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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 II

RECORD ON APPEAL

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

COUNSEL FOR APPELLANT

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1 STATE OF SOUTH CAROLINA * COURT OF COMMON PLEAS
 *
 2 COUNTY OF McCORMICK * TRANSCRIPT OF RECORD
 *
 3 -----X
 ROBERT JAY LAGROON, *
 *
 4 Plaintiff, *
 *
 5 vs. * Case No. 2017-CP-35-00045
 *
 6 CRYSTAL AND SCOTT SUGGS, *
 *
 7 Defendant. *
 8 -----X

9 April 24, 2024
 Day 2 of 2

10 JURY TRIAL - VOLUME II

11 B E F O R E:

12 The Honorable Walton McLeod, Presiding Judge; and a
 13 jury.

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

15 Jeffrey F. Peil, Esq.
 Attorney for the Plaintiff

16 R. Jamison Tinsley, Jr., Esq.
 17 Jane Hawthorne Merrill, Esq.
 Attorneys for the Defendants

24 Recorded by: DCRP Court Monitor Joseph Hoskins

25 Transcribed by: Bobbi Fisher, RPR
 SC Official Court Reporter III

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E X H I B I T S

(Exhibits on file in Clerk of Court's Office.)

Defendant's Exhibit

No.	Description	ID.	REC'D
2	Photograph of Property	28	28
3	Photograph of Cell Tower Road and Gate	28	28
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Court's Exhibits

No.	Description	ID.	REC'D
1	Deed	6	6
3	Verdict Form No. 1	102	102

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COURT REPORTER LEGEND

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Dash (--) Indicates an interruption in speech
Ellipses (...) Indicates trailing off in speech
(ph) Indicates phonetic word
[Verbatim] Indicates the word is said as written
(Indiscernible)[Transcription] Indicates word(s) is
not known due to audio recording
quality

1 P R O C E E D I N G S

2 (The following proceedings started at 9:43 a.m.):

3 M O T I O N / M A T T E R O F L A W

4 THE COURT: Okay. When we left yesterday, I had
5 indicated I wanted to at least think a little bit more about
6 the issue of punitive damages. And under the circumstances,
7 you know, I -- what I'm here to do is decide if there's
8 evidence of any sort of cause of action or damages to put to
9 the jury, and the more I thought about it, I found myself
10 weighing the evidence I heard during the trial. The safe bet
11 for me is just to go ahead and allow the charge for punitive
12 damages, and then we'll -- if there's an issue with that, I
13 can always take it up after the trial, depending on what
14 happens, if anything. So I will charge them both.

15 Does the defense plan to put up any witnesses?

16 MR. TINSLEY: Yes, Your Honor. And Ms. Merrill or
17 Crystal Suggs is going to put her case up before my client.18 THE COURT: Okay. All right. And, obviously, if y'all
19 put up a case, we'll address this again when we close your
20 evidence. Okay?

21 All right. Y'all ready to proceed?

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

23 MS. MERRILL: Your Honor, if I can just --

24 THE COURT: Oh, yes, ma'am.

25 MS. MERRILL: And I'll show this to the defense

1 [indiscernible] Court's exhibit --

2 THE COURT: Okay.

3 MS. MERRILL: -- for ID purposes, not to go back to the
4 jury.

5 MR. PEIL: This is the deed? Okay, yes.

6 MS. MERRILL: Can we have that as Court's Exhibit 1,
7 please.

8 (Court's Exhibit No. 1, Deed, was marked for
9 identification.)

10 MR. TINSLEY: Judge, one more thing that's probably good
11 for me to go ahead and put on the record.

12 THE COURT: Yes, sir.

13 MR. TINSLEY: Yesterday, regarding Plaintiff's Exhibit 1,
14 which is the unsigned trespass notice, we had a sidebar in
15 which I objected, saying that the best evidence rule should
16 keep it out since she testified there was a signed copy and
17 that wasn't being admitted. So I just wanted to put that --
18 that sidebar conversation on the record.

19 THE COURT: Sure. Yes, sir.

20 MR. PEIL: If I may, Your Honor, if you remember,
21 Dr. Lagroon testified that he can go home in 15 minutes and
22 locate it. He did. I do have that document.

23 THE COURT: Do you want to show that to defense counsel?

24 MR. PEIL: Yes, sir.

25 THE COURT: Now --

1 MR. TINSLEY: Judge, I would note, it was never
2 disclosed. It was unsigned and disclosed to us in discovery.
3 There's nothing that prevented him from going on and signing
4 it, so...

5 THE COURT: Yeah.

6 MR. PEIL: I mean, which is certainly an argument they
7 can make.

8 THE COURT: Yeah, I think, because it is a -- certainly,
9 that's true. It's a -- a letter that the plaintiff says
10 was -- that he wrote, that he served, that he provided notice.
11 If it were a letter from another person regarding another
12 tangential matter, I think the best evidence would be a lot
13 stronger argument. I think, under the circumstances, the
14 letter is what he testifies it is. But your objection is
15 noted. It's just admitted subject to objection.

16 All right. Anything else before we bring in the jury?

17 MR. TINSLEY: No, Your Honor.

18 THE COURT: All right. Let's bring them in, please.

19 (The jury entered the courtroom at 9:47 a.m.)

20 THE COURT: All right. Mr. Foreman, ladies and
21 gentlemen, welcome back. Hope you had a nice evening.

22 When we left yesterday, we had -- the plaintiff had
23 rested their case. We'll now have the opportunity to hear the
24 defendants present their case.

25 Ms. Merrill?

1 MS. MERRILL: Thank you, Your Honor. I call Becca
2 Lagroon.

3 THE COURT: Very well.

4 THE CLERK: Ms. Lagroon, if you would, please, raise your
5 right hand and place your left on the Bible.

6 BECCA LAGROON,
7 after having been duly sworn, was examined and
8 testified to as follows:

9 COURT MONITOR: Could you state your name for the record.

10 THE WITNESS: It's Becca Eloise Lagroon.

11 THE COURT: Ms. Lagroon, just -- we'll need you to speak
12 up so everyone can hear you. Okay? Thank you.

13 DIRECT EXAMINATION

14 BY MS. MERRILL:

15 Q Good morning. Please introduce yourself to the jury.

16 A I'm Becca Lagroon. I am the daughter of Jay Lagroon.

17 Q And that's the plaintiff in this case; is that right?

18 A Correct.

19 Q And were you living with your father in June of 2014?

20 A We were.

21 Q Okay. When you say "we," who is "we"?

22 A I have a brother. He's one year older. Daniel Lagroon
23 and myself were living with him.

24 Q Okay. And how old would you have been in June of 2014?

25 A I was 14.

1 Q Okay. And so do you know Crystal Suggs seated over here
2 at the defense table?

3 A Yes. She was a family friend.

4 Q She was a family friend. Okay.

5 And was there an occasion in June of 2014 -- around
6 June 17th where Ms. Suggs came and you put some things in her
7 car?

8 A Yes.

9 Q Okay. When she did that, did she come to your dad's
10 house?

11 A No.

12 Q Where was she?

13 A She was at the roadway on the east side road to our cell
14 tower where we met her.

15 Q Okay.

16 MS. MERRILL: Your Honor, may I approach with Plaintiff's
17 Exhibit -- is it 3?

18 MR. PEIL: 3.

19 MS. MERRILL: I believe it's 3. It's the -- may I
20 approach?

21 THE COURT: Yes, ma'am.

22 And the witness can stand up if she needs to.

23 BY MS. MERRILL:

24 Q All right. So looking at Exhibit 3, is that a house?

25 A It is.

1 Q Okay. And is that kind of by the main driveway?

2 A Yes. That's the house driveway.

3 Q Okay. What did y'all call this right here?

4 A The cell tower road.

5 Q The cell tower road. Okay.

6 And when Ms. Suggs came to your -- for you to put things
7 in her car, where did she park?

8 A She was over here.

9 Q And when you're pointing, you're pointing at the roadway?

10 A Yes.

11 Q Near the cell tower road?

12 A Yes. We always met her right there.

13 Q Okay. And was there a gate at the end of that road?

14 A Yes.

15 Q And did she go past the gate?

16 A No.

17 Q So was she on the roadside of the gate?

18 A Yes. She was always there.

19 Q And when I say "road," I'm talking about the main road.

20 A Yes.

21 Q Not the cell tower road.

22 A Correct.

23 Q Is that where she was?

24 A Yes.

25 Q Okay. And did you and your brother take some things --

1 you may have a seat.

2 Did you and your brother take some things to her car late
3 one evening?

4 A We did, yes.

5 Q Okay. And then, the next evening, did Ms. Suggs come and
6 pick you up and take you to your mother's house?

7 A She did.

8 Q Okay. And, on that evening, where was she parked?

9 A The same place. Right on the road.

10 Q Okay. Do you recall if your father had cameras in June
11 of 2014?

12 A There was no property cameras, from my knowledge.

13 Q Okay. What about even on the -- again, I'm going to show
14 you Exhibit 3. So that's the house. What is that building
15 right there?

16 A That's our shop.

17 Q Okay. Do you know if he had cameras on that shop?

18 A Not from my knowledge.

19 Q Okay. At any time when you and your brother were
20 interacting with Ms. Suggs, did she come onto the property?

21 A No. We were --

22 Q Did she come --

23 A No.

24 Q Did she come near that building at all?

25 A No, mm-mmm. That would have jeopardized everything we

1 were trying to do.

2 Q Repeat that, please.

3 A That would have really jeopardized what we were trying to
4 do in leaving.

5 Q What were y'all trying to do?

6 A We were trying to leave due to the abuse we suffered.

7 THE COURT: Okay.

8 MR. PEIL: Objection, Your Honor. Relevance.

9 THE COURT: Sidebar.

10 BENCH CONFERENCE

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

13 BY MS. MERRILL:

14 Q Okay. Without telling us the reasons why, I just wanted
15 to clarify that you were just trying to leave your father's
16 home; is that correct? Without telling us why ---

17 A Yes.

18 Q --- that's what you were trying to do?

19 A Yes, mm-hmm.

20 Q With your brother; is that right?

21 A Correct.

22 Q Okay.

23 THE COURT: Also, just for that -- there was an objection
24 there. That objection was sustained.

25 MR. PEIL: Thank you, Your Honor.

1 BY MS. MERRILL:

2 Q Other than these two days in June where you met Ms. Suggs
3 on the road, did you have any other interactions with her with
4 just you and your brother?

5 A No.

6 Q Okay.

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

8 That's all the questions I have.

9 THE COURT: All right. Cross, Mr. Peil?

10 CROSS-EXAMINATION

11 BY MR. PEIL:

12 Q How are you doing today, Becca?

13 A I'm okay.

14 Q I understand testifying is stressful.

15 Have you had a chance to discuss this case with Crystal
16 Suggs?

17 A No, not until I was subpoenaed.

18 Q Not until you were subpoenaed?

19 A Yeah.

20 Q Okay. So over the past day or so, you have had a chance
21 to discuss this matter with Ms. Suggs?

22 A Today, yes.

23 Q In preparation for your testimony this morning?

24 A Yes. I have talked to her this morning.

25 Q All right. Are you aware --

1 THE COURT: Can everybody hear her? Okay. I'm sorry.
2 Thank you.

3 BY MR. PEIL:

4 Q Are you aware that Ms. Suggs has given very different
5 testimony as to what occurred than what you just testified to?

6 MR. TINSLEY: Objection to pitting the witness, Your
7 Honor.

8 THE COURT: Yes. Sustained. You can ask her questions,
9 but...

10 BY MR. PEIL:

11 Q All right. So let me ask it this way: Did Ms. Suggs
12 come onto the Smith property to help you load up your
13 belongings?

14 A Is that beside the property?

15 Q I don't know. Do you know there's neighbors to the north
16 named Smith?

17 A I don't know the neighbor.

18 Q You don't know that. Okay.

19 Are you aware if she came onto that property to help load
20 up bags for you to leave your father's home?

21 A No, I don't know.

22 Q All right. Well, I want to make sure I understand this
23 correctly. Your testimony is that, on June 17th, you and your
24 brother went down to the gate to load up your belongings into
25 Ms. Crystal Suggs' vehicle; is that correct?

1 A We went past the gate.

2 Q Well, past the gate, whatever. Out onto the highway.

3 A Correct.

4 Q Okay. And that was June 17th and you were just loading
5 things up; is that correct?

6 A We left them. I -- I don't remember her being there, to
7 be honest.

8 Q I mean, do you remember that you had loaded your
9 belongings into trash bags?

10 A Yes, mm-hmm.

11 Q And there were about three trash bags worth of
12 belongings?

13 A I guess. I don't know -- remember.

14 Q So I want to make sure I understand your testimony that
15 you and your brother helped load them into Ms. Suggs' white
16 Cadillac Escalade?

17 A I don't remember that.

18 Q You don't remember that?

19 A Mm-mmm.

20 Q Have you been shown the video in this case taken on the
21 property?

22 A Yes.

23 Q You have?

24 A Mm-hmm.

25 Q All right. You had a chance to review it?

1 A Mm-hmm.

2 Q Having seen that video, do you recall now that Ms. Suggs
3 and Mr. Suggs --

4 MR. TINSLEY: Objection, Your Honor. There's been
5 multiple videos put in. We don't know which video. I think
6 it's just clarification on what [indiscernible].

7 THE COURT: All right. Counsel, you can clarify which
8 video you're referring to? And if you need to show it, you
9 can do that as well.

10 MR. PEIL: Thank you, Your Honor.

11 BY MR. PEIL:

12 Q Have you seen the video of a gentleman loading three
13 trash bags into the back of a white Cadillac Escalade?

14 A No.

15 Q You have not seen that?

16 A Uh-uh.

17 MR. PEIL: All right. Your Honor, if I may have a
18 moment.

19 THE COURT: Sure.

20 (Pause in the proceedings.)

21 BY MR. PEIL:

22 Q Before I get into this, I just want to ask you two
23 questions and then I'll show you the video. At the time this
24 happened, I believe it was your testimony that you were 14
25 years old; is that correct?

1 A I was.

2 Q All right. And so that was about ten years ago?

3 A Correct.

4 Q Okay. And you did live in the home with you and your
5 brother?

6 A Correct.

7 Q And you said they were family friends. Had you had
8 interactions with Crystal and Scott Suggs?

9 A Yeah, they always came over for parties or different
10 things or whatnot with my dad.

11 Q All right. And so you had seen them in the house?

12 A Not any time close to that.

13 Q Well, I'm just asking. I mean, and here's what I'm
14 getting at, maybe this will be -- I mean, you can pick the two
15 out of a lineup? You had seen them?

16 A Yes.

17 Q All right. Had you had interactions with them? Had you
18 spoken to them?

19 A I mean, yes. They used to come over all the time.

20 Q Sometimes my parents brought friends over and I didn't
21 talk to them, so I'm just asking specifically ---

22 A Oh, no, we ---

23 Q --- had you --

24 A --- went over to their house very regularly. They helped
25 us with our dogs. We know them very well.

1 Q About how long had you lived with your father?

2 A A while. Since I was probably eight maybe.

3 Q Since you were eight? All right.

4 A Yes.

5 Q And would it be fair to say that this is kind of a unique
6 property? It doesn't look like a house you'd see in the
7 suburbs?

8 A I mean, we had two houses up there and a shop. I don't
9 really know. It's a country home.

10 Q It was a country home.

11 A Yeah.

12 Q You had a cell tower at one point?

13 A We did.

14 Q In June, that cell tower had already been deconstructed
15 at that time, and there was no cell tower at that time;
16 correct?

17 A I don't remember, to be honest.

18 Q All right. And your father ran his dental practice out
19 of the main house?

20 A Yes.

21 Q Okay. So you had a machine shop. I think there's some
22 sort of other building there.

23 A We had a guest house.

24 Q A guest house.

25 A That was the main house before the large house was built.

1 Q All right. Do you recognize this portion of your
2 father's property?

3 A No.

4 Q All right. So I'm going to show you Plaintiff's Exhibit
5 6. Let me ask this: In 2014, did Scott Suggs walk with a
6 limp?

7 A I don't remember. I know he's had a limp from an
8 accident, but...

9 (Video plays.)

10 Q So my question then: This is -- you're saying this is
11 the first time you have seen this video?

12 A Yeah.

13 Q Okay. Now, having seen the video, let me ask you again.
14 Do you think that -- again, it was ten years ago -- that
15 Crystal and Scott Suggs may have driven a white Cadillac
16 Escalade at that time?

17 A They did drive an Escalade, but that never happened.

18 Q That never happened ---

19 A No.

20 Q --- what you saw in the video? Okay.

21 A That never happened.

22 Q All right. So I want to make sure I understand. You did
23 confirm that you and your brother had loaded your belongings
24 up into trash bags; correct?

25 A We did, yes.

1 Q Do you think, sitting here today, maybe it's possible
2 that that first night you and your brother did not meet Scott
3 and Crystal?

4 A We went to the road and dropped our belongings off.
5 That -- I don't know where that came about.

6 Q Okay.

7 MR. PEIL: All right. I have no further questions.

8 THE COURT: Any redirect? Or, actually, you get cross, I
9 guess, now too, yes.

10 MR. TINSLEY: Yes, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. TINSLEY:

13 Q So there were two different nights. The first night, you
14 and your brother took the items to the road and dropped them
15 off.

16 A Mm-hmm.

17 Q Is that a yes?

18 A Yes.

19 Q Okay. And then, the second night, you and your brother
20 got in the car with Crystal?

21 A Correct.

22 Q Was Scott Suggs there either night?

23 A No.

24 Q And if your dad had security cameras on that property
25 back then, would you have known about it?

1 A Yes.

2 Q And why would you have known about it?

3 A Because we -- I probably would have helped him set up.
4 Me and my brother did everything around the house, all the
5 yard work.

6 Q And there was another video where your ID was found in
7 the yard. Are you familiar with that?

8 A About the video or...

9 Q About your ID being found --

10 A No, mm-mm.

11 Q Okay. Have you seen that video?

12 A Yes.

13 Q Okay. And were you in school on June 17th and 18th of
14 2014 or were you on summer vacation?

15 A We were on summer vacation at that time when this
16 happened.

17 Q Okay. Did you lose your school ID while -- on either of
18 those nights?

19 A I mean, we didn't have any belongings other than the
20 trash bags. Like, I didn't have a purse or anything. I don't
21 remember carrying anything of that sort on me.

22 Q Okay. Do you know whether you lost it that night or not?

23 A No. We were in such a hurry to leave, we didn't...

24 But we weren't carrying -- all my belongings were taken
25 most of the time, so...

1 Q You mean when you took the belongings the night before?

2 A I had a purse stolen before in the summer. One of them
3 took it, my stepmom or my dad, that had my grandmother's
4 pendant on it. So I probably didn't have anything of an ID
5 sort on me, to be honest.

6 Q Okay. You think the ID was in your purse?

7 A It's possible. I don't remember. But we didn't carry
8 any kind of purses or phones or anything with us when we left.

9 Q Okay.

10 A All we had was that trash bag.

11 Q Was the ID in that trash bag?

12 A I don't remember having it.

13 Q Okay.

14 MR. LAGROON: I don't have any further questions. Please
15 answer any questions Ms. Merrill has.

16 THE COURT: Redirect?

17 MS. MERRILL: No redirect, Your Honor.

18 THE COURT: Okay.

19 MR. PEIL: Briefly --

20 THE COURT: Well, no, no, I don't -- I think we have gone
21 through, and there's no redirect so there shouldn't be any
22 recross.

23 MR. PEIL: Well, I mean, I can cross based on the
24 questions that he just asked; correct?

25 THE COURT: I don't -- I don't do a lot of cases with two

1 defendants. I don't think that's right. Y'all come here.

2 BENCH CONFERENCE

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

5 THE COURT: All right. Both attorneys have had the
6 opportunity to cross-examine. There wasn't a redirect
7 examination, therefore, the witness is excused.

8 You may step down.

9 Next witness?

10 MS. MERRILL: Your Honor, can we possibly have just a
11 minute for my co-counsel and I to talk briefly out here?

12 THE COURT: All right. Ladies and gentlemen --

13 MS. MERRILL: Can I take just a second?

14 THE COURT: Well, let's take five minutes, because I
15 don't want --

16 MS. MERRILL: Okay.

17 THE COURT: So we'll take a very short recess. Head on
18 back to the jury room. Do not discuss the case, and I'll get
19 you back out here in a few minutes. Thank you.

20 (The jury exited the courtroom at 10:09 a.m.)

21 (A recess was taken from 10:09 a.m. to 10:19 a.m.)

22 (The jury entered the courtroom at 10:19 a.m.)

23 THE COURT: All right. Welcome back, ladies and
24 gentlemen. We'll just pick up where we left off as we
25 continue the defendant's opportunity to present their

1 case-in-chief.

2 Mr. Tinsley?

3 MR. TINSLEY: I'll call Scott Suggs to the stand.

4 THE COURT: Very well.

5 Mr. Suggs, you were sworn yesterday. You remain under
6 oath now. Do you understand that?

7 THE WITNESS: Yes, sir.

8 THE COURT: Very well.

9 SCOTT SUGGS,

10 after having been previously duly sworn, was
11 examined and testified to as follows:

12 DIRECT EXAMINATION

13 BY MR. TINSLEY:

14 Q Mr. Suggs, you testified yesterday that you lived in
15 McCormick for how many years?

16 A Approximately 37.

17 Q And so are you familiar with the Lagroon property over on
18 Highway 7?

19 A Yes, sir.

20 Q All right. And how long have you been familiar with that
21 property?

22 A I'd say 25, 30 years.

23 Q Okay. All right. I'm going to hand you some documents
24 marked as a defendant's exhibit. The first one is dated

25 February 2008. Does that picture look accurate to how that

1 property looked in 2008?

2 A Yes.

3 Q All right. And would you describe to us what you see as
4 far as what part of the property that is?

5 A It's the front yard, the front right part facing the
6 house, looking up the cell tower road with two pieces -- two
7 gates looking red in color.

8 Q And those gates -- is that the cell tower road gates
9 they're on?

10 A Yes, sir.

11 Q Anything else of note?

12 A No.

13 Q Okay. And the second picture, which was made in
14 September of 2009, is it an accurate depiction of how that
15 property looked back at that time?

16 A Yes, sir. Grewed up a little bit vegetation, a little
17 bit more.

18 Q Okay. Otherwise, it's pretty much the same?

19 A Yes.

20 Q All right. I'm going to hand you a third image dated
21 March 2021. Is this picture an accurate depiction of how the
22 property looked at that time?

23 A Yes. Trees growing up. A rope gate. And I believe they
24 were growing the trees up to cover up the house.

25 Q Can you still see the house in that picture?

1 A No.

2 Q All right. I'm going to hand you a fourth one dated May
3 of 2023.

4 A A lot of trees. When I say "trees," small trees. A lot
5 of shrubs, you know...

6 Q How would you describe the vegetation?

7 A I mean, it's like wild -- like a clear-cut after it's
8 cut, and then, after two years or three years, it grows up
9 naturally. And it's a lot of trees on the right and left
10 going up the tower road.

11 Q Okay. And what's the gate like at that point?

12 A A rope gate.

13 Q All right. Now, I'm going to hand you the fifth picture,
14 which is an overhead shot from 2023, which is, I believe, the
15 same one we have been looking at. Does that look accurate to
16 you?

17 A Yes. That was exactly that way.

18 Q All right. Is it pretty consistent with the previous
19 picture?

20 A Yes.

21 Q All right. Handing you the sixth one, which, on the
22 right side picture is the overhead we have been looking at,
23 and the left is an overhead that says it's from 2021. Is that
24 2021 we're looking at here?

25 A Yes.

1 Q All right. Is there anything of note in the 2021
2 picture?

3 A This is a lot more vegetation, you know, growing.

4 Q In which one: '23 or '21?

5 A '23.

6 Q Okay. All right. Can you see the gate?

7 A I can't see that gate from that aerial.

8 Q Okay. All right. And now the 2017 overhead is on your
9 left, on this one.

10 A Yes.

11 Q Is that accurate?

12 A Yes, that's accurate.

13 Q Okay. Is there anything of note -- of difference in that
14 picture from '21 and '23?

15 A '23, it's grewed up a lot more.

16 Q How does 2017 compare to '21?

17 A 2017, I mean, there's -- there's nothing -- nothing -- no
18 trees or vegetation in there.

19 Q Okay. All right. And, finally, 2006. Is that accurate
20 for how the property looked back then?

21 A From what I can remember, that looks just like it looked
22 back then.

23 Q And how would you describe the vegetation there?

24 A There's no vegetation. It was clean. It was groomed.

25 Q Thank you.

1 MR. TINSLEY: Your Honor, I would move to enter
2 Defendant's -- I believe they're 2 through 9 into evidence.

3 THE COURT: Without objection?

4 MR. PEIL: I have no objection.

5 THE COURT: All right. That's Plaintiff's -- excuse me,
6 Defendant's Exhibit 2 through 9 admitted into evidence.

7 (Defendant's Exhibit Nos. 2 through 9, Photographs of
8 Property, was premarked for identification and received into
9 evidence.)

10 BY MR. TINSLEY:

11 Q Mr. Suggs, how many times have you been to that house
12 through the years socially?

13 A There's so many times. Like, they would go on hunting
14 trips out West, and we would take care of their dogs. We'd go
15 there every day, feed them. And they might be gone two to
16 three weeks.

17 Q When you say "they," who are you talking about?

18 A Talking about Mr. Lagroon and his children. Sometimes
19 Kelli. Sometimes Kelli would stay there. But the next year,
20 if they went hunting, we would go up there, take care of their
21 dogs, get their mail, whatever.

22 Q Did you consider the Lagroons friends?

23 A Back then I did.

24 Q Okay. And Plaintiff's Exhibit No. 1, the trespass
25 notice, do you need to take a look at that? Are you familiar

1 with that document?

2 A I'm not really familiar with it.

3 Q Okay. I'm going to hand you this document that was put
4 into evidence entitled, "Trespass Notice, May 26, 2014" and
5 let you look at it.

6 A It was never handed to me.

7 Q Have you ever seen that document?

8 A Never.

9 Q Okay. Were you ever told by Dr. Lagroon not to come back
10 to his house?

11 A No.

12 Q Anybody tell you on his behalf not to come back to his
13 house?

14 A No.

15 Q Was there ever any altercation with you or your wife
16 getting belligerent out there?

17 A No.

18 Q And you have seen this video of a white SUV or a
19 white-colored SUV in the yard that's in evidence?

20 A (No audible response.)

21 Q Is that a yes?

22 A Yes, I have seen the video. Yes.

23 Q Okay. Is that you?

24 A No.

25 Q All right. Tell us how you know that's not you.

1 A Well, we weren't ever up there. I would never -- I
2 wasn't there to go and have the video of me or whoever. I
3 mean, it had to be fabricated.

4 Q All right. So this video was made June 17th, 2014.

5 A Yes.

6 Q It's a little after 11:00 at night. Were you over there
7 at that point?

8 A No.

9 Q All right. And what type of hours do you work
10 [indiscernible]?

11 A We go to work 8:00. Work till probably 5:00, maybe 6:00,
12 Monday through Thursday, and then, Friday, we take off a
13 little early.

14 Q All right. Is June a pretty busy time of year for you?

15 A Very busy.

16 Q What time are you usually going to bed then?

17 A I might go -- I go to bed with the chickens. 8:30, 9:00.

18 Q Okay. And you're sure this man or this person limping on
19 this video, are you sure that's not you?

20 A Positive.

21 Q All right. Tell us how you're positive.

22 A Because I wasn't there.

23 Q Okay. Do you think that limp is consistent with the limp
24 you had ten years ago?

25 A Well, it looked like a shorter man. It looked like a

1 heavier man. And if you look at the height of the person, I'm
2 taller than that.

3 Q All right. And how did you -- was your limp ten years
4 ago compared to how you walk now?

5 A I didn't have a bad limp then.

6 Q Okay.

7 A Just more recent in the past -- this past year when I
8 broke it. It grew back three inches shorter than the other
9 one.

10 Q And that was from a tree --

11 A Tree accident.

12 Q Tree accident. Okay.

13 How about the back of the shoes on that video of the man?
14 Did anything stand out to you about that?

15 A Looked like they were reflector jogging shoes. And I
16 would never buy anything like that.

17 Q Okay. Now, back to the gate. You saw the red gate in, I
18 believe, it was 2009 -- '08 and '9 and then a rope gate later
19 on. Are you familiar with how the gate has changed through
20 the years over there?

21 A Yeah. I ride by it many times during the day. I don't
22 live far down the road, and I work right across the street,
23 and I have noticed different gates. One was a red gate. One
24 was a two-piece gate. One was a rope gate. And now, there's
25 a black gate.

1 Q How long has that black gate been there?

2 A I think this was put up there this past year.

3 Q Okay. I don't have any further questions. Please answer
4 any questions Mr. Peil has.

5 THE COURT: Cross-examination?

6 CROSS-EXAMINATION

7 BY MR. PEIL:

8 Q How are you doing today, Mr. Suggs?

9 A I'm doing fine.

10 Q All right. So if I remember right, you met Dr. Lagroon
11 the first time walking through the woods. I think that was
12 your testimony; correct?

13 A Yeah, deer scouting.

14 Q Yeah, you were deer scouting, and you walked onto his
15 property and you had some sort of confrontation?

16 A No, I didn't walk on his property. I was on a logging
17 road, and he come over and let me know where the boundaries
18 were.

19 Q I see. And do you remember what portion of that property
20 it was?

21 A It was across the street.

22 Q Okay. So it was not on Dr. Lagroon's property?

23 A No.

24 Q We're not here about a trespass back then.

25 A No.

1 Q Out of curiosity, when was that? Was that, like, 2009?
2 2010?

3 A It was probably 1990 approximately.

4 Q 1990? So a long time ago.

5 A Yeah.

6 Q So you have known of Dr. Lagroon for quite a while; is
7 that fair?

8 A Yes.

9 Q All right. And I think, when we talked about it before,
10 it would be fair to say you started off as acquaintances and
11 then became so-called friends?

12 A Yes. I worked with his mother-in-law. I worked with his
13 ex-wife. And that's pretty much -- and I went -- and he did
14 some dental work on me.

15 Q That's right. I think you testified to that. You got
16 some teeth pulled, I think is what you said?

17 A Yeah.

18 Q Okay. I just want to make sure I understand your
19 testimony correctly. You're saying that was not you depicted
20 in that video?

21 A No.

22 Q And you did not step foot on Lagroon property on June
23 17th of 2014?

24 A I did not.

25 Q All right. Have you ever had any conversations with

1 Dr. Lagroon about the cameras on his property?

2 A No.

3 Q All right. So sitting here today, you have no knowledge
4 whether there are any cameras on his property back in June of
5 2014?

6 A He had a -- he had a -- he has a water meter out in front
7 of his house, and the people -- the bushhog beside the road
8 have hit it and broke it, and he told me he had a camera on
9 that.

10 Q When was that?

11 A Long time ago.

12 Q Would it be fair to say you probably have not had social
13 interactions with Dr. Lagroon since 2014?

14 A No.

15 Q That's not fair to say? Maybe that was a bad question.

16 A That's fair to say.

17 Q That's fair to say. All right.

18 So this conversation about the camera on the bush hog,
19 that probably would have occurred prior to 2014?

20 A Before that.

21 Q Before that. Okay.

22 Are we talking a year or two before? Ten years before?

23 A I don't know.

24 Q All right. But sometime prior to 2014, he had talked to
25 you about a camera on his property?

1 A Yes.

2 Q All right. I guess I want to ask about this. In this
3 case, you and your wife, Ms. Suggs, submitted discovery
4 responses. Do you remember doing that?

5 A Just -- just the what?

6 Q In this case, you and your wife, Ms. Crystal Suggs,
7 submitted discovery responses; is that correct?

8 A Discovery responses?

9 Q Yes. Yeah, do you recall doing that?

10 A What is that?

11 Q Well, let me ask that question. Do you recall submitting
12 discovery responses? If not, I can go ahead and try and
13 refresh your memory. Do you recall doing discovery responses?

14 A Is that the photographs?

15 Q Let me do it this way.

16 MR. PEIL: May I approach, Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. PEIL:

19 Q I'm showing you what's marked for identification as
20 Plaintiff's Exhibit 2. Let me ask it this way: Do you recall
21 going over this document in your deposition, sir?

22 A Yes, sir.

23 Q And I believe I asked you at some point in that
24 deposition to review and make sure all of your responses were
25 correct, and you may have observed one or two things, but for

1 the most part, everything that's contained in this document
2 was your true and accurate answers to these questions. Would
3 that be fair?

4 A As I recall.

5 Q All right. So one of the things that you were asked was
6 to set forth either a summary sufficient to inform the other
7 party of the important facts known to or observed by such
8 witness or provide a copy of any written or recorded
9 statements. Do you recall giving information about potential
10 witnesses in this case?

11 A No, I don't recall.

12 Q All right. So I'm going to read you a portion of your
13 sworn response ---

14 A Okay.

15 Q --- in this case, and you tell me if this is accurate.
16 "Defendant Crystal Suggs acknowledges that she picked up the
17 Lagroon children from Highway 7 at the Lagroon children's
18 emergency request via Daniel Lagroon's text message to
19 Ms. Suggs on June 18th, 2014." Do you recall that?

20 A Yes.

21 Q All right. "The day prior to picking up Lagroon's
22 children, after the children walked down the satellite road,
23 they loaded personal items in the back of her SUV while she
24 parked on the Smith lot"; do you recall that?

25 A That's -- I wasn't there. I didn't see it. I don't know

1 where she parked at.

2 Q Okay. I understand that's your response.

3 A Let's just -- you can go by what she's said.

4 Q So let's talk about what you know. From what I
5 understand, Crystal Suggs drove at least near the Lagroon
6 property -- Crystal Suggs being your wife -- on June 17th and
7 June 18th.

8 MR. TINSLEY: Your Honor, I'm going to object. He just
9 said he wasn't there, so he doesn't have any personal
10 knowledge.

11 MR. PEIL: I think I'm establishing that.

12 THE COURT: He can answer the question if he can.

13 MR. PEIL: Thank you.

14 A Repeat the question.

15 BY MR. PEIL:

16 Q All right. Let me rephrase it a different way.

17 On the evening of June 17th, it's your testimony that
18 your wife informed you she was driving out to -- at least
19 near -- the Lagroon property to pick up some belongings owned
20 by the Lagroon children?

21 A I'm not sure. I don't recall that.

22 Q You don't recall. So you don't remember whether she told
23 you that she was going out there?

24 A I don't remember.

25 Q All right. Do you recall that, on June 18th, she told

1 you she was going out to the property to pick up Daniel and
2 Becca Lagroon; correct?

3 A Yes.

4 Q All right. And you recall telling her not to do that;
5 correct?

6 A I did.

7 Q All right. That evening, you guys had had supper?

8 A Yes, sir.

9 Q All right. And I think -- let me ask you, had
10 Ms. Lagroon had anything to drink that evening?

11 A Ms. Lagroon?

12 Q I'm sorry. Ms. Lagroon...

13 Ms. Suggs?

14 A No, I don't recall.

15 Q You don't recall?

16 A No.

17 Q All right. But she did inform you that she was going out
18 there to pick up the children; correct?

19 A Correct.

20 Q All right. After she got back, she told you that she had
21 picked up the children. This was the next day?

22 A The next day.

23 Q The next day. That's right.

24 By the time she got back, you were already asleep.

25 A I was asleep, yes.

1 Q All right. And I think it's been your testimony that you
2 went to bed early.

3 A Always do.

4 Q Always did. All right.

5 About what time do you go to bed?

6 A 8:30, 9:00.

7 Q 8:30, 9:00. All right.

8 So had she left the house to go pick up the children by
9 the time you were going to bed?

10 A I was in bed when she left.

11 Q When she left. And so that was --

12 A I was asleep. I was asleep. I don't know. I
13 couldn't -- I didn't hear her leaving the driveway. All I
14 heard was her telling me she was going down there.

15 Q Let me ask -- I mean, so do you think she would have left
16 your house about 8:30?

17 A No.

18 Q Okay. What time do you think she left the house?

19 A I was thinking later -- I would have thought later on.

20 Q Well, I'm trying to figure that out. I mean, you said
21 you're always in bed by 8:30 or 9:00.

22 A Yeah. Not always, you know.

23 Q That's what I thought I heard. Correct me if I'm wrong.
24 Is it always or is it sometimes?

25 A Pretty much always.

1 Q Pretty much always.

2 So around 8:30 on the evening of June 18th, you think
3 it's likely that you were in bed; correct?

4 A Yes.

5 Q All right. And at some point prior to that, she had left
6 to go pick up the Lagroon children; correct?

7 A Prior to that or later on?

8 Q Well, later on. I thought you were having a conversation
9 with her where you told her not to go do it.

10 A It wasn't a conversation. It was just, "I'm going to
11 pick up Daniel and Becky." And I was in bed.

12 Q You were in bed.

13 A I was in bed. She came back to my bedroom. That's when
14 I said, "Don't do it."

15 Q All right. All I'm getting at, you think that was
16 probably around 8:30 that evening?

17 A 8:30, 9:00.

18 Q 8:30.

19 Now, where do you live in relationship to Dr. Lagroon?

20 A Two miles.

21 Q Two miles?

22 A Yeah.

23 Q So about how long of a drive is it?

24 A Two minutes.

25 Q Two minutes? Okay.

1 Now, you were in here for Becca's testimony; correct?

2 A Yes.

3 Q Do you recall her testifying that she went out there at
4 night to meet your wife?

5 A I heard her saying that, yes.

6 Q You did? All right.

7 Now, 8:30 on June 18th during the longest days of the
8 year, would it have been dark at 8:30 at night?

9 A No.

10 Q So you think it's possible that perhaps Crystal Suggs,
11 your wife, went out there later in the evening than 8:30?

12 A I would think.

13 Q All right.

14 MR. PEIL: Can I have one minute, Your Honor?

15 I have no further questions at this time.

16 THE COURT: Any additional questions?

17 MS. MERRILL: I have no questions, Your Honor.

18 THE COURT: All right. The witness can step down. Thank
19 you.

20 Next witness?

21 MR. TINSLEY: The defense rests at this time, Your Honor.

22 THE COURT: Okay. Ladies and gentlemen, the defense has
23 rested their case. I'm going to talk to the attorneys. I'm
24 going to send you back to the jury room for a few minutes and
25 get further instruction to you shortly.

1 Please don't discuss the case or anyone involved with the
2 case. Thank you.

3 (The jury exited the courtroom at 10:44 a.m.)

4 MR. PEIL: I plan to call two. One is Kelli Barnett. I
5 believe she's out there.

6 THE COURT: That was --

7 MR. PEIL: His ex-wife.

8 THE COURT: The second ex-wife.

9 MR. PEIL: And the second one, I'm going to call Crystal
10 Suggs.

11 THE COURT: Okay. All right. Do you want to renew
12 previous motions?

13 MR. TINSLEY: Yes, Your Honor. I would renew the motion
14 for directed verdict on trespass and also with regards to
15 punitive damages.

16 THE COURT: Okay.

17 MR. TINSLEY: I don't really have any...

18 THE COURT: Yes.

19 MR. TINSLEY: The arguments are pretty well in line with
20 what they were yesterday, so...

21 THE COURT: Yes, sir.

22 And, Ms. Merrill, you'll actually adopt on those as well?

23 MS. MERRILL: Yes, sir.

24 THE COURT: Do you want to assert your same basis as
25 before?

1 MR. PEIL: Your Honor, I think I'm going to -- yeah, it's
2 the same arguments.

3 THE COURT: Okay. All right. I'm going to stick with my
4 ruling. Those direct verdict motions remain denied.

5 What I'd like to do, if we're going to do reply
6 testimony, we can get it started in five minutes, once you
7 finish that? I mean, while we're here, everybody look at the
8 proposed jury charge. I mean, any issues that you -- you
9 know, it's a trespass case. I'll admit, it's a pretty short
10 jury instruction. Your client I think...

11 MR. PEIL: I'm sorry...

12 (Mr. Peil and his client confer off the record.)

13 THE COURT: Yes, sir?

14 MR. PEIL: Nothing, Your Honor.

15 THE COURT: I did add one paragraph because I know it was
16 a short charge, but we have a good bit -- we have a good many
17 objections, and I just -- you know, I usually do this in the
18 introductory charge anyway, but I did have one paragraph about
19 objections during trial. You know? I could email it to you,
20 but I'll just read it.

21 You know, the proposed language is, "Attorneys have a
22 right -- the absolute right and duty to bring matters to the
23 attention of the Court by way of objection. Do not,
24 inferentially or otherwise, become upset when disturbed by
25 counsel by virtue of an objection. Counsel, by objecting, are

1 simply performing their role in the trial of the case. Once
2 the Court makes a ruling on an objection, the jury is bound by
3 that ruling.

4 "If the objection is sustained, the question was
5 improper. If the objection is overruled, the question is
6 proper. In that regard, the jury must not, under any
7 circumstances, derive any inference from any ruling made by
8 the Court on objections as to any opinion the Court may have
9 about on the case. The judge does not have an opinion on
10 evidence and is not entitled to an opinion under the law. The
11 judge is performing his role in the trial of the case.

12 "As to any questions as to which an objection was
13 sustained, you must not speculate as to what the answer might
14 have been or as the reason for the -- or as to the reason for
15 the objection," just because we sort of cut some people off
16 mid-sentence during objections, and I don't want them to
17 speculate about what that may or may not have entailed.

18 That's the only thing I added from last night.

19 What about the verdict form? I know y'all were
20 discussing it this morning, I think.

21 MR. TINSLEY: I understand the Court had prepared one as
22 well. I haven't seen a copy of it.

23 THE COURT: Oh, well, we prepared really two. One of
24 them -- the main thing is one of them -- we have two
25 defendants here.

1 MR. TINSLEY: Yes, sir.

2 THE COURT: And it is -- it's been kind of a
3 procedural -- we don't necessarily have that all the time, so
4 I wanted to know y'all's insight on the jury having the option
5 to find them both responsible for trespass or individually
6 responsible for trespass. You know, my inclination was,
7 because you have got two people, circumstantial evidence -- I
8 thought the jury would probably be in a position where they
9 could potentially find one responsible for trespass and not
10 the other.

11 Now, if they found them both, then my thought would be,
12 well, if there is a verdict, then they're joint and severally
13 responsible for the verdict. But if they only find one person
14 on the hook for trespass, then that person alone would be
15 responsible for the verdict.

16 So did y'all have any insight? Disagreement? Exception?

17 MR. TINSLEY: I don't [indiscernible] what you just said.

18 THE COURT: Well, I --

19 MR. TINSLEY: [Indiscernible] makes sense.

20 THE COURT: I just think it alleviates confusion, but --
21 because there are two separate defendants, it makes sense to
22 me that they both could be found to have trespassed. One of
23 them could be found to have trespassed. Just deciding on what
24 they feel on the burden of proof.

25 MR. PEIL: So there's no pride of the authorship here for

1 the jury verdict form that I had submitted.

2 THE COURT: Oh, okay.

3 MR. PEIL: That's one I took from another case.

4 You know, my instinct would be to say, well, it's joint
5 and several liability and they're husband and wife. I mean, I
6 don't know that it necessarily matters.

7 THE COURT: Well, that's --

8 MR. PEIL: But -- but I will say this: What I would like
9 to avoid -- I think Your Honor is right; there may be a chance
10 one of the jurors goes, "Well, that was clearly Scott that day
11 but we never saw Crystal. Judge, how do we find Scott liable
12 and not Crystal?" And then we have got a problem because we
13 have a form that doesn't do that.

14 So I don't know that -- you know, want to send the jury
15 back with a potential problem in that regard. If they want to
16 come to that decision and say, "Well, Scott" -- or vice versa.
17 Perhaps we'd give them that option. I'm just always leery
18 about asking too many questions on the verdict form.

19 THE COURT: Well -- and I hear what you're saying, and I
20 think that -- I'll call it take two because we did the first
21 one with both of them. I just think it makes the most sense
22 and it's the safest not only for the defendants but for the
23 plaintiff.

24 MR. PEIL: Could I see a copy of it?

25 THE COURT: Oh, sure. I'm sorry.

1 MS. MERRILL: And, Judge, while they're looking at that,
2 just a matter of housekeeping; not asking the Court to
3 reconsider anything. If we can just make sure that exhibit is
4 labeled Court Exhibit 1 and not Defendant 1. I think that
5 deed maybe got labeled Defendant 1. I just -- again, just for
6 purposes of the record. That's all.

7 THE COURT: All right. Mr. Court Reporter, I'm not sure
8 where that document is, that Court exhibit.

9 (Pause in the proceedings.)

10 MR. PEIL: And, Your Honor, I know this is a five-minute
11 break. With the medicine my client's on, he really needs to
12 go to the restroom because the wheelchair takes him awhile.
13 Is it all right?

14 THE COURT: Okay. That will be fine. We'll take -- so
15 basically, just so everybody knows, we'll do your reply
16 witnesses. We'll get through that. And then I'm -- my intent
17 is not to take another break, just go right into closing.

18 MR. PEIL: Absolutely. Absolutely.

19 THE DEPUTY: Judge, there's nobody outside, so I don't
20 know if his witnesses --

21 THE COURT: Sir?

22 THE DEPUTY: I thought he said his other witness
23 [indiscernible].

24 THE COURT: Okay. I'm going to take a refreshment break
25 as well.

1 (A recess was taken from 10:53 a.m. to 10:56 a.m.)

2 THE COURT: Ms. Merrill, are y'all set on the Court
3 exhibit?

4 MS. MERRILL: I think so.

5 THE COURT: Okay. Okay.

6 MS. MERRILL: I think so. Yes, Your Honor.

7 THE COURT: Are we good on the verdict form?

8 MR. TINSLEY: Judge, the only thing is No. 4. It
9 mentions willfulness, wantonness, recklessness, and
10 maliciousness, but the jury charge doesn't mention anything
11 about maliciousness. All the law I have looked at on
12 punitives in the trespass context talk about willful, wanton,
13 reckless. So I would just ask that "malicious" be taken off
14 on No. 4.

15 THE COURT: Let me read the jury charge.

16 (Pause in the proceedings while the Court reviews
17 documents.)

18 THE COURT: Okay. It's in the punitive charge so we can
19 take that word out.

20 MR. PEIL: If I may, I would just like a copy of the
21 final verdict form.

22 (A brief recess was taken from 10:58 a.m. to 11:10 a.m.)

23 (The jury entered the courtroom at 11:10 a.m.)

24 THE COURT: All right, Mr. Foreman, ladies and gentlemen,
25 welcome back. Please be seated.

1 When we left, the defendant had rested their case. Now,
2 we'll have the opportunity to hear reply testimony from the
3 plaintiff.

4 Mr. Peil?

5 MR. PEIL: Your Honor, at this time, the plaintiff would
6 call Ms. Kelli Sue Barnett as a reply witness.

7 THE COURT: Very well.

8 Ms. Barnett, I believe you testified yesterday.

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay. Just consider yourself still under
11 oath from yesterday.

12 THE WITNESS: Yes, sir.

13 KELLI SUE BARNETT,

14 after having been previously duly sworn, was
15 examined and testified to as follows:

16 (REPLY) DIRECT EXAMINATION

17 BY MR. PEIL:

18 Q How are you doing this morning, Ms. Barnett?

19 A I'm rushing, but I'm fine.

20 Q Rushing. All right. I think we're going to be
21 relatively quick this morning.

22 First of all, you have not been in the courtroom for any
23 of the testimony presented except for the testimony you gave
24 yesterday; would that be correct?

25 A Correct.

1 Q All right. So there was some testimony today that I want
2 to ask you some questions about.

3 Number one: Do you recall back in 2014, when you were
4 still married to Dr. Lagroon, whether there were cameras on
5 the property?

6 A I do recall.

7 Q You do recall. And what do you recall about it?

8 A There were security cameras mainly around the shop -- his
9 shop in the back. And they were basically pointed to all the
10 doors and then they had -- he had a cell tower at the time
11 that had been -- was being disassembled, and he had several --
12 he had trouble with the cell tower people coming up in the
13 middle of the night and just taking stuff down when they
14 weren't supposed to. So he had that shine out behind the shop
15 on the cell tower.

16 Q Would Becca Lagroon have known anything about the
17 cameras?

18 MS. MERRILL: Objection, Your Honor. That's speculative.

19 THE COURT: You'll have to rephrase that question,
20 Mr. Peil.

21 MR. PEIL: Okay.

22 THE COURT: Sustained.

23 BY MR. PEIL:

24 Q Did you ever tell Becca Lagroon about the cameras on
25 Dr. Lagroon's property?

1 A I did not tell either children -- either of the children
2 about them.

3 Q Okay.

4 A That I recall.

5 Q I mean, was there a reason why you chose not to tell them
6 about it?

7 A Well, kids are, you know, kind of sneaky, and those
8 cameras are -- well, we had cameras out there and we had
9 cameras placed around the house. They were kind of our --
10 like our little -- like little nanny cams now, kind of keeping
11 up with them, keeping --

12 Q And to remind the jury, about how old were the kids at
13 that time?

14 A They were 13, 14. Real early teens.

15 Q Real early teens.

16 And, I mean, do teenagers sometimes get into a little bit
17 of trouble?

18 A Yes.

19 Q All right. Had you had any instances with kids maybe
20 getting into any trouble?

21 A Yes.

22 MR. TINSLEY: Objection, Your Honor.

23 MR. PEIL: Well, it's the reason for the cameras.

24 THE COURT: Any other questions on that?

25 MR. PEIL: Just one quick follow-up.

1 THE COURT: All right. Well, the objection -- what was
2 the basis?

3 MR. TINSLEY: We're here for a trespass case.

4 MR. PEIL: If I may, Your Honor, she testified she didn't
5 know about the cameras. Perhaps there's a reason why she
6 didn't know about the cameras. We're not going into details.

7 THE COURT: All right. I'll overrule the objection, but
8 how much further are you going to go with this?

9 MR. PEIL: I have one more question on that.

10 THE COURT: All right. Proceed.

11 MR. PEIL: Thank you, Your Honor.

12 BY MR. PEIL:

13 Q Now I lost my train of thought. Give me a second here.

14 So I think -- I think my question was: You didn't inform
15 the teenagers about the cameras out there; correct?

16 A Correct.

17 Q All right. That's really the question.

18 All right. Now, one thing that came up today is the
19 issue of the trespass notice.

20 MR. PEIL: May I approach, Your Honor?

21 THE COURT: Sure.

22 BY MR. PEIL:

23 Q Showing you what's been marked for identification for
24 Plaintiff's Exhibit 29. What is Plaintiff's Exhibit 29?

25 A It is the trespass notice that I handed to Mr. Suggs.

1 Q All right. And --

2 THE COURT: Mr. --

3 MR. TINSLEY: Your Honor, number one, it's already in.
4 Nothing of that came up in reply when my client testified he
5 wasn't familiar with it.

6 THE COURT: I would --

7 MR. TINSLEY: In our case-in-chief, Your Honor.

8 THE COURT: I would ask you to get directly to the reply
9 portion of whatever question you have, not a refresher of what
10 we have talked about in the previous case-in-chief.

11 MR. PEIL: Can we sidebar real quick?

12 THE COURT: Sure.

13 BENCH CONFERENCE

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

16 MR. PEIL: May I proceed, Your Honor?

17 THE COURT: Go.

18 BY MR. PEIL:

19 Q All right. So I think it was your testimony that you had
20 delivered a signed notice -- trespass notice to Scott Suggs;
21 correct?

22 A Correct.

23 Q All right. In reviewing Plaintiff's Exhibit 29, is that
24 the signed notice?

25 A Yes, it is.

1 MR. PEIL: All right. At this time, Your Honor, the
2 plaintiffs would seek to admit Plaintiff's Exhibit 29 into
3 evidence.

4 THE COURT: Without objection on that one?

5 MS. MERRILL: I would say subject to our objection. We
6 can put wordage on the record later.

7 THE COURT: Yeah, Yeah. I'll hold it in abeyance for the
8 moment.

9 Next question?

10 MR. PEIL: That's it. I don't have any further
11 questions.

12 THE COURT: All right. Cross-examination?

13 CROSS-EXAMINATION

14 BY MR. TINSLEY:

15 Q I want to show you what's in evidence as Defendant's
16 No. 9, which is a GIS overhead view of the property. On the
17 right is from 2023. On the left is 2006. Does that -- are
18 these pictures accurate?

19 A I can't answer that because I wasn't there in 2006.

20 Q Okay. All right. Well, here and here, that would be
21 what you just referred as the shop; right?

22 A Correct.

23 Q Okay. All right. And over here on the far on the right
24 of each picture, the way I'm looking at it, is the cell tower
25 road; correct?

1 A Correct.

2 Q All right. And right over here to the backside of the
3 shop is the cell tower; correct?

4 A Correct. Right behind it.

5 Q So, shop? Cell tower?

6 A Correct.

7 Q All right. And your testimony is the security camera was
8 pointed at the tower?

9 A From the top of the shop.

10 Q Okay. We sent out what they call discovery requests
11 [indiscernible] you copy your ex-husband with in this case;
12 right?

13 A Say that one more time, Mr. Tinsley.

14 Q Your husband had to answer discovery requests, produce
15 documents, answer interrogatories as part of this case. Are
16 you aware of that?

17 A I am, correct, yes.

18 Q And you mailed the stuff out for him; correct?

19 A I don't recall if I mailed it out or not.

20 Q I'm going to hand you a certificate of service dated
21 August 6, 2019.

22 A Okay.

23 Q Are you familiar with that document?

24 A Yes. I signed it.

25 Q Saying that you mailed out his responses; right?

1 A Correct.

2 Q All right. And today, just now, is when he's coming up
3 with the signed copy of this document -- this trespass notice?

4 A Yes.

5 Q And you never did sign anything saying I served it on
6 Scott Suggs on whatever date?

7 A No.

8 MR. TINSLEY: No further questions.

9 THE COURT: Any additional questions, Ms. Merrill?

10 MS. MERRILL: No, Your Honor.

11 THE COURT: Any redirect?

12 MR. PEIL: No redirect, Your Honor.

13 THE COURT: All right. The witness may step down. Thank
14 you.

15 MR. PEIL: At this time, the plaintiff would call Crystal
16 Suggs as a reply witness.

17 THE COURT: Okay. Ms. Suggs.

18 THE BAILIFF: Raise your right hand and place your left
19 hand on the Bible.

20 CRYSTAL SUGGS,

21 after having been duly sworn, was examined and
22 testified to as follows:

23 (REPLY) DIRECT EXAMINATION

24 BY MR. PEIL:

25 Q Ms. Suggs, you have been here for both days of trial;

1 correct?

2 A Yes, sir.

3 Q All right. Now, you are generally aware this case
4 concerns events that occurred on June 17th of 2014 and June
5 18th of 2014; correct?

6 A Yes, sir. Correct.

7 Q All right. Now, you heard Ms. Becca Lagroon's testimony
8 today; correct?

9 A Correct.

10 Q All right. Now, she testified that she met you near the
11 gate on Highway 7 to load up her belongings. Do you recall
12 her testifying to that?

13 A Correct, yes.

14 Q All right. Now, my understanding is you have a different
15 version of events.

16 MR. TINSLEY: I'm going to object to pitting witnesses.

17 THE COURT: Well, I would just -- yeah, I need you to ask
18 a direct question. This is reply. We need to get to the
19 point.

20 MR. PEIL: Okay.

21 BY MR. PEIL:

22 Q My understanding is you contend that you met the kids on
23 the Smith property --

24 THE COURT: That's -- hold on. She hasn't testified yet.
25 I don't -- I'm not aware of any contention. I think you need

1 to ask her a direct question, not "what your understanding
2 is."

3 MR. PEIL: Thank you, Your Honor.

4 THE COURT: I'm sorry. I'm --

5 MR. PEIL: No, I understand. I mean, it's a party
6 opponent. I can cross-examine, I believe.

7 THE COURT: But it's not -- you're not -- come here a
8 minute.

9 BENCH CONFERENCE

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

12 BY MR. PEIL:

13 Q I'm going to rephrase my question slightly. So on the
14 night of June 17th of 2014, where did you meet Daniel and
15 Becca?

16 A I pulled into the Smith property. I met them on the
17 road, and then I backed up and pulled into the Smith property
18 so that I could turn around and go back home. I pulled in the
19 Smith property, opened up the door, and they loaded their
20 belongings. At that point, they went back up the hill, and I
21 went home.

22 Q I want to make sure I understand your testimony
23 correctly. Are you saying that they loaded up their
24 belongings in your vehicle while it was parked on Highway 7?

25 A Highway 7.

1 Q On Highway 7. Okay.

2 Now, do you recall a previous statement that you have
3 made in this case?

4 A You didn't understand me right.

5 Q Okay.

6 A I said I pulled up and met the children right there on
7 Highway 7. Okay? I backed up and pulled into the Smith
8 property so they could load their belongings in the back of my
9 SUV.

10 Q Okay. So while those belongings were being loaded into
11 the back of your SUV and it was parked on the --

12 A The Smith property.

13 Q It was parked on the Smith property?

14 A Smith property.

15 Q Okay. That's what I wanted to...

16 So you were not parked on Highway 7 while the property --
17 or while the belongings were being loaded?

18 A No.

19 Q Okay.

20 A I mean, I couldn't sit in the middle of the road -- on
21 the road at 10:00 at night. I told the kids, "I'll pull over
22 right there and we'll load up your stuff." At that time, I
23 had to turn around anyway to go back to my home.

24 Q Did you have anyone with you that evening?

25 A No.

1 Q All right. So you went there by yourself?

2 A By myself.

3 MR. PEIL: All right. That's it.

4 THE COURT: All right. Any questions for this witness?

5 MS. MERRILL: I have no questions.

6 THE COURT: Mr. Tinsley?

7 (REPLY) CROSS-EXAMINATION

8 BY MR. TINSLEY:

9 Q Did Scott Suggs go anywhere near the Lagroon property
10 with you on the 17th?

11 A Not at all, no, sir.

12 Q Okay. That video that we have seen of a white-colored
13 SUV pulling up, are you driving that car?

14 A I didn't go on the property. That was not my SUV, and I
15 don't know who was driving that car.

16 MR. TINSLEY: No further questions.

17 THE COURT: Any redirect?

18 MR. PEIL: None, Your Honor.

19 THE COURT: All right. The witness may step down. Thank
20 you.

21 All right. We can make an additional record if we need
22 to, but I'm going to sustain the objection to the sign letter
23 at this point. I will not admit it into the record for the
24 jury, but you can make more record if you need to afterwards.

25 MR. PEIL: Absolutely, yes, sir.

1 THE COURT: All right. Counsel ready to proceed;
2 correct?

3 All right. Ladies and gentlemen, the parties have
4 presented their evidence in this case. It's now time for the
5 attorneys to make their closing arguments. The arguments of
6 the attorneys are not evidence in this case. Their statements
7 and arguments are meant to help you understand the evidence
8 and apply the law to the evidence. You should disregard any
9 remark, statement, or argument which is not supported by the
10 evidence presented during the trial or the law that I'll
11 explain to you after the arguments.

12 At this time, please give your complete and undivided
13 attention to the attorneys as they make closing arguments.

14 Mr. Peil?

15 MR. PEIL: Thank you, Your Honor. May I have just a
16 moment to grab my easel here?

17 THE COURT: Okay.

18 CLOSING ARGUMENT ON BEHALF OF THE PLAINTIFF

19 MR. PEIL: All right, ladies and gentlemen. Thank you
20 for your patience with us over the past two days.

21 This case was not a murder case. That's one of the first
22 things I told you when I started was this is not a criminal
23 case. This is a civil case. These types of cases usually can
24 be a little bit different. It's not like what you have seen
25 on TV. We don't have any CSI crew come in with DNA samples.

1 We don't have police investigative units.

2 A lot of times on these civil matters, people need to
3 compile evidence because they don't have professional
4 investigators out there doing all the work.

5 So I want to talk about some of the things that I
6 [indiscernible] during the trial of this case. Before I get
7 into that, I want to talk about the difference between a civil
8 trial and a criminal trial in terms of burden of proof. Now,
9 if you paid attention to the television, if you have seen
10 anything -- one of the pivotal moments in my life, I remember
11 watching the O.J. Simpson trial. I heard a lot of people
12 talking about the beyond a reasonable doubt standard of
13 evidence.

14 When we're done with our arguments, Judge McLeod is going
15 to instruct you as to the law. I'd ask you to pay attention
16 because at no point in that charge will you hear the words
17 "beyond a reasonable doubt." and that is because that is the
18 highest evidentiary standard in the law. Before we send
19 someone to prison, we make sure that they are guilty beyond a
20 reasonable doubt.

21 In a civil case, the standard that we have is
22 preponderance of the evidence. And what that means is that
23 the evidence that you have heard is more likely than not. Do
24 you think it's more likely that this occurred or do you
25 believe it's more likely that it did not occur? That is the

1 standard with which you evaluate the evidence presented in
2 this case.

3 Now, what is the evidence that I think was put forward?
4 There's been a lot of talk and a lot of discussion about a
5 whole bunch of different things. Frankly, you-all have seen
6 the video from June 17th of 2014. On June 17th of 2014, Scott
7 and Crystal Suggs drove their white Cadillac Escalade down the
8 satellite road, pulled in here where there was security
9 cameras, and loaded up three trash bags filled with the
10 possessions of Dr. Lagroon's minor children and then took off.

11 You saw in color presented to you -- I mean, the elements
12 of trespass are whether they entered onto the property of
13 another. It's undisputed that this property was in the sole
14 possession of Dr. Lagroon. This was his home. This is South
15 Carolina property rights. It means something. If you walk
16 onto another person's property, you are liable for everything
17 that happens.

18 And you're liable for a few things. Number one, any
19 damage that occurred on that property. There's been testimony
20 that the gate was damaged when they drove onto that property,
21 and there's been testimony that there were tire tracks in the
22 grass that needed to be resodded.

23 Now, Dr. Lagroon is a little bit of jack-of-all-trades.
24 He has his machine shop. He had special knowledge about what
25 [indiscernible] to do things like repair, but let's be honest,

1 this is McCormick, South Carolina. I mean, I hate to say it
2 but, in my profession, I don't have time to deal with a lot of
3 these things. I call on contractors and let them deal with
4 it.

5 Dr. Lagroon is not that person. He's not here asking you
6 to award him a million dollars for a busted gate and tire
7 tracks. What he talked about, what it took to reweld that
8 gate, the consumables that went into it, that supplies that he
9 had on hand, and the estimated value of those being roughly
10 1500 to \$1700. Those are actual damages to his property. And
11 that's it. That is the case right there.

12 That's two individuals intentionally and recklessly,
13 without permission, under cover of night, 11 p.m., trespassed
14 on his property after being told the month before to stay off.

15 Now, in the background -- and I'm not going to get into
16 it in detail. In the background, there was this whole divorce
17 situation going on. At the end of the day, that's ultimately
18 not that relevant because all that does is go into the
19 motivation.

20 These folks decided to insert themselves into
21 Dr. Lagroon's personal life, to come onto his property, to
22 damage it, and to take his kids. Now, under the law, it's a
23 simple remedy: trespass, damages.

24 Now, in this case, the judge, after he instructs you on
25 the law, is going to give you a verdict form. And I don't

1 know if you have ever seen one before. It's not like a
2 criminal form; it doesn't got guilty or not guilty. There are
3 several questions on this form. The first one is: "We, the
4 jury, find the defendant, Crystal Suggs, trespassed." I think
5 it's clear she was driving that vehicle on June 17th, 2014,
6 the white Cadillac Escalade [indiscernible].

7 "We, the jury, find the defendant, Scott Suggs,
8 trespassed." You saw him in the video get out of the car and
9 load the trash bags filled with the kids' belongings right
10 into the vehicle. They were there without permission on the
11 property.

12 I think those are the two easiest questions.

13 The next two questions are the most difficult. "We, the
14 jury, find the total amount of actual and/or nominal damages,
15 if any, by the preponderance of the evidence sustained by the
16 plaintiff to be..."

17 We ask, in this box, that you write \$1700. That's the
18 testimony that's before the Court, the damage caused to his
19 property. Again, it's not a personal injury. I brought it up
20 during voir dire. Dr. Lagroon is not in here -- you see that
21 he is in a wheelchair. That has nothing to do with this
22 trespass. He's not here -- he was in some sort of unrelated
23 incident. He just happens to be in that wheelchair. We're
24 not here saying pain and suffering and emotional distress, any
25 of that absolute nonsense. We're asking for actual damages

1 sustained by his property.

2 And then the final question is: "We, the jury, find by
3 clear and convincing evidence that Defendants Crystal Suggs
4 and Scott Suggs acted willfully, wantonly, or with reckless
5 disregard of the plaintiff's [indiscernible]: Yes or no?"

6 That question is important because if you find that this
7 was a willful trespass, that it was a reckless trespass, that
8 it was a wanton trespass, or any of the above, then you are
9 entitled to award punitive damages.

10 The law in a civil case does not have the ability to put
11 someone in jail, and no one is here asking that these
12 defendants be put in jail. That's not what we want. But this
13 was an intentional tort. A tort is a civil wrong. This was
14 an intentional wrong. They came onto his property without
15 permission under the cover of night and damaged his property.
16 They knew exactly what they were doing. And then they both
17 took the stand and denied that they were ever there, coming up
18 with this story about how they parked -- you know, they parked
19 on the Smith property, they parked at the gate, and Mr. Suggs
20 wasn't even there, when we saw the man limping in the video
21 and you saw Mr. Suggs limping in this courtroom. You can
22 believe your own two eyes just as Dr. Lagroon did.

23 This was an intentional trespass. They came onto his
24 property without permission because they wanted to take his
25 kids and get them off the property for whatever reason. This

1 was not done as something accidental. This is not the guy who
2 accidentally installed a sprinkler head a foot over his
3 property line and says oopsie daisy. This was an intentional
4 act done by these defendants.

5 So, on this line, punitive damages, it's ultimately up to
6 you what you think that's worth, if anything. I think it's
7 worth something because, in McCormick County, where we respect
8 each other's property rights and we expect -- respect each
9 other's ability to maintain their property how they want to,
10 you cannot allow Defendants to commit acts like this and have
11 it go unpunished. Punishment is the punitive damages portion.
12 I think it should send some sort of message with that. Put a
13 number on that line.

14 Now, the defendants are going to have an opportunity to
15 make their closing arguments, and, unfortunately, you have got
16 to listen to my boring voice one more time because I will come
17 back up at the end. I'm not exactly sure what it is that
18 they're going to argue, but here is what I'll say: I know
19 [indiscernible] jury service always a concern that someone is
20 asking for something they're not entitled to. I want to make
21 it clear: At no point in this are we asking for \$100,000.
22 That would be absurd. \$1700 to repair the actual damage that
23 these folks caused to his property and then an amount you feel
24 suspicious -- sufficient -- excuse me -- to send the message
25 that this kind of behavior is not allowed on this property.

1 Thank you so much.

2 MR. TINSLEY: Thank you, Your Honor. May it please the
3 Court?

4 THE COURT: Yes, sir.

5 CLOSING ARGUMENT ON BEHALF OF DEFENDANT SCOTT SUGGS

6 MR. TINSLEY: Good morning, ladies and gentlemen of the
7 jury. As I told you in the opening yesterday, courtrooms are
8 places of proof, and you are the ultimate finders of fact,
9 meaning you get to decide whether Dr. Lagroon proved his case,
10 and I would submit to you he has not.

11 And we'll go through a couple of different burdens of
12 proof you have to weigh in this case, and we'll go through
13 that here shortly. And after all the lawyers get done, the
14 judge is going to instruct you on what the law is. And I'm
15 not going to go through all the details, but I'm going to give
16 you -- hit some highlights.

17 The first thing you have got to look is credibility of
18 the witnesses meaning do you believe them? Are they
19 believable?

20 Let's look at Dr. Lagroon's testimony. He's alleged --
21 the whole case is reliant on a video that he -- a surveillance
22 video that he finds after 9-1/2 years that he said he had some
23 experts get from the hard drive and this, that, and the other.
24 We didn't hear from any computer expert about this painstaking
25 task of finding this video that Dr. Lagroon had amongst,

1 apparently, all his other surveillance videos. He's been
2 holding it for 9-1/2, and it pops up this year on the eve of
3 trial. I submit to you that's not believable.

4 Another thing that Dr. Lagroon said, he got up there and
5 testified about finding out that Ms. Suggs' automobile had
6 been damaged from hitting the gate in the discovery process.
7 Discovery is just -- you heard something about it. Basically
8 what it is, is lawyers get to exchange information, exchange
9 documents, photographs, that sort of thing, leading up to
10 trial.

11 And Mr. Lagroon's testimony was, obviously, not true
12 because when he read the response dealing with this
13 photograph, it said, "Show me where the car was damaged after
14 hitting the piling," which is the post, "on the Smith
15 property," which is consistent with Ms. Suggs' testimony.

16 He did not prove any damage was ever done to a gate.
17 He's got surveillance videos, a video of him walking the
18 property; yet, he doesn't have one photograph of this damage
19 to the gate? He doesn't have any video showing damage to the
20 gate? You even see the gate in this video where he's walking
21 the property, but he doesn't go up to the gate and show,
22 "Here's where there's damage"? Not there. It goes back to
23 credibility.

24 And he's a jack-of-all-trades, doing-it-himself-type of
25 guy, and he got on the stand and said he doesn't get days off.

1 He's working on the time. He's on-call 24/7. He doesn't take
2 holidays because he's working for the children. Yet he's
3 going to take the time to do it himself to fix this gate and
4 ask you to give him money for it.

5 He also can take off time from helping the children to
6 come up with this unsigned trespass notice on Memorial Day.
7 It has no -- no evidence that it was ever -- that it was ever
8 served. His ex-wife, who he had testify for twice this week,
9 who said they still have a good relationship, got up there and
10 said she served it and admitted, "No, I didn't sign the
11 certificate of service. I didn't sign any kind of affidavit
12 saying [indiscernible]." Couldn't tell you exactly when she
13 served it. And -- but we see that she knows how to sign a
14 certificate of service because she testified about signing one
15 on his behalf in sending in the discovery responses. So, once
16 again, no credibility. No proof.

17 And Dr. Lagroon had made a comment yesterday and said,
18 "Your Honor, it's hard not to tell the truth." He said that
19 just spontaneously. I always heard the guilty dog will bark,
20 and you heard that dog barking right there.

21 And let's -- who you heard from, the child, who is now an
22 adult lady, who was 14 at the time, testify about what
23 happened those nights. She said her and her brother walked
24 down the cell phone tower road and they met Ms. Suggs on
25 the -- on the road. And she was very [indiscernible] that

1 Ms. Suggs never went on their father's property, and, also,
2 that Mr. Suggs was not there. Nevermind on the videos that's
3 allegedly from -- that pops up after 9-1/2 years from June
4 17th, is a guy with a hood on him gets -- a hood, on June
5 17th, gets out and has a limp. A lot of people have a limp.

6 I would submit to you, you have seen my client walking.
7 His limp is not consistent at all with the limp we saw on that
8 video, number one, as he sits today; and number two, his limp
9 was not [indiscernible] of his own testimony ten years ago
10 prior to this tree-cutting accident he had last year.

11 Dr. Lagroon's own testimony, he don't know who that is.

12 Once again, I go back to courts are places of proof. I
13 would submit to you -- and, also, who we haven't heard from,
14 the other eyewitness, Daniel, Dr. Lagroon's son. He hasn't
15 testified. So it's just -- Dr. Lagroon has left too much
16 speculation on this case to even prove a trespass for you to
17 find in his favor.

18 And the judge will explain to you that you have to prove
19 by -- he has to prove by the preponderance of the evidence,
20 the greater weight of the evidence that the trespass occurred.
21 I submit to you he hasn't done that. That basically means he
22 has to prove to you that it's more likely than not that he's
23 proved his case. He had way too many holes in this case.

24 And then -- so I would submit that you find for Scott
25 Suggs and for Crystal Suggs that, no, there was no trespass in

1 the case. If you do -- if you disagree and you think he has
2 met his case, then you look at damages, which Plaintiff, once
3 again, has the burden of proof. Dr. Lagroon has to prove his
4 case. He has to prove he was damaged. [Indiscernible] doing
5 this thing at the trespass occurred, you could get nominal
6 damages. That would be something like \$1. Not a
7 [indiscernible].

8 Actual damages. What did he prove? He got up there and
9 testified his gate got torn up. No corroboration. None.
10 Nothing is simple as a [indiscernible]. So I'd say he's
11 failed on his burden there. He has no actual damages that
12 he's proven.

13 And then he's asking you to punish my clients. Punitive
14 damages, which is what the courts -- the civil court system
15 holds out the worst of the worst conduct in any
16 [indiscernible]. When somebody -- and he's -- Mr. Peil is
17 right; it's not a criminal case, but he still has to punish
18 him with these punitive damages which are -- his burden on
19 that is by the clear and convincing evidence, which means he
20 has to tip those scales on Lady Justice much more in his favor
21 than he did on just the trespass in the greater weight of the
22 evidence.

23 An example of clear and convincing evidence is that's the
24 same standard that a Family Court judge is required to take
25 somebody's children and terminate their rights from. That's

1 the standard that he's got to meet to punish my clients to
2 show that their behavior was just so egregious that it needs
3 to be punished and can't be tolerated.

4 I'd submit to you that they have proved nothing of the
5 sort in this case. This is not the worst of the worst type
6 behavior.

7 And another thing, is they're going to -- the judge will
8 go through the list of factors to consider punitive damages,
9 many of which are dealing with how bad the conduct was. And
10 you have seen [indiscernible]. There is a lack of evidence.
11 There's no bad conduct.

12 And then the last act he'll give you is the defendant's
13 wealth or ability to pay. You heard my client up there. He's
14 retired from the Park Service, worked at Hickory Knob, and
15 he's done landscaping. He's a working-class man. So for
16 them, on this case, to ask for punitive damages I think is an
17 insult and totally inappropriate in McCormick County.

18 So, in closing, when you look at this lack of evidence,
19 no proof of damage to any gate, the testimony is clear that
20 Mr. Suggs was not there on either June 17th or June 18th ten
21 years ago. Plaintiff has not met his burden. There's no --
22 in this video, there's no license plate tag. You can't see
23 this person's face. You heard Mr. Suggs testify about the
24 shoes and the reflection. And you'll get a chance to look at
25 that should you choose so you can look at it. It's very

1 noticeable. It's just not him. It's just not -- there's no
2 proof. The plaintiff hasn't met his proof.

3 And, also, I would ask you to look at these photographs
4 because you didn't get to look at them earlier. They're into
5 evidence of the aerial views from the different years, and you
6 can see how much the trees have grown up through the years, a
7 lot more consistent -- they're a lot more consistent now on
8 that video of the walk-through than they were in the earlier
9 years.

10 So you have got to weigh every piece of evidence and give
11 it the weight that you think it deserves, but I'd just point
12 out all of these inconsistencies and all this lack of proof.
13 And I would submit to you that the plaintiff has failed
14 [indiscernible], he's failed to meet his burden across the
15 board. So I would ask you to [indiscernible] my client.

16 Thank you.

17 CLOSING ARGUMENT ON BEHALF OF DEFENDANT CRYSTAL SUGGS

18 MS. MERRILL: Ladies and gentlemen of the jury, I'll try
19 not to repeat everything my co-counsel has said. I just want
20 to also point out a few other things. Particularly when
21 you're back in the jury room, we saw that video, the second
22 one, where supposedly he's walking through to show everything.
23 This is a Google Earth map from February of 2008, so about six
24 years before. There's [indiscernible]. There's no trees and
25 it's a red gate.

1 Here's one from September of 2009. Not a lot of trees.
2 You can see the house. Red gate.

3 Now, we don't have another one until March of 2021. But,
4 again, not all those trees, particularly on this side, and
5 there's a rope gate.

6 March -- excuse me -- May of 2023, rope gate, a lot more
7 trees. That second video where he's walking through to show
8 the tire tracks, apparently, supposedly from this event looks
9 a lot more like this from May of 2023 than it was to the 2009
10 or even 2021.

11 If you have a video showing and you want to show this
12 damage, why in the world didn't you take a video of the gate
13 and say, "Here's where it's damaged. Don't you see this?"

14 You heard Mr. Suggs testify there's a black gate up there
15 now. There's a black gate in that video. These pictures
16 don't show a black gate.

17 I would also encourage you to look at these other aerial
18 shots as indicated, and you can see right here on this
19 [indiscernible] have highlighted what year it is and it shows
20 the way it is currently.

21 If you look at 2021, this is that road, the cell tower
22 road they're talking about. This is 2023. This is 2021. A
23 lot less trees.

24 2017. Again, you can see the highway right there. A lot
25 less trees and growth.

1 Look at those maps. This is how it is. This is how it
2 was on those dates. We don't have one exactly on June 17th or
3 18th of 2014, but we do have these that are closer in time to
4 some of those events.

5 This is what it looks like now. That's not what it
6 looked like in 2014. If you have that video [indiscernible]
7 showing here's the damage, and let me stop at the gate and
8 show you-all these problems. He doesn't in this video that he
9 himself took.

10 The same thing, the day after this incident, he told his
11 former wife, the mother of the children, that he had a
12 surveillance video of her on the property. We don't have
13 that. We don't see that. Again, if you have that
14 surveillance video the day of, wouldn't that be the first
15 thing that you show?

16 And his attorney argued it was clear who was driving that
17 car and it was clear who got out, but the plaintiff himself
18 testified he can't tell who it is. He doesn't admit it. He
19 couldn't identify anybody. So I don't think it is so clear.
20 And his attorney saying it's clear doesn't make it so. And
21 that's why you are the finders of fact and you determine which
22 evidence is credible, what you believe and what you don't
23 believe, and who has the motivation for you to want to believe
24 a certain way or the other.

25 So -- and I also think, when you look at this video, you

1 know, the person getting out only seemed to drag their leg,
2 and that's not the type of limp that Mr. Suggs has. He
3 doesn't drag a leg. He does have an awkward gait, but he's
4 not dragging a leg, and that's almost what it looks like that
5 person in that video is doing.

6 And so, again, it seems to me, if he had those things,
7 that would have been one of the first things that he
8 presented. He would have said, "Here, I got this." And
9 that's not what happened.

10 So he has not met the burden of proof, he has not shown
11 trespass, and I'd ask you to find in favor of the Suggs.
12 Thank you.

13 THE COURT: Reply, Mr. Peil?

14 MR. PEIL: Yes. Thank you, Your Honor.

15 REPLY CLOSING ARGUMENT ON BEHALF OF THE PLAINTIFF

16 MR. PEIL: This is the point in the trial where I would
17 normally make a joke about how long it would take -- about 45
18 minutes -- and then we'll be done, but I don't think that
19 would be appropriate. I think it won't take about two minutes
20 here and just get straight to the point.

21 There's just a couple of things I'd like to address that
22 my esteemed colleagues brought up in their arguments.

23 Number one, I want to talk about [indiscernible]. I
24 think it's important to remember what was going on the morning
25 of June 19th when Dr. Lagroon woke up in his home and found

1 out that his children were missing, when he went to go take
2 that video. He was not out there thinking about the ten-year
3 trespass case and how he was going to prove his damages. He
4 was singularly fixated on what had happened to his kids.

5 He walked his property line. As you can see, there's a
6 lot going on on the property. It is not small. He didn't
7 know that any of this occurred. This man woke up in his house
8 and he knew his 13-year-old and 15-year-old were not there,
9 and he set about trying to figure out what happened. He
10 called people. I'm not going to get into any of the
11 discussions about that, but he called a lot of people.

12 And then he walked the various points on his property
13 line. He pulled the footage he had. He thought he found some
14 footage there near the [indiscernible] facility. Then he
15 found out, walking up here to this gate, that there were tire
16 tracks made at that gate. And so he took that video for the
17 singular purpose of figuring out who had come onto his
18 property and how they had done that. And he walked that line.
19 He wasn't there to photograph busted gates, tire tracks, any
20 of that. He was there to try and figure out evidence of what
21 had happened to the two minor children that the Family Court
22 had entrusted into his care and that he cared for deeply.

23 Now, thank you God -- [indiscernible] and she was 13
24 years old when this happened. And it's -- I believe her
25 testimony is a bit tainted over time. Spent 10 years as a

1 teenager. I don't have a teenage daughter yet; I will in
2 about six years. I have heard some horror stories myself and
3 I have also heard some very good stories. Needless to say,
4 raising teenagers is difficult. I think there was some
5 emotional attachment that was going on, some emotional issues
6 there. I think, quite frankly, she just got it wrong. Her
7 memory is not clear of what happened that evening.

8 You don't need to discredit what your eyes show you.
9 After all this time, when Dr. Lagroon realized what was going
10 on, he found the footage and he came to this Court and
11 presented it to you so that you can see exactly what occurred
12 on his property.

13 Now, the other thing to talk about is this issue of
14 punitive damages. Mr. Tinsley talked about, you know, the
15 wealth of the parties and things like that. What I'd ask you
16 to do -- and I know it's going to be difficult -- the jury
17 charge that the judge is going to read you in this case is
18 pretty long, but not that long. But in that list of punitive
19 damages, there's actually ten factors that the Court is going
20 to ask you to look at. And one of them is going to be the
21 defendants' awareness for concealment. That's one of the ten
22 factors. And there's no one factor you can hang your hat on.
23 These are all different things that can weigh into your award
24 of punitive damages.

25 I ask you this question: Do these folks appear

1 remorseful? Do they appear remorseful for coming onto his
2 property and taking his kids in the middle of the night? Is
3 there any effort on these defendants to simply apologize and
4 be done with it? Never once.

5 They have come to this court and, over the past two days,
6 they still deny that it was them on that video. They did deny
7 that they ever had anything to do with it. They both took the
8 stand, and they are in denial about what occurred that night.

9 They're trying to conceal it. And that concealment is a
10 factor you can weigh in whether or not to assess punitive
11 damages. So I'd ask you to listen for that charge when you
12 hear it come from the judge's mouth directly.

13 I also want to talk about one more thing: These Google
14 Maps issues. I saw these Google Maps today, and I kind of
15 chuckled about them because I have now lived down here for 15
16 years. The Google car -- [indiscernible] you're familiar with
17 it -- can drive around and get the photos every four or five
18 years and you'll see it. Look at the time of year that some
19 of these photos are taken.

20 If you really believe that there's some nefarious
21 conspiracy that Dr. Lagroon was faking these videos, look at
22 the Google images. I have seen it. You go out to your yard
23 in January and February, and it's brown and there's nothing
24 there. And then I come back and I see my crepe Myrtles
25 blooming and, all of a sudden, trees have started to green and

1 they're very different.

2 The videos that were taken in this case were taken on
3 June 17th and June 19th of 2014, right in the middle of
4 summer. June 20th -- I always get them mixed up, the solstice
5 and whichever one it is, but June 20th is literally the
6 brightest day of the year. That's when the trees in this
7 neighborhood in this county are getting the most sunlight in
8 this time.

9 The time the videos were taken, yes, there was a lot of
10 green. On the Google Maps, you can see a lot of brown. It's
11 just at varying different times of year.

12 The video shows what happened. There was a trespass and
13 they came onto the property and they have no [indiscernible].
14 We'd ask you to find them liable -- not guilty -- find them
15 liable for that trespass, award him the \$1700, and then, yes,
16 do something to punish them for this behavior in order to
17 deter [indiscernible].

18 Thank you.

19 THE COURT: Ladies and gentlemen, before I -- I just want
20 to make sure that nobody needs a quick break. This will only
21 take me about ten minutes, I think, so...

22 JURY CHARGE

23 THE COURT: Members of the jury, it's now my duty as the
24 trial judge to instruct you on the law applicable to this
25 case, and in that regard, it is your duty as jurors to accept

1 and apply the law as I now state it to you.

2 Furthermore, it is your exclusive duty to decide all the
3 issues of fact in this case and determine the effect, value,
4 weight, and truth of the evidence. All the parties have the
5 right to expect that you will carefully consider and evaluate
6 the evidence and apply the law of this case to it so that, in
7 the end, all parties will receive a fair and impartial trial.

8 Now, during this trial, you and I have separate duties to
9 perform. As the trial judge, it is my responsibility to
10 preside over this trial and rule upon the admissibility of the
11 evidence offered during the trial.

12 In that regard, you're only to consider the evidence
13 before you; thus, you are to consider only the testimony which
14 has been presented from the witness stand together with any
15 exhibits admitted into the record of this case.

16 In this trial, you are the sole and exclusive judge of
17 the facts. Do not infer that I have an opinion about the
18 facts from anything I have said or done during the course of
19 this trial. In this regard, the law simply does not permit me
20 to have an opinion about the facts. As jurors, it is your
21 duty alone to determine the effect, value, weight, and truth
22 of the evidence presented during the course of this trial.

23 Now, furthermore, it is your job as jurors to determine
24 the credibility or believability of the witnesses who have
25 testified in this case. You must evaluate the evidence and

1 determine which evidence convinces you of its truth. In
2 determining the believability of witnesses who have testified
3 in this case, you may believe one witness over many or many
4 over one, you may believe a part of the testimony of a witness
5 and reject the remaining part. You may believe the testimony
6 of a witness in its entirety or reject it in full. You may
7 consider whether the witness has an interest in the result of
8 the trial, whether the witness is prejudiced toward either
9 party, the opportunity for the witness to have seen the
10 matters and things about which the witness may testify, and
11 the way the witness acts on the witness stand.

12 Furthermore, evidence may be direct or circumstantial
13 evidence. Direct evidence is testimony by a witness about
14 what the witness personally saw, heard, or did.
15 Circumstantial evidence is indirect evidence; in other words,
16 it's proof of one or more fact from which one can find another
17 fact. You may consider both direct and circumstantial
18 evidence equally.

19 The following things are not evidence and you must not
20 consider them as evidence in deciding the facts of this case:

- 21 No. 1: Statements and arguments of the attorneys,
22 2: Questions and objections of the attorneys, and
23 3: Any testimony that I instruct you to disregard, or
24 4: Any questions and answers heard during the jury
25 selection and qualification.

1 While argument of counsel is a beneficial part of every
2 trial, you should remember that the statements made by counsel
3 are not evidence. In presenting arguments, counsel often
4 refer to evidence; however, you should base your verdict on
5 the evidence as you remember it. Therefore, if there are any
6 conflicts between the recollection of counsel about the
7 evidence and your own recollection, you should rely on your
8 own understanding of the evidence.

9 You must not consider for any purpose any offer of
10 evidence that was rejected or any evidence that was stricken
11 from the record by the Court. Such matter is to be treated as
12 though you had not -- as though you had never known of it.

13 Attorneys have the absolute right and duty to bring
14 matters to the attention of the Court by way of objection. Do
15 not inferentially or otherwise become upset or disturbed by
16 counsel -- by virtue of -- by virtue of an objection.

17 Counsel, by objecting, are simply performing their role
18 in the trial of the case. Once the Court makes a ruling on an
19 objection, the jury is bound by that ruling. If the objection
20 is sustained, the question is improper. If the objection is
21 overruled, the question is proper.

22 In that regard, the jury must not, under any
23 circumstances, derive any inference from any ruling made by
24 the Court on objections as to any opinion the Court may have
25 on the case. The judge does not have an opinion on the

1 evidence and is not entitled to an opinion under the law. The
2 judge is performing his role in the trial of the case. As to
3 any questions to which an objection was sustained, you must
4 not speculate as to what the answer might have been or the
5 reason for the objection.

6 Now, members of the jury, the plaintiff in this case,
7 having initiated and brought the action, has the burden of
8 proof. That is to say the plaintiff has the burden of proving
9 his case by what is known in the law as the greater weight or
10 preponderance of the evidence.

11 A preponderance of the evidence simply means the greater
12 weight of the evidence. It is the evidence which, as a whole,
13 shows the facts sought to be proved is more likely true than
14 not true. This can be illustrated by imagining a set of
15 scales. When the case begins, the scales are even. After all
16 the evidence has been presented, if the scales remain even or
17 if they tip slightly in favor of the defendant, then the
18 plaintiff has failed to meet the burden of proof and would not
19 be entitled to recover in this case.

20 If, on the other hand, the scales tip slightly in favor
21 of the plaintiff, the plaintiff will have met the burden of
22 proof and you should return a verdict for the plaintiff.

23 I'll now explain the cause of action brought by the
24 plaintiff against the defendants in this case. The plaintiff
25 alleges one cause of action: Trespass. To prove a trespass,

1 the plaintiff must present evidence which establishes:

2 1: That he was in legal possession of the property;

3 2: That the defendants or their agent voluntary entered
4 upon the plaintiff's premises; and,

5 3: That such entry was made without the plaintiff's
6 permission.

7 To maintain a trespass action, there must be possession
8 and right to it. One in peacefulable (ph) possession, though
9 lacking title, is entitled to remain in possession until
10 ousted by the true owner and need only show prior peaceful
11 possession against the defendants.

12 An action for trespass will lie if the defendants
13 intentionally entered the property. The unwarrantable entry
14 on land in the peaceful possession of another is a trespass
15 without regard to the degree of force used, the means of
16 entry, or the extent of damage. The entry itself is the
17 wrong.

18 For example, if one without license from the person in
19 possession of land walks upon it or casts a twig upon it or
20 pours a bucket of water upon it, he commits a trespass. It is
21 immaterial whether there are any further damages -- further
22 damages result. Excuse me.

23 To constitute an actionable trespass, there must be an
24 affirmative act. The invasion of the land must be intentional
25 and the harm caused must be the direct result of that

1 invasion. Trespass does not lie for nonfeasance or failure to
2 perform a duty. Intent is proved by showing the defendant
3 acted voluntarily and that he knew or should have known the
4 result -- he or she knew or should have known the result that
5 would follow from his act.

6 Although neither deliberation, purpose, motive, nor
7 malice are necessary elements of intent, the defendant must
8 intend the act which, in law, constitutes the invasion of the
9 plaintiff's right.

10 Trespass is an intentional tort, and while the trespasser
11 to be lial [sic] need not to be -- excuse me. While the
12 trespasser to be liable need not intend or expect the
13 damage -- damaging consequence of his entry, he must intend
14 the act which constitutes the unwarranted entry on another's
15 land.

16 Finally, lack of permission is an essential element of a
17 cause of action for trespass.

18 Now, let me talk about damages for trespass. If the
19 plaintiff proved the defendants' trespass on his property,
20 he's entitled to recover at least nominal damages, even if no
21 proof of injury or damage to the property exists.

22 Entry alone entitles the possessor to at least nominal
23 damages. The plaintiff is entitled to recover for any other
24 actual damages that have been proved by the greater weight of
25 the evidence to have been proximally caused as a result of the

1 trespass.

2 Whenever the injury resulting from trespass is deemed to
3 be permanent, the measure of damages is the decrease in the
4 fair market value of the property except where there is a
5 total destruction, in which case the owner is entitled to
6 recover the entire value.

7 When entry to the property resulting from trespass is
8 remedial by restoration or repair, it is considered to be
9 temporary, and the measure of damages is the cost of
10 restoration and repair.

11 Punitive damages may be awarded only where the trespass
12 was willful, wanton, or in reckless disregard for the
13 plaintiff's rights.

14 In this case, the plaintiff seeks punitive damages in
15 addition to actual damages. Punitive damages, also known as
16 exemplary damages, are imposed as punishment. They are not
17 intended to compensate. Punitive damages are allowed in the
18 interest of society and the nature of punishment and as a
19 warning and example to deter the wrong-doer and others from
20 committing like offenses in the future. Moreover, they serve
21 to vindicate a private right by requiring the wrong-doer to
22 pay money to the injured party.

23 To recover punitive damages, the plaintiff must prove by
24 clear and convincing evidence that the defendant's actions
25 were willful, wanton, or reckless. The words "recklessness,

1 willfulness, and wantonness" are synonymous. The terms are
2 used to describe a conscious failure to exercise and observe
3 reasonable or due care.

4 There is no formula or standard that can be used as a
5 measure for assessing punitive damages; however, factors
6 relevant to your consideration of punitive damages are:

- 7 1: The character of the defendant's acts;
- 8 2: The nature of the harm to Plaintiff which defendant
9 caused or intended to cause;
- 10 3: The defendant's degree of culpability;
- 11 4: The punishment that should be imposed;
- 12 5: Duration of the conduct;
- 13 6: Defendant's awareness or concealment;
- 14 7: The existence of similar past conduct;
- 15 8: Likelihood the award will deter the defendant and
16 others from like conduct;
- 17 9: Whether the award is reasonably related to the harm
18 likely to result from such conduct; and,
- 19 10: The defendant's wealth or ability to pay.

20 Now, a verdict in this case cannot be based upon
21 sympathy, passion, prejudice, or emotion or some other
22 consideration not found in the evidence. I charge you that,
23 as jurors, you must decide the issues involved in this
24 proceeding based solely upon the evidence which you hear
25 during the course of the trial. Your verdict must be without

1 bias and without prejudice to any party.

2 You cannot allow yourselves to be governed by sympathy,
3 by pressure -- by prejudice, passion, by public opinion, or
4 some other consideration not found in the evidence.

5 Now, let me say something about your deliberations.

6 "Deliberation" is defined as careful consideration weighing up
7 with a view to decision. The genius of our jury system is it
8 allows 12 good men and women from 12 different backgrounds,
9 life experiences, and perspectives to consider the evidence,
10 talk about it, and ultimately reach a verdict. We call them
11 deliberations for a reason. You are to consider the evidence
12 in this case carefully and deliberately and discuss it in a
13 calm, thorough, courteous manner. Listen to the views of all
14 your fellow jurors, consider other people's points of view,
15 and talk through and discuss the evidence.

16 Remember, if you're doing something deliberately, you are
17 not in a big hurry, and you should not be in a big hurry here.
18 This case is very important to both sides, and this is their
19 only day in court.

20 When you retire to the jury room, you should discuss the
21 case with your fellow jurors to reach agreement if you can do
22 so. Your verdict must be unanimous. Each of you must decide
23 the case for yourself, but you should do so only after you
24 have impartially considered the evidence, discussed it fully
25 with the other jurors, and listened to the views of your

1 fellow jurors. Do not be afraid to change your opinion if the
2 discussion persuades you that you should, but do not come to a
3 decision simply because other jurors think it is right.

4 Ladies and gentlemen, your verdict must be a unanimous
5 one.

6 Mr. Foreman, when the jury agrees on the verdict, you
7 will enter the verdict on the verdict form and sign your name
8 as foreperson. Then knock on the jury room door and inform
9 the bailiff that you have reached a verdict. At that time, we
10 will receive you back into the courtroom.

11 Now, I ask that you now return to the jury room but do
12 not begin your deliberations until you are told by the clerk
13 or bailiff to do so. There are some matters that I need to
14 discuss with the attorneys before you can begin your
15 deliberations.

16 Now, at this time, please return to the jury room but do
17 not discuss the case or anyone involved with the case. Thank
18 you.

19 (The jury exited the courtroom at 12:14 p.m.)

20 THE COURT: Okay. Any issues with the charge?

21 MR. PEIL: No, Your Honor.

22 MR. TINSLEY: No objection.

23 THE COURT: All right. I need to get the alternate. I'd
24 like y'all to just take a look at the evidence, make sure it's
25 all put together correctly.

1 If they want to watch the video, do we have a laptop so
2 that they can use? Okay. We'll give them the CD and if
3 they -- I'll leave it to y'all, Madam Clerk, to figure out how
4 to let them watch the video in the jury room.

5 And, gosh, I guess we're in a civil trial but do you want
6 to renew all your previous objections and motions?

7 MR. TINSLEY: Yes, Your Honor. I'd renew all prior
8 objections and our motions heard, particularly our motions for
9 directed verdict on the trespass cause of action and
10 specifically cumulative damages.

11 THE COURT: Okay. So noted.

12 I think we can get the alternate in here now. I need to
13 dismiss the alternate before they can begin deliberations.

14 Can get the alternate in here real quick? But just to be
15 clear I'm bringing -- I'm going to let the alternate go and
16 then we'll turn it over to the jury. And that was Juror
17 No. -- here we go -- 130.

18 All right, Juror No. 130.

19 JUROR NO. 130: Yes.

20 THE COURT: So you're our alternate. We didn't lose
21 anybody in the last 24 hours and we're about to begin
22 deliberations in the case, but thank you for your service.
23 You're free to go but you're welcome to stay, but thank you
24 for your service.

25 JUROR NO. 130: Thank you very much.

1 THE COURT: All right. I have the verdict form and I
2 have the jury charge. I'd like to make the jury charge --

3 (Pause in the recording from 12:17 p.m. to 12:18 p.m.)

4 THE COURT: All right. So I got all the evidence, got
5 the CD.

6 UNIDENTIFIED MALE: Judge, we just [indiscernible]
7 hallway.

8 THE COURT: That's fine.

9 Madam Clerk, I'm going to tell them that lunch is on
10 their own. Is that accurate?

11 THE CLERK: I'm [indiscernible] go call, try to do it
12 online.

13 THE BAILIFF: Give this to the jury?

14 THE COURT: They can begin deliberations.

15 All right. We'll be at ease until we have any questions.

16 (A recess was taken from 12:18 p.m. to 12:47 p.m.)

17 THE COURT: All right. So there's an issue with the
18 computer or the TV -- the DVD player?

19 THE CLERK: The CD played it off of his computer, so we
20 never used ours and now it won't connect. We're seeing if he
21 can bring [indiscernible] laptop computer [indiscernible].

22 THE COURT: Y'all have any objection to his computer
23 being used? I mean, as long as they don't search around the
24 computer. The only other thing we can do that's going to be
25 perfectly safe is if you bring them in here, show them the

1 video, ask them if they'd like to see it again, and show them
2 again and sort of be in here and have to maintain that. I
3 mean, we have got [indiscernible] just letting you know.

4 MR. TINSLEY: I don't -- yeah, I'm not going in the jury
5 room, obviously.

6 UNIDENTIFIED SPEAKER: What are other Court's practices
7 on having an objection to playing it?

8 THE COURT: Okay. Well, I mean, typically, I just assume
9 let them stay in there because now [indiscernible] watch the
10 video on Ms. Field's computer?

11 MS. MERRILL: I think that's fine, Your Honor. I just --
12 I guess maybe we can make sure they can't, like, access the
13 internet or anything. Don't want them looking up -- none of
14 us want them doing that, obviously. That's my only concern.
15 That's the only thing I thought of, but, you know, I don't
16 have any objection, if that's the way the Court wants to
17 handle it.

18 THE COURT: Murphy's law here.

19 UNIDENTIFIED SPEAKER: Maybe just bring them in.

20 UNIDENTIFIED SPEAKER: Let them watch it in here? Do you
21 want me to send them back in here, Judge?

22 THE COURT: Yeah. I mean, I don't think [indiscernible].

23 UNIDENTIFIED SPEAKER: Bring the TV [indiscernible].

24 MS. MERRILL: I don't [indiscernible] -- I just --

25 (Cross-talk)

1 UNIDENTIFIED SPEAKER: It wasn't showing on the TV. It
2 was showing on the laptop.

3 THE COURT: Oh, you're right. That's right. It was a
4 repeater.

5 UNIDENTIFIED SPEAKER: Yeah, but it ran through the TV.

6 THE COURT: Correct.

7 UNIDENTIFIED SPEAKER: Yeah. I mean, they can watch it
8 on the laptop. I mean, it's...

9 THE COURT: If we're going to play it through his laptop,
10 let's just do it in here, and that way --

11 UNIDENTIFIED SPEAKER: Okay. What about this? Would it
12 work if -- I don't know the setup of the jury room exactly,
13 but could the computer be hooked up to that TV and they could
14 still watch from the TV? And then, when they're finished,
15 they can just let the deputy know and we can get the computer
16 back. I don't know if that would work.

17 THE COURT: It probably [indiscernible].

18 UNIDENTIFIED SPEAKER: However the Court wants to handle
19 it. I'm just trying to think of ways to make it --

20 UNIDENTIFIED SPEAKER: We can have the laptop through the
21 door.

22 THE COURT: The State's laptop [indiscernible].

23 UNIDENTIFIED SPEAKER: Not [indiscernible] through the
24 jury.

25 THE COURT: Fair enough. Very well. [Indiscernible].

1 Let's just have them play it in here. They can watch it and
2 then they can go back. So, obviously, I'll bring them in.
3 I'll just say I understand you want to watch the video. We'll
4 play it for you now. And then I'll ask them, "Does anybody
5 want to watch it again?"

6 MS. MERRILL: Because they have got another disc too, so
7 I don't know if they're going to watch both of them.

8 THE COURT: I'll just -- I'll be the one that talks to
9 them. You'll just have to be the computer [indiscernible].

10 (Pause in the proceedings.)

11 THE COURT: All right. So Mr. Peil, you can set that up,
12 I reckon?

13 MR. PEIL: And this is the original. I just want to make
14 sure this doesn't get lost anywhere.

15 THE COURT: Okay. That's the evidence.

16 MR. PEIL: That's the evidence, yes.

17 THE COURT: Why don't you tee it up.

18 MR. PEIL: It's ready to go.

19 MS. MERRILL: Which one is that? Is that 7?

20 MR. PEIL: 7.

21 MS. MERRILL: 7 is June.

22 THE COURT: And this is the --

23 MR. PEIL: June 17th.

24 THE COURT: This is the video with the car, the vehicle?

25 MS. MERRILL: The vehicle.

1 MR. PEIL: I believe it's --

2 THE COURT: Okay. I think that's the one they want to
3 see. All right.

4 UNIDENTIFIED FEMALE: Yeah, this is the one they
5 [indiscernible].

6 THE COURT: All right. Go ahead and bring them in.
7 Bring them in.

8 (The jury entered the courtroom at 7:55 a.m.)

9 THE COURT: All right.

10 JUROR: Yeah, we couldn't get that one [indiscernible]
11 on.

12 THE COURT: Okay. So we have got the video. Is this the
13 one you're wanting to see?

14 JUROR: Yes.

15 THE COURT: All right. We'll go ahead and
16 [indiscernible]. Have a seat and we won't say anything while
17 you're in here. We'll just let you watch the video. And if
18 you need to watch it again after that, just let us know.
19 Okay?

20 All right. Mr. Peil, if you could just play it.

21 What's up?

22 JUROR: Can we get you to pause it for us?

23 THE COURT: What?

24 JUROR: When you get to a spot, can we get you to pause
25 it, when we get to a spot?

1 THE COURT: Who's got the control?

2 JUROR: Or can we just "stop it" and you can do that?

3 THE COURT: That's fine.

4 MR. PEIL: Is that all right?

5 THE COURT: Just say "Stop." But I don't want y'all to
6 discuss it.

7 JUROR: No. We're not going to [indiscernible].

8 (Video plays.)

9 JUROR: Stop right there. Are y'all right with that? Is
10 that [indiscernible]?

11 THE COURT: I don't want y'all to discuss what you're --

12 JUROR: No, I just wanted to see if they want to keep
13 going.

14 THE COURT: Okay. Do you want us to keep playing it?

15 JUROR: We don't -- yeah.

16 JUROR: Keep going.

17 JUROR: Keep going. Okay.

18 (Video plays.)

19 JUROR: Are we all right?

20 JUROR: Mm-hmm.

21 JUROR: Okay. Thank you.

22 THE COURT: Head on back to the jury room.

23 (The jury exited the courtroom at 12:56 p.m.)

24 THE COURT: All right. We're on standby.

25 (A recess was taken from 12:57 p.m. to 1:36 p.m.)

1 THE COURT: Please be seated. All right. I'm told we
2 have a verdict.

3 MR. PEIL: Yes, sir.

4 THE COURT: Anything before we bring the jury in?

5 MR. PEIL: No, sir.

6 THE COURT: Bring them in, please.

7 Regardless of the verdict, my custom is just to do ten
8 days for post-trial motions so...

9 MR. PEIL: Ten days for post-trial?

10 THE COURT: Yeah. I'll say it after but I want to make
11 sure I told that now.

12 (The jury entered the courtroom at 1:37 p.m.)

13 THE COURT: All right. Mr. Foreman, I understand y'all
14 have a verdict; is that correct?

15 JURY FOREMAN: Yes, Your Honor.

16 THE COURT: Is your verdict unanimous?

17 JURY FOREMAN: Yes.

18 THE COURT: All right. Please hand it to the bailiff.

19 JURY FOREMAN: Give it to you?

20 THE COURT: To him.

21 JURY FOREMAN: Oh.

22 (Pause in the proceedings while the Court reviews
23 documents.)

24 THE COURT: Do you have the jury charge that was with you
25 that was back there in the room?

1 JURY FOREMAN: The jury what?

2 THE COURT: The instructions.

3 JURY FOREMAN: Yes. They're in a pile.

4 THE COURT: Okay.

5 JURY FOREMAN: With the pictures, the photos in there.

6 THE COURT: I don't normally do this but I think I need
7 to talk to y'all first before I...

8 MR. PEIL: Is that including [indiscernible]?

9 BENCH CONFERENCE

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

12 VERDICT

13 THE CLERK: The verdict form:

14 We, the jury, find that the defendant, Crystal Suggs,
15 trespassed: Yes.

16 We, the jury, find that the defendant, Scott Suggs,
17 trespassed: Yes.

18 We, the jury, find the total amount of actual and nominal
19 damages, if any, by the preponderance of the evidence of same
20 by the plaintiff to be: Zero dollars.

21 We, the jury, find, by clear and convincing evidence,
22 that defendants, Crystal Suggs and Scott Suggs, acted
23 willfully, wantonly, and with reckless disregard of the
24 plaintiff's rights: Yes.

25 We, the jury, find, by clear and convincing evidence,

1 that the total amount of punitive damages to be: Zero
2 dollars.

3 Signed this day by the jury foreman.

4 THE COURT: Okay. Could you hand that back to me?

5 Any motions before I discharge the jury?

6 MR. PEIL: Yes, Your Honor. At this time, I would make a
7 motion for reconsideration, I guess, we'll call it. Whatever
8 we want to call it. But under the law, if there has been a
9 finding of trespass, there must be some sort of award of
10 damages, even nominal damages. I think there's perhaps
11 further issues to be resolved.

12 THE COURT: Okay. Any response from the defense? You
13 don't have to. But if you have anything, just let me know.

14 MR. TINSLEY: I don't [indiscernible].

15 THE COURT: All right. Ladies and gentlemen, I have
16 received your verdict form, Mr. Foreman, and your verdict --
17 you did find that both the defendants committed a trespass in
18 the civil sense and a -- I'm going to look this over real
19 quick before I say anything else.

20 Okay. All right. So, under the law of trespass, if you
21 find that the defendants have committed a trespass, then entry
22 alone of a trespass entitles the plaintiff to at least nominal
23 damages. So I need you to go back to the jury room and
24 discuss this matter a little bit more. But you cannot --

25 JURY FOREMAN: Can --

1 THE COURT: No, sir, hold on. You cannot award zero.

2 JURY FOREMAN: Okay. Can I say something?

3 THE COURT: No, sir, you cannot. But you can write a
4 question to me and I'll address it. But I don't want to have
5 an open discussion.

6 JURY FOREMAN: No, no [indiscernible].

7 THE COURT: All right?

8 JURY FOREMAN: I know what the amount is that --

9 THE COURT: Okay. I don't want -- sir, I don't want to
10 discuss it in the courtroom. I need y'all to go back to the
11 jury room. If I have a legal question for me, you can write
12 it on a notepad, and I'll make a record of it.

13 (The jury exited the courtroom at 1:44 p.m.)

14 THE COURT: Print out the verdict form again, please.
15 Court Exhibit 3, verdict form No. 1.

16 MR. PEIL: No. 1.

17 (Court's Exhibit No. 3, Verdict Form No. 1, was marked
18 for identification and received into evidence.)

19 THE COURT: I'm going to print the verdict form again.

20 THE CLERK: Okay.

21 THE COURT: Frankly, I might fill in yes and yes.

22 MR. TINSLEY: I think punitive, zero, doesn't change.

23 THE COURT: I'm not arguing -- I'm just talking about you
24 can't award -- well, I wasn't clear about that.

25 MR. TINSLEY: Well, you already addressed with them

1 nominal, so I think -- insist on their finding no punitives,
2 no actuals [indiscernible].

3 THE COURT: Yeah, I -- what do you think? Can I just let
4 them scratch out zero on the damages?

5 MR. TINSLEY: No, I don't have a problem with you giving
6 them another form.

7 MR. PEIL: I have no objection to that either.

8 MR. TINSLEY: I think the way you suggested is fine.

9 THE CLERK: And you'll fill out the part that's in
10 dispute?

11 THE COURT: I might have her come out with me when I go
12 to them and say the verdict is fine -- I mean, the verdict
13 form -- the only issue with the verdict form is you have zero
14 in the amount of actual nominal damages. That's my only --
15 that's my only [indiscernible]. I mean...

16 Actually, let's put it on the record.

17 MR. PEIL: We're on the record, yeah.

18 MS. MERRILL: So, essentially -- I want to make sure I'm
19 understanding. So I guess what I would say is they're finding
20 is, at least for punitives and actuals, that is zero, and if
21 we give them a blank form, to me, they considered that and
22 already decided those issues.

23 MR. PEIL: Well, there's no distinction between actual
24 and nominal on the form, but...

25 THE COURT: [Indiscernible] in hindsight [indiscernible].

1 MR. PEIL: I think they get --

2 (Cross-talk)

3 MS. MERRILL: -- any of the charges. I think you charged
4 it right.

5 MR. PEIL: I'm fine with the charge, yeah.

6 THE COURT: All right. So --

7 MR. PEIL: He said he knew the amount so he's going to
8 put some number on there.

9 THE COURT: Okay. [Indiscernible].

10 MS. MERRILL: My only hesitation is what happens if they
11 write something different other than the nominal part? How do
12 we handle that if they go back and they start...

13 THE COURT: Well, how about this? The reality is it was
14 not a proper verdict form. I'm wondering [indiscernible] be
15 able to send it back until it's proper.

16 MR. PEIL: I don't know. I have seen a lot of crazy
17 things. I have never -- never had this issue. I don't know
18 the answer, and anything I said would be off the top of my
19 head.

20 MR. TINSLEY: Yeah, it strikes me that No. 3 is the only
21 thing that's [indiscernible] obviously [indiscernible] one and
22 two, so -- and they could find [indiscernible].

23 MR. PEIL: I don't think they're inclined to add
24 punitives, but I think if you send them back a new form, they
25 could say, "You know what? If we have got to award money,

1 then we're going to say no trespass occurred," if we send them
2 back a blank form.

3 THE COURT: Okay. [Indiscernible]. I'll just give them
4 the blank form [indiscernible].

5 MR. PEIL: That's right. Hopefully the next one is not
6 improper.

7 THE COURT: Are you sure there's nothing else we need to
8 discuss about [indiscernible]?

9 MS. MERRILL: It is working, Judge. I'm just trying to
10 make sure -- you know, as Mr. Peil said, I'm not exactly sure
11 of the right solution either, so...

12 That's my only hesitancy, if they come back -- they still
13 had a verdict. Whether the form properly dealt with the
14 nominal damage issue, to me, is still different than what
15 their verdict was. So then if we come back and they have a
16 different verdict -- that's what I was trying to kind of
17 raise, but I don't know the right --

18 THE COURT: [Indiscernible] something like that. I
19 mean...

20 All right. Let's go off the record while we're doing
21 this.

22 (A recess was taken from 1:48 p.m. to 1:54 p.m.)

23 (The jury entered the courtroom at 1:54 p.m.)

24 THE COURT: Mr. Foreman, you have -- y'all have
25 deliberated -- if you'll bring that -- y'all have deliberated

1 some more. Is this decision still unanimous?

2 JURY FOREMAN: Yes, still unanimous.

3 THE COURT: Thank you, sir.

4 (Pause in the proceedings while the Court reviews
5 documents.)

6 THE COURT: Okay. Madam Clerk?

7 THE CLERK: In the matter of Robert Lagroon versus
8 Crystal Suggs and Scott Suggs, verdict form:

9 We, the jury, find the defendant, Crystal Suggs,
10 trespassed: Yes.

11 We, the jury, find the defendant, Scott Suggs,
12 trespassed: Yes.

13 We, the jury, find the total amount of actual and nominal
14 damages, if any, by the preponderance of the evidence
15 sustained by the plaintiff to be: One dollar.

16 We, the jury, by clear and convincing evidence, that the
17 defendants, Crystal Suggs and Scott Suggs, acted willfully,
18 wantonly, or with reckless disregard to the plaintiff's
19 rights: Yes.

20 We, the jury, find, by clear and convincing evidence,
21 that the total amount of punitive damages to be: \$200.

22 THE COURT: All right. Anything else before I discharge
23 the jury?

24 MR. PEIL: Nothing from the plaintiff, Your Honor.

25 THE COURT: Anything from the defense?

1 MR. TINSLEY: Nothing, Your Honor.

2 THE COURT: All right. Just -- if you file anything,
3 please give us a heads-up.

4 Nice working with y'all this week and I hope y'all have
5 safe travels back to everywhere -- Greenwood, Evans, all those
6 places.

7 MR. TINSLEY: Thank you, Judge.

8 THE COURT: Thank y'all.

9 (The above matter concluded at 1:59 p.m.)
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CERTIFICATE OF TRANSCRIBER

CASE NAME/NUMBER: Lagroon v. Suggs

2017-CP-35-00045

DATE OF HEARING: 4/24/24 (Day 2 only as requested)

COURT REPORTER/MONITOR: DCRP Joseph Hoskins

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher

Bobbi Fisher, RPR and Certified Transcriber

Date Submitted: 11/28/24

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TRESPASS NOTICE

A TRUE COPY

Buffy Hodges
Clerk of Court, McCormick County

By: *Deputy*

May 26, 2014

Notice Hand Delivered To:
Scott Suggs
Crystal Suggs
223 Willington Academy Dr
McCormick SC 29835

CLERK OF COURT
McCORMICK COUNTY, SC
2014 APR 24 PM 2:50
OFFICE

BECAUSE OF YOUR REPEATED EGREGIOUS BEHAVIOR WHILE INEBRIATED AND TOTAL DISREGARD OF REPEATED VERBAL REQUEST AND WARNINGS TO LEAVE AND NOT RETURN TO OUR HOME, THIS LETTER IS BEING GIVEN TO YOU INFORMING YOU THAT YOU ARE NOT ALLOWED ON THE PROPERTY OF R. JAY LAGROON AT 791 SC HWY 7 IN THE COUNTY OF McCORMICK.

IF YOU DO COME ON THIS PROPERTY, YOU WILL BE TRESPASSING ON THIS PROPERTY AND WILL BE SUBJECT TO BEING ARRESTED BY OUR LOCAL LAW ENFORCEMENT AGENCY. YOU ARE ALSO BEING NOTIFIED BY THIS LETTER THAT YOU ARE NOT TO HAVE ANY CONTACT WITH R. JAY LAGROON, KELLI BARNETT, DANIEL LAGROON, BECCA LAGROON ON OUR PROPERTY BY ANY MEANS. IF YOU DO HAVE CONTACT WITH US, WE WILL HAVE TO CONTACT OUR LOCAL LAW ENFORCEMENT AGENCY ABOUT THIS SITUATION.

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THIS LETTER IS YOUR TRESPASS NOTICE AS WELL AS YOUR NOTICE TO HAVE NO CONTACT WITH US UNDER ANY CIRCUMSTANCES.



R. Jay Lagroon

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Plaintiff's Exhibit 6

DVD hand delivered to Clerks office at the direction of Clerk of Court of Appeals

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Jul 25 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

The Honorable Walton McLeod Eleventh Circuit Court Judge
McCormick County

Robert Jay Lagroon, Appellant.

v.

Crystal Suggs and Scott Suggs, Respondent

Appellate Case No. 2024-000831

CERTIFICATE OF COUNSEL

Counsel for Appellant certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

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

COUNSEL FOR APPELLANT

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Jul 25 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
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APPEAL FROM MCCORMICK COUNTY
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The Honorable Walton McLeod Eleventh Circuit Court Judge
McCormick County

Robert Jay Lagroon, Appellant.

v.

Crystal Suggs and Scott Suggs, Respondent


Appellate Case No. 2024-000831

CERTIFICATE OF SERVICE

The undersigned Pro Se Appellant does hereby certify that service of Volume I and Volume II **Record on Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addressed clearly indicated on said envelopes this 22nd day of July, 2025 addressed as follows:

Robert Jamison Tinsley, Jr. Esq.
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