

1 before we bring the jury out?

2 MR. MATHISON: No, your Honor.

3 THE COURT: Nothing from the Plaintiff? Nothing  
4 from the Defense? All right let's bring the jury out.

5 BAILIFF: Jurors are entering, your Honor.

6 JURORS ENTER COURTROOM 2:36 P.M.

7 THE COURT: Thank you. Welcome back, ladies and  
8 gentlemen. I hope you had a nice lunch. And I just  
9 about escaped the rain, but not quite, I'm sure.

10 I also want to tell you how much I appreciate your  
11 all's willingness to arrange you schedules -- or re-  
12 arrange your schedules, so that you can stay with me on  
13 Monday and Tuesday. I do appreciate it.

14 At this time, Mr. Mathison, if you can go ahead and  
15 call your first witness for the afternoon.

16 MR. MATHISON: Thank you. The Plaintiff would call  
17 Sherry Hamilton to the stand.

18 THE COURT: I'll swear you in. Not a problem.

19 WITNESS SWORN.

20 THE COURT: Thank you, ma'am. Come on around.

21 SHERRY HAMILTON

22 DIRECT EXAMINATION, MR. MATHISON:

23 Q State your name for the record, please.

24 A My name is Sherry Hamilton.

25 Q Sherry, where do you live?

1 A I live Eleven Club Course Lane, Hilton Head.

2 Q That's in Sea Pines; isn't it?

3 A It is in Sea Pines, yes, sir.

4 Q And are you married?

5 A Yes, sir, I am married to Richard Hamilton.

6 Q Do you have any children?

7 A Yes, sir. I have two daughters.

8 Q And what do you do for a living?

9 A I am the municipal court assistant.

10 Q And in that capacity, do you work in the same office

11 with Maureen Coffey?

12 A Yes, sir, I do.

13 Q Do you work for Maureen Coffey, or do you work for

14 someone else?

15 A I work with Maureen Coffey. I work for the Town of

16 Hilton Head, which my immediate supervisor is Arlyne

17 Benson, and our department head is Tom Fultz.

18 Q And do you know who Mr. Fultz works for?

19 A Yes, sir. He works under Mr. Greg DeLoach.

20 Q How long have you been in this position that you hold

21 now?

22 A I've been in the summary court for 20 years, 20-plus

23 years. I've been with municipal court for 12 years.

24 Q And by summary court, before it became municipal

25 court, it was a magistrate's court, wasn't it?

1 A I was with Chief -- retired Chief Magistrate Simmons,  
2 for nine years. And then I resigned my position with her  
3 and took on a job with the municipal court.

4 Q So you're a longer veteran of the municipal court  
5 than Ms. Coffey; isn't that right?

6 A That is correct, sir.

7 Q During 2004, do you know whether Ms. Coffey was a  
8 part-time or a full-time judge?

9 A She was a part-time associate judge.

10 Q Do you remember who the full-time judge was?

11 A 2004. I want to think it was probably Judge Herring  
12 or Judge Ruffalo. I'm not sure which one, sir. She came  
13 under both of them.

14 Q Were you, in 2004, working in a spot that was in  
15 close proximity to Judge Coffey's office?

16 A Yes, sir. Yes, sir.

17 Q And did that continue right up until today?

18 A Not today, no, sir.

19 Q Not today, you're not.

20 A No, sir.

21 Q How about in 2008?

22 A If -- 2008. I think so, sir. But dates, I don't  
23 remember.

24 Q I understand.

25 A 2008. If Judge Coffey was the judge at that point,

1 then, no, my -- my office was not in proximity to hers.

2 Q But not close; is that right?

3 A Yes, not close, no, sir.

4 Q Okay. Do you recall in 2008 Mr. Jolin coming to your  
5 office?

6 A I do remember that, sir.

7 Q Do you know whether, at the time he came to your  
8 office, he was carrying two incident reports, namely,  
9 Plaintiff's Exhibit 10 and 11?

10 A I know he was carrying one. I -- I can't remember  
11 that he was carrying two, but he was carrying -- he had  
12 it in his hand. I didn't -- I didn't -- well, actually,  
13 I did ask him let me hold it, let me look at it. But I  
14 don't remember all that was in it at the time.

15 Q What did Mr. Jolin want to do?

16 A Well, first, he wanted to talk to Judge Coffey. And  
17 being keeper of the gate, everybody's got to come through  
18 me.

19 And I said, *Sorry, she's not here, but, you know,*  
20 *you can talk to me all day long.*

21 And he said, *Well, I've got something I need to show*  
22 *her.*

23 And I said, *Well, show me.*

24 So he did. And he proceeded to tell me what it was.

25 And --

1 Q And after you heard what he had to say about what it  
2 was, what, if anything, did you do?

3 A Well, I -- I -- because of Judge Coffey's directive  
4 prior to this, which was anything coming in per anything  
5 to do with Sea Pines, you know, send it to my attorney;  
6 don't -- do not tell me anything about it, and so I did.

7 I just said, *Here's her attorney's phone number.*  
8 *You need -- if you got something that you think you, you*  
9 *know, you can take to her attorney, have at it.*

10 Q Did you, in fact, talk to Judge Coffey before you  
11 told Mr. Jolin to send the material to Judge Coffey's  
12 lawyer?

13 A Did I talk to Judge Coffey before he said --

14 Q You told him or before?

15 A No, I don't think I did.

16 Q So there was an outstanding, as you said, directive,  
17 that she did not want to have anything to do with Sea  
18 Pines materials; she didn't want to be involved in it; is  
19 that right?

20 A That is correct, sir.

21 Q Do you know whether Mr. Jolin sent those reports to  
22 Mr. Holloway, or not?

23 A No, sir, I don't know that.

24 Q Do you know what the report said, to the extent that  
25 you could identify them if those are the right ones?

1 A I want to think that -- I don't -- and again, I don't  
2 know that I looked at both of them. I know what he said  
3 to me, and -- and, you know, most of the time, I wouldn't  
4 say -- well, I may have said; I just can't remember now.  
5 But I may have said let-me-look-at-it kind of thing.  
6 Because a lot of times I'll -- I can look at incident  
7 reports and say, yeah, you've got probable stuff for a  
8 warrant. So I been at this for 20 years, so yeah, you've  
9 got enough here, you-can-see-the-judge-for-a-warrant kind  
10 of thing.

11 Q Right.

12 A And so, if it were -- if at some point that I knew  
13 and if I'd seen the word Otis Coffey, I would've, you  
14 know, clammed up right there and said, wup, you need to  
15 see her attorney.

16 Q Okay. So is it true that Mr. Jolin left without  
17 seeing Judge Coffey?

18 A Well, that is correct, sir. He did not see her that  
19 day. Nor any other day that I know of.

20 Q Did Officer Jolin come back a second time to your  
21 office?

22 A Yes, sir, he did.

23 Q And when he came back the second time, what did he  
24 want?

25 A He wanted to talk to Judge Coffey. He had something

1 personal to say. And I said, *Sorry, you can't talk to*  
2 *her. You've got an incident, so you can't talk to her.*

3 And he said, *Well, I need to talk to somebody.*

4 Again, I said, *Hey, have at it. You can talk to me*  
5 *all day.*

6 And then he proceeded to tell me what he told me.

7 MR. HALIO: Objection to what he told her as being  
8 hearsay.

9 THE COURT: Okay. She hasn't stated it yet; just  
10 that he told her something.

11 MR. MATHISON: May it please the Court. He's  
12 already testified to what he told her. And I think that  
13 it's nothing but cumulative at this juncture.

14 MR. HALIO: No, that's not correct.

15 THE COURT: Do you all need to come talk to me?

16 MR. MATHISON: Yeah.

17 OFF-THE-RECORD BENCH CONFERENCE,

18 OUT OF HEARING OF JURORS. PRESENT:

19 THE COURT, MR. MATHISON, MR. HALIO,

20 MS. JOLLEY.

21 SHERRY HAMILTON

22 CONTINUE DIRECT EXAMINATION, MR. MATHISON:

23 Q Ms. Hamilton, when Mr. Jolin got there, what was the  
24 nature of the discussion that you all had?

25 MR. HALIO: Objection. Same objection.

1 A Which time?

2 Q The second time.

3 A What was the nature?

4 Q Yes.

5 A I can say?

6 THE COURT: Go ahead.

7 A He came in, and he was really upset. And I said,  
8 *What's wrong?* And he proceeded to tell me that -- that  
9 -- that they were saying that he and Judge Coffey had had  
10 an affair. And I laughed. And I said, *You're serious,*  
11 *right?* And he says, *They're saying that. That's the*  
12 *gossip out there is that they're saying that she and I*  
13 *had an affair.*

14 And I said, *Well, you know, who's saying this?* And  
15 he said, *They are, Sea Pines Security. Everybody is*  
16 *saying it.*

17 And I said, *Well, you need to go talk to her*  
18 *attorney again.*

19 And that was pretty much it, is that I had told --  
20 you know, he told me that. He was visibly upset. He was  
21 actually crying some; that he loved his wife and he  
22 didn't want anything like that to get back to his wife,  
23 because he loved her, and he didn't want -- he didn't  
24 want his -- his wife to think that he was cheating on  
25 her. And of course, I'm sitting there thinking there's,

1 you know, no way, but anyway. That was my opinion.

2 And so, that was it. He, you know, he was upset,  
3 and I sent him off again, saying, *You need to go talk to*  
4 *her attorney about this.* You know. *You can't talk to*  
5 *Judge Coffey about this; you got to go talk to her*  
6 *attorney.*

7 Q Do you know whether he did or not?

8 A No, sir, I don't know that.

9 Q Have you ever seen Toby McSwain, when he was a  
10 lieutenant or when he was a captain, come to the  
11 municipal court at the Town of Hilton Head?

12 A No, sir. I worked in municipal court for 20 years,  
13 and I still can't keep up with private, lieutenant,  
14 captain, general. They all -- I know Toby McSwain, yes  
15 sir. I know him as Captain McSwain now. I did know him.  
16 I knew his face. He was the officer who gave me my first  
17 ticket when I moved to Hilton Head, so I'll never forget  
18 him.

19 Q Regardless of what rank he was, --

20 A Yes, sir.

21 Q -- do you know whether he's been in court at any  
22 point since 2004, that is, the municipal court of the  
23 Town of Hilton Head?

24 A I can only recollect in the last couple of years.  
25 He's been in court probably four, maybe five times in the

1 last couple of years. A couple times as a witness. I  
2 think a time as a victim. And the last ticket we had  
3 from him, he didn't show up at all.

4 Q He didn't show up at all?

5 A No. His defendant paid, you know, he didn't show to  
6 court.

7 Q To the best of your knowledge, has he ever been to  
8 see Judge Coffey in her office?

9 A The best of my knowledge, no, sir.

10 MR. MATHISON: Thank you. Please answer any  
11 questions that counsel may have.

12 A Sure.

13 MR. HALIO: May it please the court.

14 THE COURT: Yes, sir.

15 SHERRY HAMILTON

16 CROSS-EXAMINATION, MR. HALIO:

17 Q Ms. Hamilton, you've been here throughout the trial;  
18 have you not?

19 A I have, sir.

20 Q Including when Mr. Jolin testified?

21 A Yes, sir.

22 Q Did you hear him say that he had been to your office  
23 and to Judge Coffey's office on one occasion, and not on  
24 two occasions?

25 A I don't remember that, because I knew what the facts

1 were.

2 Q So you don't remember him saying that on Tuesday? Or  
3 Wednesday.

4 A Again, I knew what happened. He was there twice, and  
5 -- and he talked to me twice.

6 Q Okay. And that would be -- that should have been,  
7 from what you've told us, that second visit should have  
8 been something that he should have remembered, and right?  
9 Sounds like it was sort of a big deal.

10 A Well, with him being under the gun more so than me,  
11 then, I would, you know, nervous. I don't know.

12 Q And it was certainly something that you remembered,  
13 right?

14 A Definitely something I remembered.

15 Q And so should be something he remembered too;  
16 wouldn't it? Wouldn't you think?

17 A Again, yeah. He knew he talked to me twice. As you  
18 said. He said he talked to me twice.

19 Q All right. So he came to see Judge Coffey on two  
20 occasions. Do you remember the dates of those occasions?

21 A Oh, no, sir. I don't remember dates. I have a hard  
22 time even with my husband's birth date. I remember some  
23 things and some years. I do remember that. Specific  
24 dates, no, sir, I do not remember specific dates.

25 Q But you'll remember Mr. Jolin running into your

1 office to see Judge Coffey on two occasions?

2 A Yes, sir. He did come to our office twice.

3 Q The first time, bringing in one of these.

4 A One or both. I don't know. I don't remember that.

5 Q And the second time he came in crying?

6 A No, he wasn't crying to start with. He came in  
7 saying he needed to talk; talk to Judge Coffey about  
8 something personal. And --

9 Q So on two occasions he came in looking to see Judge  
10 Coffey. Is that right?

11 A Correct.

12 Q Now, you eventually -- well, let me ask you this.  
13 Have you seen the letter that's been marked as  
14 Plaintiff's Exhibit Number 4?

15 A Well, I heard the testimony about this. I can't say  
16 that I remember it or that I read it. I can't say that  
17 at all.

18 Q Have you ever seen it?

19 A Before today, if I did, I don't remember it.

20 Q Because it's been represented to me by Counsel that  
21 you opened up a confidential letter from the Commission.

22 A That is correct, sir.

23 Q And that was in there.

24 A That is correct. I open all mail comes through the  
25 court, whether --

1 Q Even if it says confidential?

2 A Even if it says confidential, next of kin, whatever.  
3 I open all mail. There is -- per directive from every  
4 judge we've had so far, except Judge Herring, all mail  
5 that's marked confidential is not confidential in the  
6 court, because there's so many people that try to get to  
7 the judge without the right format, that there is nothing  
8 confidential in the courthouse.

9 When I do open something and I do see that it is  
10 something confidential, immediately, I would fold it back  
11 up, take it right where it needs to be, and that would be  
12 that.

13 Q And that's what you did in this case?

14 A I'm sure that's what I did in this case.

15 Q Because you really don't remember it; do you?

16 A That is correct. If it came to the courthouse marked  
17 confidential, though, I promise you, I opened it.

18 MR. HALIO: No further questions.

19 THE COURT: Anything further?

20 MR. MATHISON: One.

21 SHERRY HAMILTON

22 RE-DIRECT EXAMINATION, MR. MATHISON:

23 Q One of your roles, Ms. Hamilton, is that of the  
24 gatekeeper isn't it?

25 A My official -- me, I put it there, yes, sir.

1 Q And you're there to make sure that nobody has an  
2 inappropriate contact with the judge.

3 A That is correct. I learned that under Judge Simmons.

4 Q And that's why you open confidential mail, to make  
5 sure that someone desiring inappropriate contact is not  
6 putting confidential on it and then trying to argue a  
7 court case.

8 A Correct. The only time confidential would not ever  
9 be opened is that it was an interoffice something from  
10 the Town that would be marked confidential. That would  
11 never, ever, ever be opened. But mail coming through the  
12 U.S. postal system is not confidential in our office.  
13 When we do open it, we, you know, take it where it needs  
14 to be, and that's that.

15 MR. MATHISON: I understand. Thank you very much.

16 A Yes, sir.

17 THE COURT: Anything further?

18 MR. HALIO: No, your Honor.

19 THE COURT: All right. You are excused.

20 A Thank you, ma'am.

21 THE COURT: Call your next witness.

22 MR. MATHISON: Your Honor, the plaintiff would call  
23 Todd McNeill.

24 THE COURT: Come on up, Mr. McNeill.

25 WITNESS SWORN.