

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...

JURY CHARGE

22
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 peacefulable (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 Yeah, that's fine.

2 BENCH CONFERENCE

3 (A bench conference was held off the record and outside
4 of the hearing of the jury.)

5 THE COURT: Any other motions from the defense prior to
6 discharging the jury?

7 MR. TINSLEY: Nothing prior to letting the jury go, Your
8 Honor.

9 THE COURT: All right. Ladies and gentlemen, when you
10 came in, I guess, yesterday, you didn't know what was in front
11 of you, but we appreciate your service. You know, the truth
12 is, serving on a jury is a high form of public service, so we
13 appreciate you being here, and whether it's a week of civil
14 court or a week of criminal court, you know, we can't move
15 these cases sometimes unless y'all come in and do the work of
16 hearing the evidence and making a decision.

17 So y'all are free to go at this time. We appreciate your
18 service, and have a nice day. You are done for the week. All
19 right. Thank y'all.

20 (The jury exited the courtroom at 1:57 p.m.)

21 THE COURT: Madam Clerk...

22 So we went from one -- well, ten days for post-trial
23 motions.

24 Anything else for the record today?

25 MR. PEIL: Nothing for the record, Your Honor.

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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CERTIFICATE OF TRANSCRIBER

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CASE NAME/NUMBER: Lagroon v. Suggs
2017-CP-35-00045
DATE OF HEARING: 4/24/24 (Day 2 only as requested)
CCURT REPORTER/MONITOR: DCRP Joseph Hoskins

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information, and that I am neither counsel for, related to, ncr employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher _____

Bobbi Fisher, RPR and Certified Transcriber

Date Submitted: 11/28/24

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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.

Robert J. Lagroon
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COUNSEL FOR APPELLANT

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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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