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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

Volume I

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

) IN THE COURT OF COMMON PLEAS

COUNTY OF MCCORMICK

) ELEVENTH JUDICIAL CIRCUIT

Robert Jay Lagroon.

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

) Plaintiff.

) **VERDICT FORM**

) vs.

) Crystal Suggs and Scott Suggs,

) Defendants.

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:

\$ 1000.00 (Dollars)

(PROCEED TO QUESTION 4.)

1

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?

X 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:

\$ 200.00 (Dollars)

STOP AND END YOUR DELIBERATIONS

Please sign and date.

[Signature]
Jury Foreperson

4/23/24
Date

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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

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(DW) - Denotes Defendant's Witness

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PLAINTIFF'S

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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.

55

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?

(57)

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.

110

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

(111)

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 **RECROSS 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 limps 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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