

Exhibit 8

1 Q Have you discussed what's going on in this case?
2 A No, sir. With Mr. Breed or with --
3 Q With Mr. Breed.
4 A No, sir. The last we talked about this case was
5 prior to my deposition.
6 Q Did you discuss what you were going to say and what
7 he was going to say with Detective Baird before he took
8 the stand, specifically, out in the hall, Wednesday
9 afternoon, last Wednesday?
10 A No, sir.
11 Q Do you know whether Maureen Coffey was an associate
12 judge or the full-time judge in 2004, when you said you
13 went to visit her?
14 A I believe she was full-time then.
15 Q Do you know when she became a full-time judge?
16 A No, sir.
17 Q Did you make an appointment to go and see her?
18 A Not that I'm -- not that I can recall, no, sir.
19 Q Where did you visit with her?
20 A At her office.
21 Q And the Town has been, essentially, in the same place
22 since 2000, if not before. Isn't that correct?
23 A I would think so, yes, sir.
24 Q And what office are you referring to where you
25 visited with Judge Coffey?

1 A What -- what office?

2 Q Yes, sir.

3 A It was down the hallway on -- on the right-hand side,
4 if I recall correctly.

5 Q All the way down in the back?

6 A I don't know how far it was down. To be honest with
7 you, I think that might have been my first time --

8 Q Ever back there?

9 A -- in a judge's chambers. Yes, sir.

10 Q And if I recall correctly, there's a large office
11 that's got windows with glass where people can pay
12 tickets.

13 A Yes, sir.

14 Q Is that correct?

15 A Um--hmm.

16 Q And there's a locked door. You have to have a
17 password to get in the door that's by the side?

18 A Because of the -- the court's being remodeled, I -- I
19 don't appear in her court. Well, I think since she's
20 been there, I think I may have been in her courtroom
21 twice.

22 Q And this is not the courtroom we're describing
23 though; is it? We're describing where her office is.

24 A Right.

25 Q And you have to get past the locks. Do you remember

1 whether the keypunch was on that door in 2004 when you
2 went to see her?

3 A I have no idea.

4 Q But you went all the way down the hall, past the
5 little room on your right, to the judge's office, which
6 is at the back right on that corridor?

7 A If my memory serves me correctly, I think it was an
8 office on the right-hand side down the -- down the
9 hallway.

10 Q Do you know whether or not you had to walk right past
11 the desk of Sherry Hamilton in order to see the Judge?

12 A I'm not sure -- I'm not sure I know where Sherry
13 actually sits at.

14 Q But you're quite certain you were in the Judge's
15 office. And when asked --

16 A We were in -- we were in an office in the courtroom.
17 I mean, I -- I could only assume that it would -- would
18 have been her office.

19 Q Okay. And could it have been 2005 when you had this
20 conversation with her, instead of 2004?

21 A Mr. Mathison, it's -- it's -- it's entirely possible.
22 I mean, we're -- we're talking seven years ago.

23 Q So you're not sure that it's 2004? Is that right?

24 A I would -- I'm -- I'm assuming that it was --
25 conversation took place in 2004.

1 Q And without telling me anything you don't know of
2 your own knowledge, why would it be necessary, if you
3 went to see Ms. Coffey, for another officer,
4 specifically, Detective Baird, to go see her?

5 A I'm not sure I'm following you.

6 Q I'm asking you why two of you went to see her,
7 apparently, on the same goal, mission.

8 A My meeting with her was in regards to concerns from
9 the investigators that were going to be assigned the
10 cases from Sea Pines that Otis was a suspect in.

11 Q Okay.

12 A That was --

13 Q And as a result of talking to her, did you reach --

14 MS. JONES: Objection, your Honor. The witness can
15 finish his answer.

16 THE COURT: If you need to go ahead and finish, you
17 may, sir.

18 BY MR. MATHISON:

19 A As a result of -- of -- that was my intentions of
20 going down to meet with Judge Coffey, IS because the
21 investigators were concerned that they had to deal with
22 her, regardless of how this -- this turned out. That was
23 my initial meeting of going down.

24 Q Did she resolve any concerns that you had?

25 A I didn't -- I mean, it was a -- from what I recall, I

1 wasn't there very long. It was polite. I mean, she had
2 concerns of issues with -- with Otis and Sea Pines. And
3 as a result of that, that's the information that I shared
4 with the sheriff, who ultimately sent Brian Baird down to
5 meet with -- with Judge Coffey. And to be quite honest
6 with you, I didn't recall Brian Baird actually going down
7 until after I've -- my deposition. I actually had this
8 conversation with the sheriff, who said, *Well, after you*
9 *and I talked, I'm the one that sent Brian Baird down.* So
10 I didn't, at no time, direct Brian Baird to go down.

11 Q And you didn't know he'd gone down. Is that what
12 you're saying?

13 A I didn't recall. To be quite honest with you, I
14 didn't.

15 Q Captain, are you quite certain that you actually went
16 to see Maureen Coffey?

17 A Yes, sir.

18 Q And you're certain that she was a full-time judge
19 when you did that?

20 A She was a presiding judge over our cases at the time.
21 Whether she was full-time, I'm -- I wouldn't have known
22 what her contract issue would have been then, but she was
23 the judge that we dealt with.

24 Q Excuse me just a minute. Did anything that you heard
25 from Judge Coffey when you talked to her cause you to

1 believe she would hinder or obstruct your ability to
2 apprehend her brother?

3 A I don't think it -- I thought it was strange that --
4 that -- that she would move him or assist him to move. I
5 mean, it was -- but as far as hindering the
6 investigation, I don't think she would actively -- to do
7 anything to hinder the investigation.

8 Q Do you know where Mr. Coffey moved?

9 A I -- I have no idea.

10 Q But insofar as you know, the complaints that were
11 going on in Sea Pines continued, despite the fact that
12 Mr. Coffey moved?

13 A If, in fact, he actually moved, I have no knowledge
14 of that, whether he really moved or not.

15 Q Okay.

16 A I mean, he could remain in the location wherever he
17 was at; I -- I would not have known.

18 Q Do you know whether, in 2008, Mr. Coffey moved out of
19 Sea Pines?

20 A I don't know. I would not know that.

21 Q So you don't know whether he moved just down the
22 street to Janesta Street. Do you know where Janesta
23 Street is?

24 A It's off Palmetto Bay Road, if I'm not mistaken.

25 Q Not very far from Sea Pines.

1 A No, sir. Right outside of the Sea Pines Forest
2 Reserve Entrance, I believe.

3 MR. MATHISON: Thank you, sir.

4 THE COURT: Anything further?

5 MS. JONES: Briefly, your Honor.

6 CAPTAIN TOBY MCSWAIN

7 RE-DIRECT EXAMINATION, MS. JONES:

8 Q Captain McSwain, in order to interview Otis Coffey,
9 he would have to consent to the interview; wouldn't he?

10 A Yes, ma'am.

11 Q Okay. And would you be surprised if what Mr. Breed
12 actually testified to in his deposition was that he did
13 not know whether John Levy -- which particular crimes
14 John Levy was convicted of?

15 A I don't know that.

16 Q Yeah.

17 A I mean, without looking at the reports, I mean, it
18 would be a guess.

19 Q And likewise, would it not be normal for you to
20 expect Mr. Breed to have testified that he could not
21 testify to as to which events were cleared by the arrest
22 and conviction of John Levy?

23 A That wouldn't surprise me.

24 Q He wouldn't know that; would he?

25 A No, ma'am.