

Exhibit B

1 Office -- had a meeting with Judge M. Coffey and advised
2 her that Otis was the prime suspect in a rash of
3 burglaries occurring over the previous several months.
4 Judge Coffey stated to Captain McSwain that she was
5 going to get him out of town, or words to that effect.
6 From the date of that arrest and after that statement,
7 our burglaries ceased.

8 Q Now, have you ever had a conversation with Captain
9 Toby McSwain about the subject of your brother's
10 indiscretions?

11 A No.

12 Q Did you have one in 2004?

13 A No.

14 Q Did you have one in 2005?

15 A No.

16 Q Did you have one in 2006?

17 A No.

18 Q Any time since, have you had a conversation with
19 Captain Toby McSwain?

20 A No.

21 Q Have you had one about anything with Captain
22 McSwain?

23 A Not that I can recall.

24 Q Does Captain McSwain routinely come to your court?

25 A No.

1 service with the sheriff's office. I took a position as
2 an investigator for the federal government in Okinawa,
3 Japan, for three years. So I took my family to Okinawa.
4 Came back. When Sheriff Tanner was re-elected, I was re-
5 appointed as the -- as a lieutenant for uniform patrol on
6 Hilton Head.

7 Q And you're married, sir, and you have a family.

8 A I do. I have a wife and three kids.

9 Q All right. Captain McSwain, if you could, please,
10 would you tell the jury, did you have an occasion to meet
11 with Judge Coffey in 2004?

12 A I did.

13 Q And could you tell the jury what the circumstances
14 were that led up to that meeting?

15 A My memory is a little sketchy on this, but it's -- it
16 was roughly some time in 2004. We had some cases that
17 were evolving out of Sea Pines of some peeping Toms, some
18 burglaries, and so forth.

19 At the time, I was a lieutenant on Hilton Head. I
20 was in charge of, in addition to uniform patrol, I also
21 have the investigators that was in my command.

22 The cases that developed in Sea Pines identified a
23 suspect of Otis Coffey, which is the brother of Judge
24 Coffey. When this came out, I had meetings with the
25 investigators. The investigators that work in the

1 southern part of the county have a lot of contact with
2 Judge Coffey. I mean, they're calling on her in the
3 middle of the night for search warrants, arrest warrants.
4 They're in her court a lot. So there was some
5 apprehension of getting assigned a case that is the
6 brother of -- of the Judge.

7 I had a conversation. After my deposition, the
8 sheriff and I discussed this a little further. I had a
9 opportunity to go down and meet with Judge Coffey to, as
10 a professional courtesy, to say, look, your brother's
11 been identified as a suspect in these cases in Sea Pines;
12 we're going to look into them; I just want to give you
13 the heads up that this is what's going to transpire.

14 She shared some thoughts that she felt that her
15 brother was being harassed from Sea Pines. Subsequent, I
16 had a phone -- I shared this information with the
17 sheriff. And I think you heard earlier testimony from
18 Detective Baird, that's when the sheriff sent Detective
19 Baird down to meet with Judge Coffey the second time.

20 Q And when you met with Ms. Coffey, did she make any
21 statement or representation to you about her moving Mr.
22 Otis Coffey away?

23 A She did.

24 Q What did she tell you?

25 A From what I can recall, that, because of -- of what

1 she felt was harassment towards her brother, that she
2 felt it was in his best interests to remove him from, I
3 guess, out of Sea Pines. And if my memory serves me
4 correctly, I thought she was going to -- he was going to
5 Columbia, South Carolina.

6 Q Captain McSwain, are you familiar with the arrest and
7 conviction of John Levy that's been discussed in this
8 trial?

9 A Yes.

10 Q And can you tell the jury what, if any, charges Mr.
11 Levy was convicted of that arose out of the Sea Pines
12 Plantation area?

13 A John Levy was -- was charged with multiple crimes of
14 peeping Toms, some burglary cases. If my memory serves
15 me correct, I want to say that Mr. Levy was arrested in
16 either October or November of 2004, for crimes that
17 occurred in -- one he plead guilty to that occurred in
18 Sea Pines, as well as, I believe it was, Hilton Head
19 Plantation.

20 But I think from his incarceration in October or
21 November of 2004, he remained in jail until he got
22 released. I believe it was in 2010, when he was
23 officially released. But I -- I mean, I'm just recalling
24 from memory. If I had a report, I could give you more
25 accurate dates.

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 Q And her office, was it at the end of the hall in the
2 municipal court? That is the main judicial office?

3 A Her office back in 2004 was not where it is now.

4 Q Right. The person in that office in the very back as
5 you go down the hall and turn right, that was Judge
6 Herring; wasn't it?

7 A That is correct, sir.

8 Q And where was her office in relation to coming in the
9 door?

10 A Well, you entered into my office. I shared an office
11 with another secretary. There were two desks and a space
12 about ten by ten. And you had to come -- we had to open
13 the door, they walked between the desks, back to a --
14 back to what we call our file room, because that's where
15 all the file cabinets were. And she had one of those
16 little portable desks like kids use in college.

17 Q Um-hmm.

18 A She had one of those kind of desks. She had no
19 window, and the door wouldn't shut.

20 Q So her office was filled with filing cabinets, had a
21 little desk and a chair. Is that right?

22 A That is correct, sir.

23 Q And there were no windows.

24 A Absolutely, yes, sir. That's correct.

25 Q And anybody getting in there had to walk right by

1 whom?

2 A Me and the other secretary, Lisa.

3 Q Did you ever see Toby McSwain in 2004, anywhere near
4 your office, going toward what you just identified as
5 basically a file room, which is where my client had set
6 up shop?

7 A I don't ever remember Toby McSwain coming in, except
8 in the courtroom itself. He would come in the courtroom,
9 because he would have cases from time to time. But to
10 walk in our office and sit down with Judge Coffey in the
11 back, I don't ever remember that.

12 Q Do you remember Mr. McSwain ever making an
13 appointment in 2004 to come see Ms. Coffey?

14 A That, I don't recall at all, sir.

15 MR. MATHISON: Thank you. Excuse me, one second.

16 Thank you, Ms. Hamilton.

17 THE COURT: Anything?

18 MR. HALIO: If it please the court.

19 THE COURT: Yes, sir.

20 SHERRY HAMILTON, ON REBUTTAL

21 CROSS-EXAMINATION, MR. HALIO:

22 Q I would imagine, like everybody else, you take
23 vacation, and you get sick, and take lunch, and you go on
24 breaks, and that sort of stuff, right?

25 A Well, thank Lord I haven't been sick lately, and