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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MCCORMICK COUNTY
IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

The Honorable Walton McLeod Eleventh Circuit Court Judge
McCormick County

Robert Jay Lagroon, Appellant.

v.

Crystal Suggs and Scott Suggs, Respondent

Appellate Case No. 2024-000831

RECORD ON APPEAL

Robert J. Lagroon
Pro Se Appellant
791 SC Hwy 7
McCormick SC 29835

COUNSEL FOR APPELLANT

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STATE OF SOUTH CAROLINA

COUNTY OF MCCORMICK

Robert Jay Lagroon.

Plaintiff.

vs.

Crystal Suggs and Scott Suggs.

Defendants.

IN THE COURT OF COMMON PLEAS

ELEVENTH JUDICIAL CIRCUIT

CIVIL ACTION NO.: 2017-CP-35-00045

VERDICT FORM

PLEASE MARK THE APPROPRIATE VERDICT BELOW FOR EACH OF THE QUESTIONS:

1. WE, THE JURY, FIND THAT DEFENDANT CRYSTAL SUGGS TRESPASSED.

YES

NO

(PROCEED TO QUESTION 2.)

2. WE, THE JURY, FIND THAT DEFENDANT SCOTT SUGGS TRESPASSED.

YES

NO

(IF YES TO QUESTION 1 OR 2, PROCEED TO QUESTION 3; IF NO, STOP DELIBERATIONS AND GO NO FURTHER.)

3. WE, THE JURY, FIND THE TOTAL AMOUNT OF ACTUAL AND/OR NOMINAL DAMAGES, IF ANY, BY A PREPONDERANCE OF THE EVIDENCE SUSTAINED BY THE PLAINTIFF TO BE:

\$ 100.00 (Dollars)

(PROCEED TO QUESTION 4.)

4

4. WE, THE JURY, FIND BY CLEAR AND CONVINCING EVIDENCE THAT DEFENDANTS CRYSTAL SUGGS AND SCOTT SUGGS, ACTED WILLFULLY, WANTONLY, OR WITH RECKLESS DISREGARD OF THE PLAINTIFF'S RIGHTS?

YES

NO

(IF YES, PROCEED TO QUESTION 5; IF NO, STOP DELIBERATIONS AND GO NO FURTHER)

5. WE, THE JURY, FIND BY CLEAR AND CONVINCING EVIDENCE THAT THE TOTAL AMOUNT OF PUNITIVE DAMAGES TO BE:

5. 200.00 (Dollars)

STOP AND END YOUR DELIBERATIONS

Please sign and date.

Jury Foreperson

Date

4/23/24

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE ELEVENTH JUDICIAL
) CIRCUIT
) 2017-CP-35-00045
)
COUNTY OF MCCORMICK)

ROBERT JAY LAGROON,)
)
)
Plaintiff,)
)
)
vs.)
)
CRYSTAL and SCOTT SUGGS,)
)
)
Defendants.)

TRANSCRIPT OF RECORD

April 23, 2024
McCormick, South Carolina

B E F O R E:
HONORABLE WALTON J. MCLEOD, IV., JUDGE

A P P E A R A N C E S:

Jeffrey F. Peil, Esquire
Attorney for the Plaintiff

Jane H. Merrill, Esquire
Attorney for Defendant, Crystal Suggs

Robert Jamison Tinsley, Jr., Esquire
Attorney for Defendant, Scott Suggs

Lisa G. Amick
Court Reporter

INDEX OF WITNESSES

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(DW) - Denotes Defendant's Witness

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1 THE COURT: Is counsel ready to proceed?

2 MR. PEIL: The Plaintiff is ready, Your Honor.

3 MR. TINSLEY: Yes, Your Honor.

4 THE COURT: Alright. Ladies and gentlemen, we're
5 going to go ahead with the selection of our jury for our trial
6 this week. This is the trial of Robert Jay Lagroon versus
7 Crystal Suggs and Scott Suggs. This case arises out of an
8 alleged trespass that occurred on June 17th, approximately June
9 17th and 18th of 2014 here in McCormick County. I've got a
10 list of several questions I want to ask you as part of this
11 jury selection process, but before I do that, I'd like to allow
12 the attorneys to stand up, introduce themselves and their
13 clients at this time.

14 MR. PEIL: May I proceed?

15 THE COURT: Yes, sir.

16 MR. PEIL: Good morning, my name is Jeffrey Peil, I'm
17 with the law firm of Huggins, Peil and I represent the
18 Plaintiff, the Plaintiff, Dr. Lagroon here, he would stand,
19 he's in a wheelchair, I'd just like to clarify it is completely
20 unrelated to the trespass of this, he's not remaining seated to
21 insult you.

22 THE COURT: Alright.

23 MR. TINSLEY: My name is Jamison Tinsley, I practice
24 at the law firm of Tinsley and Tinsley over in Greenwood with
25 my father Robert Tinsley, he was the public defender out there

1 for many years, he's now retired, so I'm basically a solo
2 practitioner and I represent Scott Suggs who is a named
3 Defendant in this case.

4 MS. MERRILL: Good morning, my name is Jane Merrill,
5 I practice at a law firm in Greenwood, and I represent Crystal
6 Suggs.

7 THE COURT: Alright. Ladies and gentlemen, I've got
8 a list of questions to ask you now. Can everyone still hear
9 me?

10 (A few prospective jurors answer yes.)

11 THE COURT: Alright. So there are no wrong responses
12 to this question, but if you hear a question and it applies to
13 you, just stand up, tell me your juror number, I may have some
14 follow up questions to ask you once I hear from you. Alright.
15 Is any member of this jury related by blood or marriage, have a
16 close personal, business, or social relationship to either the
17 Plaintiff, Mr. Lagroon, or the Defendants Crystal Suggs and
18 Scott Suggs? If so please stand. Okay. Sir, what is your
19 juror number?

20 JUROR 195: 195.

21 THE COURT: 95. And do you know the Plaintiff or the
22 Defendants or both?

23 JUROR 195: Both.

24 THE COURT: Okay. The fact that you know both
25 The Plaintiff and the Defendants, do you think that would

1 affect your ability to be a fair and impartial juror?

2 JUROR 95: Yeah.

3 THE COURT: Okay. Thank you, you can have a seat.

4 BAILIFF: That was juror 195.

5 THE COURT: I'm sorry, 195?

6 BAILIFF: 195, yes, sir.

7 THE COURT: Thank you for clarifying that. Anyone
8 else? Your number?

9 JUROR 73: 73.

10 THE COURT: And do you know the Plaintiff or the
11 Defendants?

12 JUROR 73: Both.

13 THE COURT: The fact that you know both of them,
14 could that affect your ability to be a fair and impartial
15 juror?

16 JUROR 73: I don't think it would.

17 THE COURT: Okay. Anyone else? Alright. The
18 following is a list of potential witnesses in this case.
19 Please pay attention. Becca Lagroon, Rebecca Lagroon, Scott
20 Lewis, Kelly Sue Barnett, Scott Suggs, Crystal Suggs, Mr.
21 Robert Jay Lagroon. Did I leave any witnesses out?

22 MR. TINSLEY: None that I'm aware of, Your Honor.

23 MR. PEIL: Not that I'm aware of.

24 THE COURT: Alright. Ladies and gentlemen, is any
25 member of this jury related by blood or marriage or have a

1 close personal, social, or business relationship with any of
2 the potential witnesses I just called out which I also included
3 the original parties as well, but anyone, does this apply to
4 anyone on that witness list? Do you know them, have a
5 relationship with them?

6 (No response.)

7 THE COURT: Alright. Is there any member of this
8 jury panel who's a past or present client, employee, business
9 associate, friend, or acquaintance of Defendants attorneys, R.
10 Jamison Tinsley, Billy J. Garrett, Jr., or Jane Hawthorne
11 Merrill? If so, please stand.

12 (No response.)

13 THE COURT: Along the same lines, is any member of
14 the jury panel a past, present client, or employee or friend or
15 business associate or acquaintance of Plaintiff's lawyer, Mr.
16 Jeffrey Peil? If so, please stand.

17 (No response.)

18 THE COURT: Is there a member of this jury panel or
19 their immediate family who is a past or present employee of the
20 Plaintiff, Robert Jay Lagroon?

21 (No response.)

22 THE COURT: Is any member of this jury panel who's
23 ever made a campaign contribution to Billy Garrett or
24 volunteered for his campaign for State Senate? If so, please
25 stand.

1 (No response.)

2 THE COURT: Is anyone on this jury panel or your
3 relatives ever been a customer at Robert Jay Lagroon's store
4 also known as W.G.'s Store? If so, please stand.

5 (No response.)

6 THE COURT: Does any member of this jury panel or any
7 of your relatives receive any dental treatment from Robert Jay
8 Lagroon?

9 (No response.)

10 THE COURT: Okay. Is any member of this jury panel
11 familiar with the real property located at 791 Highway 7,
12 McCormick, South Carolina?

13 (No response.)

14 THE COURT: Any member of this jury panel or your
15 relatives ever been involved in a civil lawsuit? If so, please
16 stand.

17 (No response.)

18 THE COURT: I think I'll add clarification. Involved
19 as a Plaintiff or a Defendant in a civil lawsuit? Yes, sir,
20 your juror number?

21 JUROR 104: Sorry, I don't remember.

22 THE COURT: What's your last name?

23 JUROR 104: Griffin.

24 THE COURT: Griffin.

25 CLERK: 104.

1 THE COURT: 144?

2 CLERK: 104.

3 THE COURT: Alright. Juror number 104, you've been
4 involved in a civil lawsuit before?

5 JUROR 104: Yes, sir.

6 THE COURT: As a Plaintiff or a Defendant?

7 JUROR 104: As a Plaintiff.

8 THE COURT: Alright. The fact that you served as a
9 Plaintiff or have been a Plaintiff in a previous case, do you
10 think that would affect your ability to be a fair and impartial
11 juror?

12 JUROR 104: No, sir.

13 THE COURT: Alright. You can have a seat. Anyone
14 else in response to that question?

15 (No response.)

16 THE COURT: Is there any member of this jury panel
17 who's ever been involved in a divorce action involving child
18 custody? If so, please stand. Okay. Your juror number?

19 JUROR 253: 255, I think.

20 THE COURT: What's your last name?

21 JUROR 253: Shelor.

22 THE COURT: Shelor?

23 JUROR 253: Sheenlor.

24 THE COURT: Okay. 253, I think. Close enough. The
25 fact that you've been involved in a divorce case involving

1 child custody, do you think that would affect your ability to
2 be a fair and impartial juror here today?

3 JUROR 253: I do not.

4 THE COURT: Okay. Thank you. Is any member of this
5 jury panel aware of any bias or prejudice towards either the
6 Plaintiff or the Defendants in this case? If so, please stand.

7 (No response.)

8 THE COURT: Finally, does any member of this jury
9 panel know of any reason whatsoever why he or she should not
10 serve as a juror in this case with particular emphasis being
11 placed on your ability to be a fair and impartial juror to both
12 the Plaintiff and the Defendants? If so, please stand.

13 (No response.)

14 THE COURT: Finally, is there any member of this jury
15 panel or your relatives that have participated in constructing
16 Robert Jay Lagroon's house, outbuildings, or cell tower on his
17 property? If so, please stand.

18 (No response.)

19 THE COURT: Alright. Counsel, any other voire dire?

20 MR. PEIL: Nothing further from the Plaintiff, Your
21 Honor.

22 THE COURT: Okay.

23 MR. TINSLEY: Nothing from the Defendant, Your
24 Honor.

25 THE COURT: Alright. Madame clerk, if we

1 could compile a list. Counsel, are y'all good with one
2 alternate?

3 MR. PEIL: I think one alternate would be sufficient
4 for two days.

5 MR. TINSLEY: I don't see why it wouldn't be, Your
6 Honor.

7 THE COURT: Okay.

8 MR. PEIL: Your Honor, may we approach about one
9 thing before we do the drawing?

10 THE COURT: Sure.

11 (Off the record.)

12 THE COURT: Alright. Ladies and gentlemen, we've
13 compiled a list of potential jurors. The attorneys will now
14 have the opportunity to look over that list for a few minutes
15 before we have to actually select them. So y'all take a few
16 minutes and we'll get started from there, okay? And if the
17 jurors could just remain seated, I appreciate your patience,
18 and we'll get this selection done soon.

19 (Off the record.)

20 THE COURT: You've both had a chance to review the
21 juror list. We'll have four strikes per party, Plaintiff will
22 go first and when you call your strike out, please use the
23 number on the far left of the page. Alright.

24 CLERK: As I call for your strikes, if you will,
25 give me the numbers of your far left, numbers 1 through

1 20, okay? We'll start with Plaintiff, your first
2 strike?

3 MR. PEIL: Number 2.

4 CLERK: Defense?

5 MR. TINSLEY: Number 11.

6 CLERK: Plaintiff?

7 MR. PEIL: Number 17.

8 CLERK: Defense?

9 MR. TINSLEY: Number 15.

10 CLERK: Plaintiff?

11 MR. PEIL: Number 14.

12 CLERK: Defense?

13 MR. TINSLEY: Number 18.

14 CLERK: Plaintiff?

15 MR. PEIL: One moment. I'm sorry.

16 THE COURT: Okay.

17 MR. PEIL: I have several backups but we're striking
18 a lot of the same people.

19 THE COURT: Okay.

20 MR. PEIL: Number 9, please.

21 CLERK: And Defense?

22 MR. TINSLEY: Number 16.

23 CLERK: Okay. Plaintiff, if I may verify your
24 strikes. Number 2, number 9, number 14, and number 17?

25 MR. PEIL: Yes, ma'am.

1 CLERK: Defense, verify your strikes. Number 11,
2 number 15, 16, 18.

3 MR. TINSLEY: Correct.

4 CLERK: Okay.

5 THE COURT: One alternate.

6 CLERK: And for your alternates, Plaintiff, strike?

7 MR. PEIL: Number 3.

8 CLERK: And Defense?

9 MR. TINSLEY: Number 1.

10 CLERK: Plaintiff verified number 115, number 3. And
11 Defense number 1?

12 MR. TINSLEY: Correct.

13 MR. PEIL: That's correct.

14 THE COURT: Alright. Before we call, any issues with
15 jury selection?

16 MR. PEIL: Let me double check ---

17 THE COURT: Alright. We'll wait until we get them
18 all up here, how about that? You can go ahead and have them
19 come up.

20 CLERK: Okay. As I call your name, if you will bring
21 your belongings and if you will go to the jury box here on my
22 left and your right. Okay. Evangeline Bishop, Dinah Fox,
23 Edward Van Rengen, Bradford Andrew, Mark Koeppen, Craig
24 Schavilje, Curtis Richardson, William Simons, III, Sharon
25 Thurmond, Dallas Oskey, David Lawrence, James Hardy ---

1 BAILIFF: You said David Lawrence?

2 CLERK: Yes, sir. And James Hardy. Alternate,
3 William James.

4 THE COURT: Alright. Counsel, any issue with
5 selection?

6 MR. PEIL: None from the Plaintiff, Your
7 Honor.

8 MS. MERRILL: None from the Defense.

9 THE COURT: Alright. Ladies and gentlemen, you have
10 been chosen as a jury in this case. First thing I'm actually
11 going to have you do is go back to the jury room and just
12 refresh yourselves and choose a foreperson. Y'all elect
13 somebody to be the foreman or forelady for this jury. Give a
14 note to the bailiff, let me know when you've done that, and
15 I'll get you right back in here for further instruction. You
16 shouldn't, please don't discuss the case, you haven't heard any
17 evidence in the case, please don't discuss the parties involved
18 or anyone, but just go on back and discuss who can be the
19 foreman or forelady for this jury and give me a note, let me
20 know who you've selected, and I'll get you back in here,
21 okay? So please don't discuss the case, but head on back to
22 the jury room at this time. Thank you.

23 (Jurors exiting Courtroom.)

24 THE COURT: Alright. Anything before I let the
25 balance go?

1 MR. PEIL: No.

2 THE COURT: Alright. Madame clerk, this is the only
3 matter we have this week, so I think I'm just going to let them
4 ---

5 CLERK: Sounds good. If they need a work statement,
6 they're downstairs.

7 THE COURT: Okay. Ladies and gentlemen, so you were
8 not selected for this jury trial this week. If you do need a
9 work excuse, there's someone downstairs who can help you with
10 that, but we appreciate your patience this morning, I
11 appreciate you volunteer, well, not volunteer, I appreciate you
12 showing up to perform your civic duty. And thank you again,
13 y'all are free to go at this time.

14 (Non-jurors exiting Courtroom.)

15 THE COURT: Mr. Tinsley, Ms. Merrill, Mr. Peil has
16 made a motion to sequester witnesses which is fine. Do y'all
17 wish to have the same sequester for any of their witnesses?

18 MR. TINSLEY: Sure. I think everybody needs to be
19 fed out of the same spoon, so ---

20 THE COURT: Fair enough. So we will sequester
21 witnesses. I don't know who the witnesses are, so I need the
22 lawyers to help me with communicating to the witnesses that
23 they can wait outside for now.

24 MR. PEIL: Okay. Absolutely.

25 THE COURT: Okay.

1 MR. PEIL: So I think it's just our witnesses at this
2 time.

3 THE COURT: Alright. That's fine. If y'all are
4 witnesses, if y'all can just wait outside and someone, we're
5 not going to start testimony until after lunch. Alright. So
6 while we are waiting on the jury to pick the foreperson, I
7 would like the attorneys to at least talk about exhibits.
8 There may be exhibits that y'all can stipulate to, I mean,
9 pictures, I don't know if there's pictures of damage to
10 property here that y'all can agree to, or anything of that
11 matter, anything that will help us move a little bit more
12 efficiently this afternoon. If there is some exhibit and you
13 anticipate a contentious evidentiary debate on, I'd appreciate
14 a heads up just so I can maybe be a little ahead of the curve
15 when that happens.

16 MR. PEIL: So I anticipate there are some exhibits
17 that will be objected to.

18 THE COURT: Okay.

19 MR. PEIL: Mr. Tinsley and I and Ms. Merrill had some
20 discussions about that.

21 THE COURT: Well, my first question would be is what
22 do they have to do with the issue of trespass?

23 MR. PEIL: Absolutely, I understand. Would you like
24 us to go ---

25 THE COURT: Sure.

1 MR. PEIL: --- through the exhibits one by one, Your
2 Honor?

3 THE COURT: Well, you could just tell me what some of
4 the anticipated disputes are.

5 MR. PEIL: So exhibit 1, I don't know if there's an
6 objection, Dr. Lagroon delivered a trespass notice.

7 MR. TINSLEY: Our position, I mean, if he testifies
8 that he did this, then that's, I guess that's fine, it'll
9 probably get him over the hurdle to get it into evidence, but
10 we do not concede that it was ever served on either one of our
11 clients by Dr. Lagroon or anybody else.

12 THE COURT: So it's a copy of a signed letter, is
13 that right?

14 MR. TINSLEY: Unsigned.

15 MR. PEIL: Unsigned.

16 THE COURT: Unsigned. So it's a copy of a letter
17 that your client asserts that he sent, which I assume he can
18 authenticate in his direct testimony, so ---

19 MR. PEIL: Sure.

20 THE COURT: --- I think that's fine, but it's subject
21 to cross and whatever else you want to add to it.

22 MR. PEIL: Number 2 is one that will not be sought to
23 be admitted into evidence because it's responses to
24 interrogatories, but I have them as a labeled exhibit in case I
25 need to refresh the memory of any witness.

1 THE COURT: Okay. So your discovery responses,
2 that's fine.

3 MR. PEIL: Okay. And that's straightforward.

4 THE COURT: For refreshing recollections, certainly.

5 MR. PEIL: Number 3 is the GIS aerial picture of the
6 property in question that denotes the boundaries of Dr.
7 Lagroon's property.

8 MR. TINSLEY: No objection.

9 THE COURT: Alright.

10 MR. PEIL: Number 4 is a document for impeachment
11 purposes, it's a termination letter that Ms. Crystal Suggs
12 received from Piedmont College.

13 THE COURT: A termination letter Ms. Suggs received -

14 --

15 MR. PEIL: From Piedmont Technical College, yes, sir.

16 THE COURT: Oh, for impeachment, so not ---

17 MR. PEIL: For impeachment purposes, yes, sir.

18 THE COURT: Okay. I mean, you can't agree to it
19 because you don't have any impeachable testimony yet, but

20 ---

21 MR. PEIL: That's right, that's right. Number 5 are
22 some awards that Becca Lagroon received.

23 THE COURT: And she is what?

24 MR. PEIL: She is Dr. Lagroon's daughter ---

25 THE COURT: Daughter.

1 MR. PEIL: --- one of the kids that was abducted,
2 yes, sir.

3 MR. TINSLEY: I don't see what it has to do with
4 trespass.

5 THE COURT: Yeah. Again, how are you going to
6 connect the dots with that and trespass?

7 MR. PEIL: I mean, again, Your Honor, it's our
8 position they were on the property and it's her testimony they
9 were there to abduct these children.

10 THE COURT: Her testimony?

11 MR. PEIL: Her testimony, she was there, I was there
12 to pick up these kids and bring them off the property.

13 MR. TINSLEY: And it goes back, he's using this
14 word abduct, I don't think she ever used that in her
15 deposition.

16 MR. PEIL: No, I, I, she certainly didn't, I mean, I
17 don't think anybody would testify, yes, I committed a
18 kidnapping but ---

19 THE COURT: She came to pick up a child, I guess if
20 she's a minor, right?

21 MR. PEIL: Yeah. She came to pick up two minor
22 child, she and her husband came ---

23 THE COURT: Abduction implies criminal intent in my
24 opinion, I mean, abduction, kidnap, it just rings of general
25 session, not common pleas. And it's my understanding there was

1 never any criminal outcome or charges filed regarding abduction
2 or kidnapping, is that accurate?

3 MR. TINSLEY: That's accurate, Your Honor.

4 MR. PEIL: Yeah. I'm not aware of any, no.

5 THE COURT: Okay. Well, if the testimony, again, I
6 haven't read the deposition, but if the testimony was that a
7 party or witness here came to your client's property for the
8 purpose of picking up or getting a minor, that's one thing, but
9 abduction just, that's, that would be like them trying to use
10 the word liquor store again and again ---

11 MR. PEIL: I understand.

12 THE COURT: --- we just got to be careful, let's not
13 inject things that ---

14 MR. PEIL: What I will say, Your Honor, is it is my
15 job to prejudice this jury, not to unfairly prejudice this
16 jury, okay? I mean, my sole goal here is to get them to render
17 a verdict for my client ---

18 THE COURT: Well ---

19 MR. PEIL: --- and ---

20 THE COURT: Well, wait a minute now, they are charged
21 by me ---

22 MR. PEIL: Yes, sir.

23 THE COURT: --- to not have sympathy, passion, or
24 prejudice be ---

25 MR. PEIL: Understood.

1 THE COURT: --- a reason that they grant a decision.
2 So all evidence, prejudicial, I get that, but it can't be
3 unduly prejudicial. But they're supposed to be in a mindset to
4 where we try to eliminate prejudice. So ---

5 MR. PEIL: I get that.

6 THE COURT: --- if you want to convince them that
7 they did it with malice, that's one thing, but there's a fine
8 line that you're going to have to walk here.

9 MR. PEIL: I mean, I, I'm trying ---

10 THE COURT: I want you to try your case, but I don't
11 want to try cases that never happened.

12 MR. PEIL: I'm trying to find a word that fits this
13 that doesn't seem to offend the notions, I mean, they came onto
14 the property without the permission of the custodial parent and
15 took two minor children against their will. And so ---

16 THE COURT: That sounds better than abduct.

17 MR. PEIL: Okay. I mean ---

18 THE COURT: Now, I don't know if the children are
19 going to testify to it or if they're even witnesses, I don't
20 know, but I mean, just using key words that are part and parcel
21 of the criminal code or, that's just not something you need ---

22 MR. PEIL: So to clarify ---

23 THE COURT: We don't want to confuse the jury because
24 the question they're going to ask is oh, who got arrested for
25 that or who went to jail for that ---

1 MR. PEIL: I understand.

2 THE COURT: --- the answer is no one, but they don't
3 need to be thinking about that.

4 MR. PEIL: I understand.

5 THE COURT: Again, I recognize y'all know the facts
6 and the history better than I do, but that's just how I see it
7 thus far.

8 MR. PEIL: I mean, it's one of those things, I mean,
9 I have to argue malice, willfulness, recklessness ---

10 THE COURT: Well, coming onto someone's property in
11 theory without permission or if they were told not to come on
12 the property, that sort of speaks for itself. I don't, I mean,
13 adding malice, abduction, and kidnapping is a little too much.
14 So anyway, let's just see where direct testimony takes you.

15 MR. PEIL: Okay. I understand completely. Exhibit 6
16 and 7 are the videos from the property.

17 THE COURT: Videos of what?

18 MR. PEIL: Surveillance videos of the property, of
19 the trespasses occurring.

20 THE COURT: Oh, so you've got video of it
21 happening?

22 MR. PEIL: Yes, sir.

23 THE COURT: Okay.

24 MR. TINSLEY: Judge, this picture of this video says
25 kidnapping of Daniel and Becca Lagroon, June 19th, 2014. I

1 don't want the jury ever seeing a disc that uses the word
2 kidnapping for the reasons we just talked about.

3 THE COURT: You mean like it's part of the video?

4 MR. PEIL: No, it's printed on the disc, yeah. I
5 mean, this is what I'm saying, this has been our case theory, I
6 mean, they came and kidnapped these kids. So it's, I
7 understand part of being a trial attorney is you have to shift
8 gears, but I mean, that's what this case is. I mean, I can
9 take a sharpie to the word kidnapping, I'm sure the disc will
10 still play.

11 THE COURT: Okay. I mean, again, I don't know want
12 the implication that there's some criminal act when it's been
13 10 years, right?

14 MR. PEIL: If the evidence shows that a criminal act
15 occurred, that two adults without permission took these kids, I
16 mean, I think I should be able to use that criminal term. I
17 think the testimony will show ---

18 THE COURT: I think you can use the facts. They,
19 here's the video that shows people coming to another person's
20 property and removing children, okay? But I don't think you
21 get to fill in the legal conclusion of kidnapping ---

22 MR. PEIL: Okay.

23 THE COURT: --- because that's a charge that carries
24 a sentence, and we're here to talk about trespassing.

25 MR. PEIL: Yes, sir. I will, I'll try ---

1 THE COURT: I'm giving you all the leeway I can.

2 MR. PEIL: --- to be creative with my language, yes,
3 sir.

4 THE COURT: Okay.

5 MS. MERRILL: And Your Honor, on that one, I'm
6 assuming it's the same video, I think the file name is actually
7 also kidnapping of Daniel and Becca Lagroon. So if, before
8 anything gets played where the jury might see the file name, if
9 the file name can be changed to not say kidnapping, I think
10 that would also be appropriate.

11 MR. PEIL: I'll take a look.

12 THE COURT: Yeah, take a look at what it says.
13 That's something y'all can do during lunch. Let's move on to
14 the next exhibit.

15 MR. PEIL: Okay.

16 THE COURT: Buy yeah, to be correct, I would like to
17 avoid the using of the word kidnapping and showing of the words
18 kidnapping.

19 MR. PEIL: Absolutely. Exhibit 8 is the Family Court
20 order that was in place at the time this occurred, it's a final
21 order of the Court. This is, I mean, I have a certified copy,
22 I don't plan on admitting it into evidence, it's for
23 refreshment purposes. Part of Dr. Lagroon's testimony is that
24 he's going to testify, yes, I had full custody of my children
25 at that time as awarded by the Family Court.

1 THE COURT: Okay. Is that in dispute?

2 MR. TINSLEY: The issue is my party, my client and
3 Ms. Suggs, they weren't parties to this order, this Family
4 Court case. Who knows what they knew about it, and I think
5 we're getting away from trespass ---

6 THE COURT: Well, I ---

7 MR. TINSLEY: --- providing Family Court orders.

8 THE COURT: He can certainly testify that he had full
9 custody of the kids ---

10 MR. PEIL: Absolutely.

11 THE COURT: But again, I keep, you know, his ex-wife
12 is not a party to the case, it's not like, for analogy
13 purposes, it's not the ex-wife went in and took the kids in
14 violation of a Family Court order.

15 MR. PEIL: I'm sorry, they ---

16 THE COURT: I'm just saying it would be a little
17 different if ---

18 MR. PEIL: The ex-wife had done this?

19 THE COURT: Yeah.

20 MR. PEIL: I mean, I understand. So exhibits 9
21 through 12 will not be admitted, they are there, I mean,
22 they're orders of Family Court, but I mean, those are just for
23 refreshment purposes in case, I mean, this happened 10 years
24 ago and so I know what they say, my client, you know ---

25 THE COURT: Okay.

1 MR. PEIL: --- if he forgets, I'd like to be able to
2 refresh his memory.

3 THE COURT: Okay.

4 MR. PEIL: But I mean, I'm not going to go into
5 detail about any of the prior or subsequent Family Court, I
6 tend on asking my client, you know, you were awarded full
7 custody of your children, and they were residing with you on
8 the property on June 16th, 17th, and 18th, correct. I mean ---

9 THE COURT: Okay.

10 MR. PEIL: --- I think that's, that'll be sufficient.

11 THE COURT: Alright.

12 MR. PEIL: Exhibit 13 is a statement that was written
13 by Daniel Lagroon. It was my initial intention to subpoena
14 him, but then I discovered he was a resident of Georgia, so 13
15 will not be admitted. 14 through 18 refreshment exhibits,
16 again, not to be admitted, I mean, they're certified copies of
17 various proceedings that occurred in the Courts.

18 THE COURT: Certified copies ---

19 MR. PEIL: Certified copies of various orders that
20 were rendered by the Family Court, the U.S. District Court,
21 everything that ---

22 THE COURT: U.S. District Court?

23 MR. TINSLEY: Judge, long after, later that year
24 after this incident, he met some, some guy who wound up going
25 to federal prison for sexually exploiting him. I don't see any

1 way that's related to a trespass, particularly considering that
2 Family Court issued an order putting these kids into foster
3 care within days of that. I just don't know how a trespass
4 gets him to that being relevant evidence in this case.

5 MR. PEIL: Perhaps I misspoke, I said I'm not
6 admitting these exhibits.

7 THE COURT: Okay.

8 MR. TINSLEY: But I guess my ---

9 THE COURT: Well, what good is the testimony have to
10 do of a U.S. District Court order that doesn't have to do with
11 the intrusion onto your client's property?

12 MR. PEIL: I mean, I'm making a strategic decision,
13 my plan initially when I called this case, my client is
14 motivated because of what happened. Just for the Court's
15 knowledge, after his children were kidnapped, they were brought
16 and put in the care of their mother and their mother allowed a
17 sexual predator who is HIV positive to interact with the son
18 and the son contracted an illness and that man was sentenced in
19 U.S. District Court for child molestation. Dr. Lagroon is
20 fairly upset about this particular trespass. I understand from
21 the Court's conversations yesterday and today that you want me
22 to confine it to trespass, so this is my initial exhibit list,
23 so I am saying I'm not admitting these exhibits.

24 THE COURT: To be clear, I'm not confining,
25 I'm confining the testimony to the causes of action

1 that are present for the Court to deal with.

2 MR. PEIL: Yes, sir.

3 THE COURT: I mean, if I had a cause of action, and
4 again, I know this case has a long history and I think some
5 matters were dismissed and there were some appeals that went
6 up, but as I understand it, the only thing left for us to
7 discuss is trespass.

8 MR. PEIL: Trespass, yes, sir.

9 THE COURT: Your client is seeking relief and
10 compensation for the torte of trespass?

11 MR. PEIL: Yes, sir.

12 THE COURT: And that's it?

13 MR. PEIL: Yes, sir. That's all, yep.

14 THE COURT: Yes, sir?

15 MR. PEIL: Exhibit 19 is just a copy of the amended
16 complaint, the operative pleading in this case. I think that's
17 stipulated to.

18 THE COURT: Well, not for evidence, is it?

19 MR. TINSLEY: The issue there is, it's got these
20 causes of action that have been dismissed in there, so that
21 wouldn't be appropriate to go in front of a jury.

22 THE COURT: Well, again, amended complaint, I mean,
23 the ---

24 MR. PEIL: Every case I've ever tried, the pleadings
25 go back with the jury, perhaps that is not the case. But you

1 say here's the complaint, here's the answer, these are
2 evidence.

3 THE COURT: No, I, don't get me wrong, I think you
4 can testify to what his complaint, well, again, I don't have
5 the amended complaint in front of me, but I mean, what you're
6 alleging is of course part of the testimony, but sending back a
7 legal document like a complaint or an answer that probably
8 allege 48 different defenses, I don't know if that helps the
9 jury or harms the jury's ability to understand the primary
10 issue in the case, so we'll cross that bridge when we get to
11 it. But typically, no, I don't see the summons ---

12 MR. PEIL: Okay.

13 THE COURT: --- and complaint and the answers going
14 back into the jury room.

15 MR. PEIL: Okay. Yes, sir. Number 20 is the
16 subpoena to Becca Lagroon just in case we ran into an issue of
17 calling her.

18 THE COURT: Okay.

19 MR. PEIL: You know, if we need to send a sheriff,
20 she's here ---

21 THE COURT: Well, that would be more of a Court
22 Exhibit, not an individual ---

23 MR. PEIL: Yeah, exactly. But, you know, given the
24 timeline, I brought it and marked it, so I'd have the ---

25 THE COURT: Fair enough.

1 MR. PEIL: And then exhibits 21 through 26, I
2 anticipate these being contentious.

3 THE COURT: Okay.

4 MR. PEIL: These are his bills for legal services for
5 kind of cleaning up this whole mess. And I say cleaning up
6 this mess, nothing to do with the physical property, everything
7 to do with the kids.

8 MR. TINSLEY: And my client nor Ms. Suggs were party
9 to any of these litigation costs that he incurred in these
10 exhibits, so this is not a proper forum to try to recoup those
11 costs on a trespass lawsuit.

12 THE COURT: Well, I don't think, does trespass allow
13 for attorney's fees?

14 MR. TINSLEY: I don't think it does.

15 THE COURT: I don't believe it does either. So those
16 are medical or litigation costs, sort of remedial costs for the
17 child, is that ---

18 MR. PEIL: Yes, sir, yes.

19 THE COURT: Okay. I think if, if this were another
20 torte claim, probably more ---

21 MR. PEIL: Yes, sir.

22 THE COURT: --- applicable, but not likely
23 applicable on a torte of trespass, so, but if you need to
24 proffer it at some point, just let me know and we can let you
25 do that.

1 MR. PEIL: We will do that. So as I'm hearing then,
2 we've got a stipulation on one exhibit, Plaintiff's Exhibit 3,
3 the aerial photograph ---

4 THE COURT: Well, I don't know if they stipulated to
5 the letter, but I mean, the letter can come in assuming he
6 provides foundational testimony, the GIS images. I felt like
7 there was more that y'all were okay with, maybe I'm wrong. I
8 would like you to take a look at the video, both of you,
9 actually all of you during the lunch hour to see if we could
10 play this, I mean, if it, you know, I imagine if it just says
11 kidnapping across the back of the screen the entire time,
12 that's kind of tough to deal with, but y'all let me know what
13 y'all can do with it. What about y'all? Exhibits?

14 MR. TINSLEY: I don't think we, I don't think I have
15 any except for maybe potentially if an impeachment issue were
16 to come up.

17 THE COURT: Well, yeah.

18 MR. TINSLEY: And ---

19 THE COURT: Not to get ahead of everything, but I
20 mean, you'll have the opportunity to put up your case, too, so
21 if you intend to put anything up in your case in chief that you
22 think might be an issue ---

23 MR. TINSLEY: Potentially, seeing how it looks, we do
24 have a photograph of Ms. Suggs' car, but I think, that she was
25 driving at the time, would potentially be an exhibit.

1 MR. PEIL: Okay.

2 THE COURT: Alright. Okay. Well, I guess that just
3 about covers it. You know, for openings, I've got like a
4 seven-minute opening charge I have to read to them after we
5 swear them, then I'll turn it over to you for opening
6 statements, and we'll just push through. It's noon, do they
7 not have a bailiff yet? I mean, not bailiff, a foreman?

8 BAILIFF: A foreman, yes, sir.

9 THE COURT: Oh, alright. Who is that?

10 BAILIFF: They didn't tell me, and I didn't ask. You
11 want me to find out?

12 THE COURT: Yes, we'll find out together.

13 BAILIFF: You want me to bring them back in?

14 THE COURT: Just bring them all back in, I'll tell
15 them we're going to lunch and come back in an hour.

16 BAILIFF: Okay.

17 THE COURT: Honestly, if y'all want me to let them go
18 from there, I'm fine doing that, too.

19 MS. MERRILL: That's fine, Your Honor.

20 THE COURT: I typically do that. Here, I'll go out.

21 (Judge exiting the Courtroom, entering the jury room.)

22 THE COURT: Alright. Our foreman is Mr. Schavilje.

23 CLERK: Juror 241.

24 THE COURT: So I told them to come back in one hour,
25 so that's 1:00 pm. So let's be in here ready to start at 1:00.

1 We'll get the jury in here and we'll just start the trial.

2 Yes, ma'am?

3 MS. MERRILL: I just want to add one thing on the
4 record just for efficiency's sake. I'm not going to repeat all
5 the arguments, but if we can, just for the record, if there's
6 an objection to an exhibit, I will essentially be joining in,
7 but just to save time, I'm not going to repeat it.

8 THE COURT: How about this, just for the trial,
9 you'll adopt Mr. Tinsley's objections unless you stand up ---

10 MS. MERRILL: And say otherwise.

11 THE COURT: That'd be fine, I understand.

12 MR. TINSLEY: And vice versa, Your Honor.

13 THE COURT: Okay. And I did tell them to avoid y'all
14 and appreciate y'all avoiding them. So please don't, really to
15 the parties, the litigants, Plaintiff and Defense, please don't
16 discuss the case or carry on any conversations with the jurors,
17 okay? You don't have to be rude, just steer clear. Anything
18 else for the record for now?

19 MR. PEIL: Nothing, Your Honor.

20 THE COURT: Alright. We'll be in recess for an hour.

21 (Off the record.)

22 THE COURT: Alright. I believe the jury's all back.
23 Any updates from when we recessed an hour ago?

24 MR. PEIL: None from the Plaintiff. I just remind
25 the Court about sequestration; I see the witnesses are back ---

1 THE COURT: Alright. Are they the ones we had
2 before?

3 MR. PEIL: I'm sorry, I didn't hear you.

4 THE COURT: Are they the ones who were in here before
5 we ---

6 MR. PEIL: Yes, Your Honor.

7 THE COURT: Okay. And basically, the sheriff will
8 have to go get the witness whenever they're ready to testify.

9 MR. TINSLEY: Judge, we looked at the video and
10 everything, I think it's fine with that now. Ms. Merrill
11 brought up, brought to my attention that it, I guess, I don't
12 know if it's going to be the first witness, but one of the
13 Plaintiff's early witnesses is a process server and I'm not
14 sure the relevance. We're not challenging service in this
15 case, so maybe I'm missing something, I just wanted to go ahead
16 and bring that up before we got going.

17 THE COURT: Okay.

18 MR. PEIL: We identified the witnesses, Your Honor,
19 in this case, the Defendants didn't take any depositions, so --
20 -

21 THE COURT: There were no depositions taken?

22 MR. PEIL: I deposed the Defendants, but they didn't
23 depose anyone on our witness list.

24 THE COURT: Okay. So I mean, the bottom line, the
25 process server, is that?

1 MR. PEIL: There was an out of Court statement, a
2 party admission that was made to the process server by Ms.
3 Crystal Suggs.

4 THE COURT: Okay. Alright. So I just need to bring
5 the jury in, give them the introductory charge and have them
6 sworn, opening statements, summary of what y'all intend to show
7 regarding the claims before the jury and the Court and we'll
8 move on with the next witness. Anything else before we bring
9 them in?

10 MR. PEIL: Nothing from the Plaintiff, Your Honor.

11 THE COURT: Alright. Anything from the Defense?

12 MR. TINSLEY: Nothing else, Your Honor.

13 THE COURT: Alright. Let's bring them in, please.

14 (Jury entering Courtroom.)

15 BAILIFF: Judge, where do you want the foreman, on
16 this end or that end? I'm sorry. Right here will be good?

17 THE COURT: We'll just put him there since he's
18 there.

19 BAILIFF: Okay. And the alternates sit here.

20 THE COURT: Alright. Alright. Mr. Foreman, ladies
21 and gentlemen of the jury, welcome back. Please be seated, I'm
22 sorry. I hope y'all had a nice lunch. We're ready to begin
23 the trial of Robert Jay Lagroon versus Crystal Suggs and Scott
24 Suggs. I've got some opening remarks I want to give to you,
25

1 but before I do that, I'll ask the clerk of court to swear you
2 in at this time.

3 CLERK: If you would, please stand and raise your
4 right hand. You shall will and truly try in true deliverance
5 make between the issues joined in this case, case number 2017-
6 CP-35-45, Robert Jay Lagroon, Plaintiff, against, Crystal and
7 Scott Suggs, Defendants, a true verdict rendered according to
8 the law and the evidence, so help you God? Please indicate by
9 saying I will.

10 JURORS: I will.

11 CLERK: Was there anyone that could not say that
12 oath?

13 (No response.)

14 CLERK: Thank you, you may be seated.

15 THE COURT: Alright. Ladies and gentlemen, before we
16 begin this trial, I want to tell you this trial will be
17 different from what you might expect, may be different. Many
18 people do not have the chance to attend actual Court session as
19 you are doing now and may think from watching television or
20 movies or reading books that trials are always full of high
21 drama, intense action, and riveting circumstances. While all
22 these things may be true at times, this trial is not for
23 entertainment. This Courtroom is a place of honor dedicated to
24 the protection and preservation of citizens' rights through
25 what many have called the greatest justice system ever created.

1 The attorneys appearing before you are advocates for the
2 parties they represent, but first and foremost, they are
3 officers of the Court sworn to uphold the integrity and
4 fairness of our judicial system. You should expect them to be
5 professional, competent, and ethical in the representation of
6 their clients' interests. Remember that you too have taken an
7 oath to try this case to try and reach a fair and impartial
8 verdict and you are also expected to be professional,
9 reasonable, and ethical. Thank you for accepting this
10 important responsibility. Now, let me tell you how this trial
11 will proceed. The first thing that will occur is that the
12 attorney for the Plaintiff, the Plaintiff is the person who's
13 brought this action or suit, his attorney will make an opening
14 statement which will be followed by a similar statement by the
15 attorneys for the Defendants. These opening statements are not
16 arguments, those arguments will come at the conclusion of the
17 case. The purpose of the opening statement is for each party
18 to outline his or her claims and the evidence which they intend
19 to present in support of these claims. Following the opening
20 statements, each side will present its evidence with the
21 Plaintiff once again going first. Evidence may take many
22 forms, it may be testimony, documents, models, photographs or
23 the like. You should pay close attention to all the evidence
24 which is presented by each party. You the jury are the sole
25 finders of the facts in this case and no one else will be

1 permitted to weigh the evidence and render a verdict based upon
2 it. After all the evidence has been presented, the attorneys
3 will make their closing arguments. Unlike their opening
4 statements, their final arguments will be true arguments, that
5 is each side will emphasize certain portions of the evidence
6 and try to persuade you to agree with their version of the
7 facts. Keep in mind that opening statements as well as closing
8 arguments of the attorneys do not represent evidence in this
9 case. Give the attorneys your undivided attention, but keep in
10 mind that what they say is not evidence. After the arguments
11 are finished, I'll explain to you the law which applies to this
12 case and you will then retire to the jury room, consider the
13 facts and law and once you've done so, you'll return a verdict
14 in favor of one side or the other. During the course of the
15 trial, the Plaintiff has the burden of proving his claims; the
16 Plaintiff must meet this burden by proving his claim by the
17 greater weight or preponderance of the evidence. Now, what do
18 we mean by the greater weight can be illustrated by imagining a
19 traditional set of scales. When the case begins, the scales
20 are even. After all the evidence has been presented, if the
21 scales should remain evenly balanced or if they tip even
22 slightly in favor of the Defendant, then the Plaintiff would
23 have failed to meet his burden of proof, and your verdict will
24 be for the Defendant. If on the other hand, the scales should
25 tip even slightly in favor of the Plaintiff, then he will have

1 met his burden of proof, and your verdict would be for the
2 Plaintiff. Now, although I'm the only person who can tell you
3 what the law is, you are the only ones who can determine what
4 the facts are. I do not have the right to indicate how I may
5 feel about the evidence presented, and throughout this trial,
6 my intention will be to act impartially toward each party.
7 Now, second, from time to time an attorney will object to some
8 bit of testimony or evidence which the other side is seeking to
9 present. As in sports, business, or any other structured
10 activity, there are certain rules that both sides must obey in
11 presenting evidence, these rules have a definite purpose. They
12 ensure that the information you receive is the most trustworthy
13 and reliable evidence available. An objection is the procedure
14 that is used for an attorney to call a possible violation of
15 the rules to my attention as the Judge of this Court and for
16 this reason, you should not hold an attorney's objection
17 against his or her client. Nor should you conclude from my
18 ruling on the objection that I favor one side or the other.
19 Finally, I'd ask you to pay close attention to all of the
20 evidence presented to you. It is you, the jury who will
21 determine the facts in this case, and as a result, you will
22 have to evaluate the credibility which means believability of
23 each witness who testifies in this case. You're participating
24 in a time-tested system and it's extremely important for each
25 of you to listen carefully to all the evidence presented. I

1 don't see anyone with any note pads, but if you happen to have
2 one, please don't take any notes during the trial. I want you
3 to remain focused solely on the witness stand right here in
4 front of me so you can hear the evidence and testimony as it's
5 being presented to you throughout the course of the trial. If
6 anyone needs a break during testimony, raise your hand, get my
7 attention if I don't make eye contact with you. We understand
8 sometimes you may need to take a break, and we'll certainly
9 accommodate that request if we get one. So at this time,
10 please give your complete and undivided attention to the
11 attorneys as they make opening statements to you at this time.
12 Mr. Peil?

13 MR. PEIL: Thank you, Your Honor. Good afternoon,
14 everybody. My name's Jeffrey Peil, I'm the attorney for the
15 Plaintiff in this case, I introduced him earlier, Robert Jay
16 Lagroon. This case is not going to be like the O.J. Simpson
17 trial, it's not going to take 11 months, hopefully, we'll have
18 it done in a few hours, we're going to be mindful of your time.
19 But this case is a relatively straightforward case that
20 concerns an outrageous trespass that was committed over a
21 period of two nights, on June 17th and June 18th of 2014. My
22 client, Dr. Robert Jay Lagroon, has lived in McCormick County
23 all his life. A woman named Eloise Corley, part of his family,
24 deeded him some acreage in McCormick County right off Highway
25 7. The parties have discussed this, I'm going to show you

1 exactly where the property is. So this is the property owned
2 by Dr. Robert Jay Lagroon right off Highway 7, or on Highway 7,
3 however you want to describe it. And there's a few interesting
4 things in the testimony you're going to hear about the
5 property. Dr. Lagroon has lived here his whole life, he got it
6 in 1985, but he grew up in this area. Back in the day, the
7 county came through it and cut the property right down the
8 middle with this Highway 7, but he's grown up in and around
9 this area. On the property he's got his whole life, he owns a
10 public storage facility that he rents out to people down here
11 in McCormick. He has his home and dental practice right here.
12 He has a machine shed and machine shop here where he does some
13 work. And it's no longer pictured here, but there used to be a
14 gigantic cell tower providing cell phone service to the area
15 right there on his property. Now, long before this case ever
16 happened, Dr. Lagroon and his then wife went through a bit of a
17 nasty divorce, things got a, it was tough, and that divorce is
18 not relevant, we're here about a trespass. But what is
19 relevant from that is in that divorce, Dr. Lagroon was awarded
20 full custody of his two minor children. So his two minor
21 children, Becca and Daniel lived with him at that time. They
22 were 13 and 15. When I say at that time, on June 17th and June
23 18th when this trespass occurred back in 2014. For whatever
24 reason, the kids and dad maybe didn't see eye to eye and the
25 Defendants in this case, Scott and Crystal Suggs took it upon

1 themselves to intervene. And roughly at 11:00 at night on June
2 17th, after likely consuming alcohol, they hopped in their
3 white Escalade, they drove onto the Lagroons' property, there's
4 a gate located right here along this dirt road, crashed into
5 the gate, drove up the dirt road, pulled in around the machine
6 shop and loaded up the children's belongings on June 17th.
7 You'll see everything when you hear the testimony about it.
8 Then on June 18th they returned, and we're not, frankly, we're
9 not really quite clear of what all occurred on June 18th. But
10 we do know that they left in the vehicle with the two minor
11 children. And that's really the case in a nutshell. It's a
12 trespass case, what we are here today as the Plaintiff is to
13 prove that the Defendants trespassed on this property. Until
14 today, the Defendants did not consistently in their testimony,
15 perhaps they will again today, that they have stepped foot onto
16 Dr. Lagroon's property at least on those days, on June 17th and
17 June 18th, that no trespass occurred, and they were never on
18 his property. Now, Dr. Lagroon had some damages as I
19 mentioned, a gate was taken down, there were tire tracks all
20 along his property in the grass, they drove on the grass, and
21 then they basically just messed it up. Now, I will say, this
22 case is a civil case, I believe the Judge instructed you on
23 that. We're not here asking for criminal sanctions, but I will
24 say at the conclusion of the evidence, we are going to be
25 asking for an award of money. Not some outrageous, crazy

1 amount of money, but basically two things that our justice
2 system can do, it can put someone in jail or it can assess some
3 sort of civil amount where if you the jury find someone to be
4 liable, you can put a dollar value on the loss. So I'm not
5 going to make any ifs, ands, or buts about it, at the end of
6 this trial I'm going to come back up here and I am going to be
7 asking y'all to award money because the Defendants in this case
8 committed the torte of trespass and that's it.

9 THE COURT: Mr. Tinsley?

10 MR. TINSLEY: Thank you, Your Honor, may it please
11 the Court?

12 THE COURT: Yes, sir.

13 MR. TINSLEY: Courts are places of proof, that's what
14 the Courtroom requires of someone bringing a lawsuit is that he
15 takes on the burden of proof. As Mr. Peil just talked to you
16 about, his client, Dr. Lagroon, has sued my client, Scott Suggs
17 and his wife Crystal Suggs for trespass. So he's taken on that
18 burden of proof. Let's talk about trespass and what all that
19 entails. That entails him having to prove that my client,
20 Scott Suggs, entered his property without his permission,
21 that's essentially what trespass is in a nutshell. And the
22 Judge will go over it a little more with you, but that's it.
23 Not only does Dr. Lagroon have the burden of proving that my
24 client, Scott Suggs, trespassed, to get to this money that he's
25 talking about for you to award Dr. Lagroon, he has to prove

1 what sort of damage that Mr. Suggs caused him with this
2 trespass, and he has to provide proof on both of those
3 elements. He has to prove number 1 that Mr. Suggs trespassed
4 on his property and then they, and whatever damage he suffered.

5 MR. PEIL: Your Honor, I'll object, this is
6 argumentative, it's not about what the evidence will show ---

7 THE COURT: Overruled. You can go through what you
8 intend to show and what the law purports.

9 MR. TINSLEY: And I'll submit to you that the
10 evidence is going to not show that Scott Suggs committed a
11 trespass. But you are the finders of facts, Judge McLeod just
12 told you, and when you step into that, when you sit there in
13 the jury box, and then when you step back into the jury room to
14 do your deliberation after you've heard all the evidence, you
15 don't leave your common sense at the door. You use your common
16 life experiences, and you come to a just verdict, that's what
17 this jury system is about. And you're going to hear testimony
18 from this stand, I want you to pay attention to everything you
19 hear and what you don't hear, who's not here, and you think
20 about what motives do people have to tell the truth and what
21 motives people have to lie when you judge their credibility and
22 hold the Plaintiff to meeting his burden of proof on this
23 trespass on real property. So I'm not going to belabor it any
24 further because it's a pretty simple case, it's just a trespass
25 on real property, that's what we're here about. Not about a

1 Family Court dispute or anything like that, it's just whether
2 Dr. Lagroon can meet his burden of proving that my client is
3 guilty of trespass on his property. And I submit to you when
4 you hear all the evidence, you look at all the facts in the
5 back room that the only verdict you'd be able to return will be
6 for Scott Suggs. Thank you.

7 THE COURT: Yes, ma'am?

8 MS. MERRILL: May it please the Court?

9 THE COURT: Yes, ma'am.

10 MS. MERRILL: Good afternoon. I represent Crystal
11 Suggs who's seated over here, Scott Suggs' wife. And I'll try
12 not to repeat everything that Mr. Tinsley said because we are
13 similarly aligned. We are both Defendants in this case and we
14 both deny this trespass. And I just want to talk about a
15 couple of things that are not trespass. You're parked
16 alongside of the road and it's outside the property line,
17 it's not trespass. It's not trespass if you have permission
18 to be there, if someone consents to you being on the
19 property. So when you're considering all these things, I want
20 you to remember that too. It is a fairly straightforward,
21 simple torte, trespass, if someone goes on the land without
22 permission or consent. That's what they have to prove, or Dr.
23 Lagroon has to prove here, okay? So considering all those
24 things, keep in mind if somebody had permission, or they're not
25 actually on his land, it's not a trespass. And I think once

1 you deliberate, you will find that there is no trespass here.
2 Thank you.

3 THE COURT: Alright. Plaintiff may call their first
4 witness.

5 MR. PEIL: Your Honor, the Plaintiff calls Scott
6 Suggs to the stand please.

7 THE COURT: Very well.

8 CLERK: If you would, please stand. Place your left
9 hand on the Bible and raise your right. The evidence you
10 should give the Court and jury upon the trial of this case
11 shall be the truth, the whole truth, and nothing but the truth
12 so help you God?

13 MR. SUGGS: So help me God.

14 CLERK: Okay.

15 DIRECT EXAMINATION

16 BY MR. PEIL:

17 Q How are you doing today, Mr. Sugg?

18 A I'm doing well.

19 Q Mr. Suggs, I noticed while you were walking up here, you
20 were walking with a limp.

21 A Yes, sir.

22 Q Are you okay here to testify today?

23 A Yes, sir.

24 Q Okay. And I understand you've had that limp for quite a
25 while, would that be fair?

1 A Yes, sir.

2 Q About how long have you walked with that limp?

3 A I was in an automobile accident in approximately 1980,
4 '81, I broke both my legs and my pelvis and some other things.
5 And then just recently, a year ago, a year ago March I broke my
6 leg in a tree accident.

7 Q I'm sorry to hear that. So you and I have met before,
8 correct?

9 A Yes, sir.

10 Q We met back in December for your deposition, correct?

11 A Yes, sir.

12 Q And you remember me asking you some questions back in
13 December about everything that's being alleged in this case?

14 A Yes, sir.

15 Q So I want to go through some of the same questions with
16 you now that we have an opportunity in front of the jury. I
17 recall one of the things I asked you is so, just to be clear
18 about your testimony, there has been an allegation made that
19 you went to Dr. Lagroon's home on June 17th of 2014. Did that
20 occur?

21 A No.

22 Q Alright. So it's your testimony that you did not
23 go to his home on June 17th of 2014, or anywhere on his
24 property?

25 A No, sir.

1 Q Alright. I also asked you after June 17th of 2014, have
2 you ever been to Dr. Lagroon's property in McCormick?

3 A No, sir.

4 Q Alright. That was your testimony then, so just to be
5 clear, again, after June 17th, so June 18th, June 19th you
6 never went to Dr. Lagroon's property in McCormick County?

7 A No, sir.

8 Q I believe I also asked you again, you were not present
9 when any of this stuff being alleged occurred, correct?

10 A That's right.

11 Q I believe your exact answer was, was not present. Does
12 that sound about right?

13 A Was not present.

14 Q Now, you're familiar with who Daniel Lagroon is, correct?

15 A Yes.

16 Q And Daniel Lagroon is Dr. Jay Lagroon's son?

17 A Yes.

18 Q Alright. He would have been about, I think we figured out
19 in the deposition, he would have been about 15 years old at the
20 time all of this was alleged to have occurred. Does that sound
21 accurate?

22 A That sounds, yeah.

23 Q It's been 10 years, so now he's 25, but I'm not going to
24 ask anybody to do the math, but I believe in your deposition I
25 asked you, so you were not involved in anything to do with

1 Daniel leaving Dr. Lagroon's house on those two evenings. And
2 your response was?

3 A No.

4 Q Alright. I asked you what happened on June 17th and your
5 response was, I don't know. Do you recall that?

6 A I don't know.

7 Q Alright. And sitting here today as you were sitting there
8 back in December, you're not aware of any interactions that
9 occurred on June 17th, correct?

10 A No.

11 Q Alright. Now, I think you were aware that your wife,
12 Crystal Suggs, took your white Cadillac Escalade to at least
13 near Dr. Lagroon's property on June 17th, correct?

14 A On the highway, yes, sir.

15 Q On the highway. She told you what she was going to do,
16 correct?

17 A On which date?

18 Q Well, my understanding was your testimony is she went
19 there on one day, is that correct?

20 A Yes.

21 Q Okay. And she told you what she was going to do on that
22 day, correct?

23 A She was going to pick up the children.

24 Q The children being Becca and Daniel Lagroon, Dr. Lagroon's
25 kids, is that correct?

51

1 A Yes.

2 Q And I think you told her not to do it, is that correct?

3 A Yes.

4 Q Alright. And I think I asked you about this as well. On
5 a typical evening, how many alcoholic beverages would you say
6 you'd have?

7 MR. TINSLEY: Objection, Your Honor.

8 THE COURT: Relevance?

9 MR. PEIL: If I may, do we want to do it outside the
10 jury or?

11 THE COURT: Y'all can talk right here.

12 (Off the record.)

13 THE COURT: Alright. The objection's overruled, but
14 it's subject to our discussion.

15 MR. PEIL: Absolutely.

16 Q I will rephrase the question. I believe it was your
17 testimony on the night in question, you had consumed some
18 alcoholic beverages, is that correct?

19 A Yes.

20 Q Alright. And then I believe it was your further testimony
21 that you stayed at the home when Crystal left, is that correct?

22 A Yes.

23 Q And so you did not get in the vehicle or drive to the
24 property on June 17th or June 18th with your wife, Crystal
25 Suggs?

1 A No.

2 MR. PEIL: That's all the questions I have for this
3 witness, Your Honor.

4 THE COURT: Alright. Mr. Tinsley, do you have any
5 questions for Mr. Suggs?

6 MR. TINSLEY: Yes, Your Honor.

7 CROSS EXAMINATION

8 BY MR. TINSLEY:

9 Q Mr. Suggs, does June 18th have any meaning to you?

10 A It's my birthday.

11 Q Okay. And how old did you turn in 2014?

12 A I think about 55.

13 Q 55, alright. Do you remember what you did that evening?

14 A I worked all day, came home, roughly 5, 5:30, stayed at
15 the home, consumed some alcohol and ate, went to bed.

16 Q Okay. Did you go to Dr. Lagroon's house?

17 A No.

18 Q Okay. What about the night before, June 17th, did you go
19 over there then?

20 A No, sir.

21 Q Alright. What sort of work do you do?

22 A Landscaping.

23 Q Alright. And just in McCormick County or ---

24 A Yes, yes.

25 Q Alright. Do you work for yourself?

1 A Yes, sir.

2 Q How long you been doing that?

3 A Ever since '87, '88.

4 Q Okay. Do you have any workers, or you just do it
5 yourself?

6 A Yes, sir, I have helpers.

7 Q Okay. And how long have you lived in McCormick?

8 A 37 years.

9 Q Okay. So how old are you now?

10 A 64.

11 Q Alright. So you were in your 20s when you moved here?

12 A Late 20s, yes, sir, 20s.

13 Q Where are you from originally?

14 A I moved from Myrtle Beach, I'm from originally below
15 Columbia, Irmo, South Carolina.

16 MR. PEIL: Your Honor, I'm going to object. This is
17 beyond the scope of direct. I asked some very limited
18 questions about the night in question and we're going into his
19 history.

20 THE COURT: Well, I think for efficiency purposes, I,
21 I'll speak with y'all again over here. I'm not going to ask
22 the jury to step out.

23 (Off the record.)

24 THE COURT: I'll overrule the objection and allow
25 some introduction of Mr. Tinsley's client.

1 Q You said you were originally from Myrtle Beach?

2 A No, sir. I moved from Myrtle Beach, I'm originally from
3 Irmo.

4 Q Originally from Irmo, okay. And so did you do some other
5 work prior to landscaping?

6 A Yes. I'm retired from South Carolina Department of Parks,
7 Recreation, and Tourism. I moved from Edisto Beach to Hunting
8 Island, to Myrtle Beach, and then to Hickory Knob.

9 Q Okay. And what did you do at Hickory Knob?

10 A I was a trade specialist.

11 Q Okay. How long did you work there?

12 A 20 years, I retired at 28 and a half years.

13 Q Okay. So did you start out with the landscaping on the
14 side?

15 A Yes, sir.

16 Q Alright. Had you ever been told by Dr. Lagroon not to
17 come on his property prior to June 17th or 18th of 2014?

18 A I've never been told not to come on his property.

19 Q Okay. Had you previously been there at his invitation?

20 A Yeah. I've been up there several times.

21 Q Okay. And have you ever been served with any notice
22 telling you not to come on his property?

23 A No.

24 Q Okay. I don't have any further questions. Please answer
25 any questions that Ms. Merrill may have for you.

1 MR. PEIL: I have nothing further from him.

2 THE COURT: Well, I forgot, I have two lawyers, so
3 I'm going to let Ms. Merrill ---

4 MS. MERRILL: I don't have any questions.

5 THE COURT: Alright. Any redirect?

6 MR. PEIL: I have no redirect, Your Honor.

7 THE COURT: Alright. The witness may step down,
8 thank you.

9 MR. PEIL: Your Honor, at this time the Plaintiffs
10 will call Kelly Sue Barnett.

11 THE COURT: Kelly?

12 MR. PEIL: Kelly Sue Barnett.

13 THE COURT: Kelly Sue Barnett. Is she out ---

14 MR. PEIL: She's out in the peanut gallery, yes, sir.

15 CLERK: Ms. Barnett, if you would, please raise your
16 right hand, place your left hand on the Bible. The evidence
17 you shall give the Courts and the jury upon the trial of this
18 case shall be the truth, the whole truth, and nothing but the
19 truth so help you God?

20 MS. BARNETT: I do.

21 CLERK: Thank you.

22 MR. PEIL: May I proceed?

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION

25 BY MR. PEIL:

56

1 Q How are you doing this afternoon, Ms. Barnett?

2 A Doing well.

3 Q Alright. Now, Ms. Barnett, I understand that at one point
4 in time you were married to Dr. Lagroon, correct?

5 A Correct.

6 Q Alright. And about what time were you married to him?

7 A We married in 2007 and divorced in 2016; I believe.

8 Q 2016. So in 2014, you would have been married to Dr.
9 Lagroon?

10 A Right.

11 Q Do you still have a good relationship with Dr. Lagroon?

12 A I do.

13 Q Alright. So there's no animosity in the divorce?

14 A No.

15 Q Alright.

16 A On my end, I don't know about his.

17 Q So in or around May of 2014, were you residing with Dr.
18 Lagroon at his residence on Highway 7?

19 A Yes, I was.

20 Q Okay. Ms. Barnett, can you see that from there or do I
21 need to ---

22 A No. I can see it.

23 Q So we're talking about Dr. Lagroon's residence on Highway
24 7. I'm showing you Plaintiff's Exhibit 3 --

25 MR. PEIL: Your Honor, may I approach?

1 THE COURT: Very well.

2 Q Plaintiff's Exhibit 3, which I've blown up on this board
3 here. Is this the residence we're talking about?

4 A Yes, it is.

5 Q And how would you recognize that?

6 A Because you have storage sheds on your left and then you
7 have the main house, and then you go around back, you have the
8 guest house and then you have a shop in the very back and then
9 you see the little road, there's two different driveways that
10 go up, one goes to the back, and one goes to the main drive.

11 Q Okay. So around May of 2014, would you say that you and
12 your then husband, Dr. Lagroon, were friends with the Suggs?

13 A I wouldn't say friends, no.

14 Q Tell me about the nature of your relationship. Were you
15 acquaintances, how did you know each other?

16 A Well, I first knew Mr. Suggs. We worked at Hickory Knob
17 together and, I mean, I'd see him occasionally at work, he was
18 in a different part; I was in the pro shop. And I don't really
19 recall how I got to know his wife, it's been 10, 12 years ago.
20 But no, I would not say we were friends.

21 Q Had they ever been over to your home?

22 A They had been.

23 Q On about how many occasions?

24 A Oh, my, maybe half a dozen I would say, if that
25 many.

1 Q Okay. At some point in May 2014, did you and Dr. Lagroon
2 decide that they would no longer be welcome at your house?

3 A Yes.

4 MR. PEIL: Your Honor, may I approach?

5 THE COURT: Yes, sir.

6 Q I'm showing you what's been marked for identification as
7 Plaintiff's Exhibit 1. Do you recognize this document?

8 A I do.

9 Q Can you tell the jury, please, what it is?

10 A It's basically a trespass notice for Mr. and Ms. Suggs.

11 Q Alright. And you say it's a trespass notice, what was it,
12 I mean, were you trying to inform them not to come back to the
13 property? I don't want to put words in your mouth.

14 A Yes, we were.

15 Q Alright. And what caused you to make that decision?

16 A Well, it had got to the point where Mr. and Ms. Suggs
17 would come up and open our gate, unannounced, and be drinking
18 and we, you know, asked them to leave, and it got to the point
19 where it had got to be more times. And sometimes my husband
20 had to go out in the vehicle, got out the car, and just asked
21 them to leave nicely and I think my husband had got, had called
22 someone to, to ask what to do and I think the person said, just
23 put them on trespassing notice.

24 Q Alright. Now, did you prepare this document or did ---

25 A I think both of us did it together.

1 Q Alright. Now, did you ever deliver this document to the
2 Suggs?

3 A I did.

4 Q Alright. Which, I mean, to both of them, did you give
5 them both a copy?

6 A Well, I went up the driveway and Mr. Suggs, I can remember
7 he was on the right, he does lawncare, I think, and he was
8 working on the lawnmower and I got out to hand it to Mr. Suggs
9 and then Ms. Suggs come out the back of the house and she was
10 screaming, I don't know exactly what she was saying, but she
11 was telling Scott to come inside and eat or something. So I
12 basically just told Scott this is a trespass notice for you and
13 your wife. I got in the car and left.

14 Q Alright. So I mean, the document that you have there, I
15 mean, did you physically hand that ---

16 A I did to Mr. Suggs.

17 Q --- to Mr. Suggs?

18 A Correct.

19 Q Okay. Alright. But not to Ms. Suggs?

20 A No.

21 Q But she was there the day ---

22 A She was there.

23 Q Alright. Do you recall having any conversation with him
24 about it? Did he ask what it was?

25 A No. Because when Ms. Suggs came out screaming and

1 telling Scott to come inside, I just left, I didn't want any
2 trouble. I just wanted to deliver this trespass notice, that's
3 the only reason I was there.

4 Q Okay. Now, if you turn to page 2 of that document, I see
5 there's a place where it says Robert Jay Lagroon, do you see
6 that?

7 A I do.

8 Q And there's no signature on that document, right?

9 A (Nonverbal response).

10 Q Now, this happened back in 2014, have you ever been able
11 to locate a signed copy?

12 A I think we had, I thought that he had given it to you, but
13 we do have one.

14 Q Well, here's my question. This is, was this a print off
15 from something you had in your computer?

16 A It was.

17 Q Okay. But you don't have a copy of the signed trespass
18 notice that you actually delivered to him that day?

19 A No. I don't have it with me. I thought that we had given
20 it to you.

21 Q Alright. But you delivered the document substantially in
22 this form to Scott Suggs on the date listed on there, is that
23 correct?

24 A I would say, yes, or around that time.

25 Q Around that time?

1 A It was back in 2014.

2 Q It may have been a day or two later?

3 A Yes.

4 Q Alright. Was it before June 17th of 2014?

5 A Before June 17th? Yes. This was May, it would have been
6 if not on that day.

7 THE COURT: I need to speak to you real quick.

8 MR. PEIL: Yeah.

9 (Off the record.)

10 MR. PEIL: Alright. At this time, Judge, I would
11 move to admit Plaintiff's 1 and 3 into evidence.

12 THE COURT: Alright. Without objection? He said
13 Exhibits 1 and 3. Exhibit 3 was the GIS ---

14 MS. MERRILL: No objection to Exhibit 3, Your Honor.
15 If I could have just a moment.

16 MR. TINSLEY: Judge, I've got, maybe we can do it on
17 a sidebar.

18 THE COURT: Well, okay, real quick. Well, Exhibit 3
19 is admitted.

20 MR. TINSLEY: Yes, no objection.

21 (Whereupon a GIS map was submitted as Plaintiff's Exhibit
22 Number 3 for identification and entered into evidence.)

23 (Off the record.)

24 THE COURT: Alright. As to Exhibit 1, I'll admit
25 that subject to Defense counsel's objection, okay?

1 So 1 and 3 admitted.

2 (Whereupon a trespass notice was submitted as Plaintiff's
3 Exhibit Number 1 for identification and entered into evidence.)

4 THE COURT: I think we're up for cross examination
5 now?

6 MR. PEIL: Yes, sir.

7 THE COURT: Mr. Tinsley?

8 CROSS EXAMINATION

9 BY MR. TINSLEY:

10 Q Ms. Barnett, you don't have a signed copy of this document
11 titled trespass notice?

12 A I don't have it with me, no, sir.

13 Q But it does exist you're saying?

14 A It does exist, yes.

15 Q Okay. But it wasn't important enough to bring today?

16 A I'm not an attorney, I'm sorry Mr. Tinsley, you would have
17 to ask my ex-husband's attorney.

18 Q Okay. So you don't know whether it was important or not?

19 A I would say it is important, but again, I'm not an
20 attorney.

21 Q Okay. Did you sign a sworn affidavit when you handed this
22 document to Mr. Suggs?

23 A I did not.

24 Q Did you sign any kind of document saying I served it on
25 him at such and such a time?

1 A Not that I recall.

2 Q Okay. So you don't know exactly when you served it on
3 him?

4 A No, I don't. But I would say it would be that day or
5 around that time.

6 Q Okay. And you didn't think it was important to sign
7 something noting that?

8 A If I would have known that I would have. Again, like I
9 had testified to, my ex-husband had talked with someone, I
10 don't know if it was law enforcement, I don't know if it was
11 another attorney, and we basically had used his advisement and
12 done what the attorney had told us to do.

13 Q Okay.

14 A Again, I'm not an attorney, I apologize.

15 Q Okay. But you, I mean, you know what a certificate of
16 service or an affidavit of service is, correct?

17 A I do.

18 Q Okay. And you've signed some of the documents that have
19 been sent to the Court as part of this case?

20 A Correct.

21 Q Okay. But just not this trespass notice?

22 A Correct. I have not done an affidavit on it, no, sir, I
23 have not.

24 Q Alright. And you mentioned law enforcement, why
25 didn't y'all have the sheriff's department go out there

1 and serve it on Mr. Suggs?

2 A Again, Mr. Tinsley, my ex-husband talked, you'd have to
3 ask him, he talked to someone in law enforcement or an
4 attorney, I'm not exactly sure who he talked to.

5 Q So you basically just did as he told you?

6 A Well, we talked about it, and it came to the point where
7 they needed to be on trespass, they needed, something needed to
8 be done and that is the steps that we took in order to get it.

9 Q But you didn't think it was important enough to get law
10 enforcement involved?

11 A Again, my husband, my ex-husband spoke with someone, you'd
12 have to ask him who that person is, I can't speak for him, I
13 don't know the chain of how it transpired as a trespass notice
14 versus calling the cops.

15 Q Okay. Did you ever give a copy of this document to law
16 enforcement to let them know that you had done this?

17 A I do not know, that would be a question for my ex-husband.

18 Q So you did it, personally?

19 A I did.

20 Q Okay. I don't have any further questions. Please answer
21 any questions Ms. Merrill has.

22 THE COURT: Ms. Merrill?

23 MS. MERRILL: Beg the Court's indulgence.

24 THE COURT: Yes, ma'am.

25 MS. MERRILL: Just a few questions.

CROSS EXAMINATION

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BY MS. MERRILL:

Q Did you consider, Mr. Tinsley asked about some other ways to get this notice to the Suggs, did you consider mailing it with like a, you know, the tracking number or anything on it?

A I did not.

Q Okay. And you didn't do that, right?

A I did not do that, no.

Q Okay. That's all the questions I have. Thank you.

THE COURT: Any redirect?

MR. PEIL: No redirect, Your Honor.

THE COURT: Alright. The witness may step down, thank you. Next witness?

MR. PEIL: Thank you, Your Honor. At this time I'd call Dr. Robert Jay Lagroon to the stand.

THE COURT: Okay.

CLERK: If you will please raise your right hand, place your left hand on the Bible.

MR. LAGROON: I will.

CLERK: Thank you. The evidence you shall give the Courts and jury upon the trial of this case shall be the truth, the whole truth, and nothing but the truth so help you God?

MR. LAGROON: Absolutely.

CLERK: Thank you.

1 MR. PEIL: Your Honor, normally I bring a paralegal
2 with me, and I was not able to. May I have just a moment to
3 set this up?

4 THE COURT: Sure.

5 MR. LAGROON: For the Court's information, I'm going
6 to scoot to the edge so I can view that video.

7 THE COURT: Okay. Your attorney can probably move,
8 there you go.

9 MR. LAGROON: That may actually be better, thank you,
10 Judge.

11 MR. PEIL: I'm sorry, Your Honor. It might be easier
12 to do it from back here.

13 DIRECT EXAMINATION

14 BY MR. PEIL:

15 Q How are you doing today, sir?

16 A Best I can.

17 Q Alright. Dr. Lagroon, where are you from, sir?

18 A Right here, McCormick, South Carolina.

19 Q How long have you lived here?

20 A Off and on, 61 years.

21 Q 61. Alright. What is it you do for work, sir?

22 A I'm a maxillofacial oncologist.

23 Q Maxillofacial oncologist?

24 A Correct.

25 Q Is that a field of dentistry?

1 A It is. Most people say a dentist. You say maxillofacial
2 oncology, they say what is that.

3 Q Do you run a maxillofacial oncology dental practice here
4 in McCormick County?

5 A I do in my home on Highway 7, yes.

6 Q Alright. So you are the owner of the property at 791
7 Highway 7 in McCormick?

8 A Correct.

9 MR. PEIL: Your Honor, may I retrieve Exhibit 3,
10 please?

11 THE COURT: Yes, sir. Right there on, in front of
12 me.

13 Q I am showing you what's been admitted into evidence as
14 Plaintiff's Exhibit 3. Do you recognize that document?

15 A Yes.

16 Q What is it?

17 A It's a GIS printout of McCormick County mapping system
18 that shows the property boundaries on the property I own on
19 Highway 7.

20 Q Alright. And so I brought it up earlier, I believe you
21 were deeded this property in the '80s, I don't want to be
22 mistaken, was it 1985?

23 A That is correct. It was owned by Eloise Corley Jay. My
24 name's Jay Lagroon, I was named after Ms. Jay and this property
25 was deeded to me as a gift before her death.

1 Q Now, when you received that property in 1985, was it
2 developed?

3 A No.

4 Q Alright. So was it just trees, forgive me, timber?

5 A The chronology of that particular piece of property, as a
6 young child, we farmed it when I was growing up and then as my
7 grandfather got sick, it grew up, you know, I acquired it, I
8 cleared it and constructed as you can see, storage buildings, a
9 main house, a guest house, a mechanical shop on that property.

10 Q Alright. Now, thinking back to 2014 and I'm going to
11 start with May of 2014. Did you have any discussions about
12 Crystal and Scott Suggs?

13 A I apologize, counselor, I couldn't hear your question.

14 Q Alright. I'm sorry, it was a terrible question anyway.
15 So thinking back to May of 2014, did you and your then wife,
16 Ms. Kelly Lagroon, have any discussions about Crystal and Scott
17 Suggs?

18 A Yes.

19 Q Alright. And what was the nature of those discussions?

20 A Mr. and Mrs. Suggs are, they don't have any children, and
21 they've never had any children I understand, and they tend to
22 drink a little, which I have no problem with. But I was
23 raising my two minor children in 2014 after being awarded those
24 children by the South Carolina Family Court. And Ms. Barnett
25 and I, we had some hurdles to overcome with those children.

1 There was some educational problems with my daughter, Becca,
2 and Daniel had a weight problem, and we were dealing with it as
3 best we could and we were very successful in our endeavors.
4 But Mr. and Mrs. Suggs became a little bit belligerent in that
5 they tend to stop by too much when they were drinking. I
6 acquired a package store in Thompson, Georgia from a widow
7 lady, her name was Leona Felix, and Mr. and Mrs. Suggs would
8 normally make requests, you know, please bring us, which we
9 would pick up alcohol and gave it to them, drop it off, no
10 harm, no foul. And we'd do that, but it kind of, it became
11 frequent, it started to show its effects on the children in my
12 opinion and ---

13 MR. TINSLEY: Judge, I think we're getting a little
14 far off field for a trespass cause of action.

15 MR. PEIL: I can rephrase the question.

16 THE COURT: You can rephrase the question and also,
17 let me just tell you something real quick.

18 MR. PEIL: Okay.

19 (Off the record.)

20 Q Alright. So my question to you was specifically this, was
21 about the trespass notice, so let me back up. Would you say
22 prior to May of 2014 you and your then wife, Kelly, she's now
23 Barnett were friends with the Suggs?

24 A No.

25 Q Okay.

1 A We weren't friends.

2 Q I mean, what was the nature of your relationship?

3 A Kelly had worked with Mr. Suggs at the park system and
4 that's how I got to know what I knew about them.

5 Q Let me stop there. Would it be fair to say that you had
6 invited them to your home on at least one occasion prior to
7 that?

8 A That is correct.

9 Q About how many occasions was that?

10 A Less than five.

11 Q Alright. And I think sometime in May of 2014, you
12 determined that you no longer wanted the Suggs at your
13 property?

14 A Because of the drinking, yes.

15 Q Alright.

16 MR. PEIL: Your Honor, may I approach and retrieve --

17 -

18 THE COURT: Certainly.

19 Q So I'm going to show you Plaintiff's Exhibit 1. Have you
20 seen this document before?

21 A Yes, I have.

22 Q And what is it?

23 A It's a trespass notice.

24 Q Alright. And so I mean, tell me about that, did you and
25 Kelly come to the decision to type this up?

1 A No. I did this with the assistance of Chief Deputy Junior
2 Gable from McCormick County. Junior was a patient of mine and
3 I called him up and said, Junior, what do I do. And he said --
4 -

5 Q Let's not get into what he said, okay? But basically,
6 after this discussion, you determined that you wanted to put
7 together this notice, would that be fair?

8 A Actually, he, I didn't put it together, he gave me a copy
9 that someone had done previously and I basically fashioned it
10 after the copy he gave to me.

11 Q Okay. Now, had you originally signed a copy of that?

12 A Yes. I have a signed copy.

13 Q You have a signed copy?

14 A I have a signed copy.

15 Q Do you have it with you here today?

16 A I don't have it in this Courtroom, but I can certainly
17 retrieve it if it's of major ---

18 Q Alright.

19 A --- I mean, 15 minutes it can be in this Courtroom.

20 Q Alright. So I want to ask this. Did you and Kelly
21 discuss delivering this to the Suggs?

22 A Yes. Actually, I didn't discuss it so much with Kelly, I
23 discussed it with Chief Deputy Gable.

24 Q Alright. And did, ultimately did Kelly inform you that
25 she was going to go deliver it to the Suggs?

1 A No.

2 Q Okay.

3 A She did not inform me. Chief Deputy Gable said have your

4 ---

5 MR. TINSLEY: Objection.

6 THE COURT: Sustained.

7 Q Alright. Let's not get into what Chief Deputy Gable said.

8 So did Kelly Barnett ultimately go deliver this to the

9 Suggs?

10 A Yes.

11 Q Alright.

12 A At the direction of the sheriff.

13 Q And when she got back, did she tell you that she had

14 delivered this?

15 A Yes.

16 Q Okay. Alright. Had you had between May, I think the date
17 on it is May 26th or May 25th, it's at the top.

18 A May 26th, 2014.

19 Q Alright. So between May 26th of 2014 and June 17th, 18th,
20 19th, had you had any communications from the Suggs?

21 A I'm so sorry, I'm having trouble hearing you.

22 Q Between May 26th of 2014 and then June 17th, 18th, and
23 19th of 2014, so roughly a three-week period, had you had any
24 communications from the Suggs?

25 A No, not, no, no verbal communications, no.

1 Q Alright. Had they called you and asked you to come over
2 to the house during ---

3 A No. Not after this was served, no.

4 Q So I want to be clear, did the Suggs have permission to
5 enter your home on June 17th of 2014?

6 A Absolutely not.

7 Q Did the Suggs have permission to enter your property on
8 June 18th of 2014?

9 A Absolutely not.

10 Q Alright. So obviously, we want to get to it, did you
11 discover that one or both of the Defendants in this case did in
12 fact enter on your property on June 17th?

13 A Yes, I did determine that.

14 Q Alright. And how did you determine that?

15 A I found out in depositions on December of 2023, I forget
16 the exact day, we had a deposition in this Courthouse and
17 that's when I learned that they had been there on the 17th.

18 Q Alright. So let me ask it this way. So remember June
19 19th?

20 A Yes.

21 Q Alright. June 19th, do you recall what you were doing
22 that day?

23 A Looking for my children.

24 Q Alright. And so let me ask you about that. Where were
25 they?

1 A Mr. and Mrs. Suggs had picked them up and took them from
2 my home on Highway 7 to their mom's house here in
3 McCormick.

4 Q Alright. And so the evening of June 18th into Jun 19th,
5 had you slept at your home?

6 A I'm sorry?

7 Q The evening of June 18th to the morning of June 19th, had
8 you slept at your home?

9 A Yes, I slept in my home. I had a dog that had been snake
10 bit and I was tending to the sick dog, it was actually my
11 daughter's dog.

12 Q So when you woke up the morning of June 19th, about what
13 time do you get up in the morning?

14 A That morning a little later than normal. I normally get
15 up 4:30ish, my profession requires that I get to the hospital
16 early and that kind of thing. And I usually get up about 4:30,
17 I like to be at the hospital by 5:00.

18 Q Alright. When was the day you first noticed your children
19 were not in the home?

20 A Probably 6:30, a quarter to 7:00 on the morning of the
21 19th.

22 Q Alright. What did you do at that point? Did you call
23 anyone, did you try to find them?

24 A Absolutely, I was trying to find them. I went through a
25 contentious divorce and when my wife, my ex-wife, my first wife

1 was adjudicated as an unfit mother, that's the, that's the
2 biggest blow you can give a woman ---

3 MR. TINSLEY: Your Honor.

4 A --- when you take two small children ---

5 THE COURT: Hold on. There's an objection, I think.

6 MR. TINSLEY: I object, we're getting way past
7 relevance to a trespassing ---

8 MR. PEIL: In all fairness, I wasn't attempting to
9 ask that.

10 THE COURT: Let's try to steer the testimony toward
11 the matter at hand.

12 Q Alright. So let's talk about it. All I'm trying to get
13 at is when you first noticed that something had occurred, when
14 you first noticed that the children were missing or whatever it
15 is that caused you to pause that morning. Roughly what time
16 was that?

17 A I'm going to say 6:30, 6:45.

18 Q Alright. Now, I understand from looking at the picture of
19 the property that you have, would it be fair to say you have
20 several businesses on the property?

21 A I do, yes.

22 Q Alright. What is this down here in the corner?

23 A Those are mini storage warehouses on the settlement.

24 Q Alright. So people store their goods and valuables ---

25 A Correct.

1 Q Do you have security cameras around that area?

2 A Yes.

3 Q Alright. And that's for the protection of the valuables
4 that is in those storage units?

5 A Yes.

6 Q Alright. Now, I understand this is, well, I guess I'd
7 call it the main house?

8 A Main house, yes.

9 Q Main house. And this wing of the main house is where your
10 dental practice operates out of, is that correct?

11 A My surgical suites, yes.

12 Q Surgical suites. Alright. And so do you have cameras
13 around this portion of your property?

14 A I do.

15 Q Alright. What is this building here?

16 A That's a mechanical shop.

17 Q Mechanical shop. What's that used for other than
18 mechanical?

19 A Well, I do some, in my line of work, when you take out
20 part of someone's face, you have to fabricate a prosthesis, and
21 I've always been a person that likes to do that myself, and so
22 I like to tinker with things, build things, TIG welding, MIG
23 welding, that kind of thing and I do that in the shop.

24 Q Would it be fair to say that there's valuable equipment
25 stored in that shop?

1 A Absolutely.

2 Q You have security cameras on this portion of your
3 property, too?

4 A Absolutely.

5 Q Now, I only know this, well, let me rephrase it. Did
6 their used to be a gigantic cell phone tower right there?

7 A Correct.

8 Q Alright. So also on this property do you recall who it
9 was that you leased this cell phone tower to?

10 A Initially it was Nextel, they approached me initially, and
11 leased the property for the cell phone tower and then it was
12 sold to TowerCo, and then it was sold again to SDA and then the
13 tower was decommissioned.

14 Q Alright. And I just want to be clear, I see a line down
15 the north side of this property here, what is that line?

16 A That is a road that I put in as part of the lease to the
17 cell tower.

18 Q Alright. Do you have a gate at the end of that?

19 A I do.

20 Q Alright. Is it an open gate, is it a locked gate?

21 A Oh, it's locked.

22 Q Alright. So the main entrance to your property then would
23 it be fair to say is this driveway?

24 A Correct.

25 Q About a third of the way up on Highway 7 on the

1 ---

2 A Yes.

3 Q --- on the property line? Alright. And do you have no
4 trespassing signs posted on the property?

5 A On all four corners.

6 Q On all four corners. So there's a no trespassing sign
7 posted near the gate?

8 A Yes, yes. You have to drive right by it to come in the
9 gate.

10 Q Alright. So I want to talk about the morning of June 19th
11 of 2014. So after you discovered that your children were
12 missing, did you walk the property line?

13 A Not initially. On the morning when I found out the
14 children were gone, first thing I did was, okay, where are the
15 kids, and I started making phone calls. Called a variety ---

16 Q Let's do this. I understand on June 19th, we don't want
17 to get into a lot of that, but you were concerned about your
18 kids, you decided at some point to walk the property line and
19 record it, would that be fair?

20 A I didn't decide to, I was advised to, and I think it was

21 ---

22 Q Let's not get into what people advised you to, okay? So
23 let's do this. You did make a recording of you walking down
24 this road, would that be correct?

25 A Yes.

1 Q Alright. And when you walked down that road, what did you
2 discover?

3 A I discovered someone had driven around my gate and they
4 had turned around in my yard, and you can see the tire tracks,
5 my daughter's school ID was there and they, they obviously were
6 in a big hurry because they ripped up the yard. Your kids are
7 gone, you're a little bit in shock, and you know, this, the
8 video's not very stable, I made a video of it because that's
9 what I was advised to do.

10 Q Alright. I want to make sure I go over these elements
11 real quick, so you said you observed tire tracks near your gate
12 off Highway 7?

13 A Yes.

14 Q Alright. Did you notice that any portion of the gate was
15 broken?

16 A Yes. It had been hit.

17 Q It had been hit. Alright. And was it missing any
18 components?

19 A Just the, part of the hinges had fallen where it was hit.

20 Q Alright. You said you observed tire tracks, where were
21 those tire tracks?

22 A They were on the north side of the gate where they drove
23 around the gate.

24 Q So I know it's hard to see, but it would have been on the
25 north side of the gate itself?

1 A They drove around the gate and onto that road.

2 Q Not quite around the gate because they hit a portion of
3 the gate, is that correct?

4 MR. TINSLEY: Objection. Leading, Your
5 Honor.

6 MR. PEIL: That's fair, I'll rephrase.

7 Q Was any portion of your gate damaged?

8 A Yes.

9 Q Alright. And the tire tracks, where did they ultimately
10 lead to on the property?

11 MR. PEIL: Your Honor, may I approach?

12 THE COURT: Yes, sir.

13 Q Where did the, if you could point, please, for the jury
14 where did the tire tracks ultimately lead up to?

15 A This area. This is trees, you can't drive through that,
16 pine trees, this is all open yard, just grass, and basically a
17 person drove up this cell tower road into this area basically
18 flipped around, pick the children up and, which is where I
19 found my daughter's ID and then left.

20 Q Alright.

21 MR. LAGROON: Judge, I'm sorry, I know you can't see
22 that, but I was pointing to this area, it came in up the road
23 here, turned around here, here's where the tire tracks were and
24 then ---

25 THE COURT: Okay. Thank you.

1 Q Alright. Now, did you have to expend any effort to make
2 any repairs?

3 A Yes.

4 Q Alright. Please tell the jury about the repairs that were
5 necessary.

6 A Well, I just stated earlier, I'm a maxillofacial
7 oncologist, therefore, I fabricate prosthesis when I do surgery
8 on various patients, and I enjoy that kind of work. And as I
9 stated previously, I do some welding in my shop and I simply
10 went down there, repaired the hinges and straightened the posts
11 and you know, made the necessary repairs to put it back in
12 working order.

13 Q What is the estimated value of those repairs?

14 A No more, absolutely no more than \$1,700.00, 15, \$1,700.00,
15 not ---

16 Q Alright. Is that for parts that you had on hand in your
17 shop?

18 A Parts, welding materials. In welding, you have what's
19 called consumables, those things that you lose when you weld
20 and that's the most price, the price is for the welding and
21 consumables, so that's where part of that cost comes from.

22 Q Did you ever do anything with the tire tracks themselves?

23 A I just resodded it.

24 Q Alright. So did you have to purchase new sod for that or
25 did you put seed on it?

1 A No. I actually cut it out of another part of the yard and
2 just moved it.

3 Q Alright. I think we talked about this at length, but you
4 had security cameras on your property, is that correct?

5 A That is correct.

6 Q Alright.

7 MR. PEIL: I need a moment, Judge, I'm going to get
8 this video going.

9 THE COURT: Yes, sir.

10 MR. PEIL: I think we need to authenticate it first,
11 so I'm going to show it to my client first to authenticate the
12 video.

13 THE COURT: Okay. I think you can show him the disc
14 and ask if he ---

15 MR. PEIL: Alright.

16 THE COURT: We don't need to watch it twice.

17 MR. PEIL: Yeah, that's right. May I
18 approach?

19 THE COURT: Yes, sir.

20 Q Alright. I'm showing you what's marked for identification
21 as Plaintiff's Exhibit 6. Do you recognize this?

22 A I do.

23 Q And what is this?

24 A This is a disc that was generated from my security system
25 from my welding shop.

1 Q Alright. And this I believe shows footage that was taken
2 on your property on June 17th of 2014, is that correct?

3 A June 17th, yes, sir.

4 Q Alright. And you have exclusive possession and control of
5 the equipment used to generate this footage, correct?

6 A Yes.

7 Q Alright.

8 MR. PEIL: At this time, Your Honor, I would tender
9 Plaintiff's Exhibit 6.

10 THE COURT: Alright. I think that's without
11 objection?

12 MR. TINSLEY: No objection, Your Honor.

13 THE COURT: Alright.

14 (Whereupon a disc was submitted as Plaintiff's Exhibit
15 Number 6 for identification and entered into evidence.)

16 THE COURT: Go ahead and play it, counsel. Y'all can
17 move to get a better seat if you like. Let's make sure
18 everyone on the jury can see it too.

19 MR. PEIL: I will, I'm going to try and get it going
20 here first.

21 THE COURT: While you're working on that, I now know
22 that there are two trains that come through McCormick every
23 day.

24 MR. PEIL: I have a mild technological issue, I don't
25 know that my extension cord can use a three prong, let's see.

1 THE COURT: I think the sheriff's going to look for a
2 cord.

3 BAILIFF: I got one.

4 THE COURT: A three prong? I think I'm actually
5 going to move as well so I can see.

6 MR. PEIL: Is that a little better? Can you see that
7 Dr. Lagroon?

8 MR. LAGROON: I'm going to get to where I can.

9 MR. PEIL: Be careful, that's very steep.

10 Q Alright. Before I begin, I want to ask you a question.

11 So I see on this film that's admitted into evidence as Exhibit
12 6 that there is a date, I don't know if you can read that from
13 there? I can't move it much closer.

14 A It is June 17th, 2014 at 11:00 pm.

15 Q Alright. So before we begin, I want to go over a couple
16 of, oh, why don't we just do that.

17 (Playing disc.)

18 Q Alright. First of all, do you recognize what is being
19 depicted here?

20 A Yes. That's the security camera on the corner of my shop.

21 Q Let me ask you, this light in the distance here, is that
22 on your property?

23 A Yes.

24 Q Alright. You own that light? Does your property supply
25 electricity to that light?

1 A I do, they bill you every month.

2 Q Alright. And what is this, these items we see in the
3 foreground here?

4 A That is my garden tiller.

5 Q Garden tiller. Alright. And that is sitting on your
6 property as well, is that correct?

7 A There's a concrete acre around that shop and that garden
8 tiller is on that acre.

9 Q Alright. I'm fast forwarding the video to, for purposes
10 of the Court reporter, it's three minutes and 58 seconds we
11 begin playing. Alright. Now, had you previously viewed this
12 video?

13 A Yes.

14 Q Alright. We just need to be a little patient. So I'm
15 going to pause the video at 11:04:40 pm. There was a white SUV
16 that you saw during this video, would that be correct?

17 A Yes.

18 Q To be clear, where that vehicle is depicted, where is that
19 vehicle coming from?

20 A It's coming up the road that I put in for the cell tower
21 as part of the lease and the cell tower was placed on the
22 property.

23 Q To be clear, the only way to enter that road is through
24 that locked gate and the no trespassing sign, is that correct?

25 A That's it, that is correct.

1 Q Now, if memory serves me correctly, the vehicle pulls up
2 to the left here, your camera does not pick up exactly what's
3 going on there ---

4 A No. The back of that building is a solid block wall,
5 there are no windows, so I don't really worry about someone
6 coming through a solid concrete block wall, so I have cameras
7 at each corner. And this is the northwest corner of the
8 shop.

9 Q I just want to make sure I'm clear. This portion over
10 here, did you observe tire tracks on there as well?

11 A Yes.

12 Q Okay. And then the vehicle pulls back around right in
13 front of your shop, is that correct?

14 A On the northwest corner, yes. That's actually behind the
15 shop.

16 Q Alright. You observe a man with a limp get out of the
17 passenger's side of the vehicle, would that be fair?

18 A Yes.

19 Q Now, had you left any personal effects out of your
20 property that evening to be loaded up by anyone?

21 A No.

22 Q Alright. And so at 11:07, roughly 20 pm, you see the
23 vehicle drive away? Have you had a chance to review other
24 footage on the property?

25 A Yes.

1 Q Alright. Is this the last time you saw this vehicle enter
2 your property?

3 A That's right, that's it, yes.

4 Q Alright. I'm going to pause this video. Alright. So I
5 believe ---

6 THE COURT: Is that all the video?

7 MR. PEIL: That's all, well, I have the other disc as
8 well.

9 THE COURT: Oh.

10 Q So we talked about it earlier, you said that you took a
11 camera with you and walked the property line on June 19th,
12 correct?

13 A Correct.

14 Q Now, just to make sure we do this right. So on June, June
15 17th, your kids slept in your house that evening, correct?

16 A Correct.

17 Q And they were still at the house on June 18th, correct?

18 A Correct.

19 Q Alright. So you had no reason to review that footage on
20 June 18th and see what had occurred?

21 A None whatsoever.

22 Q Alright. But the morning of June 19th, your kids were no
23 longer on the property?

24 A That's correct.

25 Q You did have a reason at that point?

1 A Absolutely.

2 Q Alright. And so I believe on June 19th of 2014, you made
3 a video of you walking from Highway 7 up to this portion of
4 your property, is that correct?

5 A After being advised to do so by the federal officer.

6 MR. TINSLEY: Objection.

7 THE COURT: Sustained.

8 MR. PEIL: Your Honor, may I approach?

9 THE COURT: Sure.

10 Q So I'm showing you what's been marked for identification
11 as Plaintiff's Exhibit 7. Have you seen this before, sir?

12 A I have, yes.

13 Q Alright. And what is it?

14 A This is the disc that was generated from the video that I
15 took at the direction of the federal officer.

16 Q Alright. Let's not talk about the federal officer.

17 A Alright. I apologize. It's hard not to tell the truth.

18 THE COURT: Well, you just need to answer the
19 questions specifically and I don't need to hear about anything
20 federal employees may ---

21 MR. LAGROON: Yes, sir.

22 MR. PEIL: Yes, sir.

23 THE COURT: Thank you.

24 Q Alright. And so this video has been in your exclusive use
25 and possession since June 19th, 2014, would that be correct?

1 A Yes.

2 Q Alright.

3 MR. PEIL: At this time, the Plaintiff tenders
4 exhibit 7 into evidence.

5 THE COURT: That's just a video of him walking
6 around. Without objection?

7 MR. TINSLEY: Without objection, yes.

8 THE COURT: So that'll be Plaintiff's exhibit.

9 (Whereupon a disc was submitted as Plaintiff's Exhibit 7
10 for identification and entered into evidence.)

11 MR. PEIL: Your Honor, permission to publish exhibit
12 7 to the jury?

13 THE COURT: Yes, sir.

14 MR. PEIL: And your permission to publish it?

15 THE COURT: Yes, sir.

16 MR. PEIL: Alright.

17 Q Alright. Dr. Lagroon, what are we seeing at the beginning
18 of this video, what is this?

19 A I am walking south on Highway 7 where I see the tire
20 tracks.

21 Q Let's do this. So you're walking this direction on
22 Highway 7?

23 A Correct.

24 Q Alright. What are these that I see?

25 A Those are tire tracks going around my gate.

1 Q Alright. And just because it looks like it's a little
2 bit of a distance, how long is this road into your
3 property?

4 A It's about a third of a mile.

5 Q A third of a mile?

6 A (Nonverbal response).

7 Q Alright. Well, I'm going to speed it along slightly. To
8 be clear, this was June 19th and you took this video in the
9 evening?

10 A Yes.

11 Q Alright. So is the time stamp accurate on the screen?

12 A It is.

13 Q Alright. Alright. And it paused right there and turned
14 direction, what is it we are looking at here?

15 A That's where someone either came onto the property in a
16 big hurry or left the property in a big hurry because the tires
17 were spinning.

18 Q It looks like you're focusing on something you see on the
19 ground, what was it you saw on the ground there?

20 A That is my daughter's student ID.

21 Q And for the record, your daughter's name is what?

22 A Becca Lagroon.

23 Q Alright. And you zoomed in on it here. Did she go to
24 Lincoln County Middle School?

25 A Correct.

1 Q Alright. Alright. Is there anything else of note in this
2 video? Is there anything else of note in this video that you
3 discovered on the property?

4 A No. Just that circle, the ID, and whomever was driving
5 left the same direction they came in on the same road, on the
6 same path.

7 Q Alright.

8 MR. PEIL: That's all I have for now.

9 THE COURT: Alright. We're going to take a break
10 before cross examination.

11 MR. PEIL: That's not all I have for questions,
12 that's all I have for this video.

13 THE COURT: Oh, alright. I think you're free to move
14 back on the stand.

15 MR. LAGROON: Thank you, Judge.

16 THE COURT: Yes, sir.

17 Q So I want to make sure we're crystal clear with the jury.
18 That gate, again, where we observed those tire tracks in
19 exhibit 6 and it's located right here along this portion of
20 your property?

21 A Correct.

22 Q Alright. The second video we showed, Plaintiff's Exhibit
23 7 showed you walking up this road to about right here ---

24 A Yes.

25 Q --- would that be fair?

1 A Yes.

2 Q Alright. And you found your daughter's student ID roughly
3 right here?

4 A Correct.

5 Q Okay. And then more tire tracks up here?

6 A Correct.

7 Q Alright. And I think you said you were acquaintances with
8 the Suggs?

9 A Yes.

10 Q Alright. In 2014, they had been to your house roughly
11 five times, I think is what your testimony was?

12 A Correct.

13 Q Had you previously seen them driving a white Cadillac
14 Escalade?

15 A Yes.

16 Q Alright. It was tough to tell from the video, but from
17 the video, did you make out who the individuals were that were
18 driving on your property?

19 A You can't see who, whoever's driving is covered up.

20 Q Alright. Alright.

21 MR. PEIL: I don't think I have any further questions
22 for Dr. Lagroon.

23 THE COURT: Alright. Let's take a short recess now.
24 Ladies and gentlemen, head on back to the jury room, refresh
25 yourselves, and I'll get you back in here in five to 10

1 minutes. Let the bailiff know when you're ready to come back,
2 okay? After you're refreshed, thanks. Please don't discuss
3 the case or anything involving this case while you're in the
4 jury room.

5 (Jurors exiting Courtroom.)

6 THE COURT: Okay. You're free to move down to the
7 table if you'd like and refresh yourself. Just don't discuss
8 your testimony with your attorney or anyone else during the
9 recess.

10 MR. LAGROON: May I stay here, Judge?

11 THE COURT: You may, you may. Alright. I just need
12 a short break, and we'll get started here.

13 (Off the record.)

14 THE COURT: Are they ready?

15 BAILIFF: Yes, sir.

16 THE COURT: Is counsel ready for the jury to come
17 back?

18 MR. PEIL: Yes, sir, Your Honor.

19 MR. TINSLEY: Yes, sir, Your Honor.

20 THE COURT: Alright. We'll bring them back in and
21 we'll kick off cross.

22 (Jurors entering Courtroom.)

23 THE COURT: Just so everybody's comfortable, it's not
24 assigned seating, if you need to get in another chair when you
25 come back, that's okay, too. But if y'all want to sit in the

1 same seat every time, that's fine. Alright. Mr. Foreman,
2 we'll pick up where we left off with the next, with cross
3 examination of this witness. Mr. Tinsley?

4 MR. TINSLEY: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. TINSLEY:

7 Q You testified very emphatically that you were not friends
8 with Scott and Crystal Suggs.

9 A I'm so sorry, Your Honor, I couldn't hear the question.

10 Q Okay. I'll be sure to talk real loud.

11 A Thank you.

12 Q You were very emphatic that you didn't, you were not
13 friends with Crystal and Scott Suggs.

14 A No. I met them through Ms. Barnett.

15 Q But you had them over to your house at least five times?

16 A But, well, that's absolutely correct in that they were
17 there present five times, but I didn't have them over. Ms.
18 Barnett and Mr. Suggs worked together, they were acquaintances
19 from several years at the park, and my ex-wife would invite the
20 couple over.

21 Q Okay. So it's her fault that these people that you're not
22 friends with came over?

23 A I wouldn't say it was her fault, but if you're a married
24 man, Mr. Tinsley, and your wife asked you to do something and
25 you want to stay happily married, you comply.

1 Q Okay. And you testified about your first marriage ending
2 in a tough divorce. Scott and Crystal Suggs didn't have
3 anything to do with that?

4 A Not that I'm aware of, no, sir.

5 Q They weren't parties to it or anything like that?

6 A Not that I'm aware of.

7 Q Okay. Well, you participated in the divorce?

8 A Absolutely. All five years of it.

9 Q Okay. Now, this trespass notice, Plaintiff's Exhibit
10 Number 1.

11 A Sure.

12 Q Is that date accurate, May 26th of 2014?

13 A I'm sure it is, yes.

14 Q Memorial Day?

15 A I'm actually sure it is, if that's Memorial Day.

16 Q So you, rather than enjoying a holiday, you're sending out
17 trespass notices on Memorial Day?

18 A Well, Mr. Tinsley, I'm a maxillofacial oncologist,
19 Saturdays, Sundays, holidays don't make any difference. My
20 specialty is children, and when children need me, I go to work.

21 Q Okay. So ---

22 A I've done it my whole life.

23 Q Okay. So you work ---

24 A I'm answering your question, counselor, if you'd give me
25 just a moment.

1 Q I will.

2 A I left McCormick High School in 1981, I started the
3 Medical College of Georgia in the HOP program in 1984, didn't
4 have to go to college before there. All three of my medical
5 degrees are from the Medical College of Georgia and if you're
6 in medicine and you specialize in children, you work.

7 Q Okay.

8 A And days of the week, Saturday, makes no difference.

9 Q Okay. You're working seven days a week, not taking
10 holidays, is that correct?

11 A Absolutely.

12 Q Alright. But you can take time off from the children to
13 make sure that a trespass notice gets put out on a holiday?

14 A What children am I taking time off from, and I'm not
15 allowed to ask questions, I apologize. What children am I
16 taking time off from?

17 Q I guess the children you just testified that you were
18 helping on that holiday and every other holiday.

19 A Well, to qualify my statements, specifically, if you're in
20 my line of work, you're on call 24/7.

21 Q Okay. Alright. So you do think that you took a break
22 from working to make sure this trespass notice got drafted on
23 Memorial Day?

24 A Well, I don't know, it's dated that day, I don't know if
25 it got drafted that day, I get up early in the morning ---

1 Q Okay.

2 A --- and it could have been done, it could have been
3 started on the 25th, finished on the 26th.

4 Q Okay. Started on the 26th, finished on the 27th?

5 A No, sir. That'd be inaccurate because it would have the
6 27th on it.

7 Q Okay. Okay.

8 A But it would not be the first time that I've taken a
9 document, started on it, and said, you know what, I'm going to
10 get away from this a little bit and come back and finish it
11 later.

12 Q Okay. You have no affidavit of service or certificate of
13 service for this document?

14 A I have sworn testimony of Kelly Barnett.

15 Q Okay. You couldn't tell this Court when it was served?

16 A She couldn't tell you the minute, but she could tell you
17 the day.

18 Q Okay. Do you know what day it was served?

19 A I don't, I didn't serve it.

20 Q So you just don't know when it was served?

21 A Well, I know what Ms. Barnett said. Again, and I'm not,
22 I've been asked by the Court not to say what somebody else
23 said, but I was advised by the sheriff not, or the sheriff's
24 chief deputy not to serve it myself, have someone else serve
25 it.

1 Q Okay.

2 A And we complied with those recommendations.

3 Q Why didn't you have one of the deputies serve it?

4 A Well, why, if the chief deputy of the county says have
5 someone else serve it, it doesn't need to be a deputy, why
6 would I do that?

7 Q Why in the world would a deputy not serve process for
8 somebody rather than the county?

9 A I don't have an answer for that, I don't know why a
10 process server doesn't serve process, and I'm certainly not a
11 deputy, I'm not law enforcement, but I was given
12 recommendations by the chief law enforcement of this county
13 because the sheriff was ill and he was out, and I followed
14 those directions.

15 Q Okay. So are you familiar with the way people are
16 generally put on trespass notice?

17 A I'm not. I haven't had to place many people on trespass
18 notice in my lifetime.

19 Q But you have some?

20 A I have this one and I think one other.

21 Q Okay. Did you use a deputy for the other one?

22 A No.

23 Q Okay. So you don't send the paperwork to the deputy,
24 here's a copy of it and y'all go get them served?

25 A I've never done that.

1 Q Okay. Okay. Now, you testified that when you made this
2 video on June the 19th, you were looking for your children that
3 evening?

4 A On June the 19th of what year?

5 Q 2014.

6 A 2014, yes.

7 Q The video we just looked at?

8 A Well, yes. I got up, as I testified, got up that morning,
9 children were gone, started making phone calls to a variety of
10 agencies, got a variety of advice and then some of that advice
11 was make a video.

12 Q Alright. So are you testifying that you didn't know where
13 your children were when you made that video?

14 A No. I had located them by the time I made that video.

15 Q Okay. You had?

16 A Yes.

17 Q Alright. Alright. So you knew they were safe?

18 A No, they weren't safe, I didn't know they were safe.

19 Q Okay. Alright. Now, do you have any photographs of this
20 gate damage?

21 A No, not presently, no.

22 Q Okay. Do you have any video of this gate damage?

23 A I do not. I take that back, counselor, I have the, I'd
24 asked for, in discovery I asked for a photograph of the vehicle
25 of the Defendants', and it was provided to me in discovery. I

1 don't know that you provided it for me, but somebody provided
2 the dent in their vehicle.

3 Q Is that a picture of the gate or video of the gate?

4 A It's a picture of the vehicle that hit the gate.

5 Q Well, how do you know where any dent ---

6 A I'm sorry.

7 Q --- in any vehicle came from?

8 A I'm sorry, your question is?

9 Q How do you know where a dent in any automobile came
10 from?

11 A Because that's what we asked for. We asked for damage in
12 our interrogatories and request to produce, we asked for the
13 damage that was sustained by the vehicle, and that's what we
14 were provided ---

15 Q Okay.

16 A --- was the picture of the vehicle with the damage.

17 Q Okay. Alright. You just talked about the discovery
18 process and that a photograph was turned over by either counsel
19 for Mr. Suggs or Ms. Suggs. And I'm going to let you look
20 through this document and see if it's an accurate depiction of
21 the response received from the Suggs.

22 A This is one of them, yes.

23 Q Okay. And number 2 on page 1 references the photograph
24 you're talking about, right?

25 A I'm not sure. I apologize. We go the picture that

1 I'm speaking of in discovery, but I do not know if this
2 specific statement references that photograph.

3 Q Would you read the statement?

4 A Sure. Absolutely. It says photographs of the Smith
5 property and damage of Defendant Crystal Suggs' SUV from
6 striking a pole on the Smith property.

7 Q Okay. It doesn't say anything about swiping a gate on
8 your property?

9 A No, it certainly does not.

10 Q And the Smiths, were those neighbors or one-time neighbors
11 of yours?

12 A They're not next-door neighbors, they're two neighbors
13 down.

14 Q Okay. But all on Highway 7 there?

15 A On Highway 7, yes.

16 Q Okay. And initially, you told your ex-wife that you had
17 her on video coming onto your property at night on the 18th,
18 correct?

19 A What ex? I'm sorry. Which ex-wife are we, I apologize, I
20 have two ex-wives.

21 Q We're talking about the first one, the one you were having
22 contentions with.

23 A I'm sorry?

24 Q The first one.

25 A Yes. There is a video photograph of her on the

1 property caught by my storage buildings, yes, of her vehicle,
2 yes.

3 Q Okay. That doesn't have anything to do with the
4 Suggs?

5 A I, I don't know if it does or not.

6 Q You have no evidence that it does?

7 A Well, I, actually, I apologize, counselor, I learned
8 through the investigation ---

9 MR. TINSLEY: I'm going to object to anything he
10 learned from any investigation.

11 MR. PEIL: Your Honor, if I may? He asked him the
12 question. He asked if it had anything to do with it. He's
13 kicking that door wide open.

14 THE COURT: The question was you didn't have any
15 evidence to show that his first ex-wife was involved with the
16 Suggs?

17 MR. TINSLEY: If there was any tie because he
18 apparently said that she ---

19 THE COURT: Okay.

20 MR. TINSLEY: --- trespassed the same night.

21 THE COURT: Okay. And you started -- let me ask
22 y'all a quick question.

23 (Off the record.)

24 THE COURT: Alright. Counselor, you can rephrase the
25 question.

1 MR. TINSLEY: Okay. I think we've touched on it
2 enough. I'll move on.

3 Q So the, when did this cell phone tower get removed on the
4 property?

5 A I don't recall.

6 Q Was it still there back in June of 2014?

7 A I don't recall.

8 Q Okay. So you don't know when the last time people were
9 coming to do any maintenance or anything on it was?

10 A I don't recall.

11 Q Okay. When the cell phone company would come out there,
12 did they have pretty big trucks that come out there and use
13 that road?

14 A Yes. That's why there's a separate road. The main
15 entrance to the office is concrete and some of the vehicles,
16 they came out to erect the tower and decommission the tower,
17 they'd break the concrete on it, so..

18 Q Okay.

19 A That's why there was a separate road put in place in
20 compliance with the ---

21 Q Okay. And ---

22 A I was responsible for putting in the road.

23 Q Alright. When you showed this video where there appears
24 to be potential tracks where somebody went around the gate on
25 the grass?

1 A (Nonverbal response).

2 Q Is that a yes?

3 A Yes, correct, yes.

4 Q Then there's a mark with the, it's a mud spinout, the mark

5 ---

6 A In my yard? Yes, yes, or both at the gate and in my
7 yard.

8 Q Okay. So you had to resod both areas?

9 A No. I didn't resod by the gate. I just resodded in the
10 yard.

11 Q Alright. And that's the only spot, that spot we saw in
12 the video?

13 A Well, I ended up doing, and I didn't realize it at the
14 time, as you are well aware, counsel, we didn't take
15 depositions in this case until December of 2023, you were
16 present.

17 Q Okay.

18 A And that's when I learned that the Defendants had been on
19 the property two nights in a row.

20 Q Okay. So when did you see this video that you just played
21 dated June 17th of 2014?

22 A I'm sorry, I didn't ---

23 Q When did you first look at this video from June 17th of
24 2014 that you just submitted into evidence?

25 A There's two videos in evidence, I apologize, if you

1 can tell me which video you're referring to, I may be able to
2 help you.

3 Q The surveillance video, for lack of a better term, not the
4 one that you took walking down the road?

5 A Okay. The surveillance video I didn't find until after
6 the deposition.

7 Q Okay. So some nine and a half years later?

8 A That's correct.

9 Q And you still had it accessible?

10 A Absolutely. Had to take the hard drive out of the unit
11 that it was in because the unit was fried, I had to take the
12 hard drive out and put it in a new unit to generate that.

13 Q Okay. And you never seen it until December of this year?

14 A Didn't know until the depositions, until December, I'm
15 sorry, not December of this year, December of this year hasn't
16 occurred yet.

17 Q December of last year?

18 A December of '23, in depositions we found out they'd been
19 to, the Defendants had been to my home twice. And once I found
20 that out, that's when we started looking.

21 Q You were able to access this video that you had not seen
22 for nine and a half years?

23 A After a great deal of difficulty and buying a new machine,
24 replacing the hard drive, countless hours on the phone talking
25 to experts because I'm not a computer person and I thought you

1 could pay somebody to do that kind of work, but obviously, you
2 can't.

3 Q And that video doesn't show any kind of license plate?

4 A I think it shows a license plate. To my recollection that
5 license plate's been covered, if I'm not mistaken based on my
6 review of the video.

7 Q Alright. But you can't get the license plate number off
8 of it, the tag number?

9 A Again, it's been, based on my review of the video, based
10 on my review of the video, the two people that are in that
11 video are hooded up, they're obviously trying to hide
12 themselves and the license plate on the vehicle is covered.

13 Q So like you testified on the record; you can't tell who it
14 is?

15 A I'm sorry?

16 Q Like you testified on direct examination, you can't tell
17 who it is?

18 A You cannot tell who it is.

19 Q I don't have any further questions. Please answer any
20 questions Ms. Merrill has.

21 CROSS EXAMINATION

22 BY MS. MERRILL:

23 Q Now, you just testified about discovering this video from
24 June 2014, you discovered it in December of 2023, is that
25 right?

1 A Ma'am, if you could step just a little bit closer, I'll do
2 my best to hear you, I'm sorry.

3 Q So you discovered this video from June 2014 in December of
4 2023, is that right?

5 A I'm so sorry, I apologize, can you speak up just a little
6 bit?

7 Q The video from June of 2014 that we just watched, you did
8 not discover that until December of '23, is that what you're
9 saying?

10 A Again, as I told Mr. Tinsley, there's two videos, if you
11 can tell me which video your referring ---

12 Q The surveillance video.

13 A The surveillance video was discovered after we found out
14 in the deposition where to look and what date to look on.

15 Q So on June 19th of 2014, you told your ex-wife, your
16 children's mother that you had surveillance video of her
17 picking up the children, did you not?

18 A May I, it looks like ---

19 Q Yes, yes, let me show this to your counsel real
20 quick.

21 MS. MERRILL: Your Honor, may I approach?

22 THE COURT: Yeah.

23 Q If you could just read that first ---

24 A Sure, yeah.

25 Q Right here.

1 A Yes. This is the storage building video is what this is
2 in reference to. And I apologize, counselor, but I'm not sure
3 if you've seen this exhibit from what's been labeled as
4 Plaintiff's Exhibit 3, but there's multiple businesses as Mr.
5 Peil pointed out on the property, the video camera that you're
6 referring to is here at the storage buildings.

7 Q Okay.

8 A The video that is here is on the corner of this shop,
9 you're close to half a mile apart.

10 Q Okay. But let me ask you a question then, you do agree
11 with me that on June 19th of 2014 at 4:11 am, you wrote your
12 first ex-wife, your children's mother a message that said you
13 have surveillance camera footage showing her, your ex-wife,
14 picking up the children that night?

15 A No. I may have written that, but I don't have that, what
16 I have is a picture of her car and her tag ---

17 Q Okay.

18 A --- that was caught on a video.

19 Q Okay. Would you agree with me you wrote and told her that
20 at least on this day?

21 A If I can read it again, I'll ---

22 Q Certainly.

23 A If that's what it says that's what it says. This is an
24 exhibit from I'm assuming Family Court, or maybe in this Court,
25 I ---

1 THE COURT: It's an email, I thought it was

2 ---

3 Q It's messages between you and your former wife.

4 A I'm sorry, I was referring to the exhibit, is ---

5 Q No. It just has that sticker on it, but it's not an
6 exhibit in this case.

7 A This case, okay, I apologize. So this is, that's what it
8 says. It says my surveillance camera showed, show you picking
9 up the children after bedtime last night. Under the Court
10 order, you will be getting the children for summer visitation
11 on June 23rd, please voluntarily return the children
12 immediately, thank you in advance for your cooperation. Yes,
13 that's what it says, that's what it reads.

14 Q Okay. And you agree with me it's sent on July, excuse me,
15 June 19th, 2014 at 4:11 am? And I'm looking for, right there.

16 A Ma'am, I apologize, I'm not contradicting you, but maybe
17 I'm reading this wrong, but that says 11:49 am.

18 Q I believe it's the hour, so 11:49 am, okay, but it's that
19 morning of June 19th of 2014, right?

20 A At 11:49 am.

21 Q Okay. So ---

22 A Midday, lunchtime.

23 Q Gotcha. Okay.

24 MS. MERRILL: Beg the Court's indulgence one
25 moment.

1 Q Now, in June of 2014, you lived at your home, is that
2 right? You were living in this home that you referenced, you
3 were living there in June of 2014?

4 A I'm just making sure I understand your question. I ---

5 Q I'm trying to figure out who all was living there at the
6 time. It was you?

7 A Me. June?

8 Q Of 2014?

9 A Of 2014. My children, my wife, that testified earlier,
10 Ms. Barnett.

11 Q Okay. And that's the four people who lived there at the
12 time on June of 2014, is that right?

13 A That's the four people, two dogs, and the goat, yes.

14 Q Okay. And then as far as the cell tower goes, did that
15 lease include permission for the company to use that road

16 ---

17 A Absolutely.

18 Q --- that you built?

19 A Absolutely, it did.

20 Q Okay.

21 A Yes. They had, it was their lock on the gate and whoever
22 would come would unlock the gate and come up and do what they
23 needed to do. I mean, they did it routinely. And they had to
24 have 24-hour access because of power outages and a variety of
25 things, but they never drove around the gate, I think is what

1 you're trying to get at. There was no need for them to drive
2 around the gate, they had a key.

3 Q And the day you made that video, so on June 19th, there's
4 no closeup shots of this damage that you're alleging at the
5 gate, is that ---

6 A No.

7 Q Okay.

8 A No.

9 Q Okay. And you don't routinely check that gate for damage,
10 do you?

11 A No, I don't.

12 Q And I noticed in that video you took on June 19th, I
13 didn't see any no trespassing signs, but you mentioned they
14 were posted. Where are they posted?

15 A Again, which video are we speaking of?

16 Q The one you took, the walking down the road, June 19th?

17 A Yes. The video doesn't show it, but if you look, if
18 you're on the property as we speak today, in fact I can show
19 you right here.

20 Q Well, let's talk about June 2014. Where were the no
21 trespassing signs in June of 2014?

22 A Right there. There's a pole, when the power goes up to
23 the cell tower, there's a pole right there and on that, about
24 eight feet off the ground is no trespassing. Same thing on
25 this one.

1 Q And that is to the, is that, and I'm sorry, I'm trying to
2 see where you're pointing, is that to the right of the road?

3 A That is the north, that is north on Highway 7, this is the
4 north end of the property.

5 Q Okay.

6 A And do you mind if I use the bigger, the blow up?

7 MR. PEIL: It's right here, here you go.

8 A I apologize, counselor, but with me showing you and
9 turned this way, the jury's not getting any benefit of this at
10 all. The power line to this cell tower, which was located
11 behind the shop, the power line went up by this road between
12 the property line and the cell tower road that I had to put in
13 as part of the lease. And the no trespassing sign is on that
14 first pole off of Highway 7, maybe 25 feet off of the
15 asphalt.

16 Q Okay.

17 A And there's also one on this corner, there's one on this
18 corner, there's one on this corner, on every corner of this
19 property, or all four corners of the property there's a
20 trespassing sign.

21 Q Okay. Thank you.

22 A Thank you.

23 Q But you agree with me on that June 19th video, the video
24 that you made, the second one we watched, you don't see a no
25 trespassing sign, do you?

1 A It is not captured in the video, it's there, it's been
2 there for years, and unfortunately, paint doesn't last like it
3 used to, you have to replace them now. So every 10 years or so
4 you have to get up, take them out, put new ones on, that kind
5 of thing.

6 MS. MERRILL: Beg the Court's indulgence one moment.
7 No further questions, thank you.

8 THE COURT: Redirect.

9 MR. PEIL: Yes, Your Honor. I asked madame clerk to
10 print a document, may I retrieve it?

11 THE COURT: Okay.

12 MR. PEIL: Alright. I'm going to show opposing
13 counsel.

14 REDIRECT EXAMINATION

15 BY MR. PEIL:

16 Q Alright. Dr. Lagroon, you testified that you could not
17 remember when exactly it was that the cell tower was
18 decommissioned, is that correct?

19 A That is correct.

20 Q Do you recall being involved in litigation related to that
21 cell tower and the decommissioning?

22 A I do, yes, sir.

23 Q Alright. Would it refresh your memory to look at the
24 complaint you filed in that action to figure out when that
25 lease terminated, and the cell tower was decommissioned?

1 A If it is in that, if it's in that document.

2 Q Alright.

3 MR. PEIL: Your Honor, may I approach?

4 THE COURT: Yes, sir.

5 Q Alright. Please review this document with particular
6 attention to page 2. I'm not asking you to read that to the
7 jury. Does reviewing this document refresh your memory as to
8 when the decommissioning of the cell tower occurred? Do I need
9 to repeat the question, sir?

10 A If you don't mind.

11 Q Alright. So my question was is reviewing this document,
12 it's a yes or no question, does reviewing this document aid you
13 in refreshing your memory as to when the cell tower was
14 decommissioned?

15 A Yes.

16 Q Alright. Now, having reviewed this document, do you
17 recall when it was that the cell tower was decommissioned on
18 your property?

19 A Yes.

20 Q And what date was that?

21 A It says on or around February of 2014.

22 Q Alright. And so to be clear, when that cell tower was
23 decommissioned did anyone from the cell tower company have an
24 easement or any contractual right to enter upon your property?

25 A No. It terminated upon decommissioning.

1 Q So after February of 2014, several months prior to this
2 June 2014 incident, would anyone from the cell tower company
3 have entered your property for any reason?

4 A They would not have, and they didn't have a key at that
5 point.

6 Q Alright. So in June, 2014, the cell tower was gone?

7 A Yes.

8 Q Do you remember that happening?

9 A That's correct. Now, upon reviewing this document.

10 Q Alright. And then there were no people coming in or out
11 of the property related to the cell tower for any reason?

12 A The cell tower had been decommissioned, the lease was
13 terminated, it was done.

14 Q Now, we're using this word decommissioned, it's got,
15 practically speaking the giant cell tower that was there, it
16 was there no more, correct?

17 A Correct.

18 Q Alright.

19 A That's correct.

20 Q So all that was left was the grass, is that correct?

21 A Yeah. Decommissioned is a word that was used by the cell
22 tower company, and basically, they said, we're abandoning,
23 we're abandoning this idea. We're going to put up a satellite
24 that holds these, and that's what is in the area now and that's
25 why the tower was taken down.

1 Q Alright. Now, I believe you were asked some questions on
2 cross about Rebecca Lagroon, your first ex-wife?

3 A Correct.

4 Q And I believe you testified you had some pictures of her
5 vehicle near your storage units, is that correct?

6 A It was caught on the video surveillance of the storage
7 units.

8 Q Do you recall from reviewing the video, now of the two
9 videos I'm talking about the June 17th surveillance video, what
10 type of vehicle was being driven in that video ---

11 A It was a white ---

12 Q --- was it, I'm sorry, go ahead, I cut you off.

13 A It was a white Cadillac Escalade.

14 Q Alright. And you can see the words Cadillac clearly from
15 the video?

16 A Yes, sir.

17 Q Did Rebecca Lagroon, your first ex-wife drive a white
18 Cadillac Escalade in 2014?

19 A No.

20 Q Alright.

21 MR. PEIL: No further questions, Your Honor.

22 THE COURT: Any recross?

23 MR. TINSLEY: Alright.

24 RE-CROSS EXAMINATION

25 BY MR. TINSLEY:

1 Q And you, this document that you used to refresh your
2 memory, that's a lawsuit that you filed against various cell
3 phone companies for causing damage at your own property?

4 A Yes and no.

5 Q Was that part of it?

6 A It's part of it, but it's not all of it.

7 Q Okay.

8 MR. TINSLEY: No further questions.

9 THE COURT: Ms. Merrill, any additional cross?

10 MS. MERRILL: No, thank you.

11 THE COURT: Alright. The witness may step down.

12 MR. LAGROON: Thank you, Judge. Your Honor, I've got
13 a ton of paper here and I don't want ---

14 THE COURT: Yeah. Let's ---

15 MR. LAGROON: I don't want to ---

16 THE COURT: Alright.

17 MR. LAGROON: I don't want to upset this young lady.

18 THE COURT: Everything else, you can leave there.

19 MR. LAGROON: Okay. I don't like Court reporters mad
20 at me.

21 MR. PEIL: My next witness is Deputy Scott Lewis. I
22 anticipate his testimony will be about a minute long.

23 THE COURT: Okay.

24 CLERK: Scott Lewis. Mr. Lewis, if you will please
25 raise your right hand, place your left hand on the Bible. The

1 evidence you should give the Court and jury upon the trial of
2 this case shall be the truth, the whole truth, and nothing but
3 the truth so help you God?

4 MR. LEWIS: Correct.

5 THE COURT: I'm sorry, I took your chair. You don't
6 have to stand.

7 DIRECT EXAMINATION

8 BY MR. PEIL:

9 Q How are you doing, sir?

10 A Fine.

11 Q I think you stated your name but state your name for the
12 record again.

13 A Scott Lewis.

14 Q Scott Lewis. What is it you do for a living, sir?

15 A I am Assistant Division Director with the Department of
16 Corrections; I've been there for 38 years.

17 Q You've been there 38 years. As part of your job, do you
18 sometimes independently serve papers on people?

19 A I do.

20 Q Alright. Now, in this particular case, Dr. Lagroon filed
21 suit, did he hire you to serve the papers on the Defendants in
22 this case?

23 A Correct.

24 Q Alright. Now, I think you filed an affidavit to that
25 effect. You served Crystal Suggs in this matter?

- 1 A Yes.
- 2 Q Alright. And you served Scott Suggs?
- 3 A Correct.
- 4 Q Alright. Now, there's little technicalities of legality
5 there, but I mean, who did you physically hand the paperwork
6 to?
- 7 A If I remember correctly, I believe it was to him.
- 8 Q To him meaning Scott Suggs?
- 9 A Correct.
- 10 Q Alright. Did Mr. or Mrs. Suggs say anything to you on
11 that day when you served the papers to them?
- 12 A At first no, she continued to look at me and I guess she
13 recognized who I was and as I was walking off ---
- 14 Q Let me interrupt you. You said recognize ---
- 15 A She knows me previously from working at the
16 bank.
- 17 Q Alright.
- 18 A So ---
- 19 A I had met her at the bank one time.
- 20 Q So you were familiar with who they were?
- 21 A Yes.
- 22 Q Okay. I'm sorry I interrupted you.
- 23 A So as I went to walk off, she made some comments to me, to
24 deescalate the situation I just went ahead and left from there,
25 got in my vehicle.

1 Q And I know I want to be polite, but she made some comments
2 to you?

3 A Correct. Do you want me to state the actual verbiage?

4 Q Let's do our best to maybe bleep it out if we have to.

5 A As I was walking off, Scott Lewis, you're nothing but a
6 POS, piece of, you hear me, you're a POS. And I just turned
7 and walked off and got in my vehicle and left.

8 Q Alright.

9 MR. PEIL: No further questions, Your Honor.

10 THE COURT: Cross examination?

11 MR. TINSLEY: Judge, I'm renewing what I did
12 beforehand, that's not an admission, I think that should be
13 stricken from the record.

14 MR. PEIL: Your Honor, it's a statement of a party
15 related to this lawsuit after she received service paperwork
16 from Dr. Lagroon.

17 THE COURT: Actually, it was, I'm sorry?

18 MR. PEIL: We could have a sidebar, but ---

19 THE COURT: Yeah, we'll do that. Hold on one second.
20 (Off the record.)

21 THE COURT: Alright. We went to cross. And the
22 basis of your objection is what again?

23 MR. TINSLEY: Rule 401, relevance ---

24 THE COURT: Yeah.

25 MR. TINSLEY: --- 403, unfair prejudice ---

1 THE COURT: Okay. I'm going to make a little bit
2 more record on this, so I'm going to send the jury back to the
3 jury room. Please don't discuss the case, I'll get you back
4 out here as soon as possible, okay? Please don't discuss the
5 case.

6 (Jurors exiting Courtroom.)

7 THE COURT: Alright. Mr. Suggs, yes, you may use the
8 restroom, just steer clear of the jury room. Alright. The
9 objection was under Rule 401 and 403. The testimony was that
10 when Mr. Lewis here served, I think, the summons and the
11 complaint on the Defendants that Ms. Suggs responded, you're a
12 POS, essentially, correct?

13 MR. PEIL: That's correct. If I may?

14 THE COURT: Yeah. And his objection was essentially
15 that it was inflammatory in violation of I guess 401 and 403.
16 How does this prove or not prove whether a trespass occurred?

17 MR. PEIL: Well, it doesn't. It has nothing to do
18 with the trespass, it has everything to do with punitive
19 damages in this case. I submitted prior to this case ---

20 THE COURT: But the only way you get the punitive
21 damages is through trespass ---

22 MR. PEIL: That's correct.

23 THE COURT: --- so they have to be somewhat
24 connected.

25 MR. PEIL: Oh, absolutely.

1 THE COURT: I mean, the fact that a person just
2 hypothetical, did something inflammatory or malicious separate
3 and apart from trespass, I don't think a green light should be
4 getting to punitive damages. Another witness in this case
5 could have hit the Plaintiff on the side of the head in a
6 grocery store and called him a jerk, that wouldn't necessarily
7 get, I'm just making up an example, but I'm just, now,
8 pretrial, or at least before we started the reference was made
9 that it was essentially a statement against interest, a
10 statement against interest by a party opponent which would
11 otherwise be admissible, but there wasn't any sort of admission
12 of liability or anything in that statement which tends to show
13 that this did or did not happen so ---

14 MR. PEIL: If I may, just ---

15 THE COURT: Yeah. Make your record, yes, sir.

16 MR. PEIL: I mean, I submitted proposed juror
17 instructions prior to this and the test for punitive damages is
18 recklessness signifies, and I'm reading directly from the
19 pattern jury charges, recklessness is a conscious indifference
20 to the rights of the Plaintiff or a reckless disregard for the
21 rights of the Plaintiff. Recklessness is an awareness of
22 wrongful conduct and a continuation to act regardless of
23 consequences. In this case, this woman was being served by a
24 process server a lawsuit from Dr. Lagroon, certified law
25 enforcement officer and decided to cuss at him. My burden of

1 proof in this case is higher for punitive damages and requires
2 clear and convincing evidence. And so in this case, you're
3 never going to prove it from a video or something like that, I
4 need to find testimony, I need to find acts of these
5 individuals. It's not hearsay because it's a statement of a
6 party, she can always take the stand and say Scott Lewis is
7 full of it, I never said that to him. But it does go to show
8 continuation to act regardless of consequences.

9 THE COURT: And refresh my memory, what is the date
10 of service of process in this case?

11 MR. PEIL: I don't know the date; it would have been
12 sometime after it was filed in 2017.

13 MS. MERRILL: If I may, Your Honor, just because I'm
14 holding the affidavit of service it appears it was July 21st,
15 2017, but there is only an affidavit of service that Scott
16 Suggs was served, it does not reference Crystal Suggs. And the
17 clerk and I were looking, but we can't find the affidavit of
18 service that indicates Crystal Suggs was served.

19 THE COURT: Okay. Well, the bottom line is that was
20 three years and, it's not three years, two years ---

21 MR. TINSLEY: Three years and a month, Your Honor,
22 you're exactly right.

23 THE COURT: But it was within a hundred ---

24 MR. TINSLEY: Yeah, that's right.

25 THE COURT: I caught myself. The service of

1 process occurred approximately three years and one month after
2 the incident in this case. Any other record from you on this,
3 Mr. Tinsley?

4 MR. TINSLEY: No, Your Honor, I think it's, I think
5 we've been pretty ---

6 THE COURT: Alright. I sustain the objection. If
7 that's the only testimony I'm going to hear, I find that it is
8 inflammatory, I'm sua sponte striking it from the record. I
9 don't think that's something for the jury to determine, I think
10 that's, invites undo prejudice toward a party that they called,
11 based on his testimony, called a process server, a member of
12 law enforcement a POS, that's just what the testimony said. It
13 has nothing to do with whether the trespass occurred or did not
14 occur three years and one month earlier, so I'll tell the jury
15 that that's my ruling on that. In light of that, we'll
16 continue with cross examination.

17 MR. TINSLEY: I don't have any cross examination.

18 THE COURT: Well, I need you to say that on the
19 record. Ms. Merrill, do you anticipate any cross examination?

20 MS. MERRILL: I don't, Your Honor.

21 THE COURT: Okay. Is that your last witness, by the
22 way?

23 MR. PEIL: That's the last witness.

24 THE COURT: Alright. Let's bring them back in,
25 please.

1 (Jury entering Courtroom.)

2 THE COURT: Alright. Mr. Foreman, ladies and
3 gentlemen, welcome back. When we left, direct examination had
4 just finished with this witness, we pivoted to cross
5 examination. Counsel for Mr. Suggs made an objection based
6 upon previous testimony. I have sustained that objection, I'm
7 also striking the testimony that you heard regarding a
8 statement made by a party in this case, I've struck it from the
9 record, I don't find it's relevant and it's not for you to
10 consider in any way in your role as a jury during this case.
11 Any other cross examination Mr. Tinsley?

12 MR. TINSLEY: No, Your Honor.

13 THE COURT: Ms. Merrill?

14 MS. MERRILL: No cross examination, Your Honor.

15 THE COURT: Any redirect?

16 MR. PEIL: None from the Plaintiff, Your Honor.

17 THE COURT: Alright. The witness is excused. Any
18 other witnesses?

19 MR. PEIL: No other witnesses, Your Honor.

20 THE COURT: Are you resting?

21 MR. PEIL: I, I made this mistake once, let me make
22 sure I have the exhibits into evidence prior to resting.

23 THE COURT: Okay. Well, do so now.

24 MR. PEIL: Yeah. If you don't mind, may I retrieve
25 the exhibits?

1 THE COURT: Yes, sir.

2 MR. PEIL: We can confer, but I believe tendered into
3 evidence are exhibits 1, 3, 6, and 7.

4 THE COURT: Okay. Does the Defense counsel concur?

5 MR. TINSLEY: That is my understanding ---

6 THE COURT: Alright.

7 MR. TINSLEY: --- and recollection as well, Your
8 Honor.

9 THE COURT: Alright.

10 MR. PEIL: With that, the Plaintiff rests, Your
11 Honor.

12 THE COURT: Alright. Very well. The Plaintiff has
13 rested their case, and now, I have to talk about additional
14 things with the attorneys. I'm going to send you back to the
15 jury room again, but I'll get you back out here shortly, okay?
16 Thank you. Please don't discuss the case.

17 (Jury exiting Courtroom.)

18 THE COURT: Anything from counsel?

19 MR. TINSLEY: Judge, I would make a motion for a
20 directed verdict.

21 THE COURT: Alright. What's the basis?

22 MR. TINSLEY: Alright. The elements to prove a
23 trespass are the Plaintiff must present evidence which
24 establishes *number 1*, that he was in legal possession of the
25 property, *number 2*, that the Defendant voluntarily entered upon

1 the Plaintiff's property, and number 3, that such entry was
2 made without the Plaintiff's permission. Number 1, the deed
3 downstairs which in deed book 203 at page 86 ---

4 THE COURT: Now, is that in evidence?

5 MR. PEIL: That is not in evidence, Your Honor.

6 MR. TINSLEY: I would ask the Court to take judicial
7 notice of what the Court record is.

8 THE COURT: Okay.

9 MR. TINSLEY: It shows that he deeded the property
10 to Sunny Day, LLC in 2006, and I heard no testimony from him
11 that, about any time between and him and Sunny Day, LLC, so
12 ---

13 THE COURT: I also didn't hear anything about it on
14 cross examination.

15 MR. TINSLEY: Correct. I mean, I think he's got to
16 establish his, the elements rather than, rather than me having
17 any obligation to either help him establish it or ---

18 THE COURT: Well, I thought he testified he owned the
19 property, did he not?

20 MR. TINSLEY: That's what his testimony was.

21 THE COURT: Okay. Well, I mean, fair enough, but
22 I've got sworn testimony that he says he owns the property, and
23 I didn't hear anything on cross examination anything to refute
24 that. Yes, it's his burden, but I mean, he told me he owned
25 it. I mean, that's a ---

1 MR. TINSLEY: I would just say I think the Court can
2 take judicial notice of a deed that's in the county record.
3 But then to the second element that the Defendant voluntary
4 entered upon the Plaintiff's property. He's got this video
5 that pops up after nine and a half years that on the face of it
6 is not near as clear as what he tried to testify to. You can't
7 tell any license plate number; you can't tell who it is. My
8 client was, you know, just very adamant that he was not, did
9 not set foot on that property either night. And then the third
10 element that such entry was made without the Plaintiff's
11 permission, he testified that he put them on trespass notice,
12 but the Court has seen, I mean, that's flimsy and I understand
13 we're just looking at the existence of evidence at this point.

14 THE COURT: Yeah. I mean ---

15 MR. TINSLEY: But there's no signed trespass notice,
16 no affidavit of service, so I would say he's failed in his
17 burden to prove that my client has trespassed onto real
18 property to where a rational jury could hold him responsible
19 for that. And then I'd also, to go ahead and protect my
20 record, would make, would move for directed verdict on punitive
21 damages. I understand that nominal damages, you know, are a
22 thing in trespass and to establish punitives, the Plaintiff
23 must show that my client acted willfully, wantonly, or reckless
24 disregard to the Plaintiff's rights. And here, as far as I can
25 tell for acts of damages, we heard some testimony about the

1 issue of the gate, saw no video, no photographs, anything
2 corroborating that. The testimony was it did \$1,500.00 to
3 \$1,700.00 worth of repair tops and that he had to resod this
4 one little area, so that, your actual damages are basically
5 nothing as far as I'm concerned. And it brings up some
6 Constitutional issues and it would address that a little bit in
7 that pretrial brief we submitted yesterday. The Mack case in
8 the Court of Appeals in 1995 said that there can be no punitive
9 damages without actual damages and then if you look at the
10 State Farm and the BMW of North America versus Gore cases from
11 the U.S. Supreme Court you really, and I know that that gets
12 into the reasonableness of the punitives, but there's got to be
13 a tie to actual damages, the Courts are clear on that. So I
14 don't think they've established the willfulness, wantonness,
15 and, or recklessness as well as the actual damages are so small
16 here I would ask the Court to direct the verdict on the issue
17 of punitive damages if the Court let's ---

18 THE COURT: Okay.

19 MR. TINSLEY: --- the trespass go to the jury.

20 THE COURT: Okay. Ms. Merrill, are you adopting Mr.
21 Tinsley's arguments as well?

22 MS. MERRILL: I am, Your Honor. And I would just add
23 as far as demonstrating that it was my client present, there's
24 no, I mean, I believe he testified you can't tell who is in
25 that car and maybe, I mean, he's alleging that it's Mr. Suggs

1 that gets out, supposedly, but you can't see in the car or tell
2 who's driving it and there's no proof that this is her car. So
3 I think on that second element I just want to add that, and
4 yes, I adopt his argument on the rest of it.

5 THE COURT: Like there is video of one person, but
6 there's not a video to confirm the presence of another.

7 MS. MERRILL: Well, I mean, it's clear that somebody
8 else is driving ---

9 THE COURT: Somebody's driving.

10 MS. MERRILL: Somebody's driving the car. I guess in
11 theory the driver could have gotten, you know, slid over to the
12 passenger's side and walked out of the passenger's side, but by
13 the Plaintiff's own testimony, you can't tell who is driving.
14 And I think the only way he can maybe slightly link it to
15 Crystal Suggs is, oh, she drives a car similar to that, but
16 there's no license plate noting that, there's no proof of what
17 kind of car she owned at that time or anything else that
18 connects that.

19 THE COURT: Okay. Mr. Peil?

20 MR. PEIL: I'll be brief, Your Honor. You know the
21 standard for a motion for a directed verdict is that no
22 rational juror could find for the Plaintiff in the case.
23 There's insufficient evidence that to submit it to the jury,
24 that no rational juror can find for the Plaintiff if they had
25 met their burden on this particular case. I called Scott Suggs

1 to the stand first and confirmed he is the owner with his wife,
2 Crystal Suggs, of a white Escalade and that he walks with a
3 limp. We have video showing a white Escalade and a man walking
4 with a limp, getting out of that Escalade on June 17th, 2014
5 when a trespass occurred. Dr. Lagroon testified he owned the
6 property, and I would note that the standard for trespass does
7 not require that the owner of the property have a simple title.
8 This is why if someone breaks into your house when you're a
9 renter, you can also charge them with trespass. Any sort of,
10 the word used in the statute is possession. And so in this
11 case, we've met all of the elements where a rational juror
12 could by a preponderance of the evidence, again, the lowest
13 standard seeing that the Defendants in this case, Scott and
14 Crystal Suggs, came onto his property without permission in the
15 middle of the night at 11 pm, clearly not there, passed the no
16 trespassing signs and caused damage. Now, I want to talk about
17 this issue of nominal damages versus actual damages.

18 THE COURT: Okay.

19 MR. PEIL: Nominal damages are exactly that, nominal
20 damages is when a Plaintiff takes the stand and testifies there
21 is no damage, but a tort occurred. And there's a jury
22 instruction for that that I've submitted to the Court. That's
23 a dollar, \$10.00, maybe a hundred dollars. In this case, Dr.
24 Lagroon provided actual testimony based upon his knowledge,
25 information, and experience as to what it costs to actually

1 repair the items that were damaged on his property. He had a
2 machine shop, he has expertise in this area, he went into quite
3 detail about, I forget the word he used, the disposable goods
4 or what was the word ---

5 THE COURT: Consumables.

6 MR. LAGROON: Consumables.

7 MR. PEIL: Consumables, consumable goods versus
8 others and he put a price tag based on something that was
9 within his ken of knowledge and he said \$1,500.00 to \$1,700.00
10 was the reasonable repair costs. He also wasn't going to lie
11 to the jury, he is a do it yourselfer, he didn't hire some
12 contractor to come in and do it, he suffered actual damage, he
13 had to pay for these materials but quantifying them doesn't
14 have necessarily an invoice. The Defendants are trying to hold
15 him to a beyond a reasonable doubt standard. There is enough
16 here with that video and the limping, a woman driving, and Mr.
17 Suggs' own testimony that they drive a white Cadillac ---

18 THE COURT: A person driving.

19 MR. PEIL: Yeah.

20 THE COURT: I don't know if you can see a woman
21 driving.

22 MR. PEIL: A person driving that a trespass occurred
23 at least on June 17th of 2014. Now, regarding specifically the
24 issue of punitive damages, note that several times I tried to
25 introduce evidence about the maliciousness of this. And I

1 understand the Court's position, I'm not relitigating that
2 issue, but someone does not show up on your property at 11 pm,
3 and they've been to that property five times previous, pull
4 around into a dark area and load up trash bags if they are
5 welcome there unless they are potentially trying to sneak onto
6 that property. I think an average juror can be, you can very,
7 very safely say this was a willful and reckless act that was
8 done clandestinely, they clearly did not, this isn't the
9 accidental trespass where I accidentally put a sprinkler head,
10 a foot over my neighbor's yard, I'm not being malicious. These
11 people came onto the property intentionally under cover of
12 night to try and abscond with possessions. I think if nothing
13 else, I mean, we've established by clear and convincing
14 evidence that we're entitled to punitive damages. I think it
15 would be error for this Cour to direct a verdict on that.

16 THE COURT: Okay.

17 MR. PEIL: Thank you.

18 THE COURT: Anything in response? Or rather reply,
19 excuse me.

20 MR. TINSLEY: Counsel for the Plaintiff does point
21 out it's a clear and convincing standard on the punitive
22 damages aspect and their whole proof is that he had a white,
23 his wife had a white Cadillac Escalade and this car, I don't, it
24 could be a white Escalade, but it may not be looking at that
25 video. And then the fact that the guy got out and had a limp,

1 I mean, there's a lot of people with limbs so I just, I don't
2 think they've met the burden to get that punitive damages
3 aspect to the jury.

4 THE COURT: Okay.

5 MR. TINSLEY: Thank you.

6 THE COURT: Ms. Merrill, anything else?

7 MS. MERRILL: The only thing I want to add is the
8 Plaintiff testified that he was deeded the property in 1985,
9 and just so we can put it as a Court's exhibit or our exhibit
10 for the parties' argument, the deed that shows that he actually
11 deeded it to a company in 2006 just so we could make a record
12 of that.

13 MR. PEIL: I would absolutely object to that, Your
14 Honor. That deed is not in evidence, I thought they were going
15 to make an issue, I was prepared ---

16 THE COURT: Well, wait a minute, they still, wait a
17 minute now. We've just finished the Plaintiff's case, I mean,
18 you can still put up a case if you so desire, I mean, you know,
19 we're not shutting down here. So ---

20 MS. MERRILL: And I'm just asking for it to be a
21 Court exhibit as part of the record for this argument, not
22 ---

23 THE COURT: Should a document be part of a Court
24 record, of course. Does that mean it's admitted into evidence
25 to the jury, of course not. But you know, if counsel wants to

1 make a Court exhibit of that water bottle, they can do so,
2 okay?

3 MS. MERRILL: And I meant to say Court exhibit, if I
4 misspoke and said Defense, I apologize, but I meant Court
5 exhibit for purposes of this argument only not to go back to
6 the jury unless we get it in otherwise.

7 THE COURT: And back to your point, I mean, look, you
8 still have your case to put up, but all I know is I didn't hear
9 any, I heard sworn testimony, and I heard nothing to the
10 contrary about whether he owned the property. And to your
11 point, Mr. Peil, I mean, I do think trespass allows possession
12 of the property, not necessarily the simple absolute title, so..
13 Anyways, let me take five minutes here.

14 MR. PEIL: Can I say one more thing I forgot
15 about?

16 THE COURT: What?

17 MR. PEIL: Thank you, Your Honor. Regarding, there
18 is a method to my madness, regarding the issue of punitives,
19 specifically. One of the things I asked Mr. Suggs in my case
20 in chief was regarding his deposition testimony. And I
21 specifically asked, she told me she was leaving, she being his
22 wife, Crystal Suggs, and I told her not to do it, that is in
23 the record. His testimony ---

24 THE COURT: I need more context on that.

25 MR. PEIL: So ---

1 THE COURT: What was the question about, I don't
2 know.

3 MR. PEIL: So that was the question. When we were
4 going through, this was after I asked him about the white
5 Cadillac Escalade proving ownership of their white Cadillac
6 Escalade, I said, you understand that Crystal went to the
7 property, she told me she was leaving, and you testified to
8 this, she told me she was leaving and I told her not to do it,
9 Didn't you testify to that, sir, and he confirmed that. So I
10 think that that testimony in particular shows that he knew his
11 wife was in possession of that white Cadillac Escalade, was
12 going to the property, and he knew it was wrong, he told her
13 not to do it, but she went anyway. So I think that that goes
14 to that element of willfulness.

15 MR. TINSLEY: My response to that is number 1, by his
16 testimony, he didn't go to the property on that night, so how
17 can anything be held against him. And number 2, I think the
18 reasonable, rational inference from that is we know this guy is
19 suing everybody in town, don't get involved with him, you're
20 just inviting a problem whether you do anything wrong or not.

21 THE COURT: Okay. Alright. Give me, I'll be quick,
22 I think. We're getting close to 4, I told y'all yesterday we'd
23 probably stop around 4, so let me get through this first, but
24 if there's testimony tomorrow, I can start first thing, but let
25 me talk with my law clerk.

1 (Off the record.)

2 THE COURT: Alright. This is what I'm going to do,
3 I'm going to deny the Plaintiff's directed motion as to
4 trespass. I'm going to look into punitive some more this
5 evening, I mean, whether I charge it or not tomorrow, just be
6 prepared either way.

7 MR. PEIL: Yes, sir.

8 THE COURT: I mean, frankly, you both have some good
9 points, and I just want to take a little bit of time not
10 holding y'all up.

11 MR. PEIL: Absolutely.

12 THE COURT: So I'll publish a ruling on that first
13 thing in the morning. You know, we're not in a General
14 Sessions Court, so I don't think you're tipping your hand, do
15 y'all intend to call witnesses tomorrow?

16 MR. TINSLEY: We're ---

17 THE COURT: I mean, it's, well, whatever you decide
18 is fine. If you don't, we'll proceed into closing arguments.
19 I intend to try to get the jury charge prepared and emailed out
20 tonight.

21 MR. TINSLEY: Okay.

22 THE COURT: I mean, it shouldn't be too terribly
23 long, just standard Civil Common Pleas charges plus trespass
24 and nominal damages and whatever is part and parcel with a
25 trespass cause of action. Any other specific charges that

1 y'all wanted me to, I know you submitted some, but a lot of
2 them are standard, so ---

3 MR. TINSLEY: We've got a brief one. I think his
4 probably covered everything that we're going to propose, but
5 I'll just hand it up, but I think everything is in his that
6 we're proposing.

7 THE COURT: Okay.

8 MR. PEIL: And for the record, everything I submitted
9 is straight out of the pattern, the South Carolina Pattern
10 Instructions on this so ---

11 THE COURT: The Pattern Instructions?

12 MR. TINSLEY: Judge Anderson's ---

13 MR. PEIL: Judge Anderson's ---

14 THE COURT: Oh, oh.

15 MR. TINSLEY: And that's where this came from too, so
16 I think these are included in his, but I'll just hand them up
17 to the Court for your review.

18 THE COURT: Yeah. Trespass, of course. Alright. I
19 think that's standard stuff, so I don't ---

20 MR. TINSLEY: I think so too.

21 THE COURT: Okay. So anyway, the DV motion is denied
22 on trespass, under advisement on punitives, okay?

23 MR. PEIL: Thank you, Your Honor.

24 THE COURT: I think what we'll do is bring them back
25 out here and send them home for the day.

1 MR. PEIL: What time do we want to meet up ---

2 THE COURT: That's what I'm trying to figure.

3 Typically, I'm an early person, but being here at 9:00's kind
4 of tough. Earliest I can start would be 9:30, and frankly, if
5 ---

6 MS. MERRILL: If we can do 9:30 then I can let the
7 Family Court Judge know because he may move that TPR trial to
8 tomorrow afternoon, so that's one reason I need to know ---

9 THE COURT: Okay. Let's just plan, for the record,
10 we'll start at 9:30 tomorrow. I don't expect a lot of traffic
11 here in McCormick County, I hope, so the jury should be here on
12 time. 9:30. Now, we might make some additional record before
13 we start the case if the Defense has witnesses they can
14 proceed, if not, we'll just move it into closing arguments, so
15 be prepared to go forward either way.

16 MR. PEIL: Yes, sir.

17 THE COURT: Anything else for the record today?

18 MR. PEIL: Nothing from the Plaintiff, Your Honor.

19 THE COURT: Let's bring the jury in here real quick.

20 MR. TINSLEY: Nothing else from us, Your Honor.

21 (Jury entering Courtroom.)

22 THE COURT: Alright. Mr. Foreman, ladies and
23 gentlemen, welcome back. The Plaintiff rested their case,
24 we're going to continue the trial tomorrow morning. I'd like
25 you in the jury room, I'd like you in this Courthouse ready to

1 go at 9:30 tomorrow morning and we'll conclude the trial
2 tomorrow. While you're home, when you leave here, please don't
3 discuss the case, please don't discuss the case with your
4 family or with your friends, don't do any independent research
5 of anything you've heard in this Courtroom. Just focus on what
6 comes from the witness stand and we'll conclude the case up
7 tomorrow. Y'all have a nice evening, we'll see you tomorrow,
8 please don't discuss, yes, sir, you have a question?

9 JUROR: Is, tomorrow will be the end, we go back into
10 the pool, is there any more the rest of the week?

11 THE COURT: You want us to find you another one? No.
12 Tomorrow you will finish your service, and we do not have
13 another trial this week, alright? Thank y'all, see y'all in
14 the morning.

15 (Jurors exiting Courtroom.)

16 THE COURT: I usually end with this, but we're going
17 to be in recess unless there's anything else I need to know?
18 Alright. See y'all in the morning, thank you.

19 (Whereupon the hearing ended at 3:57 pm.)
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CERTIFICATE OF REPORTER

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STATE OF SOUTH CAROLINA)
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COUNTY OF MCCORMICK)

I, the undersigned Lisa G. Amick, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the County of McCormick, South Carolina, on the 23rd day of April 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 10, 2024

Lisa G. Amick

Lisa G. Amick
Court Reporter

My commission expires: June 30th, 2025

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1 STATE OF SOUTH CAROLINA * COURT OF COMMON PLEAS
 *
 2 COUNTY OF McCORMICK * TRANSCRIPT OF RECORD
 *
 3 -----X
 ROBERT JAY LAGROON, *
 *
 4 Plaintiff, *
 *
 5 vs. * Case No. 2017-CP-35-00045
 *
 6 CRYSTAL AND SCOTT SUGGS, *
 *
 7 Defendant. *
 8 -----X

9 April 24, 2024
 10 Day 2 of 2

11 JURY TRIAL - VOLUME II

12 B E F O R E:

13 The Honorable Walton McLeod, Presiding Judge; and a
 jury.

14 A P P E A R A N C E S:

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 Attorney for the Plaintiff

16 R. Jamison Tinsley, Jr., Esq.
 17 Jane Hawthorne Merrill, Esq.
 Attorneys for the Defendants

24 Recorded by: DCRP Court Monitor Joseph Hoskins

25 Transcribed by: Bobbi Fisher, RPR
 SC Official Court Reporter III

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Defendant's Exhibit

No.	Description	ID.	REC'D
2	Photograph of Property	28	28
3	Photograph of Cell Tower Road and Gate	28	28
4	Photograph of Cell Tower Road and Gate	28	28
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Court's Exhibits

No.	Description	ID.	REC'D
1	Deed	6	6
3	Verdict Form No. 1	102	102

COURT REPORTER LEGEND

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Dash (--) Indicates an interruption in speech
Ellipses (...) Indicates trailing off in speech
(ph) Indicates phonetic word
[Verbatim] Indicates the word is said as written
(Indiscernible)[Transcription] Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

(The following proceedings started at 9:43 a.m.:)

MOTION/MATTER OF LAW

1 THE COURT: Okay. When we left yesterday, I had
2 indicated I wanted to at least think a little bit more about
3 the issue of punitive damages. And under the circumstances,
4 you know, I -- what I'm here to do is decide if there's
5 evidence of any sort of cause of action or damages to put to
6 the jury, and the more I thought about it, I found myself
7 weighing the evidence I heard during the trial. The safe bet
8 for me is just to go ahead and allow the charge for punitive
9 damages, and then we'll -- if there's an issue with that, I
10 can always take it up after the trial, depending on what
11 happens, if anything. So I will charge them both.

12 Does the defense plan to put up any witnesses?

13 MR. TINSLEY: Yes, Your Honor. And Ms. Merrill or
14 Crystal Suggs is going to put her case up before my client.

15 THE COURT: Okay. All right. And, obviously, if y'all
16 put up a case, we'll address this again when we close your
17 evidence. Okay?

18 All right. Y'all ready to proceed?

19 MR. PEIL: Yes, sir, Your Honor.

20 MS. MERRILL: Your Honor, if I can just --

21 THE COURT: Oh, yes, ma'am.

22 MS. MERRILL: And I'll show this to the defense
23
24
25

1 [indiscernible] Court's exhibit --

2 THE COURT: Okay.

3 MS. MERRILL: -- for ID purposes, not to go back to the
4 jury.

5 MR. PEIL: This is the deed? Okay, yes.

6 MS. MERRILL: Can we have that as Court's Exhibit 1,
7 please.

8 (Court's Exhibit No. 1, Deed, was marked for
9 identification.)

10 MR. TINSLEY: Judge, one more thing that's probably good
11 for me to go ahead and put on the record.

12 THE COURT: Yes, sir.

13 MR. TINSLEY: Yesterday, regarding Plaintiff's Exhibit 1,
14 which is the unsigned trespass notice, we had a sidebar in
15 which I objected, saying that the best evidence rule should
16 keep it out since she testified there was a signed copy and
17 that wasn't being admitted. So I just wanted to put that --
18 that sidebar conversation on the record.

19 THE COURT: Sure. Yes, sir.

20 MR. PEIL: If I may, Your Honor, if you remember,
21 Dr. Lagroon testified that he can go home in 15 minutes and
22 locate it. He did. I do have that document.

23 THE COURT: Do you want to show that to defense counsel?

24 MR. PEIL: Yes, sir.

25 THE COURT: Now --

1 MR. TINSLEY: Judge, I would note, it was never
2 disclosed. It was unsigned and disclosed to us in discovery.
3 There's nothing that prevented him from going on and signing
4 it, so...

5 THE COURT: Yeah.

6 MR. PEIL: I mean, which is certainly an argument they
7 can make.

8 THE COURT: Yeah, I think, because it is a -- certainly,
9 that's true. It's a -- a letter that the plaintiff says
10 was -- that he wrote, that he served, that he provided notice.
11 If it were a letter from another person regarding another
12 tangential matter, I think the best evidence would be a lot
13 stronger argument. I think, under the circumstances, the
14 letter is what he testifies it is. But your objection is
15 noted. It's just admitted subject to objection.

16 All right. Anything else before we bring in the jury?

17 MR. TINSLEY: No, Your Honor.

18 THE COURT: All right. Let's bring them in, please.

19 (The jury entered the courtroom at 9:47 a.m.)

20 THE COURT: All right. Mr. Foreman, ladies and
21 gentlemen, welcome back. Hope you had a nice evening.

22 When we left yesterday, we had -- the plaintiff had
23 rested their case. We'll now have the opportunity to hear the
24 defendants present their case.

25 Ms. Merrill?

1 MS. MERRILL: Thank you, Your Honor. I call Becca
2 Lagroon.

3 THE COURT: Very well.

4 THE CLERK: Ms. Lagroon, if you would, please, raise your
5 right hand and place your left on the Bible.

6 BECCA LAGROON,
7 after having been duly sworn, was examined and
8 testified to as follows:

9 COURT MONITOR: Could you state your name for the record.

10 THE WITNESS: It's Becca Eloise Lagroon.

11 THE COURT: Ms. Lagroon, just -- we'll need you to speak
12 up so everyone can hear you. Okay? Thank you.

13 DIRECT EXAMINATION

14 BY MS. MERRILL:

15 Q Good morning. Please introduce yourself to the jury.

16 A I'm Becca Lagroon. I am the daughter of Jay Lagroon.

17 Q And that's the plaintiff in this case; is that right?

18 A Correct.

19 Q And were you living with your father in June of 2014?

20 A We were.

21 Q Okay. When you say "we," who is "we"?

22 A I have a brother. He's one year older. Daniel Lagroon
23 and myself were living with him.

24 Q Okay. And how old would you have been in June of 2014?

25 A I was 14.

1 Q Okay. And so do you know Crystal Suggs seated over here
2 at the defense table?

3 A Yes. She was a family friend.

4 Q She was a family friend. Okay.

5 And was there an occasion in June of 2014 -- around
6 June 17th where Ms. Suggs came and you put some things in her
7 car?

8 A Yes.

9 Q Okay. When she did that, did she come to your dad's
10 house?

11 A No.

12 Q Where was she?

13 A She was at the roadway on the east side road to our cell
14 tower where we met her.

15 Q Okay.

16 MS. MERRILL: Your Honor, may I approach with Plaintiff's
17 Exhibit -- is it 3?

18 MR. PEIL: 3.

19 MS. MERRILL: I believe it's 3. It's the -- may I
20 approach?

21 THE COURT: Yes, ma'am.

22 And the witness can stand up if she needs to.

23 BY MS. MERRILL:

24 Q All right. So looking at Exhibit 3, is that a house?

25 A It is.

1 Q Okay. And is that kind of by the main driveway?

2 A Yes. That's the house driveway.

3 Q Okay. What did y'all call this right here?

4 A The cell tower road.

5 Q The cell tower road. Okay.

6 And when Ms. Suggs came to your -- for you to put things
7 in her car, where did she park?

8 A She was over here.

9 Q And when you're pointing, you're pointing at the roadway?

10 A Yes.

11 Q Near the cell tower road?

12 A Yes. We always met her right there.

13 Q Okay. And was there a gate at the end of that road?

14 A Yes.

15 Q And did she go past the gate?

16 A No.

17 Q So was she on the roadside of the gate?

18 A Yes. She was always there.

19 Q And when I say "road," I'm talking about the main road.

20 A Yes.

21 Q Not the cell tower road.

22 A Correct.

23 Q Is that where she was?

24 A Yes.

25 Q Okay. And did you and your brother take some things --

1 you may have a seat.

2 Did you and your brother take some things to her car late
3 one evening?

4 A We did, yes.

5 Q Okay. And then, the next evening, did Ms. Suggs come and
6 pick you up and take you to your mother's house?

7 A She did.

8 Q Okay. And, on that evening, where was she parked?

9 A The same place. Right on the road.

10 Q Okay. Do you recall if your father had cameras in June
11 of 2014?

12 A There was no property cameras, from my knowledge.

13 Q Okay. What about even on the -- again, I'm going to show
14 you Exhibit 3. So that's the house. What is that building
15 right there?

16 A That's our shop.

17 Q Okay. Do you know if he had cameras on that shop?

18 A Not from my knowledge.

19 Q Okay. At any time when you and your brother were
20 interacting with Ms. Suggs, did she come onto the property?

21 A No. We were --

22 Q Did she come --

23 A No.

24 Q Did she come near that building at all?

25 A No, mm-mm. That would have jeopardized everything we

1 were trying to do.

2 Q Repeat that, please.

3 A That would have really jeopardized what we were trying to
4 do in leaving.

5 Q What were y'all trying to do?

6 A We were trying to leave due to the abuse we suffered.

7 THE COURT: Okay.

8 MR. PEIL: Objection, Your Honor. Relevance.

9 THE COURT: Sidebar.

10 BENCH CONFERENCE

11 (A bench conference was held off the record and outside
12 of the hearing of the jury.)

13 BY MS. MERRILL:

14 Q Okay. Without telling us the reasons why, I just wanted
15 to clarify that you were just trying to leave your father's
16 home; is that correct? Without telling us why ---

17 A Yes.

18 Q --- that's what you were trying to do?

19 A Yes, mm-hmm.

20 Q With your brother; is that right?

21 A Correct.

22 Q Okay.

23 THE COURT: Also, just for that -- there was an objection
24 there. That objection was sustained.

25 MR. PEIL: Thank you, Your Honor.

1 BY MS. MERRILL:

2 Q Other than these two days in June where you met Ms. Suggs
3 on the road, did you have any other interactions with her with
4 just you and your brother?

5 A No.

6 Q Okay.

7 MS. MERRILL: Beg the Court's indulgence.

8 That's all the questions I have.

9 THE COURT: All right. Cross, Mr. Peil?

10 CROSS-EXAMINATION

11 BY MR. PEIL:

12 Q How are you doing today, Becca?

13 A I'm okay.

14 Q I understand testifying is stressful.

15 Have you had a chance to discuss this case with Crystal
16 Suggs?

17 A No, not until I was subpoenaed.

18 Q Not until you were subpoenaed?

19 A Yeah.

20 Q Okay. So over the past day or so, you have had a chance
21 to discuss this matter with Ms. Suggs?

22 A Today, yes.

23 Q In preparation for your testimony this morning?

24 A Yes. I have talked to her this morning.

25 Q All right. Are you aware --

1 THE COURT: Can everybody hear her? Okay. I'm sorry.
2 Thank you.

3 BY MR. PEIL:

4 Q Are you aware that Ms. Suggs has given very different
5 testimony as to what occurred than what you just testified to?

6 MR. TINSLEY: Objection to pitting the witness, Your
7 Honor.

8 THE COURT: Yes. Sustained. You can ask her questions,
9 but...

10 BY MR. PEIL:

11 Q All right. So let me ask it this way: Did Ms. Suggs
12 come onto the Smith property to help you load up your
13 belongings?

14 A Is that beside the property?

15 Q I don't know. Do you know there's neighbors to the north
16 named Smith?

17 A I don't know the neighbor.

18 Q You don't know that. Okay.

19 Are you aware if she came onto that property to help load
20 up bags for you to leave your father's home?

21 A No, I don't know.

22 Q All right. Well, I want to make sure I understand this
23 correctly. Your testimony is that, on June 17th, you and your
24 brother went down to the gate to load up your belongings into
25 Ms. Crystal Suggs' vehicle; is that correct?

1 A We went past the gate.

2 Q Well, past the gate, whatever. Out onto the highway.

3 A Correct.

4 Q Okay. And that was June 17th and you were just loading
5 things up; is that correct?

6 A We left them. I -- I don't remember her being there, to
7 be honest.

8 Q I mean, do you remember that you had loaded your
9 belongings into trash bags?

10 A Yes, mm-hmm.

11 Q And there were about three trash bags worth of
12 belongings?

13 A I guess. I don't know -- remember.

14 Q So I want to make sure I understand your testimony that
15 you and your brother helped load them into Ms. Suggs' white
16 Cadillac Escalade?

17 A I don't remember that.

18 Q You don't remember that?

19 A Mm-mmm.

20 Q Have you been shown the video in this case taken on the
21 property?

22 A Yes.

23 Q You have?

24 A Mm-hmm.

25 Q All right. You had a chance to review it?

1 A Mm-hmm.

2 Q Having seen that video, do you recall now that Ms. Suggs
3 and Mr. Suggs --

4 MR. TINSLEY: Objection, Your Honor. There's been
5 multiple videos put in. We don't know which video. I think
6 it's just clarification on what [indiscernible].

7 THE COURT: All right. Counsel, you can clarify which
8 video you're referring to? And if you need to show it, you
9 can do that as well.

10 MR. PEIL: Thank you, Your Honor.

11 BY MR. PEIL:

12 Q Have you seen the video of a gentleman loading three
13 trash bags into the back of a white Cadillac Escalade?

14 A No.

15 Q You have not seen that?

16 A Uh-uh.

17 MR. PEIL: All right. Your Honor, if I may have a
18 moment.

19 THE COURT: Sure.

20 (Pause in the proceedings.)

21 BY MR. PEIL:

22 Q Before I get into this, I just want to ask you two
23 questions and then I'll show you the video. At the time this
24 happened, I believe it was your testimony that you were 14
25 years old; is that correct?

1 A I was.

2 Q All right. And so that was about ten years ago?

3 A Correct.

4 Q Okay. And you did live in the home with you and your
5 brother?

6 A Correct.

7 Q And you said they were family friends. Had you had
8 interactions with Crystal and Scott Suggs?

9 A Yeah, they always came over for parties or different
10 things or whatnot with my dad.

11 Q All right. And so you had seen them in the house?

12 A Not any time close to that.

13 Q Well, I'm just asking. I mean, and here's what I'm
14 getting at, maybe this will be -- I mean, you can pick the two
15 out of a lineup? You had seen them?

16 A Yes.

17 Q All right. Had you had interactions with them? Had you
18 spoken to them?

19 A I mean, yes. They used to come over all the time.

20 Q Sometimes my parents brought friends over and I didn't
21 talk to them, so I'm just asking specifically ---

22 A Oh, no, we ---

23 Q --- had you --

24 A --- went over to their house very regularly. They helped
25 us with our dogs. We know them very well.

1 Q About how long had you lived with your father?

2 A A while. Since I was probably eight maybe.

3 Q Since you were eight? All right.

4 A Yes.

5 Q And would it be fair to say that this is kind of a unique
6 property? It doesn't look like a house you'd see in the
7 suburbs?

8 A I mean, we had two houses up there and a shop. I don't
9 really know. It's a country home.

10 Q It was a country home.

11 A Yeah.

12 Q You had a cell tower at one point?

13 A We did.

14 Q In June, that cell tower had already been deconstructed
15 at that time, and there was no cell tower at that time;
16 correct?

17 A I don't remember, to be honest.

18 Q All right. And your father ran his dental practice out
19 of the main house?

20 A Yes.

21 Q Okay. So you had a machine shop. I think there's some
22 sort of other building there.

23 A We had a guest house.

24 Q A guest house.

25 A That was the main house before the large house was built.

1 Q All right. Do you recognize this portion of your
2 father's property?

3 A No.

4 Q All right. So I'm going to show you Plaintiff's Exhibit
5 6. Let me ask this: In 2014, did Scott Suggs walk with a
6 limp?

7 A I don't remember. I know he's had a limp from an
8 accident, but...

9 (Video plays.)

10 Q So my question then: This is -- you're saying this is
11 the first time you have seen this video?

12 A Yeah.

13 Q Okay. Now, having seen the video, let me ask you again.
14 Do you think that -- again, it was ten years ago -- that
15 Crystal and Scott Suggs may have driven a white Cadillac
16 Escalade at that time?

17 A They did drive an Escalade, but that never happened.

18 Q That never happened ---

19 A No.

20 Q --- what you saw in the video? Okay.

21 A That never happened.

22 Q All right. So I want to make sure I understand. You did
23 confirm that you and your brother had loaded your belongings
24 up into trash bags; correct?

25 A We did, yes.

1 Q Do you think, sitting here today, maybe it's possible
2 that that first night you and your brother did not meet Scott
3 and Crystal?

4 A We went to the road and dropped our belongings off.
5 That -- I don't know where that came about.

6 Q Okay.

7 MR. PEIL: All right. I have no further questions.

8 THE COURT: Any redirect? Or, actually, you get cross, I
9 guess, now too, yes.

10 MR. TINSLEY: Yes, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. TINSLEY:

13 Q So there were two different nights. The first night, you
14 and your brother took the items to the road and dropped them
15 off.

16 A Mm-hmm.

17 Q Is that a yes?

18 A Yes.

19 Q Okay. And then, the second night, you and your brother
20 got in the car with Crystal?

21 A Correct.

22 Q Was Scott Suggs there either night?

23 A No.

24 Q And if your dad had security cameras on that property
25 back then, would you have known about it?

1 A Yes.

2 Q And why would you have known about it?

3 A Because we -- I probably would have helped him set up.
4 Me and my brother did everything around the house, all the
5 yard work.

6 Q And there was another video where your ID was found in
7 the yard. Are you familiar with that?

8 A About the video or...

9 Q About your ID being found --

10 A No, mm-mmm.

11 Q Okay. Have you seen that video?

12 A Yes.

13 Q Okay. And were you in school on June 17th and 18th of
14 2014 or were you on summer vacation?

15 A We were on summer vacation at that time when this
16 happened.

17 Q Okay. Did you lose your school ID while -- on either of
18 those nights?

19 A I mean, we didn't have any belongings other than the
20 trash bags. Like, I didn't have a purse or anything. I don't
21 remember carrying anything of that sort on me.

22 Q Okay. Do you know whether you lost it that night or not?

23 A No. We were in such a hurry to leave, we didn't...

24 But we weren't carrying -- all my belongings were taken
25 most of the time, so...

1 Q You mean when you took the belongings the night before?

2 A I had a purse stolen before in the summer. One of them
3 took it, my stepmom or my dad, that had my grandmother's
4 pendant on it. So I probably didn't have anything of an ID
5 sort on me, to be honest.

6 Q Okay. You think the ID was in your purse?

7 A It's possible. I don't remember. But we didn't carry
8 any kind of purses or phones or anything with us when we left.

9 Q Okay.

10 A All we had was that trash bag.

11 Q Was the ID in that trash bag?

12 A I don't remember having it.

13 Q Okay.

14 MR. LAGROON: I don't have any further questions. Please
15 answer any questions Ms. Merrill has.

16 THE COURT: Redirect?

17 MS. MERRILL: No redirect, Your Honor.

18 THE COURT: Okay.

19 MR. PEIL: Briefly --

20 THE COURT: Well, no, no, I don't -- I think we have gone
21 through, and there's no redirect so there shouldn't be any
22 recross.

23 MR. PEIL: Well, I mean, I can cross based on the
24 questions that he just asked; correct?

25 THE COURT: I don't -- I don't do a lot of cases with two

1 defendants. I don't think that's right. Y'all come here.

2 BENCH CONFERENCE

3 (A bench conference was held off the record and outside
4 of the hearing of the jury.)

5 THE COURT: All right. Both attorneys have had the
6 opportunity to cross-examine. There wasn't a redirect
7 examination, therefore, the witness is excused.

8 You may step down.

9 Next witness?

10 MS. MERRILL: Your Honor, can we possibly have just a
11 minute for my co-counsel and I to talk briefly out here?

12 THE COURT: All right. Ladies and gentlemen --

13 MS. MERRILL: Can I take just a second?

14 THE COURT: Well, let's take five minutes, because I
15 don't want --

16 MS. MERRILL: Okay.

17 THE COURT: So we'll take a very short recess. Head on
18 back to the jury room. Do not discuss the case, and I'll get
19 you back out here in a few minutes. Thank you.

20 (The jury exited the courtroom at 10:09 a.m.)

21 (A recess was taken from 10:09 a.m. to 10:19 a.m.)

22 (The jury entered the courtroom at 10:19 a.m.)

23 THE COURT: All right. Welcome back, ladies and
24 gentlemen. We'll just pick up where we left off as we
25 continue the defendant's opportunity to present their

1 case-in-chief.

2 Mr. Tinsley?

3 MR. TINSLEY: I'll call Scott Suggs to the stand.

4 THE COURT: Very well.

5 Mr. Suggs, you were sworn yesterday. You remain under
6 oath now. Do you understand that?

7 THE WITNESS: Yes, sir.

8 THE COURT: Very well.

9 SCOTT SUGGS,

10 after having been previously duly sworn, was
11 examined and testified to as follows:

12 DIRECT EXAMINATION

13 BY MR. TINSLEY:

14 Q Mr. Suggs, you testified yesterday that you lived in
15 McCormick for how many years?

16 A Approximately 37.

17 Q And so are you familiar with the Lagroon property over on
18 Highway 7?

19 A Yes, sir.

20 Q All right. And how long have you been familiar with that
21 property?

22 A I'd say 25, 30 years.

23 Q Okay. All right. I'm going to hand you some documents
24 marked as a defendant's exhibit. The first one is dated
25 February 2008. Does that picture look accurate to how that

1 property looked in 2008?

2 A Yes.

3 Q All right. And would you describe to us what you see as
4 far as what part of the property that is?

5 A It's the front yard, the front right part facing the
6 house, looking up the cell tower road with two pieces -- two
7 gates looking red in color.

8 Q And those gates -- is that the cell tower road gates
9 they're on?

10 A Yes, sir.

11 Q Anything else of note?

12 A No.

13 Q Okay. And the second picture, which was made in
14 September of 2009, is it an accurate depiction of how that
15 property looked back at that time?

16 A Yes, sir. Grewed up a little bit vegetation, a little
17 bit more.

18 Q Okay. Otherwise, it's pretty much the same?

19 A Yes.

20 Q All right. I'm going to hand you a third image dated
21 March 2021. Is this picture an accurate depiction of how the
22 property looked at that time?

23 A Yes. Trees growing up. A rope gate. And I believe they
24 were growing the trees up to cover up the house.

25 Q Can you still see the house in that picture?

1 A No.

2 Q All right. I'm going to hand you a fourth one dated May
3 of 2023.

4 A A lot of trees. When I say "trees," small trees. A lot
5 of shrubs, you know...

6 Q How would you describe the vegetation?

7 A I mean, it's like wild -- like a clear-cut after it's
8 cut, and then, after two years or three years, it grows up
9 naturally. And it's a lot of trees on the right and left
10 going up the tower road.

11 Q Okay. And what's the gate like at that point?

12 A A rope gate.

13 Q All right. Now, I'm going to hand you the fifth picture,
14 which is an overhead shot from 2023, which is, I believe, the
15 same one we have been looking at. Does that look accurate to
16 you?

17 A Yes. That was exactly that way.

18 Q All right. Is it pretty consistent with the previous
19 picture?

20 A Yes.

21 Q All right. Handing you the sixth one, which, on the
22 right side picture is the overhead we have been looking at,
23 and the left is an overhead that says it's from 2021. Is that
24 2021 we're looking at here?

25 A Yes.

1 Q All right. Is there anything of note in the 2021
2 picture?

3 A This is a lot more vegetation, you know, growing.

4 Q In which one: '23 or '21?

5 A '23.

6 Q Okay. All right. Can you see the gate?

7 A I can't see that gate from that aerial.

8 Q Okay. All right. And now the 2017 overhead is on your
9 left, on this one.

10 A Yes.

11 Q Is that accurate?

12 A Yes, that's accurate.

13 Q Okay. Is there anything of note -- of difference in that
14 picture from '21 and '23?

15 A '23, it's grewed up a lot more.

16 Q How does 2017 compare to '21?

17 A 2017, I mean, there's -- there's nothing -- nothing -- no
18 trees or vegetation in there.

19 Q Okay. All right. And, finally, 2006. Is that accurate
20 for how the property looked back then?

21 A From what I can remember, that looks just like it looked
22 back then.

23 Q And how would you describe the vegetation there?

24 A There's no vegetation. It was clean. It was groomed.

25 Q Thank you.

1 MR. TINSLEY: Your Honor, I would move to enter
2 Defendant's -- I believe they're 2 through 9 into evidence.

3 THE COURT: Without objection?

4 MR. PEIL: I have no objection.

5 THE COURT: All right. That's Plaintiff's -- excuse me,
6 Defendant's Exhibit 2 through 9 admitted into evidence.

7 (Defendant's Exhibit Nos. 2 through 9, Photographs of
8 Property, was premarked for identification and received into
9 evidence.)

10 BY MR. TINSLEY:

11 Q Mr. Suggs, how many times have you been to that house
12 through the years socially?

13 A There's so many times. Like, they would go on hunting
14 trips out West, and we would take care of their dogs. We'd go
15 there every day, feed them. And they might be gone two to
16 three weeks.

17 Q When you say "they," who are you talking about?

18 A Talking about Mr. Lagroon and his children. Sometimes
19 Kelli. Sometimes Kelli would stay there. But the next year,
20 if they went hunting, we would go up there, take care of their
21 dogs, get their mail, whatever.

22 Q Did you consider the Lagroons friends?

23 A Back then I did.

24 Q Okay. And Plaintiff's Exhibit No. 1, the trespass
25 notice, do you need to take a look at that? Are you familiar

1 with that document?

2 A I'm not really familiar with it.

3 Q Okay. I'm going to hand you this document that was put
4 into evidence entitled, "Trespass Notice, May 26, 2014" and
5 let you look at it.

6 A It was never handed to me.

7 Q Have you ever seen that document?

8 A Never.

9 Q Okay. Were you ever told by Dr. Lagroon not to come back
10 to his house?

11 A No.

12 Q Anybody tell you on his behalf not to come back to his
13 house?

14 A No.

15 Q Was there ever any altercation with you or your wife
16 getting belligerent out there?

17 A No.

18 Q And you have seen this video of a white SUV or a
19 white-colored SUV in the yard that's in evidence?

20 A (No audible response.)

21 Q Is that a yes?

22 A Yes, I have seen the video. Yes.

23 Q Okay. Is that you?

24 A No.

25 Q All right. Tell us how you know that's not you.

1 A Well, we weren't ever up there. I would never -- I
2 wasn't there to go and have the video of me or whoever. I
3 mean, it had to be fabricated.

4 Q All right. So this video was made June 17th, 2014.

5 A Yes.

6 Q It's a little after 11:00 at night. Were you over there
7 at that point?

8 A No.

9 Q All right. And what type of hours do you work
10 [indiscernible]?

11 A We go to work 8:00. Work till probably 5:00, maybe 6:00,
12 Monday through Thursday, and then, Friday, we take off a
13 little early.

14 Q All right. Is June a pretty busy time of year for you?

15 A Very busy.

16 Q What time are you usually going to bed then?

17 A I might go -- I go to bed with the chickens. 8:30, 9:00.

18 Q Okay. And you're sure this man or this person limping on
19 this video, are you sure that's not you?

20 A Positive.

21 Q All right. Tell us how you're positive.

22 A Because I wasn't there.

23 Q Okay. Do you think that limp is consistent with the limp
24 you had ten years ago?

25 A Well, it looked like a shorter man. It looked like a

1 heavier man. And if you look at the height of the person, I'm
2 taller than that.

3 Q All right. And how did you -- was your limp ten years
4 ago compared to how you walk now?

5 A I didn't have a bad limp then.

6 Q Okay.

7 A Just more recent in the past -- this past year when I
8 broke it. It grew back three inches shorter than the other
9 one.

10 Q And that was from a tree --

11 A Tree accident.

12 Q Tree accident. Okay.

13 How about the back of the shoes on that video of the man?
14 Did anything stand out to you about that?

15 A Looked like they were reflector jogging shoes. And I
16 would never buy anything like that.

17 Q Okay. Now, back to the gate. You saw the red gate in, I
18 believe, it was 2009 -- '08 and '9 and then a rope gate later
19 on. Are you familiar with how the gate has changed through
20 the years over there?

21 A Yeah. I ride by it many times during the day. I don't
22 live far down the road, and I work right across the street,
23 and I have noticed different gates. One was a red gate. One
24 was a two-piece gate. One was a rope gate. And now, there's
25 a black gate.

1 Q How long has that black gate been there?

2 A I think this was put up there this past year.

3 Q Okay. I don't have any further questions. Please answer
4 any questions Mr. Peil has.

5 THE COURT: Cross-examination?

6 CROSS-EXAMINATION

7 BY MR. PEIL:

8 Q How are you doing today, Mr. Suggs?

9 A I'm doing fine.

10 Q All right. So if I remember right, you met Dr. Lagroon
11 the first time walking through the woods. I think that was
12 your testimony; correct?

13 A Yeah, deer scouting.

14 Q Yeah, you were deer scouting, and you walked onto his
15 property and you had some sort of confrontation?

16 A No, I didn't walk on his property. I was on a logging
17 road, and he come over and let me know where the boundaries
18 were.

19 Q I see. And do you remember what portion of that property
20 it was?

21 A It was across the street.

22 Q Okay. So it was not on Dr. Lagroon's property?

23 A No.

24 Q We're not here about a trespass back then.

25 A No.

1 Q Out of curiosity, when was that? Was that, like, 2009?
2 2010?

3 A It was probably 1990 approximately.

4 Q 1990? So a long time ago.

5 A Yeah.

6 Q So you have known of Dr. Lagroon for quite a while; is
7 that fair?

8 A Yes.

9 Q All right. And I think, when we talked about it before,
10 it would be fair to say you started off as acquaintances and
11 then became so-called friends?

12 A Yes. I worked with his mother-in-law. I worked with his
13 ex-wife. And that's pretty much -- and I went -- and he did
14 some dental work on me.

15 Q That's right. I think you testified to that. You got
16 some teeth pulled, I think is what you said?

17 A Yeah.

18 Q Okay. I just want to make sure I understand your
19 testimony correctly. You're saying that was not you depicted
20 in that video?

21 A No.

22 Q And you did not step foot on Lagroon property on June
23 17th of 2014?

24 A I did not.

25 Q All right. Have you ever had any conversations with

1 Dr. Lagroon about the cameras on his property?

2 A No.

3 Q All right. So sitting here today, you have no knowledge
4 whether there are any cameras on his property back in June of
5 2014?

6 A He had a -- he had a -- he has a water meter out in front
7 of his house, and the people -- the bushhog beside the road
8 have hit it and broke it, and he told me he had a camera on
9 that.

10 Q When was that?

11 A Long time ago.

12 Q Would it be fair to say you probably have not had social
13 interactions with Dr. Lagroon since 2014?

14 A No.

15 Q That's not fair to say? Maybe that was a bad question.

16 A That's fair to say.

17 Q That's fair to say. All right.

18 So this conversation about the camera on the bush hog,
19 that probably would have occurred prior to 2014?

20 A Before that.

21 Q Before that. Okay.

22 Are we talking a year or two before? Ten years before?

23 A I don't know.

24 Q All right. But sometime prior to 2014, he had talked to
25 you about a camera on his property?

1 A Yes.

2 Q All right. I guess I want to ask about this. In this
3 case, you and your wife, Ms. Suggs, submitted discovery
4 responses. Do you remember doing that?

5 A Just -- just the what?

6 Q In this case, you and your wife, Ms. Crystal Suggs,
7 submitted discovery responses; is that correct?

8 A Discovery responses?

9 Q Yes. Yeah, do you recall doing that?

10 A What is that?

11 Q Well, let me ask that question. Do you recall submitting
12 discovery responses? If not, I can go ahead and try and
13 refresh your memory. Do you recall doing discovery responses?

14 A Is that the photographs?

15 Q Let me do it this way.

16 MR. PEIL: May I approach, Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. PEIL:

19 Q I'm showing you what's marked for identification as
20 Plaintiff's Exhibit 2. Let me ask it this way: Do you recall
21 going over this document in your deposition, sir?

22 A Yes, sir.

23 Q And I believe I asked you at some point in that
24 deposition to review and make sure all of your responses were
25 correct, and you may have observed one or two things, but for

1 the most part, everything that's contained in this document
2 was your true and accurate answers to these questions. Would
3 that be fair?

4 A As I recall.

5 Q All right. So one of the things that you were asked was
6 to set forth either a summary sufficient to inform the other
7 party of the important facts known to or observed by such
8 witness or provide a copy of any written or recorded
9 statements. Do you recall giving information about potential
10 witnesses in this case?

11 A No, I don't recall.

12 Q All right. So I'm going to read you a portion of your
13 sworn response ---

14 A Okay.

15 Q --- in this case, and you tell me if this is accurate.
16 "Defendant Crystal Suggs acknowledges that she picked up the
17 Lagroon children from Highway 7 at the Lagroon children's
18 emergency request via Daniel Lagroon's text message to
19 Ms. Suggs on June 18th, 2014." Do you recall that?

20 A Yes.

21 Q All right. "The day prior to picking up Lagroon's
22 children, after the children walked down the satellite road,
23 they loaded personal items in the back of her SUV while she
24 parked on the Smith lot"; do you recall that?

25 A That's -- I wasn't there. I didn't see it. I don't know

1 where she parked at.

2 Q Okay. I understand that's your response.

3 A Let's just -- you can go by what she's said.

4 Q So let's talk about what you know. From what I
5 understand, Crystal Suggs drove at least near the Lagroon
6 property -- Crystal Suggs being your wife -- on June 17th and
7 June 18th.

8 MR. TINSLEY: Your Honor, I'm going to object. He just
9 said he wasn't there, so he doesn't have any personal
10 knowledge.

11 MR. PEIL: I think I'm establishing that.

12 THE COURT: He can answer the question if he can.

13 MR. PEIL: Thank you.

14 A Repeat the question.

15 BY MR. PEIL:

16 Q All right. Let me rephrase it a different way.

17 On the evening of June 17th, it's your testimony that
18 your wife informed you she was driving out to -- at least
19 near -- the Lagroon property to pick up some belongings owned
20 by the Lagroon children?

21 A I'm not sure. I don't recall that.

22 Q You don't recall. So you don't remember whether she told
23 you that she was going out there?

24 A I don't remember.

25 Q All right. Do you recall that, on June 18th, she told

1 you she was going out to the property to pick up Daniel and
2 Becca Lagroon; correct?

3 A Yes.

4 Q All right. And you recall telling her not to do that;
5 correct?

6 A I did.

7 Q All right. That evening, you guys had had supper?

8 A Yes, sir.

9 Q All right. And I think -- let me ask you, had
10 Ms. Lagroon had anything to drink that evening?

11 A Ms. Lagroon?

12 Q I'm sorry. Ms. Lagroon...

13 Ms. Suggs?

14 A No, I don't recall.

15 Q You don't recall?

16 A No.

17 Q All right. But she did inform you that she was going out
18 there to pick up the children; correct?

19 A Correct.

20 Q All right. After she got back, she told you that she had
21 picked up the children. This was the next day?

22 A The next day.

23 Q The next day. That's right.

24 By the time she got back, you were already asleep.

25 A I was asleep, yes.

1 Q All right. And I think it's been your testimony that you
2 went to bed early.

3 A Always do.

4 Q Always did. All right.

5 About what time do you go to bed?

6 A 8:30, 9:00.

7 Q 8:30, 9:00. All right.

8 So had she left the house to go pick up the children by
9 the time you were going to bed?

10 A I was in bed when she left.

11 Q When she left. And so that was --

12 A I was asleep. I was asleep. I don't know. I
13 couldn't -- I didn't hear her leaving the driveway. All I
14 heard was her telling me she was going down there.

15 Q Let me ask -- I mean, so do you think she would have left
16 your house about 8:30?

17 A No.

18 Q Okay. What time do you think she left the house?

19 A I was thinking later -- I would have thought later on.

20 Q Well, I'm trying to figure that out. I mean, you said
21 you're always in bed by 8:30 or 9:00.

22 A Yeah. Not always, you know.

23 Q That's what I thought I heard. Correct me if I'm wrong.
24 Is it always or is it sometimes?

25 A Pretty much always.

1 Q Pretty much always.

2 So around 8:30 on the evening of June 18th, you think
3 it's likely that you were in bed; correct?

4 A Yes.

5 Q All right. And at some point prior to that, she had left
6 to go pick up the Lagroon children; correct?

7 A Prior to that or later on?

8 Q Well, later on. I thought you were having a conversation
9 with her where you told her not to go do it.

10 A It wasn't a conversation. It was just, "I'm going to
11 pick up Daniel and Becky." And I was in bed.

12 Q You were in bed.

13 A I was in bed. She came back to my bedroom. That's when
14 I said, "Don't do it."

15 Q All right. All I'm getting at, you think that was
16 probably around 8:30 that evening?

17 A 8:30, 9:00.

18 Q 8:30.

19 Now, where do you live in relationship to Dr. Lagroon?

20 A Two miles.

21 Q Two miles?

22 A Yeah.

23 Q So about how long of a drive is it?

24 A Two minutes.

25 Q Two minutes? Okay.

1 Now, you were in here for Becca's testimony; correct?

2 A Yes.

3 Q Do you recall her testifying that she went out there at
4 night to meet your wife?

5 A I heard her saying that, yes.

6 Q You did? All right.

7 Now, 8:30 on June 18th during the longest days of the
8 year, would it have been dark at 8:30 at night?

9 A No.

10 Q So you think it's possible that perhaps Crystal Suggs,
11 your wife, went out there later in the evening than 8:30?

12 A I would think.

13 Q All right.

14 MR. PEIL: Can I have one minute, Your Honor?

15 I have no further questions at this time.

16 THE COURT: Any additional questions?

17 MS. MERRILL: I have no questions, Your Honor.

18 THE COURT: All right. The witness can step down. Thank
19 you.

20 Next witness?

21 MR. TINSLEY: The defense rests at this time, Your Honor.

22 THE COURT: Okay. Ladies and gentlemen, the defense has
23 rested their case. I'm going to talk to the attorneys. I'm
24 going to send you back to the jury room for a few minutes and
25 get further instruction to you shortly.

1 Please don't discuss the case or anyone involved with the
2 case. Thank you.

3 (The jury exited the courtroom at 10:44 a.m.)

4 MR. PEIL: I plan to call two. One is Kelli Barnett. I
5 believe she's out there.

6 THE COURT: That was --

7 MR. PEIL: His ex-wife.

8 THE COURT: The second ex-wife.

9 MR. PEIL: And the second one, I'm going to call Crystal
10 Suggs.

11 THE COURT: Okay. All right. Do you want to renew
12 previous motions?

13 MR. TINSLEY: Yes, Your Honor. I would renew the motion
14 for directed verdict on trespass and also with regards to
15 punitive damages.

16 THE COURT: Okay.

17 MR. TINSLEY: I don't really have any...

18 THE COURT: Yes.

19 MR. TINSLEY: The arguments are pretty well in line with
20 what they were yesterday, so...

21 THE COURT: Yes, sir.

22 And, Ms. Merrill, you'll actually adopt on those as well?

23 MS. MERRILL: Yes, sir.

24 THE COURT: Do you want to assert your same basis as
25 before?

1 MR. PEIL: Your Honor, I think I'm going to -- yeah, it's
2 the same arguments.

3 THE COURT: Okay. All right. I'm going to stick with my
4 ruling. Those direct verdict motions remain denied.

5 What I'd like to do, if we're going to do reply
6 testimony, we can get it started in five minutes, once you
7 finish that? I mean, while we're here, everybody look at the
8 proposed jury charge. I mean, any issues that you -- you
9 know, it's a trespass case. I'll admit, it's a pretty short
10 jury instruction. Your client I think...

11 MR. PEIL: I'm sorry...

12 (Mr. Peil and his client confer off the record.)

13 THE COURT: Yes, sir?

14 MR. PEIL: Nothing, Your Honor.

15 THE COURT: I did add one paragraph because I know it was
16 a short charge, but we have a good bit -- we have a good many
17 objections, and I just -- you know, I usually do this in the
18 introductory charge anyway, but I did have one paragraph about
19 objections during trial. You know? I could email it to you,
20 but I'll just read it.

21 You know, the proposed language is, "Attorneys have a
22 right -- the absolute right and duty to bring matters to the
23 attention of the Court by way of objection. Do not,
24 inferentially or otherwise, become upset when disturbed by
25 counsel by virtue of an objection. Counsel, by objecting, are

1 simply performing their role in the trial of the case. Once
2 the Court makes a ruling on an objection, the jury is bound by
3 that ruling.

4 "If the objection is sustained, the question was
5 improper. If the objection is overruled, the question is
6 proper. In that regard, the jury must not, under any
7 circumstances, derive any inference from any ruling made by
8 the Court on objections as to any opinion the Court may have
9 about on the case. The judge does not have an opinion on
10 evidence and is not entitled to an opinion under the law. The
11 judge is performing his role in the trial of the case.

12 "As to any questions as to which an objection was
13 sustained, you must not speculate as to what the answer might
14 have been or as the reason for the -- or as to the reason for
15 the objection," just because we sort of cut some people off
16 mid-sentence during objections, and I don't want them to
17 speculate about what that may or may not have entailed.

18 That's the only thing I added from last night.

19 What about the verdict form? I know y'all were
20 discussing it this morning, I think.

21 MR. TINSLEY: I understand the Court had prepared one as
22 well. I haven't seen a copy of it.

23 THE COURT: Oh, well, we prepared really two. One of
24 them -- the main thing is one of them -- we have two
25 defendants here.

1 MR. TINSLEY: Yes, sir.

2 THE COURT: And it is -- it's been kind of a
3 procedural -- we don't necessarily have that all the time, so
4 I wanted to know y'all's insight on the jury having the option
5 to find them both responsible for trespass or individually
6 responsible for trespass. You know, my inclination was,
7 because you have got two people, circumstantial evidence -- I
8 thought the jury would probably be in a position where they
9 could potentially find one responsible for trespass and not
10 the other.

11 Now, if they found them both, then my thought would be,
12 well, if there is a verdict, then they're joint and severally
13 responsible for the verdict. But if they only find one person
14 on the hook for trespass, then that person alone would be
15 responsible for the verdict.

16 So did y'all have any insight? Disagreement? Exception?

17 MR. TINSLEY: I don't [indiscernible] what you just said.

18 THE COURT: Well, I --

19 MR. TINSLEY: [Indiscernible] makes sense.

20 THE COURT: I just think it alleviates confusion, but --
21 because there are two separate defendants, it makes sense to
22 me that they both could be found to have trespassed. One of
23 them could be found to have trespassed. Just deciding on what
24 they feel on the burden of proof.

25 MR. PEIL: So there's no pride of the authorship here for

1 the jury verdict form that I had submitted.

2 THE COURT: Oh, okay.

3 MR. PEIL: That's one I took from another case.

4 You know, my instinct would be to say, well, it's joint
5 and several liability and they're husband and wife. I mean, I
6 don't know that it necessarily matters.

7 THE COURT: Well, that's --

8 MR. PEIL: But -- but I will say this: What I would like
9 to avoid -- I think Your Honor is right; there may be a chance
10 one of the jurors goes, "Well, that was clearly Scott that day
11 but we never saw Crystal. Judge, how do we find Scott liable
12 and not Crystal?" And then we have got a problem because we
13 have a form that doesn't do that.

14 So I don't know that -- you know, want to send the jury
15 back with a potential problem in that regard. If they want to
16 come to that decision and say, "Well, Scott" -- or vice versa,
17 Perhaps we'd give them that option. I'm just always leery
18 about asking too many questions on the verdict form.

19 THE COURT: Well -- and I hear what you're saying, and I
20 think that -- I'll call it take two because we did the first
21 one with both of them. I just think it makes the most sense
22 and it's the safest not only for the defendants but for the
23 plaintiff.

24 MR. PEIL: Could I see a copy of it?

25 THE COURT: Oh, sure. I'm sorry.

1 MS. MERRILL: And, Judge, while they're looking at that,
2 just a matter of housekeeping; not asking the Court to
3 reconsider anything. If we can just make sure that exhibit is
4 labeled Court Exhibit 1 and not Defendant 1. I think that
5 deed maybe got labeled Defendant 1. I just -- again, just for
6 purposes of the record. That's all.

7 THE COURT: All right. Mr. Court Reporter, I'm not sure
8 where that document is, that Court exhibit.

9 (Pause in the proceedings.)

10 MR. PEIL: And, Your Honor, I know this is a five-minute
11 break. With the medicine my client's on, he really needs to
12 go to the restroom because the wheelchair takes him awhile.
13 Is it all right?

14 THE COURT: Okay. That will be fine. We'll take -- so
15 basically, just so everybody knows, we'll do your reply
16 witnesses. We'll get through that. And then I'm -- my intent
17 is not to take another break, just go right into closing.

18 MR. PEIL: Absolutely. Absolutely.

19 THE DEPUTY: Judge, there's nobody outside, so I don't
20 know if his witnesses --

21 THE COURT: Sir?

22 THE DEPUTY: I thought he said his other witness
23 [indiscernible].

24 THE COURT: Okay. I'm going to take a refreshment break
25 as well.

1 (A recess was taken from 10:53 a.m. to 10:56 a.m.)

2 THE COURT: Ms. Merrill, are y'all set on the Court
3 exhibit?

4 MS. MERRILL: I think so.

5 THE COURT: Okay. Okay.

6 MS. MERRILL: I think so. Yes, Your Honor.

7 THE COURT: Are we good on the verdict form?

8 MR. TINSLEY: Judge, the only thing is No. 4. It
9 mentions willfulness, wantonness, recklessness, and
10 maliciousness, but the jury charge doesn't mention anything
11 about maliciousness. All the law I have looked at on
12 punitives in the trespass context talk about willful, wanton,
13 reckless. So I would just ask that "malicious" be taken off
14 on No. 4.

15 THE COURT: Let me read the jury charge.

16 (Pause in the proceedings while the Court reviews
17 documents.)

18 THE COURT: Okay. It's in the punitive charge so we can
19 take that word out.

20 MR. PEIL: If I may, I would just like a copy of the
21 final verdict form.

22 (A brief recess was taken from 10:58 a.m. to 11:10 a.m.)

23 (The jury entered the courtroom at 11:10 a.m.)

24 THE COURT: All right, Mr. Foreman, ladies and gentlemen,
25 welcome back. Please be seated.

1 Q All right. So there was some testimony today that I want
2 to ask you some questions about.

3 Number one: Do you recall back in 2014, when you were
4 still married to Dr. Lagroon, whether there were cameras on
5 the property?

6 A I do recall.

7 Q You do recall. And what do you recall about it?

8 A There were security cameras mainly around the shop -- his
9 shop in the back. And they were basically pointed to all the
10 doors and then they had -- he had a cell tower at the time
11 that had been -- was being disassembled, and he had several --
12 he had trouble with the cell tower people coming up in the
13 middle of the night and just taking stuff down when they
14 weren't supposed to. So he had that shine out behind the shop
15 on the cell tower.

16 Q Would Becca Lagroon have known anything about the
17 cameras?

18 MS. MERRILL: Objection, Your Honor. That's speculative.

19 THE COURT: You'll have to rephrase that question,
20 Mr. Peil.

21 MR. PEIL: Okay.

22 THE COURT: Sustained.

23 BY MR. PEIL:

24 Q Did you ever tell Becca Lagroon about the cameras on
25 Dr. Lagroon's property?

1 A I did not tell either children -- either of the children
2 about them.

3 Q Okay.

4 A That I recall.

5 Q I mean, was there a reason why you chose not to tell them
6 about it?

7 A Well, kids are, you know, kind of sneaky, and those
8 cameras are -- well, we had cameras out there and we had
9 cameras placed around the house. They were kind of our --
10 like our little -- like little nanny cams now, kind of keeping
11 up with them, keeping --

12 Q And to remind the jury, about how old were the kids at
13 that time?

14 A They were 13, 14. Real early teens.

15 Q Real early teens.

16 And, I mean, do teenagers sometimes get into a little bit
17 of trouble?

18 A Yes.

19 Q All right. Had you had any instances with kids maybe
20 getting into any trouble?

21 A Yes.

22 MR. TINSLEY: Objection, Your Honor.

23 MR. PEIL: Well, it's the reason for the cameras.

24 THE COURT: Any other questions on that?

25 MR. PEIL: Just one quick follow-up.

1 THE COURT: All right. Well, the objection -- what was
2 the basis?

3 MR. TINSLEY: We're here for a trespass case.

4 MR. PEIL: If I may, Your Honor, she testified she didn't
5 know about the cameras. Perhaps there's a reason why she
6 didn't know about the cameras. We're not going into details.

7 THE COURT: All right. I'll overrule the objection, but
8 how much further are you going to go with this?

9 MR. PEIL: I have one more question on that.

10 THE COURT: All right. Proceed.

11 MR. PEIL: Thank you, Your Honor.

12 BY MR. PEIL:

13 Q Now I lost my train of thought. Give me a second here.

14 So I think -- I think my question was: You didn't inform
15 the teenagers about the cameras out there; correct?

16 A Correct.

17 Q All right. That's really the question.

18 All right. Now, one thing that came up today is the
19 issue of the trespass notice.

20 MR. PEIL: May I approach, Your Honor?

21 THE COURT: Sure.

22 BY MR. PEIL:

23 Q Showing you what's been marked for identification for
24 Plaintiff's Exhibit 29. What is Plaintiff's Exhibit 29?

25 A It is the trespass notice that I handed to Mr. Suggs.

1 Q All right. And --

2 THE COURT: Mr. --

3 MR. TINSLEY: Your Honor, number one, it's already in.

4 Nothing of that came up in reply when my client testified he
5 wasn't familiar with it.

6 THE COURT: I would --

7 MR. TINSLEY: In our case-in-chief, Your Honor.

8 THE COURT: I would ask you to get directly to the reply
9 portion of whatever question you have, not a refresher of what
10 we have talked about in the previous case-in-chief.

11 MR. PEIL: Can we sidebar real quick?

12 THE COURT: Sure.

13 BENCH CONFERENCE

14 (A bench conference was held off the record and outside
15 of the hearing of the jury.)

16 MR. PEIL: May I proceed, Your Honor?

17 THE COURT: Go.

18 BY MR. PEIL:

19 Q All right. So I think it was your testimony that you had
20 delivered a signed notice -- trespass notice to Scott Suggs;
21 correct?

22 A Correct.

23 Q All right. In reviewing Plaintiff's Exhibit 29, is that
24 the signed notice?

25 A Yes, it is.

1 MR. PEIL: All right. At this time, Your Honor, the
2 plaintiffs would seek to admit Plaintiff's Exhibit 29 into
3 evidence.

4 THE COURT: Without objection on that one?

5 MS. MERRILL: I would say subject to our objection. We
6 can put wordage on the record later.

7 THE COURT: Yeah, Yeah. I'll hold it in abeyance for the
8 moment.

9 Next question?

10 MR. PEIL: That's it. I don't have any further
11 questions.

12 THE COURT: All right. Cross-examination?

13 CROSS-EXAMINATION

14 BY MR. TINSLEY:

15 Q I want to show you what's in evidence as Defendant's
16 No. 9, which is a GIS overhead view of the property. On the
17 right is from 2023. On the left is 2006. Does that -- are
18 these pictures accurate?

19 A I can't answer that because I wasn't there in 2006.

20 Q Okay. All right. Well, here and here, that would be
21 what you just referred as the shop; right?

22 A Correct.

23 Q Okay. All right. And over here on the far on the right
24 of each picture, the way I'm looking at it, is the cell tower
25 road; correct?

1 A Correct.

2 Q All right. And right over here to the backside of the
3 shop is the cell tower; correct?

4 A Correct. Right behind it.

5 Q So, shop? Cell tower?

6 A Correct.

7 Q All right. And your testimony is the security camera was
8 pointed at the tower?

9 A From the top of the shop.

10 Q Okay. We sent out what they call discovery requests
11 [indiscernible] you copy your ex-husband with in this case;
12 right?

13 A Say that one more time, Mr. Tinsley.

14 Q Your husband had to answer discovery requests, produce
15 documents, answer interrogatories as part of this case. Are
16 you aware of that?

17 A I am, correct, yes.

18 Q And you mailed the stuff out for him; correct?

19 A I don't recall if I mailed it out or not.

20 Q I'm going to hand you a certificate of service dated
21 August 6, 2019.

22 A Okay.

23 Q Are you familiar with that document?

24 A Yes. I signed it.

25 Q Saying that you mailed out his responses; right?

1 A Correct.

2 Q All right. And today, just now, is when he's coming up
3 with the signed copy of this document -- this trespass notice?

4 A Yes.

5 Q And you never did sign anything saying I served it on
6 Scott Suggs on whatever date?

7 A No.

8 MR. TINSLEY: No further questions.

9 THE COURT: Any additional questions, Ms. Merrill?

10 MS. MERRILL: No, Your Honor.

11 THE COURT: Any redirect?

12 MR. PEIL: No redirect, Your Honor.

13 THE COURT: All right. The witness may step down. Thank
14 you.

15 MR. PEIL: At this time, the plaintiff would call Crystal
16 Suggs as a reply witness.

17 THE COURT: Okay. Ms. Suggs.

18 THE BAILIFF: Raise your right hand and place your left
19 hand on the Bible.

20 CRYSTAL SUGGS,

21 after having been duly sworn, was examined and
22 testified to as follows:

23 (REPLY) DIRECT EXAMINATION

24 BY MR. PEIL:

25 Q Ms. Suggs, you have been here for both days of trial;

1 correct?

2 A Yes, sir.

3 Q All right. Now, you are generally aware this case
4 concerns events that occurred on June 17th of 2014 and June
5 18th of 2014; correct?

6 A Yes, sir. Correct.

7 Q All right. Now, you heard Ms. Becca Lagroon's testimony
8 today; correct?

9 A Correct.

10 Q All right. Now, she testified that she met you near the
11 gate on Highway 7 to load up her belongings. Do you recall
12 her testifying to that?

13 A Correct, yes.

14 Q All right. Now, my understanding is you have a different
15 version of events.

16 MR. TINSLEY: I'm going to object to pitting witnesses,

17 THE COURT: Well, I would just -- yeah, I need you to ask
18 a direct question. This is reply. We need to get to the
19 point.

20 MR. PEIL: Okay.

21 BY MR. PEIL:

22 Q My understanding is you contend that you met the kids on
23 the Smith property --

24 THE COURT: That's -- hold on. She hasn't testified yet.
25 I don't -- I'm not aware of any contention. I think you need

1 to ask her a direct question, not "what your understanding
2 is."

3 MR. PEIL: Thank you, Your Honor.

4 THE COURT: I'm sorry. I'm --

5 MR. PEIL: No, I understand. I mean, it's a party
6 opponent. I can cross-examine, I believe.

7 THE COURT: But it's not -- you're not -- come here a
8 minute.

9 BENCH CONFERENCE

10 (A bench conference was held off the record and outside
11 of the hearing of the jury.)

12 BY MR. PEIL:

13 Q I'm going to rephrase my question slightly. So on the
14 night of June 17th of 2014, where did you meet Daniel and
15 Becca?

16 A I pulled into the Smith property. I met them on the
17 road, and then I backed up and pulled into the Smith property
18 so that I could turn around and go back home. I pulled in the
19 Smith property, opened up the door, and they loaded their
20 belongings. At that point, they went back up the hill, and I
21 went home.

22 Q I want to make sure I understand your testimony
23 correctly. Are you saying that they loaded up their
24 belongings in your vehicle while it was parked on Highway 7?

25 A Highway 7.

1 Q On Highway 7. Okay.

2 Now, do you recall a previous statement that you have
3 made in this case?

4 A You didn't understand me right.

5 Q Okay.

6 A I said I pulled up and met the children right there on
7 Highway 7. Okay? I backed up and pulled into the Smith
8 property so they could load their belongings in the back of my
9 SUV.

10 Q Okay. So while those belongings were being loaded into
11 the back of your SUV and it was parked on the --

12 A The Smith property.

13 Q It was parked on the Smith property?

14 A Smith property.

15 Q Okay. That's what I wanted to...

16 So you were not parked on Highway 7 while the property --
17 or while the belongings were being loaded?

18 A No.

19 Q Okay.

20 A I mean, I couldn't sit in the middle of the road -- on
21 the road at 10:00 at night. I told the kids, "I'll pull over
22 right there and we'll load up your stuff." At that time, I
23 had to turn around anyway to go back to my home.

24 Q Did you have anyone with you that evening?

25 A No.

1 Q All right. So you went there by yourself?

2 A By myself.

3 MR. PEIL: All right. That's it.

4 THE COURT: All right. Any questions for this witness?

5 MS. MERRILL: I have no questions.

6 THE COURT: Mr. Tinsley?

7 (REPLY) CROSS-EXAMINATION

8 BY MR. TINSLEY:

9 Q Did Scott Suggs go anywhere near the Lagroon property
10 with you on the 17th?

11 A Not at all, no, sir.

12 Q Okay. That video that we have seen of a white-colored
13 SUV pulling up, are you driving that car?

14 A I didn't go on the property. That was not my SUV, and I
15 don't know who was driving that car.

16 MR. TINSLEY: No further questions.

17 THE COURT: Any redirect?

18 MR. PEIL: None, Your Honor.

19 THE COURT: All right. The witness may step down. Thank
20 you.

21 All right. We can make an additional record if we need
22 to, but I'm going to sustain the objection to the sign letter
23 at this point. I will not admit it into the record for the
24 jury, but you can make more record if you need to afterwards.

25 MR. PEIL: Absolutely, yes, sir.

1 THE COURT: All right. Counsel ready to proceed;
2 correct?

3 All right. Ladies and gentlemen, the parties have
4 presented their evidence in this case. It's now time for the
5 attorneys to make their closing arguments. The arguments of
6 the attorneys are not evidence in this case. Their statements
7 and arguments are meant to help you understand the evidence
8 and apply the law to the evidence. You should disregard any
9 remark, statement, or argument which is not supported by the
10 evidence presented during the trial or the law that I'll
11 explain to you after the arguments.

12 At this time, please give your complete and undivided
13 attention to the attorneys as they make closing arguments.

14 Mr. Peil?

15 MR. PEIL: Thank you, Your Honor. May I have just a
16 moment to grab my easel here?

17 THE COURT: Okay.

18 CLOSING ARGUMENT ON BEHALF OF THE PLAINTIFF

19 MR. PEIL: All right, ladies and gentlemen. Thank you
20 for your patience with us over the past two days.

21 This case was not a murder case. That's one of the first
22 things I told you when I started was this is not a criminal
23 case. This is a civil case. These types of cases usually can
24 be a little bit different. It's not like what you have seen
25 on TV. We don't have any CSI crew come in with DNA samples.

1 We don't have police investigative units.

2 A lot of times on these civil matters, people need to
3 compile evidence because they don't have professional
4 investigators out there doing all the work.

5 So I want to talk about some of the things that I
6 [indiscernible] during the trial of this case. Before I get
7 into that, I want to talk about the difference between a civil
8 trial and a criminal trial in terms of burden of proof. Now,
9 if you paid attention to the television, if you have seen
10 anything -- one of the pivotal moments in my life, I remember
11 watching the O.J. Simpson trial. I heard a lot of people
12 talking about the beyond a reasonable doubt standard of
13 evidence.

14 When we're done with our arguments, Judge McLeod is going
15 to instruct you as to the law. I'd ask you to pay attention
16 because at no point in that charge will you hear the words
17 "beyond a reasonable doubt." and that is because that is the
18 highest evidentiary standard in the law. Before we send
19 someone to prison, we make sure that they are guilty beyond a
20 reasonable doubt.

21 In a civil case, the standard that we have is
22 preponderance of the evidence. And what that means is that
23 the evidence that you have heard is more likely than not. Do
24 you think it's more likely that this occurred or do you
25 believe it's more likely that it did not occur? That is the

1 standard with which you evaluate the evidence presented in
2 this case.

3 Now, what is the evidence that I think was put forward?
4 There's been a lot of talk and a lot of discussion about a
5 whole bunch of different things. Frankly, you-all have seen
6 the video from June 17th of 2014. On June 17th of 2014, Scott
7 and Crystal Suggs drove their white Cadillac Escalade down the
8 satellite road, pulled in here where there was security
9 cameras, and loaded up three trash bags filled with the
10 possessions of Dr. Lagroon's minor children and then took off.

11 You saw in color presented to you -- I mean, the elements
12 of trespass are whether they entered onto the property of
13 another. It's undisputed that this property was in the sole
14 possession of Dr. Lagroon. This was his home. This is South
15 Carolina property rights. It means something. If you walk
16 onto another person's property, you are liable for everything
17 that happens.

18 And you're liable for a few things. Number one, any
19 damage that occurred on that property. There's been testimony
20 that the gate was damaged when they drove onto that property,
21 and there's been testimony that there were tire tracks in the
22 grass that needed to be resodded.

23 Now, Dr. Lagroon is a little bit of jack-of-all-trades.
24 He has his machine shop. He had special knowledge about what
25 [indiscernible] to do things like repair, but let's be honest,

1 this is McCormick, South Carolina. I mean, I hate to say it
2 but, in my profession, I don't have time to deal with a lot of
3 these things. I call on contractors and let them deal with
4 it.

5 Dr. Lagroon is not that person. He's not here asking you
6 to award him a million dollars for a busted gate and tire
7 tracks. What he talked about, what it took to reweld that
8 gate, the consumables that went into it, that supplies that he
9 had on hand, and the estimated value of those being roughly
10 1500 to \$1700. Those are actual damages to his property. And
11 that's it. That is the case right there.

12 That's two individuals intentionally and recklessly,
13 without permission, under cover of night, 11 p.m., trespassed
14 on his property after being told the month before to stay off.

15 Now, in the background -- and I'm not going to get into
16 it in detail. In the background, there was this whole divorce
17 situation going on. At the end of the day, that's ultimately
18 not that relevant because all that does is go into the
19 motivation.

20 These folks decided to insert themselves into
21 Dr. Lagroon's personal life, to come onto his property, to
22 damage it, and to take his kids. Now, under the law, it's a
23 simple remedy: trespass, damages.

24 Now, in this case, the judge, after he instructs you on
25 the law, is going to give you a verdict form. And I don't

1 know if you have ever seen one before. It's not like a
2 criminal form; it doesn't got guilty or not guilty. There are
3 several questions on this form. The first one is: "We, the
4 jury, find the defendant, Crystal Suggs, trespassed." I think
5 it's clear she was driving that vehicle on June 17th, 2014,
6 the white Cadillac Escalade [indiscernible].

7 "We, the jury, find the defendant, Scott Suggs,
8 trespassed." You saw him in the video get out of the car and
9 load the trash bags filled with the kids' belongings right
10 into the vehicle. They were there without permission on the
11 property.

12 I think those are the two easiest questions.

13 The next two questions are the most difficult. "We, the
14 jury, find the total amount of actual and/or nominal damages,
15 if any, by the preponderance of the evidence sustained by the
16 plaintiff to be..."

17 We ask, in this box, that you write \$1700. That's the
18 testimony that's before the Court, the damage caused to his
19 property. Again, it's not a personal injury. I brought it up
20 during voir dire. Dr. Lagroon is not in here -- you see that
21 he is in a wheelchair. That has nothing to do with this
22 trespass. He's not here -- he was in some sort of unrelated
23 incident. He just happens to be in that wheelchair. We're
24 not here saying pain and suffering and emotional distress, any
25 of that absolute nonsense. We're asking for actual damages

1 sustained by his property.

2 And then the final question is: "We, the jury, find by
3 clear and convincing evidence that Defendants Crystal Suggs
4 and Scott Suggs acted willfully, wantonly, or with reckless
5 disregard of the plaintiff's [indiscernible]: Yes or no?"

6 That question is important because if you find that this
7 was a willful trespass, that it was a reckless trespass, that
8 it was a wanton trespass, or any of the above, then you are
9 entitled to award punitive damages.

10 The law in a civil case does not have the ability to put
11 someone in jail, and no one is here asking that these
12 defendants be put in jail. That's not what we want. But this
13 was an intentional tort. A tort is a civil wrong. This was
14 an intentional wrong. They came onto his property without
15 permission under the cover of night and damaged his property.
16 They knew exactly what they were doing. And then they both
17 took the stand and denied that they were ever there, coming up
18 with this story about how they parked -- you know, they parked
19 on the Smith property, they parked at the gate, and Mr. Suggs
20 wasn't even there, when we saw the man limping in the video
21 and you saw Mr. Suggs limping in this courtroom. You can
22 believe your own two eyes just as Dr. Lagroon did.

23 This was an intentional trespass. They came onto his
24 property without permission because they wanted to take his
25 kids and get them off the property for whatever reason. This

1 was not done as something accidental. This is not the guy who
2 accidentally installed a sprinkler head a foot over his
3 property line and says oopsie daisy. This was an intentional
4 act done by these defendants.

5 So, on this line, punitive damages, it's ultimately up to
6 you what you think that's worth, if anything. I think it's
7 worth something because, in McCormick County, where we respect
8 each other's property rights and we expect -- respect each
9 other's ability to maintain their property how they want to,
10 you cannot allow Defendants to commit acts like this and have
11 it go unpunished. Punishment is the punitive damages portion.
12 I think it should send some sort of message with that. Put a
13 number on that line.

14 Now, the defendants are going to have an opportunity to
15 make their closing arguments, and, unfortunately, you have got
16 to listen to my boring voice one more time because I will come
17 back up at the end. I'm not exactly sure what it is that
18 they're going to argue, but here is what I'll say: I know
19 [indiscernible] jury service always a concern that someone is
20 asking for something they're not entitled to. I want to make
21 it clear: At no point in this are we asking for \$100,000.
22 That would be absurd. \$1700 to repair the actual damage that
23 these folks caused to his property and then an amount you feel
24 suspicious -- sufficient -- excuse me -- to send the message
25 that this kind of behavior is not allowed on this property.

1 Thank you so much.

2 MR. TINSLEY: Thank you, Your Honor. May it please the
3 Court?

4 THE COURT: Yes, sir.

5 CLOSING ARGUMENT ON BEHALF OF DEFENDANT SCOTT SUGGS

6 MR. TINSLEY: Good morning, ladies and gentlemen of the
7 jury. As I told you in the opening yesterday, courtrooms are
8 places of proof, and you are the ultimate finders of fact,
9 meaning you get to decide whether Dr. Lagroon proved his case,
10 and I would submit to you he has not.

11 And we'll go through a couple of different burdens of
12 proof you have to weigh in this case, and we'll go through
13 that here shortly. And after all the lawyers get done, the
14 judge is going to instruct you on what the law is. And I'm
15 not going to go through all the details, but I'm going to give
16 you -- hit some highlights.

17 The first thing you have got to look is credibility of
18 the witnesses meaning do you believe them? Are they
19 believable?

20 Let's look at Dr. Lagroon's testimony. He's alleged --
21 the whole case is reliant on a video that he -- a surveillance
22 video that he finds after 9-1/2 years that he said he had some
23 experts get from the hard drive and this, that, and the other.
24 We didn't hear from any computer expert about this painstaking
25 task of finding this video that Dr. Lagroon had amongst,

1 apparently, all his other surveillance videos. He's been
2 holding it for 9-1/2, and it pops up this year on the eve of
3 trial. I submit to you that's not believable.

4 Another thing that Dr. Lagroon said, he got up there and
5 testified about finding out that Ms. Suggs' automobile had
6 been damaged from hitting the gate in the discovery process.
7 Discovery is just -- you heard something about it. Basically
8 what it is, is lawyers get to exchange information, exchange
9 documents, photographs, that sort of thing, leading up to
10 trial.

11 And Mr. Lagroon's testimony was, obviously, not true
12 because when he read the response dealing with this
13 photograph, it said, "Show me where the car was damaged after
14 hitting the piling," which is the post, "on the Smith
15 property," which is consistent with Ms. Suggs' testimony.

16 He did not prove any damage was ever done to a gate.
17 He's got surveillance videos, a video of him walking the
18 property; yet, he doesn't have one photograph of this damage
19 to the gate? He doesn't have any video showing damage to the
20 gate? You even see the gate in this video where he's walking
21 the property, but he doesn't go up to the gate and show,
22 "Here's where there's damage"? Not there. It goes back to
23 credibility.

24 And he's a jack-of-all-trades, doing-it-himself-type of
25 guy, and he got on the stand and said he doesn't get days off.

1 He's working on the time. He's on-call 24/7. He doesn't take
2 holidays because he's working for the children. Yet he's
3 going to take the time to do it himself to fix this gate and
4 ask you to give him money for it.

5 He also can take off time from helping the children to
6 come up with this unsigned trespass notice on Memorial Day.
7 It has no -- no evidence that it was ever -- that it was ever
8 served. His ex-wife, who he had testify for twice this week,
9 who said they still have a good relationship, got up there and
10 said she served it and admitted, "No, I didn't sign the
11 certificate of service. I didn't sign any kind of affidavit
12 saying [indiscernible]." Couldn't tell you exactly when she
13 served it. And -- but we see that she knows how to sign a
14 certificate of service because she testified about signing one
15 on his behalf in sending in the discovery responses. So, once
16 again, no credibility. No proof.

17 And Dr. Lagroon had made a comment yesterday and said,
18 "Your Honor, it's hard not to tell the truth." He said that
19 just spontaneously. I always heard the guilty dog will bark,
20 and you heard that dog barking right there.

21 And let's -- who you heard from, the child, who is now an
22 adult lady, who was 14 at the time, testify about what
23 happened those nights. She said her and her brother walked
24 down the cell phone tower road and they met Ms. Suggs on
25 the -- on the road. And she was very [indiscernible] that

1 Ms. Suggs never went on their father's property, and, also,
2 that Mr. Suggs was not there. Nevermind on the videos that's
3 allegedly from -- that pops up after 9-1/2 years from June
4 17th, is a guy with a hood on him gets -- a hood, on June
5 17th, gets out and has a limp. A lot of people have a limp.

6 I would submit to you, you have seen my client walking,
7 His limp is not consistent at all with the limp we saw on that
8 video, number one, as he sits today; and number two, his limp
9 was not [indiscernible] of his own testimony ten years ago
10 prior to this tree-cutting accident he had last year.

11 Dr. Lagroon's own testimony, he don't know who that is.

12 Once again, I go back to courts are places of proof. I
13 would submit to you -- and, also, who we haven't heard from,
14 the other eyewitness, Daniel, Dr. Lagroon's son. He hasn't
15 testified. So it's just -- Dr. Lagroon has left too much
16 speculation on this case to even prove a trespass for you to
17 find in his favor.

18 And the judge will explain to you that you have to prove
19 by -- he has to prove by the preponderance of the evidence,
20 the greater weight of the evidence that the trespass occurred.
21 I submit to you he hasn't done that. That basically means he
22 has to prove to you that it's more likely than not that he's
23 proved his case. He had way too many holes in this case.

24 And then -- so I would submit that you find for Scott
25 Suggs and for Crystal Suggs that, no, there was no trespass in

1 the case. If you do -- if you disagree and you think he has
2 met his case, then you look at damages, which Plaintiff, once
3 again, has the burden of proof. Dr. Lagroon has to prove his
4 case. He has to prove he was damaged. [Indiscernible] doing
5 this thing at the trespass occurred, you could get nominal
6 damages. That would be something like \$1. Not a
7 [indiscernible].

8 Actual damages. What did he prove? He got up there and
9 testified his gate got torn up. No corroboration. None.
10 Nothing is simple as a [indiscernible]. So I'd say he's
11 failed on his burden there. He has no actual damages that
12 he's proven.

13 And then he's asking you to punish my clients. Punitive
14 damages, which is what the courts -- the civil court system
15 holds out the worst of the worst conduct in any
16 [indiscernible]. When somebody -- and he's -- Mr. Peil is
17 right; it's not a criminal case, but he still has to punish
18 him with these punitive damages which are -- his burden on
19 that is by the clear and convincing evidence, which means he
20 has to tip those scales on Lady Justice much more in his favor
21 than he did on just the trespass in the greater weight of the
22 evidence.

23 An example of clear and convincing evidence is that's the
24 same standard that a Family Court judge is required to take
25 somebody's children and terminate their rights from. That's

1 the standard that he's got to meet to punish my clients to
2 show that their behavior was just so egregious that it needs
3 to be punished and can't be tolerated.

4 I'd submit to you that they have proved nothing of the
5 sort in this case. This is not the worst of the worst type
6 behavior.

7 And another thing, is they're going to -- the judge will
8 go through the list of factors to consider punitive damages,
9 many of which are dealing with how bad the conduct was. And
10 you have seen [indiscernible]. There is a lack of evidence.
11 There's no bad conduct.

12 And then the last act he'll give you is the defendant's
13 wealth or ability to pay. You heard my client up there. He's
14 retired from the Park Service, worked at Hickory Knob, and
15 he's done landscaping. He's a working-class man. So for
16 them, on this case, to ask for punitive damages I think is an
17 insult and totally inappropriate in McCormick County.

18 So, in closing, when you look at this lack of evidence,
19 no proof of damage to any gate, the testimony is clear that
20 Mr. Suggs was not there on either June 17th or June 18th ten
21 years ago. Plaintiff has not met his burden. There's no --
22 in this video, there's no license plate tag. You can't see
23 this person's face. You heard Mr. Suggs testify about the
24 shoes and the reflection. And you'll get a chance to look at
25 that should you choose so you can look at it. It's very

1 noticeable. It's just not him. It's just not -- there's no
2 proof. The plaintiff hasn't met his proof.

3 And, also, I would ask you to look at these photographs
4 because you didn't get to look at them earlier. They're into
5 evidence of the aerial views from the different years, and you
6 can see how much the trees have grown up through the years, a
7 lot more consistent -- they're a lot more consistent now on
8 that video of the walk-through than they were in the earlier
9 years.

10 So you have got to weigh every piece of evidence and give
11 it the weight that you think it deserves, but I'd just point
12 out all of these inconsistencies and all this lack of proof.
13 And I would submit to you that the plaintiff has failed
14 [indiscernible], he's failed to meet his burden across the
15 board. So I would ask you to [indiscernible] my client.

16 Thank you.

17 CLOSING ARGUMENT ON BEHALF OF DEFENDANT CRYSTAL SUGGS

18 MS. MERRILL: Ladies and gentlemen of the jury, I'll try
19 not to repeat everything my co-counsel has said. I just want
20 to also point out a few other things. Particularly when
21 you're back in the jury room, we saw that video, the second
22 one, where supposedly he's walking through to show everything.
23 This is a Google Earth map from February of 2008, so about six
24 years before. There's [indiscernible]. There's no trees and
25 it's a red gate.

1 Here's one from September of 2009. Not a lot of trees.
2 You can see the house. Red gate.

3 Now, we don't have another one until March of 2021. But,
4 again, not all those trees, particularly on this side, and
5 there's a rope gate.

6 March -- excuse me -- May of 2023, rope gate, a lot more
7 trees. That second video where he's walking through to show
8 the tire tracks, apparently, supposedly from this event looks
9 a lot more like this from May of 2023 than it was to the 2009
10 or even 2021.

11 If you have a video showing and you want to show this
12 damage, why in the world didn't you take a video of the gate
13 and say, "Here's where it's damaged. Don't you see this?"

14 You heard Mr. Suggs testify there's a black gate up there
15 now. There's a black gate in that video. These pictures
16 don't show a black gate.

17 I would also encourage you to look at these other aerial
18 shots as indicated, and you can see right here on this
19 [indiscernible] have highlighted what year it is and it shows
20 the way it is currently.

21 If you look at 2021, this is that road, the cell tower
22 road they're talking about. This is 2023. This is 2021. A
23 lot less trees.

24 2017. Again, you can see the highway right there. A lot
25 less trees and growth.

1 Look at those maps. This is how it is. This is how it
2 was on those dates. We don't have one exactly on June 17th or
3 18th of 2014, but we do have these that are closer in time to
4 some of those events.

5 This is what it looks like now. That's not what it
6 looked like in 2014. If you have that video [indiscernible]
7 showing here's the damage, and let me stop at the gate and
8 show you-all these problems. He doesn't in this video that he
9 himself took.

10 The same thing, the day after this incident, he told his
11 former wife, the mother of the children, that he had a
12 surveillance video of her on the property. We don't have
13 that. We don't see that. Again, if you have that
14 surveillance video the day of, wouldn't that be the first
15 thing that you show?

16 And his attorney argued it was clear who was driving that
17 car and it was clear who got out, but the plaintiff himself
18 testified he can't tell who it is. He doesn't admit it. He
19 couldn't identify anybody. So I don't think it is so clear.
20 And his attorney saying it's clear doesn't make it so. And
21 that's why you are the finders of fact and you determine which
22 evidence is credible, what you believe and what you don't
23 believe, and who has the motivation for you to want to believe
24 a certain way or the other.

25 So — and I also think, when you look at this video, you

1 know, the person getting out only seemed to drag their leg,
2 and that's not the type of limp that Mr. Suggs has. He
3 doesn't drag a leg. He does have an awkward gait, but he's
4 not dragging a leg, and that's almost what it looks like that
5 person in that video is doing.

6 And so, again, it seems to me, if he had those things,
7 that would have been one of the first things that he
8 presented. He would have said, "Here, I got this." And
9 that's not what happened.

10 So he has not met the burden of proof, he has not shown
11 trespass, and I'd ask you to find in favor of the Suggs.
12 Thank you.

13 THE COURT: Reply, Mr. Peil?

14 MR. PEIL: Yes. Thank you, Your Honor.

15 REPLY CLOSING ARGUMENT ON BEHALF OF THE PLAINTIFF

16 MR. PEIL: This is the point in the trial where I would
17 normally make a joke about how long it would take -- about 45
18 minutes -- and then we'll be done, but I don't think that
19 would be appropriate. I think it won't take about two minutes
20 here and just get straight to the point.

21 There's just a couple of things I'd like to address that
22 my esteemed colleagues brought up in their arguments.

23 Number one, I want to talk about [indiscernible]. I
24 think it's important to remember what was going on the morning
25 of June 19th when Dr. Lagroon woke up in his home and found

1 out that his children were missing, when he went to go take
2 that video. He was not out there thinking about the ten-year
3 trespass case and how he was going to prove his damages. He
4 was singularly fixated on what had happened to his kids.

5 He walked his property line. As you can see, there's a
6 lot going on on the property. It is not small. He didn't
7 know that any of this occurred. This man woke up in his house
8 and he knew his 13-year-old and 15-year-old were not there,
9 and he set about trying to figure out what happened. He
10 called people. I'm not going to get into any of the
11 discussions about that, but he called a lot of people.

12 And then he walked the various points on his property
13 line. He pulled the footage he had. He thought he found some
14 footage there near the [indiscernible] facility. Then he
15 found out, walking up here to this gate, that there were tire
16 tracks made at that gate. And so he took that video for the
17 singular purpose of figuring out who had come onto his
18 property and how they had done that. And he walked that line.
19 He wasn't there to photograph busted gates, tire tracks, any
20 of that. He was there to try and figure out evidence of what
21 had happened to the two minor children that the Family Court
22 had entrusted into his care and that he cared for deeply.

23 Now, thank you God -- [indiscernible] and she was 13
24 years old when this happened. And it's -- I believe her
25 testimony is a bit tainted over time. Spent 10 years as a

1 teenager. I don't have a teenage daughter yet; I will in
2 about six years. I have heard some horror stories myself and
3 I have also heard some very good stories. Needless to say,
4 raising teenagers is difficult. I think there was some
5 emotional attachment that was going on, some emotional issues
6 there. I think, quite frankly, she just got it wrong. Her
7 memory is not clear of what happened that evening.

8 You don't need to discredit what your eyes show you.
9 After all this time, when Dr. Lagroon realized what was going
10 on, he found the footage and he came to this Court and
11 presented it to you so that you can see exactly what occurred
12 on his property.

13 Now, the other thing to talk about is this issue of
14 punitive damages. Mr. Tinsley talked about, you know, the
15 wealth of the parties and things like that. What I'd ask you
16 to do -- and I know it's going to be difficult -- the jury
17 charge that the judge is going to read you in this case is
18 pretty long, but not that long. But in that list of punitive
19 damages, there's actually ten factors that the Court is going
20 to ask you to look at. And one of them is going to be the
21 defendants' awareness for concealment. That's one of the ten
22 factors. And there's no one factor you can hang your hat on.
23 These are all different things that can weigh into your award
24 of punitive damages.

25 I ask you this question: Do these folks appear

1 remorseful? Do they appear remorseful for coming onto his
2 property and taking his kids in the middle of the night? Is
3 there any effort on these defendants to simply apologize and
4 be done with it? Never once.

5 They have come to this court and, over the past two days,
6 they still deny that it was them on that video. They did deny
7 that they ever had anything to do with it. They both took the
8 stand, and they are in denial about what occurred that night.

9 They're trying to conceal it. And that concealment is a
10 factor you can weigh in whether or not to assess punitive
11 damages. So I'd ask you to listen for that charge when you
12 hear it come from the judge's mouth directly.

13 I also want to talk about one more thing: These Google
14 Maps issues. I saw these Google Maps today, and I kind of
15 chuckled about them because I have now lived down here for 15
16 years. The Google car -- [indiscernible] you're familiar with
17 it -- can drive around and get the photos every four or five
18 years and you'll see it. Look at the time of year that some
19 of these photos are taken.

20 If you really believe that there's some nefarious
21 conspiracy that Dr. Lagroon was faking these videos, look at
22 the Google images. I have seen it. You go out to your yard
23 in January and February, and it's brown and there's nothing
24 there. And then I come back and I see my crepe Myrtles
25 blooming and, all of a sudden, trees have started to green and

1 they're very different.

2 The videos that were taken in this case were taken on
3 June 17th and June 19th of 2014, right in the middle of
4 summer. June 20th -- I always get them mixed up, the solstice
5 and whichever one it is, but June 20th is literally the
6 brightest day of the year. That's when the trees in this
7 neighborhood in this county are getting the most sunlight in
8 this time.

9 The time the videos were taken, yes, there was a lot of
10 green. On the Google Maps, you can see a lot of brown. It's
11 just at varying different times of year.

12 The video shows what happened. There was a trespass and
13 they came onto the property and they have no [indiscernible].
14 We'd ask you to find them liable -- not guilty -- find them
15 liable for that trespass, award him the \$1700, and then, yes,
16 do something to punish them for this behavior in order to
17 deter [indiscernible].

18 Thank you.

19 THE COURT: Ladies and gentlemen, before I -- I just want
20 to make sure that nobody needs a quick break. This will only
21 take me about ten minutes, I think, so...

22 JURY CHARGE

23 THE COURT: Members of the jury, it's now my duty as the
24 trial judge to instruct you on the law applicable to this
25 case, and in that regard, it is your duty as jurors to accept

1 and apply the law as I now state it to you.

2 Furthermore, it is your exclusive duty to decide all the
3 issues of fact in this case and determine the effect, value,
4 weight, and truth of the evidence. All the parties have the
5 right to expect that you will carefully consider and evaluate
6 the evidence and apply the law of this case to it so that, in
7 the end, all parties will receive a fair and impartial trial.

8 Now, during this trial, you and I have separate duties to
9 perform. As the trial judge, it is my responsibility to
10 preside over this trial and rule upon the admissibility of the
11 evidence offered during the trial.

12 In that regard, you're only to consider the evidence
13 before you; thus, you are to consider only the testimony which
14 has been presented from the witness stand together with any
15 exhibits admitted into the record of this case.

16 In this trial, you are the sole and exclusive judge of
17 the facts. Do not infer that I have an opinion about the
18 facts from anything I have said or done during the course of
19 this trial. In this regard, the law simply does not permit me
20 to have an opinion about the facts. As jurors, it is your
21 duty alone to determine the effect, value, weight, and truth
22 of the evidence presented during the course of this trial.

23 Now, furthermore, it is your job as jurors to determine
24 the credibility or believability of the witnesses who have
25 testified in this case. You must evaluate the evidence and

1 determine which evidence convinces you of its truth. In
2 determining the believability of witnesses who have testified
3 in this case, you may believe one witness over many or many
4 over one, you may believe a part of the testimony of a witness
5 and reject the remaining part. You may believe the testimony
6 of a witness in its entirety or reject it in full. You may
7 consider whether the witness has an interest in the result of
8 the trial, whether the witness is prejudiced toward either
9 party, the opportunity for the witness to have seen the
10 matters and things about which the witness may testify, and
11 the way the witness acts on the witness stand.

12 Furthermore, evidence may be direct or circumstantial
13 evidence. Direct evidence is testimony by a witness about
14 what the witness personally saw, heard, or did.
15 Circumstantial evidence is indirect evidence; in other words,
16 it's proof of one or more fact from which one can find another
17 fact. You may consider both direct and circumstantial
18 evidence equally.

19 The following things are not evidence and you must not
20 consider them as evidence in deciding the facts of this case:

- 21 No. 1: Statements and arguments of the attorneys,
- 22 2: Questions and objections of the attorneys, and
- 23 3: Any testimony that I instruct you to disregard, or
- 24 4: Any questions and answers heard during the jury
- 25 selection and qualification.

1 While argument of counsel is a beneficial part of every
2 trial, you should remember that the statements made by counsel
3 are not evidence. In presenting arguments, counsel often
4 refer to evidence; however, you should base your verdict on
5 the evidence as you remember it. Therefore, if there are any
6 conflicts between the recollection of counsel about the
7 evidence and your own recollection, you should rely on your
8 own understanding of the evidence.

9 You must not consider for any purpose any offer of
10 evidence that was rejected or any evidence that was stricken
11 from the record by the Court. Such matter is to be treated as
12 though you had not -- as though you had never known of it.

13 Attorneys have the absolute right and duty to bring
14 matters to the attention of the Court by way of objection. Do
15 not inferentially or otherwise become upset or disturbed by
16 counsel -- by virtue of -- by virtue of an objection.

17 Counsel, by objecting, are simply performing their role
18 in the trial of the case. Once the Court makes a ruling on an
19 objection, the jury is bound by that ruling. If the objection
20 is sustained, the question is improper. If the objection is
21 overruled, the question is proper.

22 In that regard, the jury must not, under any
23 circumstances, derive any inference from any ruling made by
24 the Court on objections as to any opinion the Court may have
25 on the case. The judge does not have an opinion on the

1 evidence and is not entitled to an opinion under the law. The
2 judge is performing his role in the trial of the case. As to
3 any questions to which an objection was sustained, you must
4 not speculate as to what the answer might have been or the
5 reason for the objection.

6 Now, members of the jury, the plaintiff in this case,
7 having initiated and brought the action, has the burden of
8 proof. That is to say the plaintiff has the burden of proving
9 his case by what is known in the law as the greater weight or
10 preponderance of the evidence.

11 A preponderance of the evidence simply means the greater
12 weight of the evidence. It is the evidence which, as a whole,
13 shows the facts sought to be proved is more likely true than
14 not true. This can be illustrated by imagining a set of
15 scales. When the case begins, the scales are even. After all
16 the evidence has been presented, if the scales remain even or
17 if they tip slightly in favor of the defendant, then the
18 plaintiff has failed to meet the burden of proof and would not
19 be entitled to recover in this case.

20 If, on the other hand, the scales tip slightly in favor
21 of the plaintiff, the plaintiff will have met the burden of
22 proof and you should return a verdict for the plaintiff.

23 I'll now explain the cause of action brought by the
24 plaintiff against the defendants in this case. The plaintiff
25 alleges one cause of action: Trespass. To prove a trespass,

1 the plaintiff must present evidence which establishes:

2 1: That he was in legal possession of the property;

3 2: That the defendants or their agent voluntary entered
4 upon the plaintiff's premises; and,

5 3: That such entry was made without the plaintiff's
6 permission.

7 To maintain a trespass action, there must be possession
8 and right to it. One in peaceable (ph) possession, though
9 lacking title, is entitled to remain in possession until
10 ousted by the true owner and need only show prior peaceful
11 possession against the defendants.

12 An action for trespass will lie if the defendants
13 intentionally entered the property. The unwarrantable entry
14 on land in the peaceful possession of another is a trespass
15 without regard to the degree of force used, the means of
16 entry, or the extent of damage. The entry itself is the
17 wrong.

18 For example, if one without license from the person in
19 possession of land walks upon it or casts a twig upon it or
20 pours a bucket of water upon it, he commits a trespass. It is
21 immaterial whether there are any further damages -- further
22 damages result. Excuse me.

23 To constitute an actionable trespass, there must be an
24 affirmative act. The invasion of the land must be intentional
25 and the harm caused must be the direct result of that

1 invasion. Trespass does not lie for nonfeasance or failure to
2 perform a duty. Intent is proved by showing the defendant
3 acted voluntarily and that he knew or should have known the
4 result -- he or she knew or should have known the result that
5 would follow from his act.

6 Although neither deliberation, purpose, motive, nor
7 malice are necessary elements of intent, the defendant must
8 intend the act which, in law, constitutes the invasion of the
9 plaintiff's right.

10 Trespass is an intentional tort, and while the trespasser
11 to be lial [sic] need not to be -- excuse me. While the
12 trespasser to be liable need not intend or expect the
13 damage -- damaging consequence of his entry, he must intend
14 the act which constitutes the unwarranted entry on another's
15 land.

16 Finally, lack of permission is an essential element of a
17 cause of action for trespass.

18 Now, let me talk about damages for trespass. If the
19 plaintiff proved the defendants' trespass on his property,
20 he's entitled to recover at least nominal damages, even if no
21 proof of injury or damage to the property exists.

22 Entry alone entitles the possessor to at least nominal
23 damages. The plaintiff is entitled to recover for any other
24 actual damages that have been proved by the greater weight of
25 the evidence to have been proximally caused as a result of the

1 trespass.

2 Whenever the injury resulting from trespass is deemed to
3 be permanent, the measure of damages is the decrease in the
4 fair market value of the property except where there is a
5 total destruction, in which case the owner is entitled to
6 recover the entire value.

7 When entry to the property resulting from trespass is
8 remedial by restoration or repair, it is considered to be
9 temporary, and the measure of damages is the cost of
10 restoration and repair.

11 Punitive damages may be awarded only where the trespass
12 was willful, wanton, or in reckless disregard for the
13 plaintiff's rights.

14 In this case, the plaintiff seeks punitive damages in
15 addition to actual damages. Punitive damages, also known as
16 exemplary damages, are imposed as punishment. They are not
17 intended to compensate. Punitive damages are allowed in the
18 interest of society and the nature of punishment and as a
19 warning and example to deter the wrong-doer and others from
20 committing like offenses in the future. Moreover, they serve
21 to vindicate a private right by requiring the wrong-doer to
22 pay money to the injured party.

23 To recover punitive damages, the plaintiff must prove by
24 clear and convincing evidence that the defendant's actions
25 were willful, wanton, or reckless. The words "recklessness,

1 willfulness, and wantonness" are synonymous. The terms are
2 used to describe a conscious failure to exercise and observe
3 reasonable or due care.

4 There is no formula or standard that can be used as a
5 measure for assessing punitive damages; however, factors
6 relevant to your consideration of punitive damages are:

- 7 1: The character of the defendant's acts;
- 8 2: The nature of the harm to Plaintiff which defendant
9 caused or intended to cause;
- 10 3: The defendant's degree of culpability;
- 11 4: The punishment that should be imposed;
- 12 5: Duration of the conduct;
- 13 6: Defendant's awareness or concealment;
- 14 7: The existence of similar past conduct;
- 15 8: Likelihood the award will deter the defendant and
16 others from like conduct;
- 17 9: Whether the award is reasonably related to the harm
18 likely to result from such conduct; and,
- 19 10: The defendant's wealth or ability to pay.

20 Now, a verdict in this case cannot be based upon
21 sympathy, passion, prejudice, or emotion or some other
22 consideration not found in the evidence. I charge you that,
23 as jurors, you must decide the issues involved in this
24 proceeding based solely upon the evidence which you hear
25 during the course of the trial. Your verdict must be without

1 bias and without prejudice to any party.

2 You cannot allow yourselves to be governed by sympathy,
3 by pressure -- by prejudice, passion, by public opinion, or
4 some other consideration not found in the evidence.

5 Now, let me say something about your deliberations.

6 "Deliberation" is defined as careful consideration weighing up
7 with a view to decision. The genius of our jury system is it
8 allows 12 good men and women from 12 different backgrounds,
9 life experiences, and perspectives to consider the evidence,
10 talk about it, and ultimately reach a verdict. We call them
11 deliberations for a reason. You are to consider the evidence
12 in this case carefully and deliberately and discuss it in a
13 calm, thorough, courteous manner. Listen to the views of all
14 your fellow jurors, consider other people's points of view,
15 and talk through and discuss the evidence.

16 Remember, if you're doing something deliberately, you are
17 not in a big hurry, and you should not be in a big hurry here.
18 This case is very important to both sides, and this is their
19 only day in court.

20 When you retire to the jury room, you should discuss the
21 case with your fellow jurors to reach agreement if you can do
22 so. Your verdict must be unanimous. Each of you must decide
23 the case for yourself, but you should do so only after you
24 have impartially considered the evidence, discussed it fully
25 with the other jurors, and listened to the views of your

1 fellow jurors. Do not be afraid to change your opinion if the
2 discussion persuades you that you should, but do not come to a
3 decision simply because other jurors think it is right.

4 Ladies and gentlemen, your verdict must be a unanimous
5 one.

6 Mr. Foreman, when the jury agrees on the verdict, you
7 will enter the verdict on the verdict form and sign your name
8 as foreperson. Then knock on the jury room door and inform
9 the bailiff that you have reached a verdict. At that time, we
10 will receive you back into the courtroom.

11 Now, I ask that you now return to the jury room but do
12 not begin your deliberations until you are told by the clerk
13 or bailiff to do so. There are some matters that I need to
14 discuss with the attorneys before you can begin your
15 deliberations.

16 Now, at this time, please return to the jury room but do
17 not discuss the case or anyone involved with the case. Thank
18 you.

19 (The jury exited the courtroom at 12:14 p.m.)

20 THE COURT: Okay. Any issues with the charge?

21 MR. PEIL: No, Your Honor.

22 MR. TINSLEY: No objection.

23 THE COURT: All right. I need to get the alternate. I'd
24 like y'all to just take a look at the evidence, make sure it's
25 all put together correctly.

1 If they want to watch the video, do we have a laptop so
2 that they can use? Okay. We'll give them the CD and if
3 they -- I'll leave it to y'all, Madam Clerk, to figure out how
4 to let them watch the video in the jury room.

5 And, gosh, I guess we're in a civil trial but do you want
6 to renew all your previous objections and motions?

7 MR. TINSLEY: Yes, Your Honor. I'd renew all prior
8 objections and our motions heard, particularly our motions for
9 directed verdict on the trespass cause of action and
10 specifically cumulative damages.

11 THE COURT: Okay. So noted.

12 I think we can get the alternate in here now. I need to
13 dismiss the alternate before they can begin deliberations.

14 Can get the alternate in here real quick? But just to be
15 clear I'm bringing -- I'm going to let the alternate go and
16 then we'll turn it over to the jury. And that was Juror
17 No. -- here we go -- 130.

18 All right, Juror No. 130.

19 JUROR NO. 130: Yes.

20 THE COURT: So you're our alternate. We didn't lose
21 anybody in the last 24 hours and we're about to begin
22 deliberations in the case, but thank you for your service.
23 You're free to go but you're welcome to stay, but thank you
24 for your service.

25 JUROR NO. 130: Thank you very much.

1 THE COURT: All right. I have the verdict form and I
2 have the jury charge. I'd like to make the jury charge --
3 (Pause in the recording from 12:17 p.m. to 12:18 p.m.)

4 THE COURT: All right. So I got all the evidence, got
5 the CD.

6 UNIDENTIFIED MALE: Judge, we just [indiscernible]
7 hallway.

8 THE COURT: That's fine.

9 Madam Clerk, I'm going to tell them that lunch is on
10 their own. Is that accurate?

11 THE CLERK: I'm [indiscernible] go call, try to do it
12 online.

13 THE BAILIFF: Give this to the jury?

14 THE COURT: They can begin deliberations.

15 All right. We'll be at ease until we have any questions.

16 (A recess was taken from 12:18 p.m. to 12:47 p.m.)

17 THE COURT: All right. So there's an issue with the
18 computer or the TV -- the DVD player?

19 THE CLERK: The CD played it off of his computer, so we
20 never used ours and now it won't connect. We're seeing if he
21 can bring [indiscernible] laptop computer [indiscernible].

22 THE COURT: Y'all have any objection to his computer
23 being used? I mean, as long as they don't search around the
24 computer. The only other thing we can do that's going to be
25 perfectly safe is if you bring them in here, show them the

1 video, ask them if they'd like to see it again, and show them
2 again and sort of be in here and have to maintain that. I
3 mean, we have got [indiscernible] just letting you know.

4 MR. TINSLEY: I don't -- yeah, I'm not going in the jury
5 room, obviously.

6 UNIDENTIFIED SPEAKER: What are other Court's practices
7 on having an objection to playing it?

8 THE COURT: Okay. Well, I mean, typically, I just assume
9 let them stay in there because now [indiscernible] watch the
10 video on Ms. Field's computer?

11 MS. MERRILL: I think that's fine, Your Honor. I just --
12 I guess maybe we can make sure they can't, like, access the
13 internet or anything. Don't want them looking up -- none of
14 us want them doing that, obviously. That's my only concern.
15 That's the only thing I thought of, but, you know, I don't
16 have any objection, if that's the way the Court wants to
17 handle it.

18 THE COURT: Murphy's law here.

19 UNIDENTIFIED SPEAKER: Maybe just bring them in.

20 UNIDENTIFIED SPEAKER: Let them watch it in here? Do you
21 want me to send them back in here, Judge?

22 THE COURT: Yeah. I mean, I don't think [indiscernible].

23 UNIDENTIFIED SPEAKER: Bring the TV [indiscernible].

24 MS. MERRILL: I don't [indiscernible] -- I just --

25 (Cross-talk)

1 UNIDENTIFIED SPEAKER: It wasn't showing on the TV. It
2 was showing on the laptop.

3 THE COURT: Oh, you're right. That's right. It was a
4 repeater.

5 UNIDENTIFIED SPEAKER: Yeah, but it ran through the TV.

6 THE COURT: Correct.

7 UNIDENTIFIED SPEAKER: Yeah. I mean, they can watch it
8 on the laptop. I mean, it's...

9 THE COURT: If we're going to play it through his laptop,
10 let's just do it in here, and that way --

11 UNIDENTIFIED SPEAKER: Okay. What about this? Would it
12 work if -- I don't know the setup of the jury room exactly,
13 but could the computer be hooked up to that TV and they could
14 still watch from the TV? And then, when they're finished,
15 they can just let the deputy know and we can get the computer
16 back. I don't know if that would work.

17 THE COURT: It probably [indiscernible].

18 UNIDENTIFIED SPEAKER: However the Court wants to handle
19 it. I'm just trying to think of ways to make it --

20 UNIDENTIFIED SPEAKER: We can have the laptop through the
21 door.

22 THE COURT: The State's laptop [indiscernible].

23 UNIDENTIFIED SPEAKER: Not [indiscernible] through the
24 jury.

25 THE COURT: Fair enough. Very well. [Indiscernible].

1 Let's just have them play it in here. They can watch it and
2 then they can go back. So, obviously, I'll bring them in.
3 I'll just say I understand you want to watch the video. We'll
4 play it for you now. And then I'll ask them, "Does anybody
5 want to watch it again?"

6 MS. MERRILL: Because they have got another disc too, so
7 I don't know if they're going to watch both of them.

8 THE COURT: I'll just -- I'll be the one that talks to
9 them. You'll just have to be the computer [indiscernible].

10 (Pause in the proceedings.)

11 THE COURT: All right. So Mr. Peil, you can set that up,
12 I reckon?

13 MR. PEIL: And this is the original. I just want to make
14 sure this doesn't get lost anywhere.

15 THE COURT: Okay. That's the evidence.

16 MR. PEIL: That's the evidence, yes.

17 THE COURT: Why don't you tee it up.

18 MR. PEIL: It's ready to go.

19 MS. MERRILL: Which one is that? Is that 7?

20 MR. PEIL: 7.

21 MS. MERRILL: 7 is June.

22 THE COURT: And this is the --

23 MR. PEIL: June 17th.

24 THE COURT: This is the video with the car, the vehicle?

25 MS. MERRILL: The vehicle.

1 MR. PEIL: I believe it's --

2 THE COURT: Okay. I think that's the one they want to
3 see. All right.

4 UNIDENTIFIED FEMALE: Yeah, this is the one they
5 [indiscernible].

6 THE COURT: All right. Go ahead and bring them in.
7 Bring them in.

8 (The jury entered the courtroom at 7:55 a.m.)

9 THE COURT: All right.

10 JUROR: Yeah, we couldn't get that one [indiscernible]
11 on.

12 THE COURT: Okay. So we have got the video. Is this the
13 one you're wanting to see?

14 JUROR: Yes.

15 THE COURT: All right. We'll go ahead and
16 [indiscernible]. Have a seat and we won't say anything while
17 you're in here. We'll just let you watch the video. And if
18 you need to watch it again after that, just let us know.
19 Okay?

20 All right. Mr. Peil, if you could just play it.

21 What's up?

22 JUROR: Can we get you to pause it for us?

23 THE COURT: What?

24 JUROR: When you get to a spot, can we get you to pause
25 it, when we get to a spot?

1 THE COURT: Who's got the control?

2 JUROR: Or can we just "stop it" and you can do that?

3 THE COURT: That's fine.

4 MR. PEIL: Is that all right?

5 THE COURT: Just say "Stop." But I don't want y'all to
6 discuss it.

7 JUROR: No. We're not going to [indiscernible].

8 (Video plays.)

9 JUROR: Stop right there. Are y'all right with that? Is
10 that [indiscernible]?

11 THE COURT: I don't want y'all to discuss what you're --

12 JUROR: No, I just wanted to see if they want to keep
13 going.

14 THE COURT: Okay. Do you want us to keep playing it?

15 JUROR: We don't -- yeah.

16 JUROR: Keep going.

17 JUROR: Keep going. Okay.

18 (Video plays.)

19 JUROR: Are we all right?

20 JUROR: Mm-hmm.

21 JUROR: Okay. Thank you.

22 THE COURT: Head on back to the jury room.

23 (The jury exited the courtroom at 12:56 p.m.)

24 THE COURT: All right. We're on standby.

25 (A recess was taken from 12:57 p.m. to 1:36 p.m.)

1 THE COURT: Please be seated. All right. I'm told we
2 have a verdict.

3 MR. PEIL: Yes, sir.

4 THE COURT: Anything before we bring the jury in?

5 MR. PEIL: No, sir.

6 THE COURT: Bring them in, please.

7 Regardless of the verdict, my custom is just to do ten
8 days for post-trial motions so...

9 MR. PEIL: Ten days for post-trial?

10 THE COURT: Yeah. I'll say it after but I want to make
11 sure I told that now.

12 (The jury entered the courtroom at 1:37 p.m.)

13 THE COURT: All right. Mr. Foreman, I understand y'all
14 have a verdict; is that correct?

15 JURY FOREMAN: Yes, Your Honor.

16 THE COURT: Is your verdict unanimous?

17 JURY FOREMAN: Yes.

18 THE COURT: All right. Please hand it to the bailiff.

19 JURY FOREMAN: Give it to you?

20 THE COURT: To him.

21 JURY FOREMAN: Oh.

22 (Pause in the proceedings while the Court reviews
23 documents.)

24 THE COURT: Do you have the jury charge that was with you
25 that was back there in the room?

1 JURY FOREMAN: The jury what?

2 THE COURT: The instructions.

3 JURY FOREMAN: Yes. They're in a pile.

4 THE COURT: Okay.

5 JURY FOREMAN: With the pictures, the photos in there.

6 THE COURT: I don't normally do this but I think I need
7 to talk to y'all first before I...

8 MR. PEIL: Is that including [indiscernible]?

9 BENCH CONFERENCE

10 (A bench conference was held off the record and outside
11 of the hearing of the jury.)

12 VERDICT

13 THE CLERK: The verdict form:

14 We, the jury, find that the defendant, Crystal Suggs,
15 trespassed: Yes.

16 We, the jury, find that the defendant, Scott Suggs,
17 trespassed: Yes.

18 We, the jury, find the total amount of actual and nominal
19 damages, if any, by the preponderance of the evidence of same
20 by the plaintiff to be: Zero dollars.

21 We, the jury, find, by clear and convincing evidence,
22 that defendants, Crystal Suggs and Scott Suggs, acted
23 willfully, wantonly, and with reckless disregard of the
24 plaintiff's rights: Yes.

25 We, the jury, find, by clear and convincing evidence,

1 that the total amount of punitive damages to be: Zero
2 dollars.

3 Signed this day by the jury foreman.

4 THE COURT: Okay. Could you hand that back to me?
5 Any motions before I discharge the jury?

6 MR. PEIL: Yes, Your Honor. At this time, I would make a
7 motion for reconsideration, I guess, we'll call it. Whatever
8 we want to call it. But under the law, if there has been a
9 finding of trespass, there must be some sort of award of
10 damages, even nominal damages. I think there's perhaps
11 further issues to be resolved.

12 THE COURT: Okay. Any response from the defense? You
13 don't have to. But if you have anything, just let me know.

14 MR. TINSLEY: I don't [indiscernible].

15 THE COURT: All right. Ladies and gentlemen, I have
16 received your verdict form, Mr. Foreman, and your verdict --
17 you did find that both the defendants committed a trespass in
18 the civil sense and a -- I'm going to look this over real
19 quick before I say anything else.

20 Okay. All right. So, under the law of trespass, if you
21 find that the defendants have committed a trespass, then entry
22 alone of a trespass entitles the plaintiff to at least nominal
23 damages. So I need you to go back to the jury room and
24 discuss this matter a little bit more. But you cannot --

25 JURY FOREMAN: Can --

1 THE COURT: No, sir, hold on. You cannot award zero.

2 JURY FOREMAN: Okay. Can I say something?

3 THE COURT: No, sir, you cannot. But you can write a
4 question to me and I'll address it. But I don't want to have
5 an open discussion.

6 JURY FOREMAN: No, no [indiscernible].

7 THE COURT: All right?

8 JURY FOREMAN: I know what the amount is that --

9 THE COURT: Okay. I don't want -- sir, I don't want to
10 discuss it in the courtroom. I need y'all to go back to the
11 jury room. If I have a legal question for me, you can write
12 it on a notepad, and I'll make a record of it.

13 (The jury exited the courtroom at 1:44 p.m.)

14 THE COURT: Print out the verdict form again, please.

15 Court Exhibit 3, verdict form No. 1.

16 MR. PEIL: No. 1.

17 (Court's Exhibit No. 3, Verdict Form No. 1, was marked
18 for identification and received into evidence.)

19 THE COURT: I'm going to print the verdict form again.

20 THE CLERK: Okay.

21 THE COURT: Frankly, I might fill in yes and yes.

22 MR. TINSLEY: I think punitive, zero, doesn't change.

23 THE COURT: I'm not arguing -- I'm just talking about you
24 can't award -- well, I wasn't clear about that.

25 MR. TINSLEY: Well, you already addressed with them

1 nominal, so I think -- insist on their finding no punitives,
2 no actuals [indiscernible].

3 THE COURT: Yeah, I -- what do you think? Can I just let
4 them scratch out zero on the damages?

5 MR. TINSLEY: No, I don't have a problem with you giving
6 them another form.

7 MR. PEIL: I have no objection to that either.

8 MR. TINSLEY: I think the way you suggested is fine.

9 THE CLERK: And you'll fill out the part that's in
10 dispute?

11 THE COURT: I might have her come out with me when I go
12 to them and say the verdict is fine -- I mean, the verdict
13 form -- the only issue with the verdict form is you have zero
14 in the amount of actual nominal damages. That's my only --
15 that's my only [indiscernible]. I mean...

16 Actually, let's put it on the record.

17 MR. PEIL: We're on the record, yeah.

18 MS. MERRILL: So, essentially -- I want to make sure I'm
19 understanding. So I guess what I would say is they're finding
20 is, at least for punitives and actuals, that is zero, and if
21 we give them a blank form, to me, they considered that and
22 already decided those issues.

23 MR. PEIL: Well, there's no distinction between actual
24 and nominal on the form, but...

25 THE COURT: [Indiscernible] in hindsight [indiscernible].

1 MR. PEIL: I think they get --

2 (Cross-talk)

3 MS. MERRILL: -- any of the charges. I think you charged
4 it right.

5 MR. PEIL: I'm fine with the charge, yeah.

6 THE COURT: All right. So --

7 MR. PEIL: He said he knew the amount so he's going to
8 put some number on there.

9 THE COURT: Okay. [Indiscernible].

10 MS. MERRILL: My only hesitation is what happens if they
11 write something different other than the nominal part? How do
12 we handle that if they go back and they start...

13 THE COURT: Well, how about this? The reality is it was
14 not a proper verdict form. I'm wondering [indiscernible] be
15 able to send it back until it's proper.

16 MR. PEIL: I don't know. I have seen a lot of crazy
17 things. I have never -- never had this issue. I don't know
18 the answer, and anything I said would be off the top of my
19 head.

20 MR. TINSLEY: Yeah, it strikes me that No. 3 is the only
21 thing that's [indiscernible] obviously [indiscernible] one and
22 two, so -- and they could find [indiscernible].

23 MR. PEIL: I don't think they're inclined to add
24 punitives, but I think if you send them back a new form, they
25 could say, "You know what? If we have got to award money,

1 then we're going to say no trespass occurred," if we send them
2 back a blank form.

3 THE COURT: Okay. [Indiscernible]. I'll just give them
4 the blank form [indiscernible].

5 MR. PEIL: That's right. Hopefully the next one is not
6 improper.

7 THE COURT: Are you sure there's nothing else we need to
8 discuss about [indiscernible]?

9 MS. MERRILL: It is working, Judge. I'm just trying to
10 make sure -- you know, as Mr. Peil said, I'm not exactly sure
11 of the right solution either, so...

12 That's my only hesitancy, if they come back -- they still
13 had a verdict. Whether the form properly dealt with the
14 nominal damage issue, to me, is still different than what
15 their verdict was. So then if we come back and they have a
16 different verdict -- that's what I was trying to kind of
17 raise, but I don't know the right --

18 THE COURT: [Indiscernible] something like that. I
19 mean...

20 All right. Let's go off the record while we're doing
21 this.

22 (A recess was taken from 1:48 p.m. to 1:54 p.m.)

23 (The jury entered the courtroom at 1:54 p.m.)

24 THE COURT: Mr. Foreman, you have -- y'all have
25 deliberated -- if you'll bring that -- y'all have deliberated

1 some more. Is this decision still unanimous?

2 JURY FOREMAN: Yes, still unanimous.

3 THE COURT: Thank you, sir.

4 (Pause in the proceedings while the Court reviews
5 documents.)

6 THE COURT: Okay. Madam Clerk?

7 THE CLERK: In the matter of Robert Lagroon versus
8 Crystal Suggs and Scott Suggs, verdict form:

9 We, the jury, find the defendant, Crystal Suggs,
10 trespassed: Yes.

11 We, the jury, find the defendant, Scott Suggs,
12 trespassed: Yes.

13 We, the jury, find the total amount of actual and nominal
14 damages, if any, by the preponderance of the evidence
15 sustained by the plaintiff to be: One dollar.

16 We, the jury, by clear and convincing evidence, that the
17 defendants, Crystal Suggs and Scott Suggs, acted willfully,
18 wantonly, or with reckless disregard to the plaintiff's
19 rights: Yes.

20 We, the jury, find, by clear and convincing evidence,
21 that the total amount of punitive damages to be: \$200.

22 THE COURT: All right. Anything else before I discharge
23 the jury?

24 MR. PEIL: Nothing from the plaintiff, Your Honor.

25 THE COURT: Anything from the defense?

1 MR. TINSLEY: Nothing, Your Honor.

2 THE COURT: All right. Just -- if you file anything,
3 please give us a heads-up.

4 Nice working with y'all this week and I hope y'all have
5 safe travels back to everywhere -- Greenwood, Evans, all those
6 places.

7 MR. TINSLEY: Thank you, Judge.

8 THE COURT: Thank y'all.

9 (The above matter concluded at 1:59 p.m.)
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1 CERTIFICATE OF TRANSCRIBER

2 CASE NAME/NUMBER: Lagroon v. Suggs

3 2017-CP-35-00045

4 DATE OF HEARING: 4/24/24 (Day 2 only as requested)

5 COURT REPORTER/MONITOR: DCRP Joseph Hoskins

6 *****

7 I, Bobbi Fisher, do hereby certify that the foregoing
8 transcript is a true and correct record of the recorded
9 proceedings; that said proceedings were transcribed to the
10 best of my ability from the audio recording and supporting
11 information, and that I am neither counsel for, related to,
12 nor employed by any of the parties to this case, and I have no
13 interest, financial or otherwise, in its outcome.

14
15 *Bobbi Fisher*

17 /s/ Bobbi Fisher _____

18 Bobbi Fisher, RPR and Certified Transcriber

19 Date Submitted: 11/28/24

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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MCCORMICK COUNTY
IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

The Honorable Walton McLeod Eleventh Circuit Court Judge
McCormick County

Robert Jay Lagroon, Appellant.

v.

Crystal Suggs and Scott Suggs, Respondent

Appellate Case No. 2024-000831

CERTIFICATE OF COUNSEL

Counsel for Appellant certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

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CERTIFICATE OF SERVICE

The undersigned Pro Se Appellant does hereby certify that service of the **Record on Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addressed clearly indicated on said envelopes this 2nd day of July, 2025 addressed as follows:

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