

1 fence and landed on top of Matthews. Correct?  
 2 A. Yes.  
 3 Q. Had you called code green status yet?  
 4 A. It was at some point very shortly after that.  
 5 Q. Please listen to my question. Had you called code  
 6 green status yet?  
 7 A. No.  
 8 Q. Okay. It's because you're trying to scramble to get  
 9 on top of him or trying to orient your body over him,  
 10 correct?  
 11 A. Correct.  
 12 Q. Okay. So if the record shows Kevin Matthews weighed  
 13 145 pounds and was five foot eight, would you agree  
 14 you outweighed him by at least 60 pounds?  
 15 A. Yes, sir.  
 16 Q. At least 60 pounds, correct?  
 17 A. Yes, sir.  
 18 Q. And you were at least four to five inches taller than  
 19 him, correct?  
 20 A. I assume so. I'm 6'1".  
 21 Q. You were able to dominate him physically, were you  
 22 not?  
 23 A. Not on this day, no.  
 24 Q. Okay. And so how do you -- strike that. Strike that.  
 25 Do you then immediately strike two blows to

1 Q. You outweigh him by 60 pounds and you're at least five  
 2 inches taller. How does he manage to get on top of  
 3 you? And this is in the grassy muddy area, right?  
 4 A. Correct.  
 5 Q. How does he manage to get on top of you?  
 6 A. With all the struggles and squirming and overtaking me  
 7 and I was at his shoulders.  
 8 Q. He was overtaking you now?  
 9 A. Yes, sir.  
 10 Q. Okay. So he's now on top of you?  
 11 A. He's standing up over me with my Mace when he grabbed  
 12 it from my duty belt.  
 13 Q. He grabbed your Mace?  
 14 A. Yes, sir.  
 15 Q. And he grabbed it from your duty belt?  
 16 A. Yes, sir.  
 17 Q. With his right hand?  
 18 A. I presume, sir, it was the right hand.  
 19 Q. Okay. So are you supine again, laying -- you're  
 20 laying on the ground?  
 21 A. I was on my butt angled up.  
 22 Q. Okay. You were on your butt and your Mace hadn't come  
 23 out of its holster, the left side of its holster yet,  
 24 true?  
 25 A. No, sir. It was right at that point.

Page 84

Page 88

1 his right chin?  
 2 A. No, sir.  
 3 Q. Okay. Do you strike the blows to his right chin  
 4 before you call the code two status -- code green  
 5 status?  
 6 A. No, sir.  
 7 Q. So you call the code green status first and then you  
 8 strike Kevin Matthews twice with your right fist on  
 9 his right chin?  
 10 A. Yes, sir.  
 11 Q. And how are you positioned over Kevin Matthews such  
 12 that you could do that?  
 13 A. For the striking?  
 14 Q. Yeah.  
 15 A. Well, that's -- the reason for the strikes is --  
 16 Q. No. I just want to know how you're positioned.  
 17 A. Well, at that point he's facing me and squaring off  
 18 with my Freeze Plus P Mace.  
 19 Q. So the two of you are on your feet?  
 20 A. No. We're still down. He's over me.  
 21 Q. Kevin's over you?  
 22 A. Yes, at this point.  
 23 Q. How do you tell us in the report I lunged over the  
 24 fence and landed on top of Matthews?  
 25 A. Yes.

1 Q. No, but the point is it hadn't come out and you're  
 2 telling us he affirmatively grabbed it out of your  
 3 duty belt and then had it in his right hand spraying  
 4 you?  
 5 A. He did not spray me, sir.  
 6 Q. He didn't spray you?  
 7 A. No, sir.  
 8 Q. Okay. How was he able to get your Mace out of your  
 9 duty belt without you preventing him from doing that?  
 10 A. He did it fast after our scuffle, in the midst of our  
 11 scuffle, and I -- all of a sudden I see it in his hand  
 12 looking right at me and looking at the Mace.  
 13 Q. Had you punched him twice in the jaw yet?  
 14 A. I did it immediately after he had the Mace in his hand  
 15 towards my face.  
 16 Q. So did you punch him and as a result of punching him  
 17 the Mace fell out of his hand?  
 18 A. No. I -- yes. I punched him two times. He didn't  
 19 drop the Mace, but after the two strikes I was able to  
 20 forcibly take it out of his hand with my hand and  
 21 throw it over the fence line.  
 22 Q. Okay. And Kevin -- after being punched twice in the  
 23 face, did that knock him down?  
 24 A. No, sir.  
 25 Q. You don't say anything about punching him twice in the

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 87

Page 89

1 face, did you, in your report?  
2 MS. ELLERBRAKE: Can he look at it?  
3 MR. GREENMAN: Oh, sure.  
4 THE WITNESS: It would be the one, two,  
5 three, four, fifth paragraph on Page 2, Exhibit  
6 Number 1. Exhibit 1 middle of the paragraph, Matthews  
7 grabbed ahold of my department issued Freeze Plus P.  
8 BY MR. GREENMAN:  
9 Q. I see. I immediately delivered two strikes to  
10 Matthews' jaw, and then you grabbed the -- we call it  
11 Mace. You call it freeze spray. We're talking about  
12 the same thing, right?  
13 A. Correct. Technically the department -- you know,  
14 Freeze Plus P is what it's referred to.  
15 Q. So it wouldn't be your testimony as soon as Kevin  
16 Matthews got over the fence and you jumped over the  
17 fence as well, he scrambled to try to get away from  
18 you. You would disagree with that, correct? He  
19 scrambled to get away from you. You would disagree  
20 with that, correct?  
21 A. He was doing a lot of things including scrambling and  
22 striking me as well and grabbing my Freeze Plus P.  
23 Q. Aggressively twisting and striking at my body, but you  
24 tell us right in your report to get away, correct? To  
25 get away from you. Isn't that what you have here?

1 A. Not that I know of, no.  
2 Q. Okay. But after you -- if this is true, you then took  
3 the freeze spray from Kevin's hand and threw it over  
4 the fence --  
5 A. Correct.  
6 Q. -- correct?  
7 A. Yes.  
8 Q. And then you took the time to call code green status  
9 to your dispatcher?  
10 A. No. I called code green before that definitely.  
11 Q. You just told us you didn't call code green until  
12 after you struck Kevin twice.  
13 MS. ELLERBRAKE: Objection. That's a  
14 mischaracterization of the testimony. That's not what  
15 he said.  
16 BY MR. GREENMAN:  
17 Q. Okay. So when are you telling me you called the code  
18 green status?  
19 A. It was between the Freeze Plus P incident and the --  
20 which is very close in proximity in time from jumping  
21 over the fence. I had initially leaped over and  
22 got -- thought I had control of him over his  
23 shoulders, which I was wrong, I did not, and I called  
24 code green at that short moment, and then the  
25 struggle -- intense struggled ensued and then that's

Page 88

Page 100

1 A. Correct.  
2 Q. He wasn't trying to subdue you, was he?  
3 MS. ELLERBRAKE: Objection, calls for  
4 speculation.  
5 THE WITNESS: He got my Freeze Plus P.  
6 That's a scary day. That will incapacitate you.  
7 There's no safety on that. It's ready to go and  
8 shoot.  
9 BY MR. GREENMAN:  
10 Q. You finished your answer. I interrupted you. You  
11 finished your answer, though, correct?  
12 A. Correct.  
13 Q. When you struck Kevin Matthews in the -- can you show  
14 me generally the right side of the jaw where you  
15 struck him?  
16 A. Hls --  
17 Q. Well, just like here.  
18 A. Oh, like this is --  
19 Q. Yeah.  
20 A. -- Kevin?  
21 Q. Yeah.  
22 A. Over here.  
23 Q. Okay. You know, he didn't -- wasn't any laceration  
24 caused to him or anything like that, right? He didn't  
25 start bleeding, did he?

1 when the Freeze Plus P incident occurred, but I had  
2 already called code green prior to the Freeze Plus P.  
3 Q. So when you called the code green status, you said  
4 most likely you'd have taken your right hand over and  
5 pushed the button so you could talk and tell the  
6 dispatcher code green status. Can you do that for us  
7 again? You said that's most likely how did you it,  
8 correct? Trus?  
9 A. Correct.  
10 Q. At that time are you telling us that you were in  
11 essence laying over Kevin Matthews? He was underneath  
12 you?  
13 A. Correct. I thought I had control and I thought I had  
14 the situation --  
15 Q. That's not even close to being you're safe. Am I  
16 wrong?  
17 MS. ELLERBRAKE: Objection. Who's  
18 testifying?  
19 BY MR. GREENMAN:  
20 Q. Is that even close to being safe, telling the  
21 dispatcher and all of your police peers that you're  
22 safe when you have a criminal underneath you?  
23 A. The code green was not -- you know, in hindsight the  
24 code green. That's what you're asking, right?  
25 Q. But a code green tells everybody you're safe.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 101

Page 103

1 A. And I perceived -- I felt that way. I felt I had --  
 2 yes. He wasn't handcuffed, but I did feel that with  
 3 my -- I'm bigger than him, as you pointed out, and I'm  
 4 on top.  
 5 Q. And the reason you felt safe and you told everybody  
 6 the code green status is because you weren't in fear  
 7 of your life, right?  
 8 A. When I called code green, I was not in fear of my  
 9 life.  
 10 Q. Clearly not in fear of your life, right? And then  
 11 somehow Kevin Matthews that is five inches shorter  
 12 than you and at least 60 pounds less than you manages  
 13 to take advantage of you and get on top of you, take  
 14 your freeze spray, and then you strike him twice?  
 15 A. Yes, sir.  
 16 Q. And then Kevin Matthews runs away from you?  
 17 A. Yes, sir.  
 18 Q. Do you ever get in another physical situation where  
 19 you're standing up with Kevin Matthews and you're like  
 20 this with him?  
 21 A. Yes, sir.  
 22 Q. Okay. And just so the members of the jury understand,  
 23 I'm going to come over to you. Can you stand up,  
 24 please?  
 25 A. Yes, sir.

1 A. Correct.  
 2 Q. It was your intent to arrest Kevin Matthews in essence  
 3 come hell or high water, isn't that correct?  
 4 A. I was going -- it was my intention to arrest him.  
 5 Q. No matter what, true? He had just escaped, so to  
 6 speak, ran away from your partners the night before,  
 7 and you made clear to Mr. Winbush you were going to go  
 8 get Kevin Matthews, correct?  
 9 A. Correct.  
 10 MR. GREENMAN: Can we hear the video  
 11 from -- the audio from the Winbush tape?  
 12 MS. ELLERHRAKE: While you're doing that,  
 13 why don't we take a quick break.  
 14 MR. GREENMAN: Oh, sure. Sure.  
 15 VIDEO TECHNICIAN: We are pausing 10:58:50.  
 16 (Off the record at 10:58 a.m.)  
 17 (Back on the record at 11:08 a.m.)  
 18 VIDEO TECHNICIAN: We are back on the  
 19 record 11:08:37.  
 20 BY MR. GREENMAN:  
 21 Q. We're now going to play part of the transmission of  
 22 your MDVR card or the dash cam video. It has audio to  
 23 it. I want you to listen to this, and I'm going to  
 24 ask you some questions, okay?  
 25 A. Okay.

Page 102

Page 104

1 Q. Just so -- I'm just going to position myself that  
 2 had -- that you just confirmed, okay? At some point  
 3 in time you were in a position like this and your  
 4 hands were like this on his shoulders?  
 5 A. Somewhere on his body.  
 6 Q. Okay.  
 7 A. I'm not sure.  
 8 Q. Okay.  
 9 A. Shoulders, torso.  
 10 Q. Okay. Thank you. And that would have been after  
 11 Kevin Matthews fled from the grassy muddy area towards  
 12 the 8080 Whitcomb apron of the driveway in an attempt  
 13 to flee from you again, correct?  
 14 A. That is correct.  
 15 Q. And as far as we're aware right now, the Mace, the  
 16 freeze spray has already been thrown to the other side  
 17 of the fence onto 8090 Whitcomb, true?  
 18 A. True.  
 19 Q. And there's no evidence that Kevin Matthews is even  
 20 bleeding, correct?  
 21 A. Not to my knowledge.  
 22 Q. And you actually put in your report Matthews briefly  
 23 broke free from my control and began fleeing southwest  
 24 to the driveway of 8080 Whitcomb, correct? That's the  
 25 first full paragraph.

1 MR. GREENMAN: Stop.  
 2 BY MR. GREENMAN:  
 3 Q. That was your voice, correct?  
 4 A. Yes, sir.  
 5 Q. You're talking to Mr. Winbush who's in the back of  
 6 your patrol unit, right?  
 7 A. Yes, sir.  
 8 Q. That shows your intent of then leaving Mr. Winbush and  
 9 arresting Kevin Matthews, correct?  
 10 A. Yes, sir.  
 11 Q. Referring to Kevin Matthews as he's bad news?  
 12 A. I heard that on there, yes.  
 13 Q. Misdemeanor violator, bad news, correct? One in the  
 14 same?  
 15 A. That was the audio that was said.  
 16 Q. I'm just -- you agree it's your audio and that's --  
 17 A. Yes.  
 18 Q. -- what you're thinking, misdemeanor violator, bad  
 19 news, correct?  
 20 A. Correct.  
 21 Q. And as I had asked you before we took the break, come  
 22 hell or high water, you were going to arrest Kevin  
 23 Matthews, true?  
 24 A. I can't say that, no.  
 25 Q. Okay. When you -- did Kevin Matthews actually try to

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 105

Page 107

1 spray you with your freeze spray?  
2 A. I'm not sure if he tried. He did not complete a  
3 spray.  
4 Q. Okay. Did you read Officer Carroni's report regarding  
5 what you said to him when he approached you after the  
6 shooting?  
7 MS. ELLERBRAKE: Objection to the  
8 characterization. Go ahead.  
9 BY MR. GREENMAN:  
10 Q. Did you read Officer Carroni's report?  
11 A. I don't believe so. Is that a witness statement?  
12 Q. It's a witness statement, yeah. Did you read that?  
13 A. No, sir.  
14 Q. Do you understand that Officer Carroni's been deposed?  
15 A. Yes, sir.  
16 Q. It states in the bottom Corporal Hampton states that  
17 the suspect sprayed him with pepper spray after  
18 fleeing from him on foot.  
19 Do you disagree that that occurred? Did  
20 that or did that not occur?  
21 A. I did not get sprayed, so I disagree.  
22 Q. Did you read the report from officer or corporal or  
23 Sergeant Belloli about you suggesting to him as well  
24 that Kevin Matthews either did or tried to spray you  
25 with pepper spray?

1 this?  
2 A. Sure.  
3 Q. Like this. Like this?  
4 A. Mm-hmm.  
5 Q. You're not fully on top of him, you on top, Kevin  
6 Matthews on the bottom, correct?  
7 A. Correct.  
8 Q. How were the bodies?  
9 A. Like this. I'm like this. These are his shoulders  
10 right here.  
11 Q. Okay. So you're --  
12 A. So my legs are opposite his legs. His legs are going  
13 this way and my legs are --  
14 Q. So the weight of your body would have over his head  
15 reaching into his -- like his waist?  
16 A. Not even quite that far, by his shoulders.  
17 Q. Okay. But at least at that point in time you're  
18 telling the dispatcher that you're safe, correct?  
19 A. Correct.  
20 Q. Had Kevin said anything to you apart from I didn't do  
21 anything?  
22 A. I just recall something to that effect, you know, that  
23 I didn't do anything, let me go.  
24 Q. Okay. When you wrote your report, Exhibit 1 you have  
25 in front of you, correct?

Page 108

Page 108

1 A. Yes, sir.  
2 Q. Do you agree that he did or tried to spray you with  
3 pepper spray, Kevin Matthews?  
4 A. Tried. He did not complete it.  
5 Q. Okay. Do you recall speaking to Officer Carroni when  
6 he approached you after the shooting?  
7 A. Not -- I remember his presence there, but --  
8 Q. Do you remember if that was one of the first things  
9 you told Officer Carroni, he tried to spray me with my  
10 pepper spray?  
11 A. No, sir, I don't recall.  
12 MS. ELLERBRAKE: Objection,  
13 mischaracterizes the testimony. He's indicated  
14 otherwise.  
15 BY MR. GREENMAN:  
16 Q. I just want to get a visual, and if you want to use  
17 your hands, you can use your hands. I have little  
18 play figures if you want to use those if you think  
19 those are more accurate, but when you're on top of  
20 Kevin Matthews on the grassy area in the back of 8080  
21 Whitcomb and you're calling the prep radio and the  
22 dispatch that you're in a code green status, are you  
23 like fully on top of Kevin Matthews?  
24 A. No, sir.  
25 Q. So can you just use your hands? Are they more like

1 A. Mm-hmm.  
2 Q. You indicated at the time of the shooting, which you  
3 acknowledge took about two seconds, you were supine,  
4 correct? You said it's accurate.  
5 A. Yes, sir.  
6 MARKED FOR IDENTIFICATION:  
7 DEPOSITION EXHIBIT 6  
8 11:13 a.m.  
9 BY MR. GREENMAN:  
10 Q. Now, I want to show you -- this is Exhibit 6. I just  
11 want to show you examples of what supine and prone  
12 are.  
13 A. Yes.  
14 Q. Again, you're a college graduate, correct?  
15 A. Correct.  
16 Q. That's what supine shows and that's what prone shows,  
17 correct?  
18 A. Correct.  
19 Q. Can you rotate that to the videotape operator. Thank  
20 you. That's Exhibit 6. You can set that down.  
21 Now, back to the grassy area when you've  
22 indicated Kevin Matthews is taking your freeze spray,  
23 somehow in a matter of how many seconds Kevin Matthews  
24 gets out of the position where he's underneath you, is  
25 now standing over you. You're now supine. He takes

1 your freeze spray from your holster, your duty belt.  
 2 He tries to spray you. You strike him twice in the  
 3 right jaw, correct? Did I get all that right in that  
 4 order?  
 5 A. Not completely on the supine.  
 6 Q. I thought you said you were supine.  
 7 A. You're talking about the Freeze Plus P fence muddy  
 8 area, correct?  
 9 Q. Yes.  
 10 A. No. I was on my butt kind of angled upward like this.  
 11 Q. Okay.  
 12 A. The supine comes later on in the driveway.  
 13 Q. Okay. I'm sorry. So Kevin Matthews, notwithstanding  
 14 your correction, and I'll move forward with your  
 15 correction, you're on your butt where your legs are  
 16 spread out and you're on your butt, so to speak --  
 17 A. Angled.  
 18 Q. -- and he takes the time to stand up, grab your freeze  
 19 spray and try to spray you. Is your back to the  
 20 fence?  
 21 A. No. My back would be angled towards the garage  
 22 direction.  
 23 Q. Okay. So Kevin was closer to the fence?  
 24 A. Correct.  
 25 Q. Okay. So then you take the freeze spray. You strike

1 Q. Okay. Once you strike him and you get the pepper --  
 2 freeze spray out of his hand, does he just stand  
 3 there?  
 4 A. No. I'm clutching him, too, at the same time and --  
 5 Q. But you took the time to throw the freeze spray  
 6 over -- how are you clutching him and then taking the  
 7 time to throw the freeze spray over the fence?  
 8 A. Throwing the freeze spray just took a millisecond to  
 9 get that out of play and we're in close proximity,  
 10 within a foot of each other.  
 11 Q. And Kevin Matthews doesn't immediately flee once you  
 12 strike him? You have --  
 13 A. No. He's still right there and I grab it right out of  
 14 his hands and he's still right there in my face.  
 15 Q. Standing over you, though?  
 16 A. Hunched over, yeah, standing. I'm not sure if he was  
 17 on his knees or on his feet. He was --  
 18 Q. Well, you already told us he was on his feet, but  
 19 nonetheless --  
 20 A. So, yeah. I mean --  
 21 Q. Okay. And so what happens next?  
 22 A. Then after throwing the Freeze Plus P over the fence,  
 23 continue in that muddy area an intense struggle where  
 24 he's striking and kicking me trying to get away and  
 25 tugging at my uniform. Then he breaks from my grasp,

1 Kevin, and then he runs away from you and you're still  
 2 on your butt?  
 3 A. No. I strike Kevin first and then take the freeze  
 4 spray and then throw it over the fence.  
 5 Q. Okay. When you strike Kevin twice in the jaw, does it  
 6 knock him down?  
 7 A. No, sir.  
 8 Q. Does he stumble?  
 9 A. Not really.  
 10 Q. So he just -- after you strike him twice, he just --  
 11 strike that.  
 12 Did you not get good leverage on the blows  
 13 maybe? I'm asking if you know.  
 14 A. I'm not sure. He didn't seem phased other than I was  
 15 able to perhaps stun him and able to get the -- out of  
 16 the clutches of his hand the Freeze Plus P and throw  
 17 it.  
 18 Q. And then he runs away from you. He runs past you in  
 19 essence to go down the apron of the driveway of 8080  
 20 Whitcomb?  
 21 A. Not completely at that point, no.  
 22 Q. He does run past you after you strike him, correct?  
 23 A. No. There's more of an intense struggle in the grass  
 24 muddy area before he broke free but then eventually,  
 25 yes.

1 and then that's when he had proceeded to the garage  
 2 and I had to get up from my position.  
 3 Q. Exhibit 1, middle paragraph, Matthews briefly broke  
 4 free from my control and began fleeing southwest to  
 5 the driveway. Do you see that?  
 6 A. Yes, sir.  
 7 Q. You're not in fear of your life, are you?  
 8 A. I was just prior and still now --  
 9 Q. Okay.  
 10 A. -- I would say.  
 11 Q. When he's fleeing from you, are you in fear of your  
 12 life?  
 13 A. At that point, yes. After the Freeze Plus P incident  
 14 I was throughout the entirety of the remainder of this  
 15 incident.  
 16 Q. Throughout the entirety of the incident you're now in  
 17 fear of your life, is that correct?  
 18 A. After --  
 19 Q. That's your testimony?  
 20 A. After the Freeze Plus P incident.  
 21 Q. Okay. And just so we're clear, you've acknowledged  
 22 there's no evidence that Kevin Matthews is bleeding  
 23 yet, correct, no evidence at all? You've told us  
 24 that.  
 25 A. Correct. I don't know.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 113

Page 115

1 Q. Maybe you can explain to the jury how Kevin Matthews'  
 2 blood is on the freeze spray on the other side of the  
 3 fence and he's not bleeding yet?  
 4 A. I'm not sure if he's not bleeding. I --  
 5 Q. You already told us there's no evidence he was  
 6 bleeding.  
 7 A. I wasn't sure. I mean, it was a pretty intense  
 8 situation, so I did not observe any blood is all I'm  
 9 going to say. Or all I can say.  
 10 Q. So though you're in fear of your life, you continue to  
 11 chase still to this time an unarmed Kevin Matthews as  
 12 far as you're aware, correct? You have no reason  
 13 to -- no evidence to believe he's armed?  
 14 A. He's not --  
 15 MS. ELLERBRAKE: Armed with a gun?  
 16 MR. GREENMAN: Armed with anything.  
 17 BY MR. GREENMAN:  
 18 Q. You have no evidence -- you can tell no one that he  
 19 has any weapon on his person, correct?  
 20 A. I got rid of the weapon, yeah, the Freeze Plus P over  
 21 the fence line, yeah.  
 22 Q. So apart from the freeze spray, you have no evidence  
 23 he has any weapon as he's fleeing from you, correct?  
 24 A. Correct.  
 25 Q. You get off your butt?

1 A. Yes, sir.  
 2 Q. Okay. You clearly in that period of physical activity  
 3 could dominate Kevin Matthews in terms of your  
 4 strength by throwing him to the garage door, correct?  
 5 A. I wouldn't say that's accurate.  
 6 Q. Okay. Before the break you and I had put our arms up  
 7 amongst one another. That occurred -- that  
 8 positioning of you and Mr. Matthews occurred after  
 9 Kevin Matthews was thrown to the garage door, correct?  
 10 A. No. That was the type of grappling position that led  
 11 to the garage door and subsequent falling down to the  
 12 ground.  
 13 Q. Okay. So I'm confused about an issue.  
 14 A. Okay.  
 15 Q. The jury has seen how I said at one point in time you  
 16 had -- Kevin had his arms on your shoulder and you had  
 17 your arms to some extent extended away from your body  
 18 as well --  
 19 A. Correct.  
 20 Q. -- correct? Was that before you threw him to the  
 21 garage door or after?  
 22 A. Be both.  
 23 Q. Okay. So when you caught up with him as outlined in  
 24 Exhibit 1, second page, where you indicate he began  
 25 fleeing southwest to driveway of 8080 Whitcomb, you

Page 114

Page 116

1 A. Correct.  
 2 Q. And you continue to chase him?  
 3 A. Yes.  
 4 Q. Do you think he has the rip in his pants and that's  
 5 how you catch him?  
 6 A. I have no idea.  
 7 Q. Okay. Did you recognize the rip in his pants?  
 8 A. No, sir.  
 9 Q. Whereabouts in the back of 8080 Whitcomb do you catch  
 10 Kevin Matthews as he runs from you?  
 11 A. Very shortly proximity wise from the area of the muddy  
 12 grass that we were rolling around in to the garage.  
 13 That's a very -- that's within ten feet, you know,  
 14 five to ten.  
 15 Q. Yeah, but the way you have it written in your report,  
 16 Kevin is trying to run down the apron of the driveway,  
 17 which is not the direction you just indicated.  
 18 A. He was going that direction, but I was able to grab  
 19 ahold of him with his sweater.  
 20 Q. And you in essence, given your strength, threw him to  
 21 the garage door, did you not?  
 22 A. Yeah. We both went to the garage, yep.  
 23 Q. Listen to my question. You with your strength and  
 24 dimensions, physical size over Kevin Matthews in  
 25 essence threw him to the garage door, did you not?

1 were able to catch him, correct?  
 2 A. Correct.  
 3 Q. Which means you must have caught him by way of his  
 4 back because he's fleeing from you, correct?  
 5 A. Or side. I would say his side, back.  
 6 Q. You were able to spin him around in essence and throw  
 7 him to the garage, true?  
 8 A. I wouldn't use the word throw. I didn't throw but --  
 9 Q. Propel him with your strength to the garage door?  
 10 A. Right.  
 11 Q. Correct?  
 12 A. Correct.  
 13 Q. When you did that, you separated from him because  
 14 you're stronger than him and you dominated him  
 15 physically. You were able to do that and separate  
 16 from him, correct?  
 17 A. No, sir. We both collided on the garage together.  
 18 Q. You collided on the garage door together?  
 19 A. Correct.  
 20 Q. You fell down?  
 21 A. Correct.  
 22 Q. And then Kevin Matthews ends up standing over you?  
 23 A. Correct.  
 24 Q. And then we get to what you mean and what you have --  
 25 you've acknowledged what supine means, is that true?

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 117

Page 118

1 A. Correct.  
 2 Q. And that's what you have in your report, correct?  
 3 A. Correct.  
 4 Q. Okay. All during this time your hat had come off over  
 5 the fence issue, correct, jumping over the fence?  
 6 A. Correct.  
 7 Q. Your handcuff key had come off going over the fence,  
 8 correct?  
 9 A. I wouldn't say it all was the cause of going over the  
 10 fence, but they did come off after going over the  
 11 fence, yes.  
 12 Q. As did your pen that you write your reports with, you  
 13 write your notes with in your reports, is that true?  
 14 A. Correct.  
 15 Q. Okay. I'm going to use the Dearborn photographs.  
 16 Just want to make sure we have these together. Fine.  
 17 Let me use these.  
 18 MS. ELLERBRAKE: Are those the Watson ones?  
 19 MR. GREENMAN: They are. Do you want to  
 20 use just Dearborn's?  
 21 MS. ELLERBRAKE: I can get Watson's.  
 22 MR. GREENMAN: No, I think I have Dearborn  
 23 in here someplace.  
 24 MS. ELLERBRAKE: That's okay.  
 25 MR. GREENMAN: No, that's fine. I'll --

1 A. Yes, sir.  
 2 Q. Okay. So Exhibit 7 is a photograph taken of the  
 3 scene. Is that the fence that you went over between  
 4 8090 and 8080 Whitcomb?  
 5 A. Yes, it is, sir.  
 6 Q. Is that your hat?  
 7 A. Yes, it is.  
 8 Q. Your pen and your handcuff key?  
 9 A. Yes, 15 pen, 16 handcuff key.  
 10 Q. And your hat's 14?  
 11 A. Correct.  
 12 Q. Could I see that, please?  
 13 A. Yes, sir.  
 14 Q. Do you notice how close these pieces of evidence, your  
 15 materials that you just identified in the record, how  
 16 close they are to the base of the fence?  
 17 A. Yes, I notice.  
 18 Q. Might that suggest that when you jumped over the  
 19 fence, you went over as it relates to in some respects  
 20 hitting your belly on the fence and you actually  
 21 flipped over, lost your hat and lost your handcuff key  
 22 and your pen from your pocket?  
 23 A. Yes, that's possible.  
 24 Q. Okay. Well, that's not what your report says. Fair?  
 25 Your report doesn't say that.

Page 118

Page 120

1 yeah, I guess I will. Nope.  
 2 MS. ELLERBRAKE: Use Watson. And they  
 3 don't have numbers on them?  
 4 MR. GREENMAN: No, they don't. Do you want  
 5 to use Watson's?  
 6 MS. ELLERBRAKE: Do you have numbers on  
 7 Watson's?  
 8 MR. GREENMAN: Yeah. Yeah, I do. Do you  
 9 have those numbers?  
 10 MS. ELLERBRAKE: Mm-hum.  
 11 MR. GREENMAN: Well, I do have the ones  
 12 that were from Dearborn I think. I don't know which  
 13 ones I want to use, though. Let's use Watson's, okay?  
 14 MS. ELLERBRAKE: Okay.  
 15 MR. GREENMAN: Number 63, Watson. I have a  
 16 separate set if you want one.  
 17 MS. ELLERBRAKE: I got it.  
 18 MARKED FOR IDENTIFICATION:  
 19 DEPOSITION EXHIBIT 7  
 20 11:25 a.m.  
 21 BY MR. GREENMAN:  
 22 Q. I'm going to show you exhibit -- this would be I think  
 23 Number 7.  
 24 A. Sure.  
 25 Q. You know what an evidence marker is, don't you?

1 A. What, that it's possible?  
 2 Q. No. Your report doesn't say that that's how you  
 3 flipped over the fence or got over the fence, does it?  
 4 A. I vividly remember leaping over the fence.  
 5 Q. Okay. Well, so, again, I grew up on a farm, and  
 6 there's a phrase that I had learned long ago. It's  
 7 called -- has a little swear word in it. Aas over  
 8 teakettle. You ever hear that phrase?  
 9 A. Yes, sir.  
 10 Q. Where if you're jumping over a fence and in essence  
 11 your head flips down by the side of the fence and then  
 12 you flip over where your legs actually catapult around  
 13 you. Is that how you went over the fence?  
 14 A. I don't recall anything to that extreme, no.  
 15 Q. Okay. But, nonetheless, we know that the material --  
 16 strike that.  
 17 The hat you had on your head ends up at the  
 18 base of the fence along with your pen and your  
 19 handcuff key, correct? Right at the base of the  
 20 fence, true?  
 21 A. Within a foot or two.  
 22 Q. Might that suggest the notion that when you did flip  
 23 over the fence, you went over with your tummy -- and  
 24 you did sort of flip as opposed to launch over on  
 25 Kevin Matthews.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 121

Page 123

1 MS. ELLERBRAKE: Asked and answered. You  
 2 can answer it again if you want. He's already  
 3 testified to what he recalls.  
 4 THE WITNESS: I recall, yeah, you know,  
 5 just launching over. That's all I recall.  
 6 BY MR. GREENMAN:  
 7 Q. Well, then can you explain how your hat got in the  
 8 base of the - strike that.  
 9 You didn't go back and put your hat at the  
 10 base of the fence, did you?  
 11 A. No, sir.  
 12 Q. You weren't even aware you had lost your handcuff key  
 13 and pen at the base of the fence, correct?  
 14 A. No, sir.  
 15 Q. Well, how does -- can you explain to the members of  
 16 the jury reasonably how does your hat, pen, and the  
 17 handcuff key get to the base of the fence if it isn't  
 18 you flipping over the fence?  
 19 MS. ELLERBRAKE: Objection, calls for  
 20 speculation. He's testified to what he remembers.  
 21 BY MR. GREENMAN:  
 22 Q. Can you explain that or no?  
 23 A. Yeah. There's an intense struggle right in that  
 24 vicinity as well so -- with Kevin Matthews and myself  
 25 and --

1 Q. Are you sure?  
 2 A. Yes, sir.  
 3 Q. Okay. So you only lost your magazines at some point  
 4 in time when you were on the pavement?  
 5 MS. ELLERBRAKE: Objection, lack of  
 6 foundation. There's been no testimony that he lost  
 7 them.  
 8 MR. GREENMAN: That's fairly stated. I  
 9 wasn't suggesting --  
 10 MS. ELLERBRAKE: May have been taken from  
 11 him.  
 12 MR. GREENMAN: Do you want to testify?  
 13 THE WITNESS: Kevin Matthews physically  
 14 grabbed and took one of my magazines from my pouch,  
 15 looked at it.  
 16 BY MR. GREENMAN:  
 17 Q. I'll get to that. I'm sorry. I was dealing with --  
 18 A. Okay.  
 19 Q. So here's the next question, okay? Notwithstanding  
 20 running down the street, notwithstanding the struggle  
 21 that went on with Kevin Matthews in the grassy muddy  
 22 area a little bit, you still believe that both your  
 23 magazine clips were in your duty belt, right?  
 24 A. Yes, sir.  
 25 Q. Okay. Your gun was still in your holster?

Page 122

Page 124

1 Q. Okay. Can I see that, please?  
 2 A. Yes, sir.  
 3 Q. That's Exhibit Number 7, Photograph 63.  
 4 When you went to the hospital, you didn't  
 5 make any suggestion or claim to the nurses or doctors  
 6 who cared for you that Kevin Matthews had sprayed you  
 7 with any Mace or had attempted to spray you with any  
 8 Mace, correct?  
 9 A. No, sir.  
 10 Q. So there wasn't any notion that you were actually  
 11 sprayed, is that correct, when you went to the  
 12 hospital?  
 13 A. No, I was not sprayed.  
 14 Q. Okay. So if other members of your police force  
 15 suggest that's what you stated to them, maybe they  
 16 could be mistaken?  
 17 A. I'm not sure how that was articulated on that. I'm  
 18 not sure.  
 19 Q. After all the activity that occurred, running down the  
 20 street, jumping over the fence in whatever manner you  
 21 jumped over the fence and struggling with Kevin  
 22 Matthews, your gun was still in your holster, correct?  
 23 A. Correct.  
 24 Q. Did you lose your magazines jumping over the fence?  
 25 A. No, sir.

1 A. Yes, sir.  
 2 Q. And we've talked about this freeze spray, correct?  
 3 A. Correct.  
 4 Q. You didn't -- your magazines didn't happen to come out  
 5 during the struggle in the grass and mud, is that  
 6 true?  
 7 A. True.  
 8 Q. Those only came out when you were on the pavement,  
 9 right?  
 10 A. Correct.  
 11 Q. Okay. Did -- so from the time you get to -- you're on  
 12 the pavement and you grab Kevin by the side or by the  
 13 back as he's trying to run away from you, again, down  
 14 the apron of 8080 Whitcomb to the time where it takes  
 15 two seconds to shoot and kill him, how much time  
 16 passed?  
 17 A. From the garage contact to the ground, the pavement?  
 18 Q. From the time you threw him to the garage and then  
 19 he's shot and killed, how much time passed? Ten  
 20 seconds?  
 21 MS. ELLERBRAKE: Don't speculate if you  
 22 don't know.  
 23 THE WITNESS: Yeah, I'm not certain.  
 24 BY MR. GREENMAN:  
 25 Q. Is it a minute?



Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 125

1 A. I would say it would not be that long, would be under  
2 a minute.  
3 Q. Be under a minute, right?  
4 A. Correct.  
5 Q. Okay. When -- as you state in your report, Kevin is  
6 standing over you when you shoot him, correct?  
7 A. Correct.  
8 Q. Does he fall on you?  
9 A. We both fell, correct.  
10 Q. No. You're laying down.  
11 A. Right.  
12 Q. You're shooting upward at him, correct?  
13 A. Correct.  
14 Q. Okay. So you're laying down. We already know you're  
15 laying down like the exhibit shows, correct? What  
16 exhibit number is that?  
17 A. This is Exhibit Number 6.  
18 Q. Okay. So in essence your arm is up like this shooting  
19 to Kevin?  
20 A. No, sir.  
21 Q. How is your arm when you shoot at Kevin?  
22 A. Like this.  
23 Q. Like that, is that correct?  
24 A. Correct.  
25 Q. Okay. And how is Kevin standing over? You can you

Page 127

1 Q. Is that correct?  
2 A. Correct.  
3 Q. That's correct, right?  
4 A. Correct.  
5 Q. This is Exhibit 8.  
6 **MARKED FOR IDENTIFICATION:**  
7 **DEPOSITION EXHIBIT 8**  
8 11:33 a.m.  
9 **MS. ELLERBRAKE:** What photos are these?  
10 **MR. GREENMAN:** This -- oh, we got to go  
11 back to the numbers. I'm sorry. I'll find that,  
12 Laurie. I'm sorry. That's the one I want to use.  
13 This is a Watson photo, but I don't know which one it  
14 is. Do you want me to try to find it first?  
15 **MS. ELLERBRAKE:** Just let me look at it,  
16 and while you're talking I'll look for it. Okay.  
17 **MR. GREENMAN:** You got it?  
18 **MS. ELLERBRAKE:** Got it.  
19 **BY MR. GREENMAN:**  
20 Q. Okay. This is Exhibit 8. Do you see that, sir?  
21 A. Yes, I do.  
22 Q. You're prepared to testify that that's how Kevin  
23 Matthews' body laid after he was shot by you, is that  
24 correct?  
25 A. Yes, that's correct.

Page 128

1 show us?  
2 A. Yes. Like this.  
3 Q. Okay. And you indicated you're shooting like this,  
4 correct?  
5 A. Correct.  
6 Q. Okay. And once you shoot Kevin, does it blow him back  
7 or does he fall on you? Because you didn't have any  
8 blood on your uniform.  
9 A. He did not fall on me. I wouldn't say he blew back  
10 necessarily.  
11 Q. Did he twist and turn?  
12 A. Yeah, slightly.  
13 Q. Okay. And where were you exactly at the time he  
14 falls? Did he fall beside you in essence?  
15 A. I was on my back like we said, like this, and he kind  
16 of fell angled, you know.  
17 Q. Just like in the photograph?  
18 A. Correct.  
19 Q. Did you move him at all?  
20 A. No, sir.  
21 Q. Did you touch him at all?  
22 A. No, sir.  
23 Q. And you already talked about you didn't try to revive  
24 him at all.  
25 A. No, sir.

Page 128

1 Q. Okay. Here's a black felt pen. You've -- again,  
2 you've showed us that you were -- you had your gun in  
3 your right hand and you sort of shot like this. Can  
4 you show us again?  
5 A. (Indicating).  
6 Q. Okay.  
7 **MS. ELLERBRAKE:** Is that a Dearborn photo  
8 or a Watson photo?  
9 **MR. GREENMAN:** Let's just go off the record  
10 for a minute.  
11 **VIDEO TECHNICIAN:** Sure. We're pausing  
12 11:36:27.  
13 (Off the record at 11:36 a.m.)  
14 (Back on the record at 11:37 a.m.)  
15 **VIDEO TECHNICIAN:** We are back on the  
16 record 11:37:38.  
17 **BY MR. GREENMAN:**  
18 Q. I'm going to give that to you. Can you show that to  
19 the videotape operator?  
20 A. Yes, sir.  
21 Q. And you testified that that's how -- that's the  
22 position Kevin Matthews' body resulted in after being  
23 shot by you, correct?  
24 A. I presume so, unless this is after treatment, I don't  
25 know, by EMS, but I did not touch or move his body so

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 129

Page 131

1 this --

2 Q. As far as you know, if no one says they moved the

3 body, that's exactly how Kevin Matthews' body laid

4 after you shot him?

5 A. Yes, sir.

6 Q. Okay. So once Kevin Matthews touched or came into

7 contact with the garage, how is it that you ended up

8 underneath him again?

9 A. We both fell at the same time, and I ended up on my

10 back from the force from the garage and going down

11 from the garage door.

12 Q. You physically dominated him. How could that be?

13 A. I apparently did not physically dominate him. We both

14 fell from the force after hitting the garage, and I

15 happened to land on my back and he happened to --

16 however he landed, he was up and hunched over me.

17 Q. Hunched over you going for your gun?

18 A. Not initially, no.

19 Q. Okay. When you say not initially, did he get up and

20 try to run? Did you try to tackle him?

21 A. No, sir.

22 Q. Okay. So you end up on your back supine, correct?

23 A. Correct.

24 Q. And you say not initially he doesn't go for your gun.

25 A. Correct.

1 A. It should be, I think.

2 Q. Pulled out my duty magazine, ammunition from my duty

3 belt positioned next to my firearm. It doesn't say

4 anything -- he then took the time to look at it. Is

5 that what you said?

6 A. Yep. That's what I said, yep.

7 Q. And in these seconds where you're in fear of your

8 life, you simply don't take your strong leg and kick

9 him away?

10 A. No. He dropped it. He dropped it without me doing

11 anything and then goes back to the Glock.

12 Q. He drops the magazine that he pulled out from your

13 duty belt and now he goes for your Glock?

14 A. Correct. He's looking at that magazine, drops it. I

15 don't know his mindset. He doesn't want it.

16 Q. Sure.

17 A. Then he goes -- that's when he goes back for my gun.

18 Q. And your Glock is still in your holster?

19 A. Correct.

20 Q. Your double lock holster, correct?

21 A. Correct.

22 Q. And what, Kevin reaches across his body? Does he

23 reach with his right or his left hand?

24 A. With his right hand.

25 Q. He goes with his right hand and he crosses your

Page 130

Page 132

1 Q. What does he go for first? Is this in your report?

2 A. Yes, sir.

3 Q. What did he go for first?

4 A. My department issue duty magazine with my ammunition

5 in it. It was on the front of my belt next to my gun.

6 Q. Are those -- those are on your right side by your

7 weapon?

8 A. Correct.

9 Q. Okay. You said he makes an affirmative move to go for

10 those, is that correct?

11 A. Correct.

12 Q. And he's standing over you?

13 A. Correct.

14 Q. Okay. Any reason why you don't -- if you're actually

15 laying down you don't just -- with the strength of

16 your body just kick him out of the way?

17 A. I did not know he was going originally for my

18 weapon -- or, excuse me, my magazine at this point,

19 and I see him pull back from it looking at it, my

20 magazine, and --

21 Q. Kevin Matthews got your magazine in his hand?

22 A. He physically had my magazine in his hand and he

23 looked at it for a split second.

24 Q. Show us how he did that because that's not reported in

25 your report.

1 body --

2 A. Yes, sir.

3 Q. -- because you're --

4 MS. ELLERBRAKE: Let him ask the

5 question --

6 BY MR. GREENMAN:

7 Q. -- right handed, correct?

8 MS. ELLERBRAKE: -- before you answer.

9 BY MR. GREENMAN:

10 Q. And right now, and whatever photograph you want to

11 show me, where are you positioned as Kevin is standing

12 over you? I'm going to need you to take this pen or

13 some pen and draw your --

14 A. Sure. Maybe blue would be better.

15 Q. Do you want a better picture with the garage showing?

16 A. No. I mean, you know where the garage is, right?

17 Q. Let's just -- let's hold off then. I want to show you

18 a picture of the garage.

19 A. Sure.

20 MS. ELLERBRAKE: Which pictures are we

21 using now?

22 MR. GREENMAN: Well, I'll try to use yours.

23 MS. ELLERBRAKE: What number are you going

24 to --

25 MR. GREENMAN: Number 10.

1 BY MR. GREENMAN:  
 2 Q. Here's number -- if you say we're going to use that,  
 3 I'll have it marked. Is that a better exhibit to you,  
 4 sir? No?  
 5 A. Yeah, we can use either. Either one is fine.  
 6 Q. Well, the one shows the garage door more.  
 7 A. Sure. Yeah.  
 8 Q. So let's have that marked as Exhibit 9.  
 9 A. Okay.  
 10 MARKED FOR IDENTIFICATION:  
 11 DEPOSITION EXHIBIT 9  
 12 11:41 a.m.  
 13 BY MR. GREENMAN:  
 14 Q. You can give it back to me.  
 15 A. Yep.  
 16 Q. This is Photograph 10 of the Dearborn photographs,  
 17 and, you know, I'm just going to give you a little  
 18 stick figure.  
 19 A. Okay.  
 20 Q. So you're on your back. I want you to orient it as  
 21 best you can as it relates to, you know, head  
 22 vis-a-vis the garage door, body positioning, okay?  
 23 A. Yep.  
 24 Q. Thanks.  
 25 MR. GREENMAN: Can you take the camera and

1 MS. ELLERBRAKE: Then why would we use a  
 2 picture that has Kevin in it? I mean, why wouldn't we  
 3 just use a picture that we have of the driveway and  
 4 the garage?  
 5 MR. GREENMAN: I want to know as it  
 6 relates -- he said Kevin didn't fall on him so I  
 7 want --  
 8 MS. ELLERBRAKE: Well, Kevin's in the  
 9 picture.  
 10 MR. GREENMAN: It doesn't matter to me.  
 11 We'll use a different one after this. Just  
 12 accommodate me first and then we'll do this again.  
 13 BY MR. GREENMAN:  
 14 Q. Go ahead, sir.  
 15 MS. ELLERBRAKE: If you can't do it with  
 16 that, with --  
 17 MR. GREENMAN: Please don't instruct the  
 18 witness what he can't do.  
 19 MS. ELLERBRAKE: I'm asking him, that he  
 20 doesn't have an obligation to create --  
 21 MR. GREENMAN: Please don't interfere with  
 22 my dep.  
 23 MS. ELLERBRAKE: I can --  
 24 MR. GREENMAN: Well, you're totally wrong  
 25 about he has no obligation to create. He has the

1 move over here, please, Lauren?  
 2 VIDEO TECHNICIAN: I can get closer. I'm  
 3 not sure I need to.  
 4 MR. GREENMAN: Okay. Very good.  
 5 THE WITNESS: Did you find it?  
 6 MS. ELLERBRAKE: No. Hold on just a  
 7 second.  
 8 THE WITNESS: It's not that but it's --  
 9 MS. ELLERBRAKE: It's not this one? Yeah,  
 10 it's this one.  
 11 THE WITNESS: Oh, that one's just cropped a  
 12 little bit differently.  
 13 MS. ELLERBRAKE: Oh, yeah. Okay. Go  
 14 ahead. I think it's this one.  
 15 THE WITNESS: Okay. What -- do you want me  
 16 to angle it so you can see obviously --  
 17 BY MR. GREENMAN:  
 18 Q. Yes, yes, yes, if you can.  
 19 MS. ELLERBRAKE: Can you repeat the  
 20 question first what we're doing?  
 21 MR. GREENMAN: I want to know how he's  
 22 oriented to the garage door when Kevin is standing  
 23 over him after -- at the time that he -- he said Kevin  
 24 takes the time to look at his magazine and then throw  
 25 it down.

1 obligation to create a visual of what occurred.  
 2 BY MR. GREENMAN:  
 3 Q. Please do that, sir.  
 4 A. Okay. So I'm on my back, you know, somewhere in this  
 5 vicinity here.  
 6 Q. Is your head that close to the garage, within inches  
 7 or feet?  
 8 A. No, no, it's not. It would be several feet away so --  
 9 Q. Okay. So you're laying in essence --  
 10 A. I just can't recall -- I can't really recall if I was  
 11 like -- you know, as far as the north --  
 12 MS. ELLERBRAKE: If you can't recall, you  
 13 can't recall.  
 14 THE WITNESS: The north and south lines I  
 15 don't know, but, yeah, I was a few feet away from the  
 16 garage for sure.  
 17 BY MR. GREENMAN:  
 18 Q. In terms of your head?  
 19 A. Mm-hum.  
 20 Q. In terms of your head and your feet were facing --  
 21 that's west, right?  
 22 A. Towards -- yeah. These would be like pointed towards  
 23 Whitcomb Street.  
 24 Q. Your feet are pointed in essence towards the home or  
 25 the driveway of Whitcomb, is that correct?

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 137

Page 139

1 A. Correct.  
 2 Q. And your head's closer to the garage door, correct?  
 3 A. It wasn't that close. I mean, it wouldn't be -- it's  
 4 not inches or anything, but I didn't measure it. I  
 5 don't know.  
 6 Q. Fair enough.  
 7 A. Definitely some feet.  
 8 Q. And so when you shoot -- okay. You can put that down  
 9 now.  
 10 A. Okay.  
 11 MR. GREENMAN: Did you get that, Lauren?  
 12 VIDEO TECHNICIAN: Yes.  
 13 BY MR. GREENMAN:  
 14 Q. The way you had that, you understand there will be a  
 15 photograph that's downloaded from that. We'll be able  
 16 to share that with counsel. You understand that?  
 17 A. Yeah. Sure.  
 18 Q. That's at the time that Kevin takes the magazine from  
 19 you, looks at it and throws it away, and then he goes  
 20 back down, as you say, for your gun, is that correct?  
 21 A. Correct.  
 22 Q. Okay. This must be taking a few seconds, right, I  
 23 mean, especially if you tell the members of the jury  
 24 he actually took the time to look at the magazine. It  
 25 must have taken a few seconds before he then goes back

1 disengaged both of those releases from your weapon?  
 2 A. No, sir.  
 3 Q. Who did that?  
 4 A. I don't know, sir. It wasn't me. As far as the hood,  
 5 that was already defeated, the thumb, what we talked  
 6 about earlier.  
 7 Q. Defeated. Who defeated that?  
 8 A. Not I, but, you know, during this -- you know, the  
 9 hood was up is all I know.  
 10 Q. The hood was up, and it's your -- is it your testimony  
 11 that Kevin Matthews released that first safety switch  
 12 causing the hood to open?  
 13 A. No, sir.  
 14 Q. You're the one who did that, right? You did it.  
 15 A. The hood I don't recall.  
 16 Q. Is it your testimony Kevin Matthews knew how to open  
 17 your weapon safety devices?  
 18 A. Possibly.  
 19 Q. Did Kevin Matthews ever get his hand on your weapon?  
 20 A. Yes, sir.  
 21 Q. And he did that standing over you?  
 22 A. Yes, sir.  
 23 Q. And how long did that take?  
 24 A. Split second, sir.  
 25 Q. A split second?

Page 138

Page 140

1 and starts to reach for your gun.  
 2 MS. ELLERBRAKE: Is that a question?  
 3 MR. GREENMAN: Yes.  
 4 BY MR. GREENMAN:  
 5 Q. It must have taken a few seconds, is that correct?  
 6 A. Under -- I would say under. It was very quick. It  
 7 wasn't like he stared at it for, you know, three or  
 8 four seconds, so I would say -- I would approximate he  
 9 took a quick half a second look at it and then went  
 10 back.  
 11 Q. And he was standing over you like you've already told  
 12 us?  
 13 A. Correct.  
 14 Q. Okay. And is it my understanding that in order to  
 15 remove your Glock weapon from your double lock  
 16 holster, that it requires, as you told us earlier, two  
 17 separate releases on your gun?  
 18 A. Yes.  
 19 Q. On your holster.  
 20 A. Yes.  
 21 Q. Okay. And would you agree it's near impossible for  
 22 someone standing over you to withdraw that weapon  
 23 outward?  
 24 A. No, sir.  
 25 Q. No, sir? Okay. So you're telling us that Kevin

1 A. Mm-hum.  
 2 Q. Is that a split second? Is a snap of the fingers a  
 3 split second?  
 4 A. Yes, sir.  
 5 Q. He reached down. Somehow the one safety mechanism or  
 6 switch was off such that the hood opened and then  
 7 somehow who opened the next safety switch such that  
 8 your gun could be withdrawn?  
 9 A. I simultaneously put my hand on the butt of my gun  
 10 when his hand was in the corner of the butt and the  
 11 top of it, and when I -- for retention purposes, when  
 12 he was going after it, I grabbed it and realized it  
 13 was free, it was loose. It wasn't out of my holster.  
 14 Q. What was loose? Your gun?  
 15 A. My firearm in my holster.  
 16 Q. Your gun can't be removed unless the other safety  
 17 switch is released and the gun is pulled out down  
 18 towards the ground --  
 19 A. Correct.  
 20 MS. ELLERBRAKE: Is that a question?  
 21 BY MR. GREENMAN:  
 22 Q. -- correct?  
 23 MR. GREENMAN: Yes, of course it's a  
 24 question. Please listen to it, okay? I don't need to  
 25 admonish you. Please. Yes, it's a question.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 141

1 BY MR. GREENMAN:  
2 Q. I'm correct, aren't I? I'm correct. You pulled out  
3 your gun, not Kevin Matthews.  
4 A. It was not secure. We simultaneously had it. When he  
5 pulled --  
6 Q. It was not secure. How could it not be secure? It  
7 has a double lock.  
8 A. His hand was on it.  
9 MS. ELLERBRAKE: Milt, calm down. Quit  
10 yelling at him.  
11 MR. GREENMAN: I'll take that. I accept  
12 that.  
13 THE WITNESS: No, it's fine.  
14 BY MR. GREENMAN:  
15 Q. It has a double lock, sir. So your first --  
16 MS. ELLERBRAKE: He's testified the way he  
17 found the gun. He can't explain it.  
18 MR. GREENMAN: Please, you're interrupting.  
19 You told me I was raising my voice. Maybe I was. You  
20 know, I'll respond accordingly.  
21 BY MR. GREENMAN:  
22 Q. Your first explanation is the first lock on your gun  
23 that opens up the hood, somehow that became open.  
24 Question: And you're going to tell us you didn't do  
25 it?

Page 143

1 A. Parallel, yes, sir.  
2 Q. And you know there are no fingerprints of Kevin  
3 Matthews on your handgun, right?  
4 A. Right.  
5 Q. And you were laying on the ground?  
6 A. Correct.  
7 Q. And when you shot -- can you show us again how you  
8 shot Kevin Matthews?  
9 A. Yes, sir.  
10 Q. Just like that, correct?  
11 A. Correct.  
12 Q. And he was standing over you, correct?  
13 A. Correct.  
14 Q. And standing over you -- I'm going to come over by  
15 you.  
16 A. Sure.  
17 Q. I'm going to say the garage door is here?  
18 MR. GREENMAN: Can you pick that up,  
19 Lauren?  
20 VIDEO TECHNICIAN: Yeah. Let me go off.  
21 MR. GREENMAN: Let's go off the record.  
22 VIDEO TECHNICIAN: Off the record 11:51:58.  
23 (Off the record at 11:51 a.m.)  
24 (Back on the record at 11:52 a.m.)  
25 VIDEO TECHNICIAN: We're back on the record

Page 142

1 A. I don't recall opening the hood of my gun with the --  
2 with my thumb.  
3 Q. The second safety mechanism on your holster requires  
4 you to what, press?  
5 A. There's a level right to the outside of it.  
6 Q. And then the action that has to be taken to remove  
7 your gun from its holster is a removal of the gun  
8 backwards towards your back, correct?  
9 A. Correct.  
10 Q. Towards the base of your hip or towards your butt,  
11 correct?  
12 A. Correct.  
13 Q. Which means if you're on the ground, you would have to  
14 in essence be hitting your hand on the ground to pull  
15 your weapon if you're laying on the ground, correct?  
16 A. No. It would just -- it would have to be upward,  
17 wouldn't necessarily have to be backwards.  
18 Q. It would have to be upward. I don't understand.  
19 A. Well, how you described how you have to pull it out,  
20 you know, you don't have to pull it backward towards  
21 my butt like you said but, you know, just vertical,  
22 up.  
23 Q. But the weapon will not be released upward. It has to  
24 come and slide out parallel or backward before it  
25 comes up, right?

Page 144

1 11:52:44.  
2 MR. GREENMAN: Can you hear me okay like  
3 this?  
4 VIDEO TECHNICIAN: Yes.  
5 MR. GREENMAN: Okay.  
6 BY MR. GREENMAN:  
7 Q. I'm going to ask you to stand up, please, and move  
8 your chair. So let's just -- he has to videotape  
9 this, sir, so if you could just step back a little bit  
10 and you can put that in your hand. So assuming this  
11 is the garage door, you testified you're laying on the  
12 ground here, right?  
13 A. Correct.  
14 Q. And your head is near the garage door, could be a  
15 foot, could be less than a foot. You're  
16 approximating, right?  
17 A. I would say foot or a little bit more.  
18 Q. And we know how Kevin's body laid after he was shot  
19 and killed, and your body in essence is like this  
20 laying down with Kevin standing over you, true?  
21 A. True.  
22 Q. And so -- and I don't know if you need to come over  
23 here, and so now we're going to switch places a little  
24 bit. Sir, please go there.  
25 A. Mm-hum.

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 145

Page 147

1 MR. GREENMAN: Can you see me okay?  
 2 VIDEO TECHNICIAN: Yeah.  
 3 BY MR. GREENMAN:  
 4 Q. So in essence Kevin is standing over you like this, is  
 5 that correct?  
 6 A. Correct. At what point? At what point are you  
 7 referring to?  
 8 Q. At the point where you now testified after he  
 9 throws -- after he looks at your magazine clip, he  
 10 throws it away. You then have him standing over you  
 11 reaching with his right hand to get to your gun, is  
 12 that correct?  
 13 A. He takes a knee, gets closer, but he was like that how  
 14 you were describing.  
 15 Q. You don't say he takes a knee. You have him standing  
 16 over in your report.  
 17 A. Okay.  
 18 Q. You wanted to say he takes a knee?  
 19 A. He hunches down. I mean, I don't know if his knee  
 20 touched the pavement.  
 21 Q. To get your gun. To get your gun like this?  
 22 MR. GREENMAN: Can you see this, Lauren?  
 23 VIDEO TECHNICIAN: Barely.  
 24 MR. GREENMAN: Well --  
 25 VIDEO TECHNICIAN: Let me go off again.

1 Q. Okay?  
 2 A. Then at that point I put my hand on the butt of my gun  
 3 for retention purposes, and then when I pulled up on  
 4 it, it realizes it's not secure. I don't hit the  
 5 lever and pull up on it. It's just not secure so at  
 6 that point his simultaneous -- hand simultaneously is  
 7 on the weapon that my hand's on and then that's when I  
 8 delivered the multiple shots.  
 9 Q. And you shoot him as many as times as you shoot him in  
 10 two seconds, correct?  
 11 A. Two or a little bit under, yeah, yes, sir.  
 12 Q. Okay. Again, the last -- he kneeled down and he's  
 13 like this, correct?  
 14 A. I'm not sure exactly his orientation of how he's  
 15 kneeling or how he's hunched over.  
 16 Q. The point is you have him standing over you, correct?  
 17 A. Correct.  
 18 Q. Okay. And you shoot him like this, correct?  
 19 A. Correct.  
 20 Q. And you shoot into his body, true?  
 21 A. Correct.  
 22 Q. He's standing right over you, correct?  
 23 A. Correct.  
 24 Q. You can sit down, please?  
 25 A. All right.

Page 146

Page 148

1 MR. GREENMAN: Can you see this?  
 2 VIDEO TECHNICIAN: Let me -- yeah, I can  
 3 see that.  
 4 MR. GREENMAN: Can you do that, please?  
 5 VIDEO TECHNICIAN: Yep.  
 6 BY MR. GREENMAN:  
 7 Q. So you're laying here. He's standing over you  
 8 reaching with his right hand to get your gun, is that  
 9 true?  
 10 A. Yeah. He's hunched over a little bit further.  
 11 Q. Like this?  
 12 A. He had an angle.  
 13 Q. Well, you understand your body is this thick.  
 14 A. Right. Yeah. So he's using my body, too, with this  
 15 hand using --  
 16 Q. Okay. So you just did it, and that's how he's  
 17 standing, okay? And you have your gun in your right  
 18 hand like this, and in two seconds you shoot and kill  
 19 him, am I correct?  
 20 A. You missed the part about grabbing the holster and all  
 21 that. Are we skipping that or --  
 22 Q. We just did that.  
 23 A. Okay. All right.  
 24 Q. He's reaching to get the gun right there.  
 25 A. Okay.

1 Q. Would you agree with me based upon what you just  
 2 testified to, all the bullets that you shot from your  
 3 handgun would have been going in an upward trajectory?  
 4 A. Yes, sir, with an angle, not directly vertical, like  
 5 angled upward.  
 6 Q. Okay. It would be impossible for any bullets to be  
 7 found under Kevin Matthews' body the way you just  
 8 described, correct?  
 9 MS. ELLERBRAKE: If you know.  
 10 THE WITNESS: No, I don't know. I don't  
 11 know the -- I don't know the -- you know, I didn't  
 12 survey the scene after or do any evidence work or  
 13 anything like that.  
 14 BY MR. GREENMAN:  
 15 Q. Listen to my question. If you shot your handgun  
 16 upward, they either went into Kevin Matthews' body or  
 17 they went into the sky, fair?  
 18 MS. ELLERBRAKE: Objection,  
 19 mischaracterizes the testimony. He indicated they  
 20 didn't shoot straight up?  
 21 BY MR. GREENMAN:  
 22 Q. Fair?  
 23 A. No, that's not fair.  
 24 Q. Okay. So if you're shooting the way you just told the  
 25 members of the jury, you weren't shooting your gun

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 148

1 into the garage, were you?  
2 A. No, I was not, sir.  
3 Q. You weren't shooting your gun into the wooden fence or  
4 to the 8090 Whitcomb direction, correct?  
5 A. No, sir.  
6 Q. Show us how close your gun barrel was to Kevin  
7 Matthews' body?  
8 A. Say very close.  
9 Q. Okay.  
10 A. Somewhere in here.  
11 Q. And what was the closest part -- where was Kevin  
12 Matthews' head as you gave us -- that's about -- is  
13 that about a foot, 13 inches maybe?  
14 A. Correct.  
15 Q. Okay.  
16 A. Somewhere in that vicinity.  
17 Q. Okay. And it took two seconds, correct?  
18 A. Correct.  
19 Q. That distance never closed, did it?  
20 A. From the start or --  
21 Q. Yeah. Two seconds, it didn't close within two  
22 seconds. It was about 12, 13 inches. That's what you  
23 just showed us approximately, correct?  
24 A. Right, right.  
25 Q. Okay. So after the shooting takes place, Kevin falls

Page 150

1 on the ground, correct?  
2 A. Correct.  
3 Q. And where after the shooting does Officer Cerroni find  
4 you?  
5 A. I was in disarray and aghast and I have no idea.  
6 Somewhere in this area, but I can't pinpoint. I was  
7 out of breath. I don't -- you know, somewhere in this  
8 vicinity.  
9 Q. Okay. Well, after the shooting and Kevin Matthews --  
10 he didn't fall on you. We've already talked about  
11 that, correct?  
12 A. No, he didn't fall on me.  
13 Q. Okay. And was the closest part of his body to you his  
14 face or his chest?  
15 MS. ELLERBRAKE: Objection. He just  
16 testified --  
17 BY MR. GREENMAN:  
18 Q. If you know.  
19 MS. ELLERBRAKE: -- that he doesn't know  
20 where he was.  
21 MR. GREENMAN: No. He just testified --  
22 MS. ELLERBRAKE: That he doesn't know --  
23 MR. GREENMAN: -- Kevin Matthews was  
24 between --  
25 MS. ELLERBRAKE: -- where his was.

Page 151

1 MR. GREENMAN: -- 12 and 13 inches away  
2 from him and he gave us a distance.  
3 BY MR. GREENMAN:  
4 Q. The question: Was that his face or was that his  
5 chest?  
6 A. When he was still over me --  
7 Q. Yeah.  
8 A. -- and before the shots, yeah  
9 Q. Right.  
10 A. Yeah. That was -- you know, my face was basically in  
11 between his chest plate or breastbone and neck, you  
12 know, in that area when he's over me.  
13 Q. So Kevin --  
14 A. Chest.  
15 Q. -- is basically face to face with you reaching to get  
16 your gun as you've testified?  
17 A. Right.  
18 Q. Okay. And did he ever get your gun?  
19 A. Yes. He's grabbing onto it.  
20 Q. He was grabbing onto it?  
21 A. Yes.  
22 Q. Did he ever actually ever get ahold of your gun?  
23 A. Yes, he did. He grabbed it, so he was touching it,  
24 yes, sir.  
25 Q. But it's still in your holster?

Page 152

1 A. And when I checked it for when he was grabbing it, it  
2 was not safe. It was not secure. The gun came out.  
3 Q. The gun came out?  
4 A. When we --  
5 Q. And you're testifying who pulled the last safety  
6 mechanism for your gun to come out?  
7 MS. ELLERBRAKE: Asked and answered.  
8 BY MR. GREENMAN:  
9 Q. Was that you or Kevin?  
10 A. It wasn't me, sir.  
11 Q. Well, then it had to be Kevin, right? Had to be  
12 Kevin, fair?  
13 A. That's fair. It wasn't me, sir.  
14 Q. So then how did you get ahold of your gun as he's  
15 standing over you?  
16 A. I -- my position of my hand on my gun was on the butt  
17 of it where Kevin Matthews' was partially on the butt  
18 of it on the corner where the rear sight is located,  
19 so his hand is right there.  
20 Q. And you're in essence looking him right in the eye,  
21 aren't you?  
22 A. I don't know where I -- I mean, I was looking in his  
23 direct for sure. I wasn't looking at my firearm and  
24 taking my eyes off him. I was just feeling it.  
25 Q. Okay. Let's go back to the shooting angle upward,

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

1 okay?  
 2 A. Sure.  
 3 Q. Kevin in essence is sort of enveloping you standing  
 4 over you trying to get your gun as you've testified  
 5 to, correct?  
 6 A. Yes, sir.  
 7 Q. With his right hand crossing his body to get -- to go  
 8 for your gun, is that true?  
 9 A. Yes, sir.  
 10 Q. So in essence his chest is right in your face so to  
 11 speak about 12 to 13 inches away.  
 12 A. Yes.  
 13 Q. Is that true?  
 14 A. Yes.  
 15 Q. And you shoot him right in the abdomen, don't you?  
 16 A. The chest, abdomen, center of mass area. I'm not sure  
 17 where the shots were right into --  
 18 Q. And you fairly stated that you shot your handgun in an  
 19 upward direction, correct?  
 20 A. Correct.  
 21 Q. So it either had to hit Kevin, it had to hit the top  
 22 of the garage or some part of the garage or it just  
 23 went in the sky, true?  
 24 A. No, not necessarily.  
 25 Q. What else could be in the aim of direction?

1 Q. Please do, okay?  
 2 A. Yeah.  
 3 Q. Watch your microphone, please. If you need to take  
 4 your jacket off to feel more comfortable, please do  
 5 that.  
 6 VIDEO TECHNICIAN: I got to pull up.  
 7 MR. GREENMAN: Just a minute.  
 8 THE WITNESS: Okay.  
 9 MR. GREENMAN: Let's take a break and --  
 10 no, let's not take a break. Let's just get this done,  
 11 then we'll take a break, okay?  
 12 THE WITNESS: Okay.  
 13 VIDEO TECHNICIAN: You can pull that as  
 14 close to the wall as you can get, though.  
 15 THE WITNESS: Okay. I'll just hold this.  
 16 BY MR. GREENMAN:  
 17 Q. Assume the blue is the garage door.  
 18 A. All right. So I'm like this. So that's --  
 19 Q. Okay. Very good. Thank you.  
 20 MR. GREENMAN: You get that, Lauren?  
 21 VIDEO TECHNICIAN: Yes.  
 22 MR. GREENMAN: Okay. Good.  
 23 BY MR. GREENMAN:  
 24 Q. That's approximately a 45-degree angle. Would you  
 25 agree to that?

1 A. Well, there could be a gun malfunction, you know,  
 2 things like that, a mis-feed. You know, you don't  
 3 want to see it happen, but it can happen, so the whole  
 4 thing of impossible and things like that, I can't  
 5 definitively say because of, you know, other  
 6 circumstances like that.  
 7 Q. Generally stated -- how long have you been a police  
 8 officer?  
 9 A. Eight years, sir.  
 10 Q. And when you shoot a weapon, you have a general notion  
 11 the direction the bullets are going?  
 12 A. Yes, sir.  
 13 Q. And the direction these bullets would have been going  
 14 based upon what you've told the members of the jury  
 15 and what your report says is in an upward direction at  
 16 Kevin Matthews' chest or abdomen, correct?  
 17 A. Up -- well, not a 90 degree up into the sky, you know.  
 18 We're talking like degrees. You know, it's angled.  
 19 Q. It's angled, true.  
 20 A. Upward. You know, upward, not up in the sky directly.  
 21 It was angled.  
 22 Q. Would you feel more comfortable laying down on the  
 23 ground and show us the specific angle of your arm?  
 24 Can you do that for us?  
 25 A. Yeah.

1 A. Correct. Yes.  
 2 MR. GREENMAN: Okay. Let's take a break.  
 3 Thank you.  
 4 VIDEO TECHNICIAN: Off the record 12:03:14.  
 5 (Off the record at 12:03 p.m.)  
 6 (Back on the record at 12:16 p.m.)  
 7 VIDEO TECHNICIAN: We're back on the record  
 8 12:16:35.  
 9 BY MR. GREENMAN:  
 10 Q. Sir, had you ever discharged your weapon as a police  
 11 officer?  
 12 MS. ELLERBRAKE: Outside of training?  
 13 MR. GREENMAN: Yeah, outside of training.  
 14 THE WITNESS: No, sir. No, sir.  
 15 BY MR. GREENMAN:  
 16 Q. So this is the first time?  
 17 A. Yes, sir.  
 18 Q. Okay. Do you have any notion of the velocity that the  
 19 bullets that you shoot out of your Glock what they  
 20 travel?  
 21 A. No, sir.  
 22 Q. At such a close range, could you imagine that the  
 23 bullets would travel through a body, Kevin Matthews'  
 24 body?  
 25 MS. ELLERBRAKE: If you know.



Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 157

Page 159

1 THE WITNESS: I don't know that for sure.  
 2 We used a 40 caliber hollow point, though, which  
 3 they're designed specifically for police for -- to not  
 4 penetrate.  
 5 BY MR. GREENMAN:  
 6 Q. What does that mean?  
 7 A. More for stopping power, so it doesn't penetrate the  
 8 body.  
 9 Q. I don't know what that means. I'll ask it this way.  
 10 A. Sure.  
 11 Q. So, first of all, everything you've told us so far,  
 12 you don't want to retract anything, do you?  
 13 A. No, sir.  
 14 Q. Okay. So you told us that your handgun was about 12  
 15 or 13 inches away from Kevin Mathewa. You  
 16 approximated it as best we could. Likely at such a  
 17 close range, those bullets, if they hit Kevin  
 18 Matthews' body, are going to travel through it,  
 19 correct?  
 20 A. I wouldn't say that, no, sir.  
 21 Q. Okay. So then if they're not going to travel through  
 22 it, then maybe they could be maintained in the body?  
 23 A. I would say yes, sir.  
 24 Q. Likely? In any location specifically or depends on  
 25 what the bullets hit in the body I would say, correct?

1 handgun into the individual and the individual was  
 2 close to the ground, the bullet could go through the  
 3 body and end up underneath the individual? You could  
 4 see that happening, couldn't you?  
 5 MS. ELLERBRAKE: Hypothetical?  
 6 MR. GREENMAN: Sure.  
 7 THE WITNESS: I'm not sure. Can you repeat  
 8 it again?  
 9 BY MR. GREENMAN:  
 10 Q. Sure. Here's --  
 11 MR. GREENMAN: Can you see this, Lauren?  
 12 VIDEO TECHNICIAN: Sure.  
 13 BY MR. GREENMAN:  
 14 Q. Sure. If an individual takes a weapon and the  
 15 individual is either on the ground or close to the  
 16 ground and a bullet is shot into the individual, one  
 17 could imagine that the bullet may penetrate through  
 18 the individual and rest underneath the body. You  
 19 could see that happening, couldn't you?  
 20 A. A lot of factors with that.  
 21 Q. Sure, but you could see that happening, right?  
 22 A. Depending on the firearm, yeah.  
 23 Q. Sure. Any possibility that occurred in your  
 24 circumstances with Mr. Matthews?  
 25 A. No, sir.

Page 158

Page 160

1 MS. ELLERBRAKE: Objection, lack of  
 2 foundation.  
 3 BY MR. GREENMAN:  
 4 Q. Correct?  
 5 MS. ELLERBRAKE: Go ahead if you can  
 6 answer.  
 7 THE WITNESS: I wouldn't be sure on the  
 8 orientation of the rounds and the science of the body.  
 9 BY MR. GREENMAN:  
 10 Q. Well, the body represents to be a substance a bullet  
 11 travels through, correct?  
 12 A. Correct.  
 13 Q. And at such close range, one could imagine that some  
 14 of those bullets that you hit Kevin Matthews with, and  
 15 do you know how many? Do you know how many bullet  
 16 entry wounds he had?  
 17 A. I believe I read the report as nine but --  
 18 Q. And at such a close range, could you imagine that some  
 19 of those bullets would actually penetrate through him?  
 20 A. I'm not sure if they would or not.  
 21 Q. Okay. Do you have knowledge that there were bullets  
 22 found underneath Kevin Matthews?  
 23 A. No, sir.  
 24 Q. Okay. So assume that to be true. Would you agree if  
 25 you were standing over an individual and you shot your

1 Q. Impossible, correct?  
 2 A. He was not shot on the ground on his back.  
 3 Q. No. The point is impossible for any bullet to be  
 4 underneath Mr. Matthews because that's not how you've  
 5 told us you shot and killed him, correct?  
 6 A. Yeah. I don't know about any rounds being underneath  
 7 a body that you're speaking. I'm not sure.  
 8 Q. So let's just deal with the question at hand.  
 9 A. Okay.  
 10 Q. That scenario or hypothetical I've expressed to you  
 11 would be impossible given how you've told the jury the  
 12 shooting occurred, correct?  
 13 A. I wouldn't say impossible.  
 14 Q. Okay. Well, explain how, if you're shooting upwards,  
 15 how if there are bullets found underneath Kevin  
 16 Matthews' body, how is that possible?  
 17 A. Are these -- what kind of bullets? Are these spent  
 18 bullets --  
 19 Q. Sure.  
 20 A. -- or --  
 21 Q. How do you they magically go into the air come  
 22 underneath Kevin Matthews in the two seconds you shoot  
 23 and kill him and he falls to the ground? How does  
 24 that happen if it occurred?  
 25 A. I wouldn't be able to explain that unless if they're

1 the magazines that he -- the bullets from the magazine  
 2 he had pulled out had fell from my other magazines.  
 3 Q. Well, those would be bullets that hadn't been shot.  
 4 A. So are we talking shell casings or --  
 5 Q. Bullets. It would be impossible as you've expressed  
 6 the shooting, correct? There's no way bullets could  
 7 be found that you shot from your gun underneath Kevin  
 8 Matthews. That would be impossible, wouldn't it?  
 9 A. I'm not a firearms expert so I'm not going to say  
 10 impossible to that.  
 11 Q. Well, just explain to me as a police officer how that  
 12 would make sense to you. Would it make sense to you?  
 13 A. That a bullet would be --  
 14 Q. Underneath him the way you've described the shooting?  
 15 MS. ELLERBRAKE: Presuming the body hasn't  
 16 been moved?  
 17 MR. GREENMAN: Sure. We don't have any  
 18 evidence that the body was moved.  
 19 BY MR. GREENMAN:  
 20 Q. Go ahead. It would be impossible, wouldn't it?  
 21 MS. ELLERBRAKE: Well, we do, but go ahead.  
 22 THE WITNESS: I would say highly  
 23 improbable.  
 24 BY MR. GREENMAN:  
 25 Q. Highly improbable for one bullet to be underneath him,

1 A. Yes, it is.  
 2 Q. Okay. Can you place that in the holster and show the  
 3 members of the jury how that works into your holster.  
 4 Okay. We heard that click. Was that the first safety  
 5 click?  
 6 A. Yes.  
 7 Q. Okay. There's one click?  
 8 A. That's this one right here.  
 9 Q. Okay. And now put down the other one.  
 10 A. That's the hood.  
 11 Q. Okay. Can you stand up, please. Can you unbutton  
 12 your jacket, please. Now, a right-handed shooter is  
 13 going to wear his gun and holster on his right hip,  
 14 fair?  
 15 A. Yes.  
 16 Q. His or her right hip.  
 17 A. Yes.  
 18 Q. Left-handed shooter -- a left-handed individual is  
 19 going to wear their holster and their weapon on their  
 20 left hip, is that true?  
 21 A. Yes.  
 22 Q. So generally stated, as we see in the photographs that  
 23 we went over that were taken at Oakwood, can you just  
 24 place that how it would be attached to your duty belt?  
 25 A. Sure.

1 correct?  
 2 A. (Indicating).  
 3 Q. How about two? Even more improbable, correct? Right?  
 4 A. Correct. I would say that would be improbable.  
 5 Q. Even more improbable than one depending upon the  
 6 truthfulness of your story, right?  
 7 A. Correct.  
 8 Q. So I have -- just fair notice to everybody. I have a  
 9 facsimile type Glock here. It's a blue one. It's a  
 10 fake gun. I'm going to show it to you, okay? It's a  
 11 model that's -- you can simply buy online. I'm going  
 12 to show it to you, okay?  
 13 A. Mm-hum.  
 14 Q. And I'm going provide to you the holster that your  
 15 counsel has given to us that's represented to be an  
 16 identical example of yours that was used on the night  
 17 of Kevin -- on the day of Kevin Matthews' shooting. I  
 18 would like you to first of all look at that.  
 19 A. Yes.  
 20 Q. Can you verify that that's like your holster?  
 21 A. Yes, it was.  
 22 Q. Okay. I'm not asking you to identify the specific  
 23 model number because your counsel has done that  
 24 already. Can you place that fake gun -- is that a  
 25 Glock, similar?

1 Q. Generally like that, is that correct?  
 2 A. Correct.  
 3 Q. Okay. Can you show us what maneuver you have to make  
 4 with your -- first to get the hood off.  
 5 A. This button right here.  
 6 Q. Okay. So that button has to come likely -- and every  
 7 time and any time you've removed your weapon from your  
 8 holster, you use what, your right thumb?  
 9 A. Correct.  
 10 Q. Your right thumb. No other finger and certainly not  
 11 your left hand, only your thumb and your right thumb,  
 12 correct?  
 13 A. Correct.  
 14 Q. Okay. So once that hood as you've described in this  
 15 case is opened, there's another switch, and that's  
 16 your right index finger, correct?  
 17 A. Correct.  
 18 Q. And can we hear that?  
 19 A. Ysp.  
 20 Q. Can we hear it, though? You really can't hear it,  
 21 though, is that correct?  
 22 A. Not really.  
 23 Q. The point is that then releases the gun to be pulled  
 24 out in the manner you're going to show us. It's got  
 25 to come out sort of diagonally and behind you,

Estate of Matthews vs.  
City of Dearborn, et al.

Corporal Christopher Hampton  
January 24, 2018

Page 165

Page 167

1 correct?  
 2 A. Not really diagonally, no.  
 3 Q. Okay. So let's see it.  
 4 A. Okay.  
 5 Q. Okay. Now, can you put back the hood?  
 6 A. Yes.  
 7 Q. Do police officers such as yourself similarly trained  
 8 practice withdrawing your gun from the holster as  
 9 quickly as possible using the two digits of your right  
 10 hand, your right thumb and your right index finger, to  
 11 try to remove the gun quickly?  
 12 A. Yes, sir.  
 13 Q. And are you able to do that and show us today?  
 14 A. I could. It's hard without this being --  
 15 Q. I know, but just do that.  
 16 A. Like this.  
 17 Q. Okay. And tell us if someone was to simply take their  
 18 index finger or whatever finger and press the button  
 19 on the -- which represents to be the second safety  
 20 device, if they're simply pushing that, will the hood  
 21 pop open?  
 22 A. No. The hood needs to be opened.  
 23 Q. The hood has to open first before the index finger can  
 24 release the second safety device of that holster, is  
 25 that correct?

1 MS. ELLERBRAKE: If you don't recall the  
 2 date, you don't recall the date.  
 3 THE WITNESS: Might I look back at the  
 4 first one as well or --  
 5 BY MR. GREENMAN:  
 6 Q. Oh, sure.  
 7 A. What is --  
 8 Q. I think I have it tagged on the yellow so go forward.  
 9 A. Go forward. Okay.  
 10 Q. On the top yellow thing right there.  
 11 A. Okay.  
 12 Q. I wasn't sure if that was you or not.  
 13 A. Let's make sure here. Yeah, because I -- yeah. I  
 14 apologize. This -- the November 18th one --  
 15 Q. Was not you?  
 16 A. No. That was just a -- that was not me, no, sir.  
 17 That was a report with Kevin Matthews for another  
 18 officer at our department that the business owner  
 19 wanted Kevin Matthews advised on trespassing.  
 20 Q. The Citgo station?  
 21 A. This was on the November 18th incident, yes, and then  
 22 the --  
 23 Q. It was like a call-in?  
 24 A. Right, yeah. They called on Kevin Matthews. My  
 25 arrest was on the November 7th. That was mine.

Page 168

Page 168

1 A. Correct.  
 2 Q. You can sit down now, but I'd like you to keep that in  
 3 your hand.  
 4 A. Okay.  
 5 Q. Do you have an understanding why those holsters were  
 6 made like that, Officer?  
 7 A. Yea, for safety and retention purposes for the  
 8 officer.  
 9 Q. So people couldn't stand away from an officer or stand  
 10 over an officer if they're laying down and pull the  
 11 weapon out of the holster, correct?  
 12 A. No, not correct.  
 13 Q. Isn't that one of the reasons?  
 14 A. That's a reason, a preventative measure. It's not --  
 15 yeah.  
 16 Q. That someone can't be standing over you and pull the  
 17 weapon out, right, safety reasons?  
 18 A. That's the -- that was the goal, the philosophy.  
 19 Q. Can I have that back, please?  
 20 A. Yeah.  
 21 Q. The prior arrest records you had of Kevin Matthews --  
 22 well, strike that.  
 23 Did you arrest him on November 18, 2015?  
 24 A. Yes, sir.  
 25 Q. Okay. Did you arrest him on November 7, 2015?

1 Q. Can I see that back, please?  
 2 A. Yes, sir.  
 3 Q. I'm going to ask you just a question about that.  
 4 A. Oh, okay.  
 5 MS. ELLERBRAKE: Can he read it?  
 6 MR. GREENMAN: I'll get to it in a minute.  
 7 It's nothing.  
 8 BY MR. GREENMAN:  
 9 Q. We talked about whether you were or were not aware of  
 10 his address.  
 11 A. Mm-hum.  
 12 Q. But the report says 8287 Sussex.  
 13 MS. ELLERBRAKE: Objection. That  
 14 mischaracterizes the testimony that he provided.  
 15 BY MR. GREENMAN:  
 16 Q. Does that your refresh your memory that you might have  
 17 known what his address was?  
 18 A. That was -- that possibly is on the SOS return. It's  
 19 not -- you know, I can't say that definitively, but  
 20 that's the listed address that pops up when you  
 21 populate them from -- we have an import system on our  
 22 computer so that's what would pop up when we use that.  
 23 Q. And you indicated that you had taken what, a bike to  
 24 his home at one point in time?  
 25 A. Yea. I'm not sure what report that was, if that was


1 that one or -- but I have done that, yes.  
 2 Q. Okay. And we know you had arrested him at one point  
 3 in time that he was -- he had been drinking, and you  
 4 arrested him for public intoxication, is that true?  
 5 Does that ring a bell?  
 6 A. Yes. I physically didn't take him into custody that  
 7 day, though. I just wrote him some appearance tickets  
 8 and released him to the family.  
 9 Q. Okay. I'm going to show you this record from  
 10 August -- well, strike that.  
 11 So Whitcomb runs through Detroit into  
 12 Dearborn, and a crossroad is Tireman, correct?  
 13 A. Correct.  
 14 Q. The next street over is Sussex, correct?  
 15 A. I believe so in Detroit, yes.  
 16 Q. Well, does Sussex stop at Tireman?  
 17 A. Yes. It doesn't go into Dearborn.  
 18 Q. Okay. And so is this your report from August 27,  
 19 2015?  
 20 A. Yes, that's my report.  
 21 Q. Okay. And doesn't it also indicate in that report  
 22 another address in Dearborn on Winthrop for  
 23 Mr. Matthews?  
 24 MS. ELLERBRAKE: Detroit.  
 25 THE WITNESS: No, sir.

1 a report held by the Dearborn government returned to  
 2 his, meaning Kevin Matthews, second address at 7546  
 3 Winthrop, correct?  
 4 A. Correct.  
 5 Q. Okay. You're aware that Kevin Matthews' fingerprints  
 6 were not found on your magazine, your magazine clip.  
 7 A. Yes, I'm aware.  
 8 Q. You just told the members of the jury -- did he  
 9 have -- that he had it in his hand. Did he have  
 10 gloves on?  
 11 A. Not to my knowledge, no.  
 12 Q. Isn't it more likely -- strike that.  
 13 The only time blood of Kevin Matthews is at  
 14 the 8080 Whitcomb address that you can testify to is  
 15 after he's shot, correct?  
 16 A. I couldn't testify his blood.  
 17 Q. No. You can testify you saw blood around his body  
 18 after you shot him, correct?  
 19 A. I believe so.  
 20 Q. Okay. And that's the only time you can testify you  
 21 saw blood of Kevin Matthews during these events after  
 22 the shooting.  
 23 A. Correct.  
 24 Q. Okay. And we have two officers who appeared at the  
 25 scene that represent the first things you told to them

1 MR. GREENMAN: No, Dearborn.  
 2 BY MR. GREENMAN:  
 3 Q. Do you see that in the body of the report?  
 4 A. Sussex in Detroit.  
 5 Q. I'll show it to you. Just a minute. The next page.  
 6 It's the next page.  
 7 A. Okay.  
 8 Q. It indicates I placed Matthews under arrest for the  
 9 same, he was searched and secured in the rear of my  
 10 patrol vehicle. Matthews' bicycle was returned to his  
 11 second address at 7546 Winthrop.  
 12 A. That's a Detroit address.  
 13 Q. That's a Detroit address?  
 14 A. But it's in route to the station. It wasn't very out  
 15 of the way so I did it as a courtesy and dropped off  
 16 the bike.  
 17 Q. The point I'm just trying to make is you knew of at  
 18 least two addresses where one could foreseeably track  
 19 down Kevin Matthews if you needed to get to him,  
 20 arrest him. He had an address on Sussex and you knew  
 21 he had an address on Winthrop, fair?  
 22 A. That's the address he told me to drop the bike off. I  
 23 wasn't sure of his domestic situation there, but he  
 24 told me to drop the bike off there so --  
 25 Q. Okay. No one forced you or compelled you to write in

1 was he tried to spray me with my freeze spray. Do you  
 2 deny that?  
 3 A. No, sir.  
 4 Q. And on the freeze spray can that we do know you threw  
 5 over the fence, it has Kevin Matthews' blood on it,  
 6 right? Did you know that?  
 7 A. I didn't know that until we talked about it.  
 8 Q. Isn't it true after you shot and killed Kevin  
 9 Matthews, you threw the freeze spray can over the  
 10 fence?  
 11 A. No, sir. No, sir.  
 12 Q. Where does Kevin Matthews' blood come from until after  
 13 he's shot and killed? You don't know, right?  
 14 A. Oh, I don't know, sir.  
 15 Q. Almost done. Did you have a Taser with you that day?  
 16 A. No, sir.  
 17 Q. At no time did you have knowledge that Kevin Matthews  
 18 had emotional difficulties?  
 19 A. No, sir.  
 20 Q. Did you have an understanding he was not employed?  
 21 A. A presumption I guess, sir.  
 22 Q. Okay. You made no effort to revive him, is that fair?  
 23 A. No, sir.  
 24 Q. Is that because you knew in fact he was dead?  
 25 A. No, sir.

1 Q. You don't recall where you were when Officer Cerroni  
 2 came to the scene?  
 3 A. No, not exactly, sir. Somewhere in the driveway.  
 4 Q. But you didn't disturb Kevin's body, correct?  
 5 A. No, sir.  
 6 Q. Are you aware that whomever went over the fence on  
 7 this day, December 23, 2015, the fence got broke?  
 8 MS. ELLERBRAKE: Objection to whomever went  
 9 over the fence. What does that mean?  
 10 BY MR. GREENMAN:  
 11 Q. Do you see the photograph of the fence?  
 12 A. Yes, I see it.  
 13 Q. Okay. And do you see that it's off its - it's off  
 14 its support on the right?  
 15 MS. ELLERBRAKE: Objection, lack of  
 16 foundation. No evidence of what it was like before  
 17 the officer was there.  
 18 BY MR. GREENMAN:  
 19 Q. Do you see that?  
 20 A. I see what you're saying, yes.  
 21 Q. Okay. It's off the support. Do you see that?  
 22 A. Okay. Yes, I see that.  
 23 Q. Can you show that to the videotape operator?  
 24 A. Yes.  
 25 Q. And in essence, the end of that pipe representing the

1 CERTIFICATE OF NOTARY  
 2 STATE OF MICHIGAN )  
 3 ) SS  
 4 COUNTY OF WAYNE )  
 5  
 6 I, HELEN F. BENHART, certify that this  
 7 deposition was taken before me on the date  
 8 hereinbefore set forth; that the foregoing questions  
 9 and answers were recorded by me stenographically and  
 10 reduced to computer transcription; that this is a  
 11 true, full and correct transcript of my stenographic  
 12 notes so taken; and that I am not related to, nor of  
 13 counsel to, either party nor interested in the event  
 14 of this cause.  
 15  
 16  
 17  
 18   
 19  
 20  
 21  
 22 HELEN F. BENHART, CSR-2614  
 23 Notary Public,  
 24 Wayne County, Michigan.  
 25 My Commission expires: 7/7/2020

1 top of the fence is supposed to be engaged into a  
 2 support binding. The fence should be a little higher.  
 3 Do you have an understanding how that could be, how it  
 4 could be?  
 5 A. Right. I see what you're saying, yes.  
 6 Q. Imagine a person such as yourself weighing at least  
 7 215 pounds flipping over that fence may cause that  
 8 fence to become in disrepair. Does that make sense to  
 9 you?  
 10 A. I mean, your question makes sense. I don't - I can't  
 11 say -  
 12 Q. Do you think that happened? Was it likely to happen?  
 13 A. I couldn't say. I don't - I have no idea.  
 14 Q. Okay. I have no other questions. Thank you.  
 15 MS. ELLERBRAKE: All set.  
 16 VIDEO TECHNICIAN: That concludes the dep.  
 17 We're going off the record 12:37, 10 seconds.  
 18 (The deposition was concluded at 12:37 p.m.  
 19 Signature of the witness was not requested by  
 20 counsel for the respective parties hereto.)  
 21  
 22  
 23  
 24  
 25