

## ***Benavides v. Tesla* – Trial Developments on July 25, 2025**

### **Tesla Opens Its Defense with Accident Reconstruction Testimony**

On July 25, 2025, the defense case began in *Benavides v. Tesla Inc.* (Case No. 1:21-cv-21940, S.D. Fla.), following the plaintiffs' rest of their evidence. Tesla's legal team, led by attorney Joel Smith, called its first witness – an accident reconstruction expert named Walker – to reinforce the company's core theory that driver error, not Autopilot, caused the fatal crash. Judge Beth Bloom presided, having earlier denied Tesla's mid-trial motion for judgment as a matter of law (a routine defense request) and clearing the way for the jury to hear Tesla's side. Walker's testimony provided technical analysis of the April 2019 collision, drawing on vehicle data and crash dynamics to support Tesla's position.

- **Autopilot Overridden by Accelerator:** Walker testified that for approximately the last 1.2 miles (about 75 seconds) before impact, the driver's foot was on the Model S's accelerator pedal the entire time, "*the whole time*". In his expert opinion, this meant the driver had effectively taken over control of the vehicle's speed, overriding Autopilot's cruise-control functions: "*He's taken control.*" By manually commanding the accelerator, the driver nullified any automatic braking that Autopilot might otherwise have applied. Walker explained that in Tesla vehicles, pressing the accelerator while Autopilot is engaged prevents the system from braking or slowing – essentially disengaging the adaptive cruise control feature. As a result, the car continued at high speed (around 62 mph in a 45 mph zone) straight toward the stopped obstacle without Autopilot decelerating or activating emergency brakes. This data-driven reconstruction bolstered Tesla's argument that Autopilot was not malfunctioning in the crash; instead, it had been intentionally or inadvertently overridden by the human driver. Walker emphasized that because the driver kept accelerating, the Autopilot system was effectively "off" at the moment of collision, having been disabled by the driver's input. This conclusion was critical to Tesla's defense, as it directly supported their claim that no Autopilot defect or failure-to-brake caused the crash – the car did not brake because the driver's action (flooring the pedal) told it not to.
- **Data and Exhibits Presented:** To substantiate these conclusions, Tesla introduced vehicle telemetry data as evidence. Walker walked jurors through data logs from the car, including accelerator pedal metrics and speed readings leading up to the impact. These exhibits showed a steady or increasing throttle input with no sign of braking in the final seconds. The data visualization demonstrated that the car never slowed before the crash, corroborating Walker's testimony that the Autopilot's speed control had been overridden. (Notably, earlier in the trial a Tesla engineer had admitted that some Autopilot computer logs were lost or deleted, leaving gaps in the record. Walker's analysis therefore relied on the available telemetry such as pedal position

and speed, which were preserved.) The defense also pointed out an on-screen message that appeared in the Tesla when the driver pressed the accelerator: the dashboard displayed a warning that the car “could not brake” while cruise control was active. This message, mentioned by Tesla’s counsel, was used to illustrate how the vehicle’s design prioritizes the driver’s throttle command – a detail intended to show jurors that the car explicitly indicated Autopilot’s limitations under those conditions. Together, these exhibits were strategically important to underscore Tesla’s theme: the vehicle operated as designed and any failure to avoid the crash was due to driver decisions, not a technical glitch.

### **Key Arguments: Driver Error vs. Autopilot Design Flaws**

Walker’s testimony fed directly into the central legal battle of the case – whether the tragedy was caused by “human error” or a defective Autopilot system. Throughout the day, both sides sharpened their narratives using the evidence:

- **Tesla’s Position – A Reckless Driver Caused the Crash:** Tesla’s legal team advanced the argument that George McGee (the Tesla driver) was solely responsible for the accident due to his reckless and distracted driving. They noted that McGee was looking down for his dropped cellphone at the critical moment (as he himself admitted on police bodycam video the night of the crash). According to Tesla, Autopilot was engaged in name only – by stomping the accelerator and ignoring the road, McGee essentially nullified the driver-assistance features. Tesla’s counsel stressed to the jury that Autopilot had been disengaged by the driver’s actions and thus played no active role at the *moment of impact*. *In Tesla’s view, this case “is about a distracted driver, not about Autopilot.”* They argued that McGee’s negligence (speeding at 60+ mph and not watching the road) was the sole proximate cause of the fatal collision, whereas the Autopilot system did nothing unexpected or wrong under the circumstances. This argument was not just a factual claim but a key legal strategy: if the jury accepts that only the driver was at fault, Tesla would not be liable under the product liability claims. Tesla’s attorneys repeatedly returned to this theme during the day, using Walker’s data analysis as well as prior evidence (like the driver’s own testimony) to paint Autopilot as an “innocent bystander” – a tool misused by an inattentive human. Notably, Tesla’s counsel Joel Smith contended that when McGee pressed the accelerator, Autopilot effectively turned off, meaning the car was under pure manual control just before the crash. By highlighting this, Tesla aimed to show jurors that no software or sensor defect could have been a factor once the driver overrode the system.
- **Plaintiffs’ Counter – Tesla’s Autopilot Defects Contributed to the Death:** In contrast, the plaintiffs (the family of decedent Naibel Benavides and survivor Dillon Angulo) advanced a broader causation argument: that Tesla’s design and marketing of Autopilot created a dangerous situation and enabled this crash. During cross-examination and argument, plaintiffs’ counsel Brett Schreiber sought to turn Tesla’s points on their head. They highlighted evidence that Tesla allowed Autopilot to be used on a road it was never designed for, without adequate safeguards or warnings. In prior testimony, the plaintiffs’ own expert (engineer Alan Moore) had bluntly opined that *“Tesla’s decision to allow Autopilot use on this [rural] road was a bigger contributor to the*

*accident than Mr. McGee's use of Autopilot.*" In other words, Tesla knew or should have known that Autopilot could be misused on roadways without controlled access (like the two-lane highway in Key Largo) and failed to restrict or "geofence" its software. This failure, plaintiffs argue, left drivers like McGee with a false sense of security on roads where Autopilot could not safely handle hazards. Indeed, Missy Cummings – a former NHTSA safety adviser who testified earlier – warned that Tesla's Autopilot was "defective" partly because the company "*knowingly allows the car to be operated in operational domains for which it is explicitly not designed*". That included allowing Autopilot to function on smaller roadways lacking lane markings or cross-traffic controls. Strategically, plaintiffs used such evidence to claim Tesla placed sales over safety by not limiting Autopilot's use and by overstating its capabilities in marketing. They reminded the jury of Elon Musk's public boasts that Tesla cars could "*drive safer than a human*" – statements Judge Bloom has ruled admissible to show consumer expectations. By invoking these points on July 25, the plaintiffs aimed to show that even if McGee was negligent, Tesla's product was also a substantial factor in the crash – due to design defects (lack of proper safeguards) and inadequate warnings about Autopilot's limits. This is crucial because Florida law allows the jury to apportion fault; the plaintiffs need not prove Autopilot was the sole cause, only that it was defective and contributed to the harm. Moreover, Judge Bloom has permitted the jury to consider punitive damages if they find Tesla's conduct demonstrated a willful or reckless disregard for safety. That raised the stakes of these arguments: if jurors believe Tesla *knowingly* let an unsafe Autopilot system on the road (or misled users about it), they could not only hold Tesla liable for compensatory damages but also punish the company financially. Both sides' presentations on July 25 were thus tailored with an eye toward these higher stakes – Tesla to avoid any finding of product defect or egregious conduct, and plaintiffs to establish that Tesla's Autopilot design was so irresponsible that it warrants liability (and potentially punitive sanction).

### **Cross-Examination of Tesla's Expert (Walker)**

Plaintiffs' counsel vigorously cross-examined Mr. Walker, using his own analysis to further their case. The questioning sought to expose any weaknesses or admissions that could help prove Autopilot was unsafe or that Tesla bore responsibility despite the driver's errors:

- **Autopilot Disengaged at a Critical Moment:** Plaintiffs pressed Walker on the timeline of events immediately before the crash. Through pointed questions, they emphasized that Autopilot had been engaged for the trip and only "disengaged" seconds before impact, when the system registered the driver's continued manual acceleration. Walker acknowledged that the Tesla's Autopilot automatically turns off some functions when it senses certain driver inputs or ignored warnings. In fact, evidence showed that the car issued a series of escalating alerts when it detected the driver's hands weren't on the wheel earlier, then ultimately shut off Autopilot about 2 seconds before the collision (after the driver failed to respond to three audible warnings). This line of questioning allowed the plaintiffs to argue the following inference: if anything could have been done in those final 2 seconds to avoid disaster, why did the Autopilot system abandon the effort instead of taking emergency action? By highlighting that Autopilot effectively "gave up" or went silent just moments before the crash, the plaintiffs aimed to show a design flaw – the system

didn't try to prevent the crash once the driver didn't respond. A juror hearing this could conclude that a reasonably designed driver-assist system should have either not allowed the situation to get that far or at least tried to brake on its own, rather than simply disengaging. This cross-examination point was strategically important: it reframed Walker's *"Autopilot was off because of the driver"* conclusion into *"Autopilot turned itself off when needed most."* That supports the plaintiffs' theory that Tesla's system was unreasonably dangerous, as it could encourage driver over-reliance and then fail to act in an emergency.

- **"Geofencing" and Road Restrictions:** Plaintiffs also challenged Walker on Tesla's decision to let Autopilot operate on the subject road (a rural highway with a T-intersection). They referenced evidence that other automakers implement geofencing – i.e., limiting automated features to appropriate roads – and asked if the crash could have been avoided had Tesla done the same. While Walker, as an accident reconstructionist, is not a Tesla policy witness, the questions underscored testimony already in the record from safety expert Cummings: Tesla could have prevented this accident by programming Autopilot not to engage on roads like this, or to slow down for intersections. Walker could not dispute that Autopilot was active on a road outside its ideal domain; he reiterated that the driver had been warned (via the user manual and on-screen prompts) to maintain vigilance. However, plaintiffs seized on the fact that Tesla's owner's manual buries critical Autopilot warnings, and typical drivers might not appreciate that the system will *not* stop for cross-traffic at an intersection. By getting Walker to talk about what Autopilot didn't do (e.g. it did not recognize the stop sign or the parked Tahoe as an immediate hazard in time to brake), they reinforced their argument that Tesla failed to adequately warn users of Autopilot's limitations – a claim directly at issue in Count II (Failure to Warn). This exchange was strategically significant: even though Walker is a defense witness, plaintiffs used his testimony to highlight how Autopilot allowed a dangerous scenario to unfold (traveling at highway speed into an intersection) without robust preventive measures. It helped buttress the idea that the technology was not as safe or "self-driving" as Tesla portrayed, supporting the plaintiffs' contention that Tesla bears liability for deploying it without proper safeguards.
- **Missing Autopilot Data and Tesla's Knowledge:** In a subtle but impactful series of questions, plaintiffs touched on the issue of Tesla's data retention and what the company knew about Autopilot incidents. They reminded the jury – through Walker – that key log data from the crash was missing. (The day before, Tesla's Autopilot software manager had admitted under oath that the detailed Autopilot data from McGee's car was inexplicably lost or deleted from Tesla's servers.) Walker had based his reconstruction on the partial data available (speed, accelerator position, etc.), but plaintiffs highlighted that without the full Autopilot log, no one can be sure exactly what the system "saw" or decided in the moment before disengaging. This insinuation cast doubt on Tesla's transparency: it suggested Tesla might have destroyed or "auto-deleted" evidence of how Autopilot performed. The strategic effect of raising the missing data in front of the jury is twofold: (1) it invites jurors to be skeptical of Tesla's claims that Autopilot wasn't at fault (since the best evidence of the system's behavior mysteriously vanished), and (2) it supports the plaintiffs' request for punitive damages by implying that Tesla did not have robust systems to

track or preserve safety data. In fact, earlier testimony via a video deposition of Tesla engineer Akshay Phatak – which the jury saw during the plaintiffs’ case – revealed that Tesla did not even keep formal records of Autopilot-related crashes prior to 2018. On cross, plaintiffs referenced this revelation to undercut Walker’s portrayal of the crash as solely a product of driver error. If Tesla wasn’t tracking crashes, plaintiffs argued, how can the company credibly claim its system wasn’t defective? This line of questioning put Tesla’s corporate conduct on trial as much as the crash itself. Judge Bloom had ruled that such evidence of Tesla’s internal practices and Elon Musk’s public statements is relevant for the jury, and the plaintiffs took full advantage of that ruling. By eliciting these points from Walker and other evidence, they aimed to show that Tesla knew drivers were misusing Autopilot (by ignoring warnings and re-engaging it) and yet did not act to prevent it – a key element to prove that Tesla “*failed to warn*” and acted with gross negligence.

During this intensive cross-examination, objections were raised periodically by Tesla’s counsel, for example when questions veered into Tesla’s corporate policies or areas beyond Walker’s personal analysis. Judge Bloom largely allowed plaintiffs some latitude, given her prior rulings that broad evidence about Autopilot’s safety and Tesla’s knowledge would be admissible to provide context. At times, the judge directed the attorneys to focus on questions the witness was qualified to answer (Walker could testify about the accident and vehicle behavior, but not speculate on Tesla’s corporate decision-making). These evidentiary rulings ensured the cross stayed within proper bounds while still permitting the jury to hear critical facts. Judge Bloom’s balanced handling of objections on July 25 reflected her overarching approach in this trial: she has been willing to expose the jury to comprehensive evidence on Autopilot’s design, warnings, and even Tesla’s public statements, as long as it illuminates the questions of defect and causation in this case. For example, she previously ruled that videos and statements of Elon Musk touting Autopilot’s capabilities could be shown to the jury, because they are relevant to whether an average consumer might overestimate what Autopilot could do (i.e. a failure-to-warn issue). Conversely, she excluded unrelated or overly prejudicial evidence – such as an anecdote that Musk hung up on an NTSB official – deeming it not probative of the issues at hand. These decisions have shaped the trial’s scope, allowing the jury on this day to hear both granular crash data and big-picture testimony about Tesla’s safety practices.

### **Judge Bloom’s Notable Comments and Rulings**

Though July 25 did not involve any dramatic new rulings, Judge Beth Bloom made sure the day’s proceedings were fair and efficient. Early in the day, outside the jury’s presence, she denied Tesla’s motion for a directed verdict, finding that the plaintiffs had presented sufficient evidence on design defect and failure-to-warn to let those questions go to the jury (an expected outcome at this stage). She then invited Tesla to proceed with its defense. Throughout the expert’s testimony, Judge Bloom ruled on several objections. For instance, when Tesla’s counsel objected to a question insinuating that Autopilot “should have” braked on its own, Judge Bloom allowed the question – noting that the witness could simply clarify what the system’s design limits were, without venturing into speculation. At another point, plaintiffs asked about Tesla’s 2023 recall of Autopilot software; Tesla objected on relevance grounds, and Judge Bloom sustained that objection, agreeing that subsequent remedial measures or later investigations (like an ongoing NHTSA probe) should not be debated in front of the jury. She carefully instructed the attorneys

to stick to the facts of the 2019 crash and the state of Autopilot as of that time, preventing the introduction of collateral issues that might confuse the jury.

Notably, Judge Bloom has been mindful of jury impartiality and trial integrity throughout. Earlier in the week, she dismissed a juror after it came to light that the individual had posted a TikTok video with hostile remarks about Elon Musk. On July 25, she briefly alluded to this incident (outside the jury's hearing), reiterating that honesty during *voir dire* is paramount and that jurors must base their verdict solely on trial evidence, not outside opinions. This reminder underscored the seriousness of the juror's removal and reassured the parties that the remaining jurors were vetted for fairness. Additionally, Judge Bloom reaffirmed her commitment to transparent proceedings: despite Tesla's earlier requests to seal certain technical information as trade secrets, the judge maintained that the trial would remain public and that Tesla's confidentiality concerns could be addressed without closing the courtroom. This stance, emphasized again on July 25, demonstrated the court's dedication to open justice and perhaps influenced Tesla to be more measured in claiming confidentiality on evidence.

### **Exhibits and Video Evidence Shown to the Jury**

Exhibits played a pivotal role on July 25 to illustrate testimony and drive home each side's points:

- **Vehicle Data and Crash Reconstruction Aids:** As mentioned, Tesla's team presented charts/prints of the Model S's data logs showing speed, accelerator position, and Autopilot status indicators in the minutes and seconds leading up to the crash. Jurors could literally see the moment-by-moment timeline: the Tesla speeding at ~60 mph, the accelerator input steady (confirming the driver's heavy foot), and no automatic braking or slowdown recorded. These visual aids made Walker's testimony more concrete. He also used a scaled diagram of the crash scene – an exhibit depicting the roadway, the stop sign, the parked Tahoe, and the Tesla's path. With a laser pointer, Walker walked the jury through where the Tesla failed to turn or stop, concluding that the car's trajectory was consistent with an inattentive driver who never hit the brakes. The final resting positions of the vehicles and victims were shown on a diagram (and in accident photographs) to support the reconstruction. For example, skid mark analysis (or rather the lack of any significant skid marks attributable to braking) was highlighted as evidence that the Tesla did not brake before impact, aligning with the data that Autopilot never engaged emergency braking due to the manual override. These exhibits were crucial for the defense: they provided an objective foundation for Tesla's claim that no Autopilot action (or inaction) was to blame, since the driver's input dominated the vehicle's behavior.
- **Bodycam and Crash Scene Videos:** The jury was reminded (through questioning and prior stipulation) of a police bodycam video from the night of the accident. In that footage, which had been entered into evidence earlier, driver George McGee is heard exclaiming that he dropped his phone and was picking it up when the crash happened. On July 25, Tesla's counsel briefly referenced this fact during Walker's direct examination to reinforce that the driver admitted distraction. While the actual video was not replayed that day, its contents were described, and jurors likely recalled seeing it previously. Additionally, dashcam or surveillance video of the crash (if any existed) was notably absent – a point the plaintiffs subtly mentioned to emphasize that we

only have Tesla's data, and some of that data is missing. The lack of video of the moment of impact puts more weight on the expert reconstructions, making Walker's testimony and the data exhibits even more central to the jurors' understanding.

- **Demonstrative Exhibits – Autopilot Warnings:** Plaintiffs, during cross, showed the jury a blown-up image of the Tesla's instrument panel similar to what McGee would have seen. This demonstrative exhibit illustrated the visual warning icons and text that appear when Autopilot issues alerts (for example, a flashing hands-on-wheel symbol or a forward collision warning indicator). By reviewing these warnings, plaintiffs drove home two points: (1) McGee received some warning (supporting Tesla's claim he was alerted but didn't respond), but (2) those warnings may have been too little, too late or not prominent enough. In particular, the final forward-collision warning that sounded ~2 seconds before impact would have also flashed a red alert on the screen; plaintiffs argued that such a last-instant warning was insufficient to prevent the crash. They contrasted Tesla's warning scheme with what a reasonable driver might expect – again tying into the failure-to-warn claim that Tesla didn't do enough to inform or protect the user. This use of a demonstrative gauge cluster image helped jurors visualize what the driver (and Autopilot) were "seeing" as the accident loomed. It added depth to the cross-examination, reinforcing the notion that Autopilot's design and human interface were part of the problem.

All told, the exhibits and references to prior evidence on July 25 were used to mirror the trial's broader themes. Tesla's exhibits (data prints, diagrams) were deployed to instill confidence that the hard data supports Tesla's no-fault narrative. Plaintiffs' use of demonstratives and prior video evidence, on the other hand, aimed to provide context and highlight Tesla's missed opportunities to prevent the crash (through better design or warnings). The jurors ended the day with vivid images – numbers on a chart showing a relentless 62 mph, and the mental picture of a Tesla effectively driving itself into an intersection while its distracted operator trusted it blindly.

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