

# **Exhibit 3**

1 Q Do you have occasion to see him socially?

2 A No.

3 Q Is what's in that statement about your having a  
4 meeting with him true or false?

5 A Absolutely false.

6 Q At some point in early 2005, did someone from the  
7 Beaufort County Sheriff's Office actually come and see  
8 you?

9 A Yes.

10 Q And who was that?

11 A A Detective Brian Baird.

12 Q And how did he come to see you? Did you seek him  
13 out, or did you insert yourself and go find him? What  
14 happened?

15 A Apparently, he called my office and made an  
16 appointment to come see me, as people in general --  
17 officers do and people in the general public do.

18 Q And when, approximately, was this?

19 A It had to be in early 2005, because it was before  
20 my father passed away, and it was after this trespassing  
21 incident. I can't remember, but it was some time in the  
22 early part of 2005.

23 Q And did Detective Baird make any statements about  
24 Otis?

25 A He did.

1 Q What, if anything, did he say to you?

2 A He told me that there'd been some burglaries on the  
3 north side of Sea Pines, North Sea Pines Drive, and that  
4 they wanted to rule my brother out as a suspect, and  
5 could I please ask him to take a polygraph exam. And I  
6 said that I would.

7 He also told me that the sheriff was nearby in case  
8 I was offended that he was asking me. I said, *I'm not*  
9 *offended; you're just doing your job.*

10 So I asked my brother. He said he would. I was on  
11 my way to pick him up to take him to the polygraph exam,  
12 and he changed his mind. I --

13 Q Did you advise Detective Baird of that?

14 A I did, because I thought it would be a good idea  
15 for Otis to take the polygraph exam, because I thought  
16 it was in everyone's best interest if he cleared his  
17 name.

18 And when he didn't clear his name, I told Detective  
19 Baird that, considering the stress it was putting on my  
20 family with my dad's illness and my job, that he should  
21 go stay with my brother in Tybee Island, Georgia, and  
22 work at our family's restaurant there.

23 Q And is that, in fact, what happened?

24 A Yes, it is.

25 Q You didn't advise your brother, did you, to flee

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So he parked his car there. He brought his boss some pot. He went to go back to his car. He saw the police there, so he walked to my parents' house and got my dad.

Q Did you speak to anybody else about that incident?

A No.

Q So just the guy on the phone, and your dad, who initially called you.

A Right.

Q Were you at some point told that Otis was considered a suspect in a series of crimes in Sea Pines in 2004?

A It was either 2004 or 2005.

Q Who told you that he was a suspect?

A An investigator who I had never met before from the north End had made an appointment to see me. I had no idea what it was about, because investigators routinely make appointments to see me. He comes to my office -- his name is Brian Baird. He comes in to my office, and lays out this whole scenario where he shows me that Otis was living outside of Sea Pines at that

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time. And I think the burglaries were on the north part of Sea Pines. And he tells me they want to rule him out as a suspect. If they had any evidence, of course, they would have arrested him. But they came to me. I didn't go to them. And he asked me, 'Would your brother take a lie detector test?' I said, 'I have no idea, but I'll ask him.' I said, 'Otis, they think you're a suspect in these things.' He says he wasn't and that he didn't do that sort of thing. I said, 'All right. Well, then, clear your name and take the lie detector test.' And he said, 'Okay, I will.'

Then it got close to the time. And now I understand what he was so skittish about trusting law enforcement, but at the time I really didn't understand. He was very skittish about trusting them. And so, when it came time, the day of, he called me up and said that he couldn't do it because he didn't think they would only ask him those questions; that he had done other stuff and he didn't want to go --

1                   that he didn't want to go into, which, I  
2                   assume, had to do with pot, but I don't  
3                   know.

4                   And so. I said, 'All right.' I said,  
5                   'Well, listen; it doesn't look good if  
6                   you're in my jurisdiction and you're a  
7                   suspect in a crime. Go to work at the  
8                   restaurant in Tybee.

9                   Q    You're on the bottom page.

10                  MS. JONES:  Oh.

11                  A    He did not tell me what evidence he may or  
12                  may not have had, and I don't know.  I'm  
13                  just assuming he didn't have any, or he  
14                  would have arrested him instead of asking  
15                  him if he would come in and take a lie  
16                  detector test.  And I did what they asked  
17                  me.  I asked him, I asked my brother.

18                  Q    So you called Baird back.

19                  A    I called Baird back and said, 'He doesn't  
20                  want to take it.'

21                  Q    What did he say?

22                  A    I don't recall what he said.  But I told  
23                  him -- because back then, I didn't  
24                  understand my brother's misgivings for  
25                  trusting law enforcement, and now I

1                   understand why, but at the time I did not.  
2                   And I told him, 'You need to clear your  
3                   name. If you're not going to clear your  
4                   name, then just go work at the restaurant  
5                   -- at the Tybee restaurant for awhile.  
6                   And if they had any evidence, I would have  
7                   assisted them, and they know that, in  
8                   bringing him back.

9                   Q   Were there crimes that had been committed  
10                   on the north end of Sea Pines at that  
11                   time?

12                   A   Apparently, there were. I mean, they  
13                   weren't public, so I only knew about it  
14                   because Mr. Baird brought me some map.  
15                   And he had highlights at every house, I  
16                   guess, that had been broken into.

17                   Q   Did you speak to somebody from the  
18                   sheriff's department in 2008?

19                   MR. HALIO: Page 94.

20                   MS. JONES: I think there's a counter-designation.  
21                   I don't want to leave it out.

22                   MR. HALIO: On 92?

23                   MS. JONES: On 92, yeah.

24                   MR. HALIO: Okay. I've got it. Thank you.

25                   Q   Was it not in the newspaper?

1           A    *If it was, it didn't register with me. I*  
2                    *had no idea. I mean, I was blind sided,*  
3                    *actually. And actually, Mr. Baird told*  
4                    *me, in our conversation, that, if I was*  
5                    *upset that he was doing this, that the*  
6                    *sheriff was concerned, and the sheriff was*  
7                    *on the island, and would come over there*  
8                    *in a minute to talk to me. And I told him*  
9                    *I wasn't upset; you're just doing your*  
10                    *job, and I understand.*

11           MR. MATHISON.   *By MR. MATHISON: Just for the*  
12                    *record, who does Mr. Baird work for?*

13           A    *The sheriff's department, but on the north*  
14                    *side. So he's not an investigator that I*  
15                    *routinely work with or have ever worked*  
16                    *with since.*

17           MR. HALIO:   *Now can I go to 94.*

18           MS. JONES:   *Yeah.*

19           Q    *Did you speak to somebody from the*  
20                    *sheriff's department in 2008?*

21           MS. JONES:   *What page are you on?*

22           MR. HALIO:   *94.*

23           MS. JONES:   *Okay.*

24           A    *I did.*

25           Q    *Who did you speak with?*

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A In 2008, on or about May 13th, the Packet published an article that said there was a rash of break-ins in the South Beach area. And I knew at the time my brother was living in the South Beach area, and I knew that since they suspected him of the 2004 -- although, to my knowledge, the added element of voyeurism wasn't an element of the 2004; it may have been; it wasn't disclosed to me. So this was an added little twist. But I knew he would be a suspect since he was in the proximity of those crimes at the time.

Q When did he come back from Georgia?

A I think before Christmas, 2007. I mean, he was probably -- he was back for probably about a month, like, before my mom told me. I didn't know he was back, actually.

Q So you saw this article.

A I saw the article, and I can't remember which one I talked to first, if it was Meredith Florencio, who's an investigator with the Beaufort County Sheriff's Department, or Dwan Holmes, who was also

1 an investigator with the Sheriff's  
2 Department, who were people I saw that  
3 day, anyway, getting warrants, and I was  
4 talking with Meredith about it, and I  
5 said, -- because I honestly don't believe  
6 it was my brother -- I said, 'My mom has  
7 an alarm system.'

8 Well, first, I called my mother, and I  
9 said, 'Mom do you know if he's going in  
10 and out of the house at night?

11 Q All right. When he came back in late  
12 2007, did he move back in with your mom,  
13 or did he move somewhere else?

14 A He moved in with my mother.

15 Q So, to the best of your knowledge, between  
16 2004, when there was this conversation  
17 about the time he decided not to take the  
18 lie detector test in late 2007, Otis was  
19 living in Georgia.

20 A Yes.

21 Q How about, I think it's Captain McSwain,  
22 did you ever talk to him?

23 A No.

24 Q Why is that?

25 A I'm not fond of the guy, but I don't have

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any reason to talk to McSwain. I mean, he talks to DeLoach, and I think Hulbert. I mean, I talk with the investigators -- Mike Riley; I would talk to Cunningham. I don't even know what McSwain -- he's a captain, but I don't know where he is in the whole food chain of officers. He's not somebody that would appear before me.

Q Now, do you have any personal knowledge about an incident that occurred on the night of May 20, 2008, involving John Jolin and an individual on a bicycle?

A Do I have any personal knowledge?

Q Right. I mean, you weren't there, were you?

A I wasn't there.

Q Tell me about every incident that you're aware of involving your family and Sea Pines Security that occurred after May 20th.

A I can tell you what I know.

Q Tell me what you know.

A On the evening my mother said she was woken up, she said there were a whole bunch of police cars with sirens, and it

1 was Sea Pines Security and Beaufort  
2 County. I don't know who asked her the  
3 questions. I know Sargent Blackmon was  
4 there from Beaufort County. I think they  
5 asked her if Otis was home, and she had  
6 just woken up, and I can't remember if she  
7 -- I mean, I think she said she didn't  
8 think so either, because she did see his  
9 dog, or she didn't see his dog. I forget  
10 which it was. But whatever it is, based  
11 on that, she said, 'I don't think he's  
12 home.'

13 And then someone said, 'Have Otis come to  
14 Mr. Breed's office tomorrow morning.'

15 And I know she was really miffed that they  
16 woke her up in this fashion to ask a  
17 question like that. So that's all I know  
18 about that night.

19 The next day, not surprising, Otis did not  
20 go see Mr. Breed. And the next day, I  
21 think it was Officer Campbell who was  
22 having her car towed for parking on the  
23 street. And I think she asked him why he  
24 didn't call her, and he said he didn't  
25 know who owned the car. I think the car

1                   may have been registered in my deceased  
2                   father's name still. And I don't remember  
3                   what the ticket was for, but there was a  
4                   ticket written. I know she paid the tow  
5                   guy a \$190.00 not to tow her car. And I  
6                   wasn't there, but according to her, she  
7                   saw that the ticket was written for my  
8                   court, and she said, 'Don't you know who  
9                   my daughter is,' or something, because she  
10                  said they wrote it for my court, which I  
11                  immediately sent out to magistrate's  
12                  court.  
13                  Then she was having a dinner party on  
14                  Thursday, and it was my brother,  
15                  Christopher. I don't know if he called or  
16                  he went by to pick up a pass, but anyway,  
17                  he was told that she couldn't get guest  
18                  passes until she went in to see Mr. Breed,  
19                  and her guest number was no longer valid.  
20                  And she didn't have a number for a year.  
21                  She got it about a year ago. I don't -- I  
22                  don't know when she got it, but it was --  
23                  and she has a different number. And then,  
24                  on Friday, she called me. She was very  
25                  upset. She said the security officers

1                   were following her and Otis outside and  
2                   in and out of Sea Pines. But I had been  
3                   busy working that whole week, and I didn't  
4                   get down to -- it's South Beach. It's the  
5                   end of Sea Pines, and I have three kids,  
6                   so I don't get there much. But I said,  
7                   'All right, I'll go down there.'

8                   So I go down to my mom's house to wait  
9                   for my mom, but I don't have a key. So  
10                  I'm waiting out -- I'm out -- I'm outside  
11                  waiting. And a security car comes by, and  
12                  I'm assuming I'm going to know who the  
13                  officer is, because I generally know these  
14                  road guys, because they appear before me.  
15                  It's somebody I don't know, so I introduce  
16                  myself. And I tell them that they've got  
17                  to stop harassing my mother, and that I  
18                  was having Otis move out, and tell Breed  
19                  I'll get with him next week -- which  
20                  meant, since he apparently wanted Otis and  
21                  my mom to meet with him, I was going to go  
22                  meet with him. And that's the end of it  
23                  until I got served with this.

24                  Q   When you saw the new officer, is that all  
25                  you recall of the conversation?

1 A That's all I recall. It was very brief.

2 Q Did you mention to him that you were the  
3 judge?

4 A I did.

5 Q How did that come up?

6 A I said, 'Oh, you are new; you don't know  
7 me; I'm the judge,' or something. I don't  
8 know exactly what I said, but something  
9 like that. 'You guys have got to stop  
10 harassing my mother. I'm moving my  
11 brother out.' Which he didn't know  
12 anything about the situation, I guess, or  
13 so he said. You'll have to ask him. It's  
14 Mr. Wright. 'And tell Breed I'll get with  
15 him next week, or I'll meet with him next  
16 week. I don't have time now,' or  
17 something.

18 Q He did move out?

19 A Yes. He went to the Red Roof Inn, I  
20 think, for two weeks. Then he got an  
21 apartment on Janesta.

22 MR. HALIO: Okay. The next page I've got marked is  
23 142.

24 Q In 2004, Otis went to Georgia, right?

25 A I think he went to Georgia in late 2004,

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early 2005.

Q I think you testified earlier that you told him he needed to go to Georgia.

A I told him that -- well, I was trying to coerce him to take the lie detector test to clear his name.

Q Right.

A So I told him, 'If you don't want to take the test, then I really don't think it's a good idea if you stay in my jurisdiction; it doesn't look good.'

And in any case, my dad was very ill, and we needed people in the restaurant in Georgia. And my dad had a -- the apartment Otis was living in was leased to my father. I think the lease was coming up anyway, so I just said, 'Go live' -- and our brother, Christopher, had an apartment in Georgia. So I said -- so I just said --

Q Did you provide any assistance to him in moving from here to Georgia?

A No.

Q Financial or otherwise?

A No.