

# **Exhibit 6**

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 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