

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
Maite D. Murphy, Circuit Court Judge

Appellate Case No.: 2014-001492

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SC Court of Appeals

Meredith Huffman.....Appellant,

v.

Sunshine Recycling, LLC and
Aiken Electric Cooperative, Inc.....Respondents,

**RECORD ON APPEAL
VOLUME II**

Breon C. M. Walker, Esquire
Jessica A. Waller, Esquire
Gallivan, White & Boyd, P.A.
Post Office Box 7368
Columbia, South Carolina 29202
(803) 779-1833
*Attorney for Respondent Sunshine
Recycling, LLC*

Robert F. Goings, Esquire
Goings Law Firm, LLC
Post Office Box 436
Columbia, South Carolina 29202
(803) 350-9230
Attorney for Appellant

Pope D. Johnson, III, Esquire
Pope. D. Johnson, III, Attorney at Law
1230 Richland Street
Columbia, SC 29201
(803) 799-9791
*Attorney for Respondent Aiken Electric
Cooperative, Inc.*

J. Todd Rutherford, Esquire
The Rutherford Law Firm, LLC
Post Office Box 1452
Columbia, SC 29202
(803) 256-3003
Attorney for Appellant

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG) CIVIL ACTION NO.: 2012-CP-38-672

MEREDITH HUFFMAN,)

PLAINTIFF,)

VS.)

ORANGEBURG COUNTY SHERIFF'S)
DEPARTMENT, SUNSHINE)
RECYCLING, LLC AND AIKEN)
ELECTRIC COOPERATIVE, INC.,)

DEFENDANTS.)

DEPOSITION

OF

JAMES ETHRIDGE

DEPOSITION OF **JAMES ETHRIDGE**, TAKEN BEFORE LORI BOGGS REILLY,
PROFESSIONAL VERBATIM REPORTER, AND NOTARY PUBLIC IN
AND FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR
OF 4:43 P.M., THURSDAY, THE 5TH DAY OF DECEMBER, 2013, AT THE
LAW OFFICES OF WILLIAMS & WILLIAMS, 1281 RUSSELL STREET,
ORANGEBURG, SOUTH CAROLINA.

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info@verbatiminc.com
(803) 787-7242

ROA 475

APPEARANCES

FOR THE PLAINTIFF

ROBERT F. GOINGS, ESQUIRE
GOINGS LAW FIRM, LLC
914 RICHLAND STREET, SUITE A-101
POST OFFICE BOX 436
COLUMBIA, SOUTH CAROLINA 29202

FOR THE DEFENDANT SUNSHINE RECYCLING

BREON C. M. WALKER, ESQUIRE
GALLIVAN, WHITE & BOYD, PA
POST OFFICE BOX 7368
COLUMBIA, SOUTH CAROLINA 29202

FOR THE DEFENDANT AIKEN ELECTRI COOPERATIVE, INC.

POPE D. JOHNSON, ESQUIRE
JOHNSON & BARNETTE, LLP
POST OFFICE BOX 11209
COLUMBIA, SOUTH CAROLINA 29211-1209

REPORTED BY

LORI BOGGS REILLY
VERBATIM, INC.
2418 DEVINE STREET
COLUMBIA, SOUTH CAROLINA 29205

ALSO PRESENT

ROBYN MCKAY

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*DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS
FROM DATE OF CERTIFICATION.



STIPULATIONS

IT IS STIPULATED BY AND BETWEEN COUNSEL FOR THE
RESPECTIVE PARTIES THAT ALL OBJECTIONS ARE RESERVED
UNTIL THE TIME OF TRIAL, EXCEPT AS TO THE FORM OF THE
QUESTION.

THIS DEPOSITION IS BEING TAKEN PURSUANT TO THE
SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

THE READING AND SIGNING OF THIS DEPOSITION IS
WAIVED BY THE DEPONENT AND COUNSEL FOR THE
RESPECTIVE PARTIES.

WHEREUPON, JAMES ETHRIDGE, BEING DULY SWORN AND
CAUTIONED TO SPEAK THE TRUTH, THE WHOLE TRUTH, AND
NOTHING BUT THE TRUTH, TESTIFIED AND DEPOSED AS FOLLOWS:

EXAMINATION

BY MR. GOINGS:

Q Mr. Ethridge, my name is Robert Goings. I represent Meredith Huffman in a -- in a case against Sunshine Recycling and Aiken Electric. You're being deposed here today as a fact witness because you are employed by the Orangeburg County Sheriff's Department and you were involved in the investigation into this matter.

Have you ever had a deposition taken before?

A No, sir.

Q Is this your first time?



1 A Yes, sir.

2 Q All right.

3 A I've gotten plenty of paperwork. It just never got
4 this far.

5 Q I got you. Well, you've been in court other times.

6 A Oh, yes. Plenty, plenty, yes.

7 Q So you know what it's like to be put under oath to
8 testify?

9 A Oh, yes, yes.

10 Q Okay. This is a much more informal process --

11 A Right.

12 Q -- but you're still -- testimony is under oath, and I
13 will be asking you questions and you're to answer those
14 questions under oath to the best of your recollection.

15 If you have any questions about my question,
16 you need me to clarify or explain a term or define a
17 phrase, direct that to me.

18 A Yes, sir.

19 Q During the course of the deposition, you may hear the
20 other lawyers in here object. You still have to answer
21 the question, though, even if -- even if an objection
22 is made. I'm sure you're heard lawyers make objections
23 in court --

24 A Oh, yeah.

25 Q -- plenty of times.

1 You have a -- if you answer my question, I'm
2 going to assume that you understood my question. Is
3 that fair?

4 A Yes, sir.

5 Q All right. What's your address?

6 A My physical home address?

7 Q Yes, sir.

8 A -- that's Street. That's in
9 Branchville, B-R-A-N-C-H-V-I-L-L-E, South Carolina
10 29432.

11 Q How long have you lived at that address?

12 A Since probably 2004.

13 Q What is your date of birth?

14 A 3-13, 1975.

15 Q Are you married? That's not a good question?

16 Separated?

17 A Separated.

18 Q I got you. Separated.

19 A Yeah.

20 Q Do you have any children?

21 A I have two.

22 Q What are their ages?

23 A My son is 17. My daughter is 15.

24 Q And what is your current phone number?

25 A 803-

1 Q Is that your cell phone number?

2 A Yes. That's the -- I do have a home number, now.

3 Q Okay. What's your home number?

4 A Home number is 803 .

5 Q And how long have you had this 803- number?

6 A Years. I couldn't -- I mean, I couldn't tell you
7 exactly. It's been a long time.

8 Q Okay. Had you had this number back in 2010?

9 A Yes, but when I was employed at the Orangeburg County
10 Sheriff's Office, I was always issued a sheriff's
11 office phone.

12 Q What was your -- is it a cell phone?

13 A Yeah, it was a cell phone. I'm going to say at that
14 time, I'm thinking the number was 803 . I
15 can't -- I'm just -- because I know -- twice I was
16 there, my numbers changed. So --

17 Q Did you have an office land line number?

18 A Okay. But that came into -- because we worked in
19 criminal investigations at this point in time. And it
20 was two numbers that would come in. I did not -- I
21 don't remember having a direct line. It was just into
22 the secretary that would transfer us. Those two
23 numbers would be 803-5 -- let me think.

24 Q Take your time.

25 A .

1 Q 5810?

2 A Yeah. And then 803 . We -- because we moved
3 around in cubicles. So, I mean, it wasn't --

4 Q Let's say in 2010, and if you had a victim and the
5 victim needed to contact you and you gave that victim
6 your phone number. What number would you have given
7 them?

8 A An investigation, they were -- we gave our cell phone
9 numbers.

10 Q Okay.

11 A But they were -- they would -- they would be given our
12 cell phone number and the number to the office.

13 Q All right. And the numbers that a victim would be
14 provided would be 803-308-0985, and that's the
15 Orangeburg Sheriff's Department cell phone number?

16 A That was -- and it was assigned to me.

17 Q Assigned to you?

18 A Yeah. The best of my recollection, that was the number
19 at that time.

20 Q Got you. And then you would also give out a number
21 bearing 803-533-5810, correct?

22 A Yeah.

23 Q Or the -- or 5812?

24 A Right, because it would ring into the office on
25 Chestnut Street where we were located.

1 Q Describe to me your education and then your work
2 history up to present.

3 A My -- starting back from high school?

4 Q Yeah, high school.

5 A I have attended Branchville High School for my high
6 school diploma. Right after high school, I attended --

7 Q When did you graduate?

8 A Graduated in 19 -- in 1993.

9 Q Okay.

10 A In 1995, I obtained an Associate's Degree in criminal
11 justice from Orangeburg County Technical College. I
12 later went back to Claflin University and obtained my
13 Bachelor's Degree, say, 2009 and -- 2009-2010, and then
14 I went to Troy University, and I have a Master's Degree
15 in criminal justice currently now from Troy University.

16 Q When did you receive your Master's Degree?

17 A 2011 somewhere, or 2012 -- 2011.

18 Q Did you receive any professional education or
19 professional training in law enforcement?

20 A Oh, yes. The whole time. I mean, I was -- when I
21 started with the sheriff's office in 2003, obviously I
22 went to South Carolina Criminal Justice Academy, and
23 from then on I've been to numerous trainings. I've
24 worked -- through the history of the Orangeburg County
25 Sheriff's Office, I worked on -- came in as a school

1 resource officer, which obviously I had some training
2 there. I went to patrol. I made it to the ranks of --
3 I was a sergeant. I was supervisor on the road. I
4 then transferred into criminal investigations.

5 Q When did you start criminal investigation?

6 A I'd say probably in -- around '05 or so.

7 Q Okay.

8 A Went to criminal investigations. Through criminal
9 investigations, I actually made rank of sergeant and at
10 one point in time, I was -- I headed the burglary task
11 force under Sheriff Larry Williams. I had just three
12 other investigators under me and I was a supervisor
13 over the task force.

14 Q When did this -- when were you supervisor at --

15 A That was probably -- probably in '08, somewhere around
16 in there. I'm just -- and I'm just guessing these
17 dates now. I can't -- I mean, I can't --

18 Q No, I understand. I just need a range.

19 A Yeah. I mean, yeah. I was -- we had that burglary
20 task force. Short-handed staff, you know, it kind of
21 disbursed, but I still was a supervisor. I was a -- I
22 was a sergeant when this incident here took place
23 because it's -- you know, I -- in my narrative I have
24 sergeant after it so I know I was a supervisor at this
25 point in time.

1 And then I left the Orangeburg County
2 Sheriff's Office and went to work for Sheriff Knight in
3 Dorchester County, and was a crime scene investigator
4 for about ten months.

5 And returned back to Orangeburg County
6 Sheriff's Office as a supervisor in narcotics, and
7 worked there to -- until January of 2012 of this year,
8 and was hired on SLED as a regional investigator, and
9 worked out of the Walterboro office. And I worked
10 there up to August of this year. I have a master's
11 degree in criminal justice.

12 I've been teaching at Orangeburg County
13 Technical College now since I've had my Master's
14 Degree. I enjoy teaching. I was given an opportunity
15 to teach at the Dorchester County Career Center in
16 Dorchester, South Carolina, and I teach -- that's what
17 I do today is I teach criminal justice, Law
18 Enforcement 1 and 2 to junior and senior high school
19 kids in the Dorchester County community.

20 Q And your shirt says Dorchester County Career and
21 Technical Center Law Enforcement Program, correct?

22 A Correct. I started the -- I was hired in to start the
23 program in August and this is just a -- one of the
24 uniforms we would -- it's kind of our dress uniform.
25 We usually wear t-shirts and stuff. I had a seminar

1 little thing this morning. I had to go out and speak
2 so I was -- I wore my polo.

3 Q Yeah, and the -- and you and I have only -- we only
4 spoke on the phone one time; is that correct?

5 A Correct.

6 Q And that was, what, yesterday to confirm the deposition
7 -- two days ago?

8 A I think it was two days ago.

9 Q Oh, yeah.

10 A And I actually called to speak with a Katie Gould's
11 number --

12 Q Yeah.

13 A -- that I had got, and you actually answered the phone.
14 And I was just trying to verify the date and everything
15 to come here on this date.

16 Q You didn't know what to wear. I said just wear
17 whatever.

18 A Well, that's what I was saying. Because I didn't know
19 because, I mean, normally when I go to court, I
20 wouldn't wear this.

21 Q Right.

22 A And I didn't -- and I get off at 2:45 we're done, so I
23 came straight from Dorchester to here. And I know the
24 dates have changed a couple of times so I wanted to
25 make sure everything was still on board for today.

1 Q You brought with you today an offense report; is that
2 correct?

3 A Yeah, this is -- actually the very back copy is the
4 initial incident report that was written. It's just a
5 copy of the incident report, case number 2010-005803.

6 Q What's the date of that incident report?

7 A The date on 5-16, 2010.

8 Q And who completed that incident report?

9 A An M. Huggins.

10 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 1 FOR IDENTIFICATION
11 PURPOSES, OFFENSE REPORT)

12 BY MR. GOINGS:

13 Q I want to hand you what is -- what will be marked for
14 purposes of your deposition, Exhibit 1. And does this
15 appear to be --

16 MR. GOINGS: Breon, Pope, you've got copies
17 of this, right? You need another copy?

18 MS. JETT: I have a copy.

19 BY MR. GOINGS:

20 Q Okay. Does this document appear to be a true and
21 accurate copy of the offense report related to an
22 incident that occurred at Aiken Electric?

23 A Correct. This right here is actually -- starting with
24 this first copy. This is actually where I documented
25 in the computer. This is my supplemental here. It

1 started on the --, it's dated -- the offense is at the
2 top where I started my stuff on the 18th of May of
3 2010. This is -- these are my notes. These -- this is
4 my supplemental that I wrote.

5 Q And did you prepare this document yourself?

6 A Yes, I typed it in the computer myself.

7 Q Okay. And is the information contained in this
8 document true and accurate?

9 A Yes, sir. It is.

10 Q Okay. And explain to me how these documents are made,
11 generated?

12 A Well, what we do is, normally, when someone would call
13 into the sheriff's office to report an incident or
14 something, it would go into what we call the CAD
15 system, which is just a computer system at that point
16 in time they were using. And that's where this top
17 part would be generated. They would automatically
18 issue a case number, what the type of crime, the status
19 of the crime, where the incident took place, where it
20 has Aiken Electric, 8381 North Road, North, South
21 Carolina.

22 Then it comes down where I actually put my --
23 when I put my supplemental in and it keys in report
24 employee, I had an employee number that when I would
25 start something, I would have to key my number in.

1 That way it would come up as I was the one inputting
2 this information. Where you see report, employee, date
3 and time, it has Ethridge, James and it has 6/1/10
4 10:13 where it's getting -- that actually -- I entered
5 this part of this information right here which had --
6 this was -- at that point in time, I put in a suspect's
7 name of Meredith Huffman. For the date and times as
8 you start putting the information in, that's when I put
9 her information in.

10 And then when I started doing my narrative,
11 it shows a report date and time of 5/18, 2010, and this
12 is me actually typing this stuff in into our CAD
13 system.

14 Q So this document was prepared contemporaneous to the
15 information that's provided --

16 A Correct.

17 Q -- over the internet?

18 A Yeah.

19 Q Okay. Is this a document that's generated in the
20 ordinary course of business at Orangeburg County
21 Sheriff's Department?

22 A Correct. Your deputies, when they would respond, they
23 would do like an initial incident report. And then
24 when they come to us, we didn't hand write. Our stuff
25 went straight into the CAD system as a supplemental

1 report --

2 Q When you say "us," who was us?

3 A Over in investigations.

4 MR. JOHNSON: Robert, I couldn't -- he was
5 pointing to something. Are you saying here where it
6 says 6/1/10 --

7 MR. GOINGS: Uh-huh.

8 THE WITNESS: That show -- that shows when I
9 keyed --

10 MR. JOHNSON: You put that information in
11 that --

12 THE WITNESS: Right. So in other words, you
13 see -- you see the second part where it says
14 supplemental details.

15 MR. JOHNSON: Yeah.

16 THE WITNESS: And it has my name and then
17 5/18, 2010.

18 MR. JOHNSON: Right.

19 THE WITNESS: That's when I started typing in
20 my narrative.

21 MR. JOHNSON: You started typing.

22 THE WITNESS: Typing in my narrative. Yes,
23 sir. That's when I first put my -- started typing my
24 narrative in. And then when I got to a point of
25 putting in her information of Ms. Meredith Huffman,

1 that's the date I actually put her information in into
2 this computer was on 6/1, 2010.

3 MR. JOHNSON: Are you saying everything from
4 here, 5/18/10 was put in on 5/18/10 or was it put in as
5 you went along?

6 THE WITNESS: It could have been put in as I
7 went along. That shows the first time it was -- it was
8 started. When I opened that file up and I started the
9 supplemental is what that date shows.

10 MR. JOHNSON: Okay.

11 THE WITNESS: Which would be on the 18th is
12 when I -- when I first keyed in -- because when you go
13 into the computer system, you would say if you're
14 picking a name or if you're picking a supplemental or
15 how -- and then that day, 5/18, 2010, I chose I was
16 going to do a supplemental and I started a supplemental
17 on this case and that's when I started it.

18 MR. JOHNSON: But the material you put under
19 your supplemental, did you put it in at the time you
20 learned it or did you -- or did it --

21 THE WITNESS: No, periodically.

22 MR. JOHNSON: -- or did you just --

23 THE WITNESS: I was -- I would -- I would go
24 in and type some in, and then maybe as an -- I mean,
25 how this one was done, I can't tell you exactly but,

1 normally, if something took place, I would -- I would
2 put it in and I may work on a case for two or three
3 days and then catch up on paperwork and put more stuff
4 in.

5 MR. JOHNSON: So it wasn't -- right. So it
6 wasn't actually all contemporaneous. When you did it,
7 it could be two or three days later you would catch --

8 THE WITNESS: Correct.

9 MR. JOHNSON: -- up your notes and --

10 THE WITNESS: Correct.

11 MR. GOINGS: You want me to finish?

12 MR. JOHNSON: Well, yeah.

13 MR. GOINGS: You're doing good.

14 THE WITNESS: Did that -- did that clarify it
15 all? I'm trying --

16 MR. JOHNSON: Yeah, yeah.

17 THE WITNESS: It's a running diary.

18 BY MR. GOINGS:

19 Q Is it fair to say this is a running diary?

20 A Yeah.

21 Q But it --

22 A And it can say that it started on 5/18, 2010. That's
23 what I could say.

24 MR. GOING: Finished?

25 MR. JOHNSON: I'm finished on that point.

1 MR. GOINGS: Okay. Good, good, good.

2 MR. JOHNSON: I just didn't understand.

3 MR. GOINGS: No, I got you. I'm sorry. I
4 wasn't trying to interrupt you either.

5 BY MR. GOINGS:

6 Q Officer, this offense report in the narrative section,
7 is it fair to say that it -- this is like a running
8 diary of events that you learned during the course of
9 your investigation?

10 A Correct. It was a continuation from the time I started
11 it until the time I finished it.

12 Q Okay. And the first paragraph says I, Sergeant
13 Etheridge, was assigned to case number 2010-005803 in
14 reference to some copper wire being taken from Aiken
15 Electric Cooperative.

16 Is it fair to say, Officer, that that
17 sentence in and of itself was probably the first
18 sentence that was put in the narrative?

19 A Correct.

20 Q And if you started the section on 5/18, 2010, that
21 would be written in 2000 -- on 5/18, 2010?

22 A Correct.

23 Q And then if you read this, it appears that you're
24 discussing events as they -- as they unfold, correct?

25 A Correct.

1 Q Now, when I said that you enter in the information
2 contemporaneous to when you learn it, it may be that
3 afternoon or the next morning. Correct?

4 A Correct.

5 Q Okay. But while it's still fresh in your head is when
6 you put it in, correct?

7 A Correct.

8 MR. JOHNSON: Object to the form.

9 BY MR. GOINGS:

10 Q Is information contained in the narrative section
11 information that you personally have knowledge of?

12 MR. JOHNSON: Object to the form.

13 THE WITNESS: Yes.

14 BY MR. GOINGS:

15 Q Okay. You don't put something in the narrative that
16 you're not told, do you?

17 A No.

18 MR. JOHNSON: Object to the form.

19 BY MR. GOINGS:

20 Q And you don't put false information in a narrative, do
21 you?

22 A No.

23 MR. JOHNSON: Object to the form.

24 MS. WALKER: Same objection.

25 BY MR. GOINGS:

1 Q And you've been -- you've been in law enforcement many
2 years now, haven't you?

3 A Correct.

4 Q And you, in fact, teach law enforcement, right?

5 A Correct.

6 MR. JOHNSON: Object to the form

7 BY MR. GOINGS:

8 Q Do you teach your students that they don't put false
9 information in an incident reports?

10 MR. JOHNSON: Object to the form.

11 THE WITNESS: You only document the truth.

12 BY MR. GOINGS:

13 Q Okay. And I guess the questions that I'm trying to
14 find out is does this document, the incident report,
15 reflect the truth --

16 MR. JOHNSON: Object to the form.

17 BY MR. GOINGS:

18 Q -- as it relates to your investigation into a theft
19 that occurred at Aiken Electric in North, South
20 Carolina?

21 A Correct.

22 MR. JOHNSON: Object to the form.

23 MS. WALKER: Same objection.

24 BY MR. GOINGS:

25 Q Was this document prepared in the ordinary course of

1 business?

2 MR. JOHNSON: Object to the form.

3 THE WITNESS: Correct, yes.

4 MR. GOINGS: What was wrong with the form of
5 that question?

6 MR. JOHNSON: We just need to swear you.
7 What's wrong with it? It's leading. You -- it's
8 leading. You could ask him how was this document
9 prepared but you don't --

10 MR. GOINGS: But you did that.

11 MR. JOHNSON: -- put words in his mouth.

12 MR. GOINGS: But you did that.

13 MR. JOHNSON: I was trying to help you.

14 BY MR. GOINGS:

15 Q Okay. I will satisfy his objections. I want you to
16 explain fully one more time, and take as long as you
17 need, to explain how this document is generated.

18 MR. JOHNSON: He's done that. Let's get on
19 with it.

20 MR. GOINGS: Go ahead and withdraw the
21 question so I don't have to do it again --

22 MR. JOHNSON: I'm not withdrawing a damned --
23 anything. It's like --

24 BY MR. GOINGS:

25 Q Explain -- explain -- I want you to explain, seriously,

1 for the record, how this document's generated without
2 me leading you.

3 A Okay. It would be a continuation of the course of the
4 investigation, the date of -- I was first assigned the
5 case, and it would start -- obviously it has 5/18,
6 2010. That's when I started my -- my narrative here
7 note-wise, and it's just -- it's a -- it's a documented
8 continuation of my full investigation from start to
9 finish.

10 Now, throughout the narrative, there are
11 different dates of current -- of events that took
12 place, but it -- it -- the date that you see on here
13 actually only shows the date that I started to input
14 the information in the computer.

15 BY MR. GOINGS:

16 Q Okay. And is this a business record of Orangeburg
17 County Sheriff's Department?

18 A Yes, yes. We called -- this is actually called a
19 supplemental to the initial incident report is what it
20 is.

21 Q And this is the type of document that an investigator
22 would --

23 A Correct.

24 Q -- would --

25 A Correct.

1 Q Does this document help refresh your recollection as to
2 what occurred back in May and in June of 2010 related
3 to this incident?

4 A Yes.

5 Q Sitting here today, is there anything that you believe
6 should be changed or altered for purposes of this
7 document?

8 A No.

9 Q Explain, sir, what you recall when you first got
10 involved in this incident and kind of tell me
11 chronologically what you remember.

12 A Where?

13 Q As it relates to your investigation into a theft that
14 occurred in North, South Carolina at Aiken Electric.

15 A How it started?

16 Q Yes, sir.

17 A The investigate -- well, when you have your -- talking
18 about assigned, the incident report would be written
19 and then turned into investigations. And then,
20 obviously, I was assigned by my supervisor at that
21 point in time to look further into the -- to the case.
22 And then that's when -- actually, I was familiar with
23 Mr. Goss because I had worked other cases at Aiken
24 Electric dealing with thefts and burglaries and stuff
25 so I was kind of familiar with him.

1 Then, after being assigned the case, when I
2 spoke with them, they said that the -- there was wire
3 that was -- had been located at Sunshine Recycling. I
4 had dealt with Mr. Joe Rich on numerous occasions. I
5 mean, we -- frequently we'd go out there and talk with
6 him. He's always real cooperative with us and -- and
7 anything that we needed on the case.

8 And they'd informed us that items that was
9 taken from Aiken Electric was located at Sunshine
10 Recycling. There's, you know, certain laws they have
11 to abide by and when they -- the wire was sold, they
12 obtained the lady's information. Had her driver's
13 license. Had -- everything was on the ticket just like
14 they normally did. Gave me copies of the ticket and
15 everything. I went down and spoke with Mr. Rich. Mr.
16 Goss spoke with one of his employees in the rear.

17 At that point in time, there was something
18 going on with the -- with the video, with Mr. Alan
19 Price. He had video surveillance cameras out there and
20 we couldn't see -- we couldn't view the video on that
21 day. So we, you know, took what they had at that point
22 in time. They were guaranteeing that the metal that
23 she brought in was the metal -- Mr. Goss was saying
24 this is 100 percent our metal from Aiken Electric and
25 the ticket was showing the weights, everything, was --

1 was co- -- everything was looking the same.

2 And they had the ticket. They had the
3 employee in the back saying she brought that metal in.
4 Had a ticket with her information on there. It was
5 verified, her driver's license number. They obtained
6 the property back. We -- I photographed the property
7 that was there, which was just some copper wire, and
8 gave the wire back to Mr. Goss.

9 Q Okay. Let me stop you right there. I'll get you to
10 continue -- ask you some questions about that.

11 A Oh, I know.

12 Q So when you went to Aiken -- when you went to Sunshine
13 Recycling for the first time regarding this incident,
14 they had documentation ready for you to look at,
15 correct?

16 A Correct.

17 Q And one of those documents was Meredith Huffman's
18 invoice and receipt, correct?

19 A Correct.

20 MR. JOHNSON: Object to the form.

21 MS. WALKER: Same objection.

22 BY MR. GOINGS:

23 Q Did they show you anything else other than Meredith
24 Huffman's invoice and receipt?

25 MR. JOHNSON: Object to the form.

1 THE WITNESS: Besides that, they -- they get
2 copies of her driver's license. So they had copies of
3 her driver's license and then the property.

4 BY MR. GOINGS:

5 Q Okay. So they had the documents related to Meredith
6 Huffman already pulled out for you, right?

7 A Correct.

8 MR. JOHNSON: Object to the form.

9 BY MR. GOINGS:

10 Q You didn't plunder through their documents to find
11 Meredith Huffman's name?

12 A No.

13 MR. JOHNSON: Object to the form.

14 MS. WALKER: Same objection.

15 BY MR. GOINGS:

16 Q Who told you that Meredith Huffman was the individual
17 that came in with the stolen property of Aiken
18 Electric?

19 A I'm pretty sure it was Mark Goss actually had told me
20 to go down and meet him down at Sunshine.

21 Q Did he tell you they had -- they had identified the
22 stolen --

23 A Correct, correct.

24 MR. JOHNSON: Object to the form.

25 THE WITNESS: He had said Mark had actually

1 talked with her. He was actually there because he made
2 the comment, I see here in my notes that he -- he had
3 actually spoke with her in line and she was obtaining
4 payment for the property. So he -- he had saw her and
5 spoke to her on the property of Sunshine.

6 BY MR. GOINGS:

7 Q And did he tell you that he saw her with the stolen
8 property?

9 MR. JOHNSON: Object to the form.

10 THE WITNESS: Let's look at -- it's got here
11 Goss says that he viewed the items after she left and
12 identified them as being theirs.

13 BY MR. GOINGS:

14 Q Okay. And then in the paragraph before that, the last
15 sentence --

16 A It said Goss --

17 Q -- and why --

18 A It says Goss advised me that he went to this location
19 on the date and informed the company their theft and
20 give them some samples of the wire so that they will
21 know what was taken. While he was there, he actually
22 spoke and carried on a conversation with Huffman while
23 she was waiting to get paid for the items that she had
24 just brought in. And it's got Goss said that he viewed
25 the items after she left and identified them as being

1 theirs.

2 Q And so the -- the statements that you just read out of
3 this report, you learned this information --

4 A That's from Goss, from Mark Goss.

5 Q Which is an employee of Aiken Electric.

6 A Correct.

7 Q You just wouldn't make this up, what you --

8 MR. JOHNSON: Object to the form.

9 THE WITNESS: No, this is information that
10 I'm gathering through my investigation as -- I mean,
11 that's what we are. We're fact-finders. We gather
12 information. This is information that's given directly
13 to me from Mr. Goss.

14 BY MR. GOINGS:

15 Q Okay. So in the course of your investigation, you
16 didn't stumble across the name Meredith Huffman as the
17 suspect, did you?

18 MR. JOHNSON: Objection to the form.

19 THE WITNESS: No, not -- well, at Sunshine --

20 BY MR. GOINGS:

21 Q Yeah.

22 A -- Recycling.

23 Q Who provided you, if anyone, the name Meredith Huffman?

24 A Mark Goss and Sunshine Recycling.

25 Q Okay. And did they tell you that Meredith Huffman was

1 the suspect?

2 MR. JOHNSON: Object to the form.

3 THE WITNESS: Correct.

4 BY MR. GOINGS:

5 Q Okay. So, based on the information that you received
6 from Sunshine Recycling and Aiken Electric, your
7 investigation revealed that Meredith Huffman was
8 responsible for this theft, correct?

9 MR. JOHNSON: Object to the form.

10 THE WITNESS: No, that Meredith --

11 MS. WALKER: Same objection.

12 THE WITNESS: -- Huffman was in possession of
13 items that were stolen because that's what she was
14 actually charged with. I did not charge her with any
15 theft.

16 BY MR. GOINGS:

17 Q Okay.

18 A I charged her with receiving stolen goods.

19 Q Okay. So -- I understand that. You were told by
20 Sunshine Recycling and Aiken Electric that Meredith
21 Huffman was the person that was in possession of those
22 stolen goods, correct?

23 A Correct.

24 MR. JOHNSON: Object to the form.

25 MS. WALKER: Object to the form.

1 BY MR. GOINGS:

2 Q Okay.

3 A Mark Goss had identified his property at Sunshine
4 Recycling, and Sunshine Recycling was informing me that
5 she had just brought these items in. They were in her
6 possession when she came onto Sunshine and she sold
7 those items to Sunshine Recycling.

8 Q Okay. And who told you that?

9 A Mark Goss and employees of Sunshine Recycling.

10 Q And did you recall talking to Joe Rich that day as
11 well?

12 A I did. I did speak to him.

13 Q Did you notice he had any Hispanics working in or
14 around the area?

15 A I'm not -- I don't know exactly who I spoke with, but I
16 -- I remember them being Hispanic. I don't have his
17 name, but I know he was a Hispanic male.

18 Q Did -- is it your understanding that Joe Rich was the
19 one speaking to him and Joe Rich was giving you that
20 information?

21 A Oh, yes. Yeah.

22 MR. JOHNSON: Object to the form.

23 MS. WALKER: Same objection.

24 BY MR. GOINGS:

25 Q And how did -- how did you obtain documentation that

1 had Meredith Huffman's name or information on it?

2 A It was given -- Sunshine Recycling gave it to us.

3 Q Okay. What do you recall Sunshine Recycling giving
4 you?

5 A I remember them giving me the -- the actual ticket,
6 which is when -- this could be a weight ticket, more or
7 less from what she gets paid for. And then they --
8 they keep copies of everybody's driver's license.

9 Q What do you recall happening next?

10 A Excuse me?

11 Q What do you recall happening next?

12 A With that, I tried to get in touch with Ms. Hoffman and
13 I never were able to reach her. She was actually
14 living in Calhoun County at the time.

15 Q You mean Huffman?

16 A Huffman, I'm sorry.

17 Q You're all right. You're fine.

18 A Huffman, yes.

19 Q You tried to get in touch with her?

20 A Correct. And actually, I was really -- honestly, I was
21 waiting on the video because I wanted a little bit more
22 than just what I had at that point in time. I wanted
23 to actually be able to get a copy of the video.

24 Q Okay. Did Sunshine Recycling tell you what they saw in
25 the video?

1 A Yes.

2 Q Okay. What did they tell you they saw in the video?

3 MR. JOHNSON: Object to the form.

4 THE WITNESS: You got in here -- well, let's
5 see. Here, you got in here she was in the copper area.
6 Advised that Huffman was the individual who brought
7 merchandise in. She was driving a red color --

8 MS. WALKER: Can you tell me where you're --

9 THE WITNESS: I'm on page two at the last
10 paragraph.

11 MS. WALKER: Uh-huh.

12 THE WITNESS: This is where, you know, Goss
13 was -- the third paragraph where Goss -- Goss actually
14 provided us with the information and gave us the tag
15 number of her vehicle, AFB-106.

16 MR. JOHNSON: What are you looking at?

17 THE WITNESS: Third paragraph on page two. I
18 tell you what, go to -- you see the fourth paragraph
19 from the bottom? It says, I have obtained a copy of
20 the ticket that shows that Meredith Huffman sold
21 aluminum and copper to Sunshine in the amount of
22 \$53.00. On the receipt is the I.D. number of
23 007248484. I ran this number and it comes back to a
24 Meredith Huffman. That as being her driver's license
25 number is what that is.

1 I also met with Goss --

2 MR. JOHNSON: And who's doing that?

3 THE WITNESS: I did that. It goes through
4 our dispatch.

5 BY MR. GOINGS:

6 Q All right. Keep going, sir.

7 A I also met with Goss at Sunshine. He obtained the
8 property. I did photograph these items, were released
9 to Goss. Goss also showed me samples of the -- samples
10 from the incident location. I also photographed them.
11 Goss also informed me that he viewed the report done by
12 Aldridge and the vehicle that Huffman was in was a red
13 Dodge truck, not black. Obviously, at some point in
14 time, I think Aldridge, maybe in his supplemental, put
15 it was a black vehicle. So I was correcting that in my
16 report because it was actually a red Dodge truck that
17 she was in.

18 He advised that the tag number is AFV-106 was
19 correct. I ran the tag. The vehicle is a 2005 Dodge
20 truck registered to Jeffrey Miller and Meredith
21 Huffman. While I was there, I also spoke with the
22 owner of Sunshine and he advised that he has not yet
23 obtained me a copy of the video but he will call the
24 company to do so. He also advised me that his employee
25 -- his employees that work in the copper area advised

1 that Huffman was the individual who brought the
2 merchandise in and that she was driving a red in color
3 truck. And that's where I tell you I -- I never made
4 contact with Huffman but I will -- I had spoke with
5 Sunshine Several times trying to obtain a copy of the
6 video and Mr. Goss was calling me, wanting to know what
7 I was doing with the case.

8 Q Okay. And let me -- let me go back to the question I
9 asked you. You never saw the video at Sunshine, did
10 you?

11 A No.

12 Q Do you recall Sunshine telling you what it was on the
13 video that --

14 A They was saying that it was caught on the video, but I
15 -- something wrong with the player. They couldn't give
16 me a copy of it and I couldn't view -- view the video
17 back there. He has some -- at that point in time, I
18 can't remember. He had two systems. He had one system
19 up at the front where the girls did the money and that
20 would capture a lot of stuff at the front of Sunshine.
21 And then when you would go back and drop your stuff off
22 in the aluminum area and stuff, he had another system
23 and monitors and stuff set up back there.

24 So I was not able to watch any video at that
25 point in time. Mr. Alan Price, which I had dealt with

1 several times, he" -- I called him several times myself
2 trying to meet up so we could go out there and try and
3 download this so we could watch it.

4 Q So either -- you didn't personally see the video or
5 watch the video at Sunshine. You were told by Sunshine
6 that it showed Meredith Huffman --

7 A Correct.

8 Q -- with the -

9 MR. JOHNSON: Object to the form.

10 MS. WALKER: Object to the form.

11 THE WITNESS: She -- yes, yes.

12 BY MR. GOINGS:

13 Q Okay. And the reason you didn't contact Meredith
14 Huffman is that she was in Calhoun County, correct?

15 A Correct.

16 Q And that is another jurisdiction, correct?

17 A Correct.

18 MR. JOHNSON: Object to the form.

19 BY MR. GOINGS:

20 Q And in order for you to make official contact with her
21 for law enforcement -- law enforcement purposes, you
22 would have had to go through Calhoun County?

23 A Correct.

24 MR. JOHNSON: Object to the form.

25 BY MR. GOINGS:

1 Q And that's protocol, isn't it?

2 A Correct.

3 MR. JOHNSON: Object to the form.

4 BY MR. GOINGS:

5 Q Why didn't you make contact with Meredith Huffman?

6 A Well, now, I have in here I never made contact with
7 Meredith Huffman due to she lived in Calhoun County. I
8 don't -- I mean, I -- I'm not going to sit here and say
9 why I didn't. I'm not going to say I didn't even make
10 a phone call to Calhoun County. I don't recall what
11 took place, why I did not --

12 Q Okay.

13 A -- go any further than trying to talk to her. Because
14 it doesn't say that I didn't attempt. It just said
15 that I -- I never made contact with her.

16 Q Right. I understand. It doesn't say you didn't
17 contact --

18 A I didn't -- I didn't try and contact. It says you
19 never made - it's pretty odd for me to sit here and
20 tell you that I did not attempt in some way and
21 fashion.

22 Q And it says here that Mark Goss called me several times
23 about moving further with the case. Do you see that?

24 A Oh, yeah.

25 Q Explain that to me.

1 A Well, he was just calling me, because if you look, I
2 know we was dealing with the dates and, you know, how I
3 wrote this report but -- you know, if you look, I met
4 him -- if you go back to page two, say third paragraph
5 from the bottom, I was meeting with them on May the
6 18th. This incident took -- this incident took place,
7 I think the incident date was the 16th, which actually
8 was a night time I believe. So the 17th. Then the 18th
9 I met with them out there. He -- it was a couple of
10 days there. I was trying to wait on a video so he --
11 he was calling me, wanting to know what I was doing.

12 Because, I mean, it actually was. I mean, it
13 was in my hands. I mean, I -- I -- you know, I was --
14 I obtained information from him, obtained information
15 from Sunshine. I would -- I was waiting on a video. I
16 didn't have the video at that point in time so he
17 wanted to know what I was going to do. Was I going to
18 try and arrest her, lock her up, you know, speak with a
19 magistrate, what to do. On the 21st, that's what I did
20 is I went and spoke with a magistrate.

21 Q Did you feel that Mark Goss was urging you to prosecute
22 Meredith Huffman?

23 MR. JOHNSON: Object to the form.

24 THE WITNESS: He was calling me. He was
25 calling me just like any other victim would. You know,

1 what are you doing? You know, what -- I mean, he had
2 people he had to answer to, too, so --

3 BY MR. GOINGS:

4 Q Well, he wasn't calling you saying don't arrest
5 Meredith Huffman, was he?

6 MR. JOHNSON: Object to the form.

7 THE WITNESS: Correct.

8 BY MR. GOINGS:

9 Q Okay. And he wasn't calling you to -- to talk about
10 the weather, was he?

11 MR. JOHNSON: Object to the form.

12 THE WITNESS: No, he wasn't calling me to
13 talk about the weather.

14 BY MR. GOINGS:

15 Q Okay. And the reason he was calling you is because he
16 wanted --

17 A To know what I was going to do with the case. Was I --

18 MR. JOHNSON: Object to the form.

19 THE WITNESS: -- going to arrest her, yeah.

20 BY MR. GOINGS:

21 Q And at this point, he had not identified any other
22 suspect?

23 A That's the only --

24 MR. JOHNSON: Object to the form.

25 THE WITNESS: -- suspect we had at that point

1 in time was Ms. Huffman.

2 BY MR. GOINGS:

3 Q Okay. Did Mark Goss ever call you and tell you that he
4 had a copy of the video and the video actually didn't
5 show Meredith Huffman as the -- as the individual that
6 brought in the stolen goods?

7 MR. JOHNSON: Object to the form.

8 THE WITNESS: No. Go -- ask me that again.
9 I want to make sure.

10 BY MR. GOINGS:

11 Q Well, let me ask you this, did Mark Goss tell you that
12 he was actually -- that he was -- during this time you
13 were trying to get the video, he was actually riding
14 around with a copy of the video? Did he tell you that?

15 MR. JOHNSON: Object to the form.

16 THE WITNESS: That he had a copy of the video
17 from Sunshine?

18 BY MR. GOINGS:

19 Q Uh-huh. Did he tell you that?

20 MR. JOHNSON: Object to the form.

21 THE WITNESS: I don't recall that, because I
22 -- actually, if you see in here, I contact -- I was
23 contacted by Alan Price, and that's who I'm saying is -
24 - he had the security system at Sunshine. So I was
25 actually contacted by Alan Price myself. He called me,

1 advised me that he was meeting me at Sunshine to view
2 the video and to obtain a copy. That's -- that's where
3 I got my copy of the video from was from Mr. Price.

4 BY MR. GOINGS:

5 Q Right, that's your copy, but did Mark Goss ever tell
6 you that he had a copy?

7 MR. JOHNSON: Object to the form.

8 THE WITNESS: I would think I would have had
9 it. If he had a copy, I would have asked him for it.
10 I wouldn't have been going through Alan Price to get a
11 copy if he had a copy riding around in his truck.

12 BY MR. GOINGS:

13 Q Or just with him.

14 A Or with him.

15 MR. JOHNSON: Object to the form.

16 BY MR. GOINGS:

17 Q And did you swear out a warrant for the arrest of
18 Meredith Huffman for her receiving stolen goods?

19 A I did. Yes, sir.

20 Q And -- and the information that you based your decision
21 to swear that warrant out was based on information that
22 you'd received from Aiken Electric and Sunshine
23 Recycling. Isn't that correct?

24 MR. JOHNSON: Object to the form.

25 THE WITNESS: Correct. The information --

1 when I went to the Judge on May the 21st was -- that's
2 the only information I had was what I gathered at that
3 point in time was more or less the documentation that I
4 obtained from Sunshine and the basis -- I was going off
5 of what I was told at Sunshine by Sunshine Recycling
6 and what Mark Goss was giving me the information.

7 BY MR. GOINGS:

8 Q Okay. And you believe the information they gave you at
9 the time was true?

10 A Yes.

11 MR. JOHNSON: Object to the form.

12 MS. WALKER: Object to the form.

13 BY MR. GOINGS:

14 Q Okay. How did you process the warrant for purposes of
15 arresting Ms. Huffman if she lived in Calhoun County?

16 A She actually came in. So that's what I'm saying. When
17 I obtained that warrant, it was put in NCIC. I don't
18 have it here, but if she came in on her own, I know a
19 lot of guys that work in Calhoun County. I'm going to
20 say more than likely they went by and told her, and
21 said hey, you need to go up and see Etheridge, you
22 know, and talk with him, and she came in.

23 Because she came in. I didn't go pick her up
24 or anything like that. She came in to me, to my office
25 on Chestnut Street where I was there that one time.

1 Q Okay. You think she came in to talk --

2 A Oh, I know she did, because --

3 Q Yeah, that's right.

4 A Yeah, because she -- it's put in here on June 2nd,
5 2010, Huffman did come in and talk with me. She came
6 in. I didn't pick her up.

7 Q And you remember talking to her, right?

8 A Oh, yeah. I remember interviewing her. Yeah.

9 Q And did you advise her of her rights?

10 A Yes.

11 MR. JOHNSON: Object to the form.

12 BY MR. GOINGS:

13 Q She gave you a written statement, correct?

14 MR. JOHNSON: Object to the form.

15 THE WITNESS: Yes, she did.

16 BY MR. GOINGS:

17 Q Was she nice to you --

18 MR. JOHNSON: Object to the form.

19 BY MR. GOINGS:

20 Q -- that you recall?

21 A That I can recall, yeah. I didn't have any problems
22 with her.

23 Q I mean, she didn't act rude or --

24 A No, no.

25 Q -- belligerent, did she?

1 MR. JOHNSON: Object to the form.

2 BY MR. GOINGS:

3 Q And did you serve her with the warrant there?

4 A I did.

5 Q Personally?

6 A Yes, sir.

7 Q And then what happened next; do you recollect?

8 A She was put in the detention center.

9 Q Okay.

10 A But I do remember bonding her. We -- I'm pretty sure
11 y'all bonded her that same day. I mean, she wasn't
12 there, like, overnight or anything.

13 Q Did she tell you that she didn't steal the -- did she
14 tell you that she had nothing to do with receiving
15 stolen goods?

16 MR. JOHNSON: Object to the form.

17 A Correct.

18 Q What did she tell you --

19 A She gave me a statement saying that she did go to
20 Sunshine but none of the items that she took was
21 stolen. She brought in -- she also brought in some
22 metal similar to what she took to Sunshine. Obviously,
23 in the file it'll be pictures where I -- I took of
24 those items.

25 Q Do you recall her --

1 A I remember it being tin because I remember her saying -
2 - and it should be in her statement, to my recall, it's
3 going to be where a mobile home or something. She was
4 -- I mean, they were tearing down a motor home. It's
5 going to be like some tin that was off of a mobile
6 home.

7 Q Right.

8 A I mean, I don't want to say a lie because I'm not
9 looking at the pictures, but that's -- that's what I'm
10 remembering. I don't --

11 Q And your memory makes sense because then a couple
12 paragraphs later you said that her aluminum was
13 sheeting and not wire. You see that?

14 A That's what we saw -- that's where when I went to
15 Sunshine.

16 Q Let's -- let's -- let's get these -- let's get this
17 time line straight then, sir.

18 A If you look down -- if you look. See, I had already
19 spoken -- Huffman, she was served with a warrant. So
20 then she was put in the -- the detention center. I
21 then later was contacted by Alan Price. Okay. So
22 she's in -- I've already interviewed her and talked
23 with her. She's in jail. Then spoke with Alan Price
24 about meeting him down to watch the video, get a copy
25 of the video.

1 I went down, met with him. Observed Huffman
2 on the property in a red truck just like they had told
3 me. We then went to the back area, like I told you.
4 You've got two video systems. Remember I told you
5 front video, back. So we went to that back area to
6 watch the video of where she took the items off the
7 truck and did have some copper that resembled what was
8 taken in the back of her truck, but the aluminum was
9 sheeting, not wire. So I'm assuming it was -- I'm
10 saying the sheet -- sheeting, it was, like, the size of
11 a mobile home. I mean, that's what I -- I'm pretty
12 sure I remember her telling me.

13 Q Okay. And then what you --

14 A Well -- go ahead.

15 Q -- what you observed on the video that you watched was
16 consistent with what Ms. Huffman had told you --

17 MR. JOHNSON: Object --

18 THE WITNESS: Correct.

19 BY MR. GOINGS:

20 Q -- about the --

21 A Correct.

22 Q -- that she brought in, right?

23 A Right. What she had told me.

24 Q Okay. And then it says, I then questioned the owner,
25 Joe Rich, and he advised that his employees observed

1 Huffman with the -- with the items and he added that he
2 would come and testify in court.

3 A Correct.

4 Q Explain this statement.

5 A Joe Rich is -- I mean, he was saying that -- that she
6 had the stolen items. You know, that she definitely
7 brought that property in and that he would -- he would
8 be more than glad to go and testify in court to those
9 facts.

10 Q Even though the video showed otherwise?

11 MR. JOHNSON: Object to the form.

12 THE WITNESS: He's saying that he would come
13 in and testify that she had the stolen property.

14 BY MR. GOINGS:

15 Q And I'm asking you, even though --

16 A Yeah, he watched the video also.

17 Q Okay. He was there. So he -- so after he watched the
18 video, it showed -- and saw that Meredith Huffman
19 didn't come in with the stolen goods, he still
20 maintained that he and his employees would still come
21 and testify against her, correct?

22 A Correct.

23 MS. WALKER: Object to the form.

24 BY MR. GOINGS:

25 Q And then, it says here, I advised him that after

1 viewing the video, it does not show her with the same
2 items that was taken. Due to these facts, there is not
3 enough evidence to support the case.

4 Do you remember having that impression at the
5 time?

6 A Yes.

7 Q Does this help you recall a set of circumstances where
8 you had Sunshine Recycling and Aiken Electric
9 pressuring you to arrest Meredith Huffman --

10 MS. WALKER: Object to the form.

11 MR. JOHNSON: Object to the form.

12 BY MR. GOINGS:

13 Q -- and then continue to prosecute Meredith Huffman?

14 MS. WALKER: Object to the form.

15 MR. JOHNSON: Object to the form.

16 THE WITNESS: If I -- I refused to prosecute.
17 I didn't -- I didn't feel like -- I didn't feel
18 comfortable. This was going to be a case -- I was
19 working investigations, and most of the cases that we
20 worked on were General Session cases. So the
21 solicitor's office picked most of those up. So they
22 would be heard in General Session.

23 This being a misdemeanor, it was something I
24 was going to have to prosecute, something I had to be
25 comfortable with. It was something that I had to make

1 sure I had enough evidence to take it to court. At
2 this point in time, I felt like the information that I
3 had gathered, I had enough probable cause to obtain a
4 warrant, but after -- when this video came, I felt like
5 I did not have enough evidence to prosecute her.

6 BY MR. GOINGS:

7 Q Okay. And you made the decision to dismiss the
8 charges?

9 A I made the decision to dismiss the charges.

10 Q Okay. And you made the decision to -- to get an arrest
11 warrant based on the information you were --
12 obtained --

13 A Correct. I went to the judge --

14 MR. JOHNSON: Object to the form.

15 BY MR. GOINGS:

16 Q Hold on. Let me finish. Let me finish.

17 A I'm sorry.

18 Q -- based on the information you obtained from Sunshine
19 Recycling and Aiken Electric?

20 A Correct.

21 MR. JOHNSON: Object to the form.

22 MS. WALKER: Same objection.

23 BY MR. GOINGS:

24 Q Turn to the next page at the very top. It says, at
25 this time, I'm not comfortable with this case due to

1 the witnesses gave me false information the first time.
2 Goss says he can identify the property but it is metal
3 and it is not marked in any way. Explain this.

4 A Well, I just -- I didn't feel comfortable. I'm -- I
5 was not going to prosecute on the information that I
6 had gathered because I had -- a person's statement is
7 good but the video did not support the statements that
8 I had gathered at that point in time.

9 Q Okay. As for the metal, it's always been an issue. I
10 mean, it's good to have serial numbers on property. I
11 mean, metal is metal. We were -- what we were looking
12 for was copper wire. It wasn't marked in any way,
13 shape or form anyway. So, I mean, that -- that was
14 also another issue there that we were always dealing
15 with. Any time you're dealing with any kind of copper
16 wire or something, there's nothing identifying yours
17 from mine. Does that make sense?

18 Q Yes.

19 A I just -- it's kind of hard to identify property that's
20 not marked.

21 Q What witnesses gave you false information the first
22 time?

23 A Well, maybe I shouldn't have said false information but
24 the information that I gathered from Sunshine and from
25 Mark Goss was not -- it was -- it was information that

1 was gathered but the video showed -- showed other.

2 (OFF THE RECORD)

3 BY MR. GOINGS:

4 Q Mr. Etheridge, before you got the video and actually
5 saw the video, am I clear in understanding that you
6 were told by Sunshine and by Aiken Electric that all
7 the evidence that they had suggested that --

8 A Pointed at Huffman at that point in time, correct.

9 MR. JOHNSON: Object to the form.

10 MS. WALKER: Same objection.

11 BY MR. GOINGS:

12 Q What did -- or how did Mr. Rich and Mark Goss act when
13 you advised them that -- advised them that you wouldn't
14 continue to prosecute Meredith Huffman?

15 MR. JOHNSON: Object to the form.

16 THE WITNESS: I don't -- more or less with
17 Mr. Rich, I don't really recall him -- I mean, his
18 demeanor or anything. Mr. Goss was fine. He more or
19 less had people above him that he had to answer to that
20 were just a little bit concerned as to, you know, what
21 was going on and where would it go and why -- why would
22 I be, you know, dismissing the charges. But I mean,
23 I'm not saying like upset or -- I mean, I don't
24 remember all that but I know -- I mean, he was
25 questioning because he had people he had to answer to.

1 BY MR. GOINGS:

2 Q No, I understand.

3 A As with Mr. Rich, I -- I don't really think we had a
4 big conversation after when all this was -- you know,
5 at the end here that I recall. I don't remember hardly
6 speaking to Mr. Rich anymore after this.

7 Q If Mr. Rich has testified that when you came out the
8 first time, he asked you to review the video but you
9 refused to, would that be -- do you recall refusing
10 looking at the video?

11 A No.

12 MR. JOHNSON: Object to the form.

13 MS. WALKER: Object to the form.

14 THE WITNESS: No, I do not recall refusing to
15 look at any video.

16 BY MR. GOINGS:

17 Q Is that something you would do as an officer?

18 A No.

19 MR. JOHNSON: Object to the form.

20 THE WITNESS: No. No, I would not do that.

21 BY MR. GOINGS:

22 Q Did you ever have any discussions with anyone from
23 Sunshine Recycling or Aiken Electric about Meredith
24 Huffman being arrested after she was released and the
25 charges were dismissed?

1 A Do --

2 Q Did you recall ever having a conversation with anyone
3 from Sunshine Recycling or Aiken Electric after you
4 dismissed the charges against Meredith Huffman?

5 A I know when -- I mean, I spoke with -- I remember the
6 day we had court because we went to court in Neeses and
7 Mr. Goss was there and we talked and everything.
8 That's when we dismissed everything, that day.

9 Q Do you recall anything about the conversation?

10 A No. I mean, I don't recollect anything.

11 Q Do you recall talking to Meredith Huffman on the date
12 in which the charges were dismissed?

13 A Yes, I actually called her. When I obtained all this
14 information prior to court, I remember calling her,
15 telling her she didn't have to come to court. That it
16 was going to be taken care of.

17 And I don't blame her after everything she'd
18 been through, she showed up that day and I -- I was --
19 spoke to her and explained everything to her and she
20 sat in the proceedings. And, I mean, that was the
21 first thing -- I mean, it wasn't much. Just called to
22 order and I explained to the judge what had happened,
23 what was going on, and that we wanted it dismissed.
24 And she -- she was there for that.

25 Q Was Mr. Goss there for that?

1 A Mr. Goss was there, but I don't know Mr. Rich being
2 there. I'm not saying he wasn't but I know Mr. Goss
3 was there.

4 Q Mr. Goss was the victim of this theft, correct?

5 A Well, he was representing the victim as Aiken Electric,
6 yes.

7 Q I see.

8 A But I'm not saying that Mr. Rich wasn't there. I just
9 said I don't recall. I don't recall him being there
10 because I -- I mean, we -- our plans was not to go
11 forward with the case on there, so --

12 MR. GOINGS: I don't have any further
13 questions. Thank you.

14 (OFF THE RECORD)

15 MR. JOHNSON: We've agreed to recess the
16 deposition because of the late hour and keeping lawyers
17 here at their office, and we're going to resume it
18 hopefully next week or whenever Robert gets out of
19 court.

20 (WHEREUPON, THE DEPOSITION WAS ADJOURNED AT 5:32 P.M.)

21

22

23

24

25

CERTIFICATE

This is to certify that the foregoing deposition of JAMES ETHRIDGE, consisting of 53 pages is a true and correct transcript of the testimony given by said deponent after first being duly sworn; said deposition was reported by method of Stenomask utilizing speech recognition with digital backup. This transcript may contain quoted material; said material is transcribed as read or quoted by the speaker.

I further certify that I am neither employed by nor related to any of the parties in this matter nor their counsel; nor do I have any interest, financial or otherwise, in the outcome of the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 18TH day of DECEMBER, 2013.

Lori Boggs Reilly
Professional Verbatim
Reporter

Notary in and for the State of South Carolina
My Commission Expires: May 14, 2014

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Date: 6/03/10
Time: 12:41:17

ORANGEBURG CO SO
Offense Report

Page: 1
Program: CMS301L

Case Number : 1-10-005803
Occur To Date : 5/16/10 21:59
Dept Class : Receiving Stolen Goods
Case Status Dt : 6/03/10
Common Name : AIKEN ELECTRIC, 8381 NORTH RD
City : NORTH,
Map Reference : 30306706A
Report Date : 5/16/10 21:59
Occur From Date: 5/16/10 21:59
Day Of Week : Sunday
Case Status : Administratively Closed
Report Officer : HUGGINS, MAURICE
Entry Date : JORDAN, SANDRA 5/16/10

***** VEHICLE INFORMATION # 1 *****
Case number : 1-10-005803
Color - Top : BLUE
Make : DODGE

***** SUSPECT / ARRESTEE INFORMATION - # 1 **

*** SUPPLEMENT DETAILS ***
Report Emp/Dte/Time. : ETHRIDGE, JAMES

6/01/10 10:13

Prompt valid in: HUFFMAN, MEREDITH

Case Number : 1-10-005803
Street Number :
City : ST MATTHEWS, SC 29135
Home Phone No. : 803/000-0000
Birth Date : 10/08/1971 38
Social Security:
Minimum Weight : 150
Race : White
Ethnic Origin : Non-hispanic

Business Phone : 803/000-0000
Maximum Age : 38
Minimum Height : 508
Juvenile : ADULT
Sex : Female

***** NARRATIVE # 1 *****

*** SUPPLEMENT DETAILS ***
Report Emp/Dte/Time. : ETHRIDGE, JAMES

5/18/10 16:31

SUPPLEMENTAL

Reported By: ETHRIDGE, JAMES

5/18/10

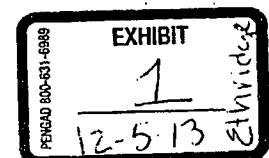
I, SGT. ETHRIDGE, WAS ASSIGNED CASE NUMBER 2010005803 IN REFERENCE TO SOME COPPER WIRE BEING TAKEN FROM AIKEN ELECTRIC COOPERATIVE.

THE FIRST OFFICER NOTED THAT HE RESPONDED TO THE LOCATION AND COULD NOT DETERMINE IF ANYTHING WAS MISSING.

A SUPPLEMENTAL WAS THEN DONE BY DEPUTY HUGGINS, THE RESPONDING OFFICER, SAYING THAT ITEMS WERE TAKEN FROM THE LOCATION. THE AMOUNT OF ITEMS TAKEN WAS AROUND \$330. THE OFFICER ALSO NOTED THAT THE BUSINESS DOES HAVE SURVEILLANCE CAMERAS AND A WHITE TRUCK WAS SEEN ON THE VIDEO. ALSO THE OFFICER STATED THAT THE INCIDENT TYPE IS BEING CHANGED TO BURGLARY.

THESE ELEMENTS DO NOT CONSTITUTE A BURGLARY; IT IS STILL A PETIT LARCENY.

BECAUSE I AM FAMILIAR WITH MARK GOSS AND HE CONTACTED ME ABOUT THIS CASE I AM GOING TO FOLLOW UP ON THE CASE.



Date: 6/03/10
Time: 12:41:17

ORANGEBURG CO SO
Offense Report

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Program: CMS301L

1-10-005803 (Continued)
ALSO I OBTAINED A COPY OF THE VIDEO AND I DID NOT OBSERVE ANY SUSPECT VEHICLES. I DO OBSERVE A BLACK MALE FROM A DISTANCE WALKING ON THE PROPERTY AND OBTAINING PROPERTY FROM WORK TRUCKS. YOU CAN NOT IDENTIFY THE INDIVIDUAL FROM THE VIDEO.

I ALSO QUESTIONED MARK GOSS ABOUT THE WHITE TRUCK AND HE ADVISED ME THAT HE INFORMED THE OFFICER THAT ONE OF THEIR EMPLOYERS, CHUCK SPELLS, RODE BY THE INCIDENT LOCATION AROUND THE TIME OF THIS INCIDENT AND OBSERVED A WHITE FORD F-150 COMING FROM BEHIND THE FENCE AREA ON A PRIVATE ROAD BELONGING TO THE BUSINESS.

DEPUTY ALDRIDGE ALSO RESPONDED TO SUNSHINE RECYCLING IN REFERENCE TO THIS SAME CASE. HE MET WITH THE OWNER, JOE RICH, AND MARK GOSS, AIKEN ELECTRIC EMPLOYEE, IN REFERENCE TO A FEMALE SELLING THE METAL. THE OFFICER ADVISED THAT THE FEMALE IS A MEREDITH HUFFMAN AND SHE WAS DRIVING A BLACK IN COLOR DODGE TRUCK. THE OFFICER OBSERVED THE BUSINESSES VIDEO SURVEILLANCE AND OBSERVED HUFFMAN BRINGING THE MERCHANDISE IN AND SELLING IT TO SUNSHINE STEEL.

GOSS ADVISED ME THAT HE WENT TO THIS LOCATION ON THIS DAY TO INFORM THE COMPANY OF THEIR THEFT AND GIVE THEM SOME SAMPLES OF THE WIRE SO THAT THEY WILL KNOW WHAT WAS TAKEN. WHILE HE WAS THERE HE ACTUALLY SPOKE AND CARRIED ON A CONVERSATION WITH HUFFMAN WHILE SHE WAS WAITING TO GET PAID FOR THE ITEMS THAT SHE HAD JUST BROUGHT IN.

GOSS SAID THAT HE VIEWED THE ITEMS AFTER SHE LEFT AND IDENTIFIED THEM AS BEING THEIRS.

HUFFMAN WAS ALSO IDENTIFIED DUE TO HAVING TO PRESENT HER DRIVERS LICENSE TO MAKE THE TRANSACTION.

I HAVE OBTAINED A COPY OF THE TICKET THAT SHOWS THAT MEREDITH HUFFMAN SOLD ALUMINUM AND COPPER TO SUNSHINE IN THE AMOUNT OF \$53. ON THE RECEIPT IS THE ID NUMBER OF 007248484. I RAN THIS NUMBER AND IT COMES BACK TO MEREDITH HUFFMAN.

I ALSO MET WITH GOSS AT SUNSHINE ON MAY 18, 2010 SO THAT HE COULD OBTAIN THE PROPERTY. I DID PHOTOGRAPH THESE ITEMS AND THEY WERE RELEASED TO GOSS. GOSS ALSO SHOWED ME SAMPLES FROM THE INCIDENT LOCATION AND I ALSO PHOTOGRAPHED THEM. GOSS ALSO INFORMED ME THAT HE VIEWED THE REPORT DONE BY ALDRIDGE AND THE VEHICLE THAT HUFFMAN WAS IN WAS A RED DODGE TRUCK NOT BLACK. HE ADVISED THAT THE TAG NUMBER OF AFB106 WAS CORRECT.

I DID RUN THIS TAG AND THE VEHICLE IS A 2005 DODGE TRUCK REGISTERED TO JEFFREY MILLER AND MEREDITH HUFFMAN.

WHILE I WAS THERE I ALSO SPOKE WITH THE OWNER OF SUNSHINE AND HE ADVISED THAT HE HAS NOT YET OBTAINED ME A COPY OF THE VIDEO BUT HE WILL CALL THE COMPANY TO DO SO. HE ALSO ADVISED ME THAT HIS EMPLOYEES THAT WORK IN THE COPPER AREA ADVISED THAT HUFFMAN WAS THE INDIVIDUAL WHO BROUGHT THE MERCHANDISE IN AND THAT SHE WAS DRIVING A RED IN COLOR

Date: 6/03/10.
Time: 12:41:17

ORANGEBURG CO SO
Offense Report

Page: 3
Program: CMS301L

TRUCK.

1-10-005803 (Continued)

I NEVER MADE CONTACT WITH HUFFMAN, DUE TO SHE LIVED IN CALHOUN COUNTY.

I ALSO SPOKE WITH SUNSHINE SEVERAL TIMES ABOUT THE VIDEO BUT THEY STILL DID NOT HAVE A COPY OF THE INCIDENT.

MARK GOSS ALSO CALLED ME SEVERAL TIMES ABOUT MOVING FURTHER WITH THE CASE.

ON MAY 21, 2010, I WAS ABLE TO SPEAK WITH JUDGE MURRAY IN REFERENCE TO THIS CASE AND I WAS ABLE TO OBTAIN A WARRANT ON MEREDITH HUFFMAN FOR RECEIVING STOLEN GOODS.

THE WARRANT IS IN NCIC AND CALHOUN COUNTY IS AWARE OF THE WARRANT.

ON JUNE 2, 2010 HUFFMAN DID COME IN AND TALK WITH ME. SHE WAS ADVISED OF HER RIGHTS AND AGREED TO TALK WITH ME. SHE DID GIVE ME A STATEMENT SAYING THAT SHE DID GO TO SUNSHINE BUT NONE OF THE ITEMS THAT SHE TOOK WITH STOLEN. HUFFMAN ALSO BROUGHT IN METAL SIMILAR TO WHAT SHE TOOK TO SUNSHINE AND PICTURES OF WHERE SHE GOT IT FROM.

HUFFMAN WAS SERVED WITH HER WARRANT.

I THEN LATER WAS CONTACTED BY ALLEN PRICE WITH THE SECURITY SERVICE ADVISING ME THAT HE WOULD MEET ME AT SUNSHINE TO VIEW THE VIDEO AND TO OBTAIN A COPY IF IT.

I DID GO AND MEET HIM. I DID OBSERVE HUFFMAN ON THE PROPERTY IN THE RED TRUCK. WE THEN WENT TO THE BACK AREA AND WATCHED THE VIDEO OF WHERE SHE TOOK THE ITEMS OFF OF HER TRUCK AND SHE DID HAVE SOME COPPER THAT RESEMBLES WHAT WAS TAKEN IN THE BACK OF HER TRUCK, BUT THE ALUMINUM WAS SHEETING NOT WIRE.

I THEN QUESTIONED THE OWNER, JOE RICH, AND HE ADVISED THAT HIS EMPLOYEES OBSERVED HUFFMAN WITH THE ITEMS AND HE ADDED THAT HE WOULD COME AND TESTIFY IN COURT.

I ADVISED HIM THAT AFTER VIEWING THE VIDEO, IT DOES NOT SHOW HER WITH THE SAME ITEMS THAT WAS TAKEN. DUE TO THESE FACTS THERE IS NOT ENOUGH EVIDENCE TO SUPPORT THIS CASE.

I WILL BE DISMISSING THESE CHARGES ON HUFFMAN.

I THEN LATER WAS CONTACTED BY MARK GOSS AND SUNSHINE SAYING THAT THEY DID GO BACK AND VIEW THE VIDEO AND THE SAME TIME HUFFMAN WAS AT THE LOCATION A BLACK MALE DRIVING A WHITE TRUCK CAME TO THE BUSINESS. HIS NAME IS EUGENE JAMES AND HIS SC TAG NUMBER WAS 6087CM.

I DID OBTAIN A COPY OF THIS TICKET AND ALL HIS INFORMATION FROM SUNSHINE.

Date: 6/03/10
Time: 12:41:17

ORANGEBURG CO SO
Offense Report

Page: 4
Program: CMS301L

1-10-005803 (Continued)
AT THIS TIME I AM NOT COMFORTABLE WITH THIS CASE DUE TO THE WITNESSES
GAVE ME FALSE INFORMATION THE FIRST TIME. GOSS SAYS HE CAN IDENTIFY
THE PROPERTY BUT IT IS METAL AND IT IS NOT MARKED IN ANY WAY.

I DID GO AND SPEAK WITH JUDGE DASH ABOUT EUGENE JAMES. HE ADVISED THAT
METAL IS METAL, UNLESS IT IS MARKED IN A SPECIFIC WAY THAT HE WOULD
NOT ISSUE A WARRANT.

I HAVE SPOKEN TO GOSS IN REFERENCE TO THIS CASE AGAIN. I ADVISED HIM
OF WHAT THE JUDGE STATED AND HE ADVISED THAT HE WOULD INFORM HIS
PEOPLE. HE ADVISED THAT HE COULD IDENTIFY THE METAL. I ASKED HIM IF IT
WAS A SPECIAL WIRE AND HE ADVISED THAT HE COULD NOT TELL YOU THAT THEY
ARE THE ONLY COMPANY IN SOUTH CAROLINA THAT USES IT.

GOSS ALSO ADVISED ME THAT HE DID GO BY THE ADDRESS ON EUGENE JAMES S
DRIVERS LICENSE BUT IT IS AN ABANDONED RESIDENCE.

I DID CHECK OUR SYSTEM AND I DID FIND AN ADDRESS ANOTHER ADDRESS IN
HOLLY HILL.

I WILL ATTEMPT TO LOCATE JAMES ABOUT THIS INCIDENT ON A LATER DATE AND
SEE IF HE WILL ADMIT TO IT.

THIS CASE IS CLOSED.

DUE TO THE CHARGES ARE GOING TO BE DROPPED ON THE ORIGINAL ARREST I AM
ADMINISTRATIVELY CLOSING THIS CASE AT THIS TIME.

***** N A R R A T I V E # 2 *****

*** SUPPLEMENT DETAILS ***

Report Emp/Dte/Time. : CONNOR, EUGENE

5/19/10 10:22

ADDITIONAL NOTES

Reported By: CONNOR, EUGENE

5/19/10

I talked to Mr. Rushton on 5/18/10. Mr. Rushton stated that Mark Goss
spotted their wire at sunshine. They have the identity of the woman
who sold the wire. Quality Assurance check list was followed and
everything was great. Mr. Rushton stated that you need three officers
to cover that station.

***** END OF REPORT *****

Date: 6/03/10
Time: 10:38:59

ORANGEBURG CO SO
Arrest Report

Page: 1
Program: CMS302L

Case Number : 1-10-005803-001
Address :
City/State/Zip : ST MATTHEWS, SC 29135
Home Phone No. : 803/000-0000
Other Phone No.: 803/000-0000
Birth Cty/State: O
Soc Sec Number :
Status : Suspect
Sex : Female
Height : 508
Name : HUFFMAN, MEREDITH
Business Phone : 803/000-0000
Birth Date/Age : 10/08/1971 38
Residency Type : State
Adult/Juvenile : ADULT
Race : White
Ethnic Origin : Non-hispanic
Weight : 150

***** A R R E S T I N F O R M A T I O N *****
Case Number : 1-10-005803
Day of Week : Wednesday
Weapon Seized : None - Offense Only
Arrest Date/Time: 6/02/10 12:00
Arrest Type : Taken Into Custody
Arresting Ofcr : ETHRIDGE, JAMES

LOCATION INFORMATION
Case number : 1-10-005803
***** C H A R G E I N F O R M A T I O N # 1 *****
Case Number : 1-10-005803
Statute/Ordnce : 16-13-180 1
State Classif : All Other Larcenies

***** END OF REPORT *****

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ORANGEBURG	)	
	)	
MEREDITH HUFFMAN,	)	C/A NO.: 2012-CP-38-00672
	)	
PLAINTIFF,	)	CONTINUED DEPOSITION
	)	
	)	OF
	)	
SUNSHINE RECYCLING, LLC AND	)	JAMES ETHRIDGE
AIKEN ELECTRIC COOPERATIVE,	)	
INC.,	)	
	)	
DEFENDANTS.	)	

CONTINUED DEPOSITION OF JAMES ETHRIDGE, TAKEN BEFORE
WENDY SHANNON SULLIVAN, A NOTARY PUBLIC IN AND FOR THE STATE
OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF 10:31 A.M.,
MONDAY, THE 30TH OF DECEMBER, 2013, AT WILLIAMS & WILLIAMS
LOCATED AT 1281 RUSSELL STREET, ORANGEBURG, SOUTH CAROLINA.

COPY

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APPEARANCES

FOR THE PLAINTIFF

ROBERT F. GOINGS, ESQUIRE
GOINGS LAW FIRM, LLC
914 RICHARD STREET, SUITE A-101
COLUMBIA, SOUTH CAROLINA 29201

FOR THE DEFENDANT

SUNSHINE RECYCLING

BREON C.M. WALKER, ESQUIRE
GALLIVAN, WHITE & BOYD, PA
POST OFFICE BOX 7368
COLUMBIA, SOUTH CAROLINA 29202

FOR THE DEFENDANT

AIKEN ELECTRIC COOPERATIVE, INC.

POPE D. JOHNSON, III, ESQUIRE
JOHNSON & BARNETTE, LLP
POST OFFICE DRAWER 11209
COLUMBIA, SOUTH CAROLINA 29211-1209

REPORTED BY

WENDY SHANNON SULLIVAN
VERBATIM, INC.
POST OFFICE BOX 7123
COLUMBIA, SOUTH CAROLINA 29202

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EXHIBITS

THERE WERE NO EXHIBITS MARKED.

*THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.



STIPULATIONS

IT IS STIPULATED BY AND BETWEEN COUNSEL FOR THE RESPECTIVE PARTIES THAT ALL OBJECTIONS ARE RESERVED UNTIL THE TIME OF TRIAL, EXCEPT AS TO THE FORM OF THE QUESTIONS.

THIS DEPOSITION IS BEING TAKEN PURSUANT TO
THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

NAME	Age	Sex	Group
1	10	M	1
2	11	F	2
3	12	M	3
4	13	F	4
5	14	M	5
6	15	F	6
7	16	M	7
8	17	F	8
9	18	M	9
10	19	F	10
11	20	M	11
12	21	F	12
13	22	M	13
14	23	F	14
15	24	M	15
16	25	F	16
17	26	M	17
18	27	F	18
19	28	M	19
20	29	F	20
21	30	M	21
22	31	F	22
23	32	M	23
24	33	F	24
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26	35	F	26
27	36	M	27
28	37	F	28
29	38	M	29
30	39	F	30
31	40	M	31
32	41	F	32
33	42	M	33
34	43	F	34
35	44	M	35
36	45	F	36
37	46	M	37
38	47	F	38
39	48	M	39
40	49	F	40
41	50	M	41
42	51	F	42
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66	75	F	66
67	76	M	67
68	77	F	68
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70	79	F	70
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75	84	M	75
76	85	F	76
77	86	M	77
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79	88	M	79
80	89	F	80
81	90	M	81
82	91	F	82
83	92	M	83
84	93	F	84
85	94	M	85
86	95	F	86
87	96	M	87
88	97	F	88
89	98	M	89
90	99	F	90
91	100	M	91
92	101	F	92
93	102	M	93
94	103	F	94
95	104	M	95
96	105	F	96
97	106	M	97
98	107	F	98
99	108	M	99
100	109	F	100
101	110	M	101
102	111	F	102
103	112	M	103
104	113	F	104
105	114	M	105
106	115	F	106
107	116	M	107
108	117	F	108
109	118	M	10

THE READING AND SIGNING OF THIS DEPOSITION IS
WAIVED BY THE DEPONENT AND COUNSEL FOR THE RESPECTIVE
PARTIES.

WHEREUPON, JAMES ETHRIDGE, BEING DULY SWORN
AND CAUTIONED TO SPEAK THE TRUTH, THE WHOLE TRUTH, AND
NOTHING BUT THE TRUTH, TESTIFIED AND DEPOSED AS
FOLLOWS:

EXAMINATION

BY MR. JOHNSON:

Q Good morning.

A Morning.

Q Mr. Ethridge, we met at your first deposition. I'm Pope Johnson. I represent Aiken Electric and have questions to ask you about Martin Goss and your contact with him.

A Yes, sir.

Q First of all, let me remind you the rules that you were

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1 given at your prior deposition apply here.

2 A Okay.

3 Q If I ask you something that's unclear, you don't
4 understand, just have me repeat or rephrase the
5 question.

6 A Yes, sir.

7 Q First thing I want to ask you, I think I have it right,
8 from your prior deposition, but once you looked at the
9 video that was taken by Sunshine Recycling and saw what
10 took place when the lady came in with what she was
11 selling, were you able, at that point, to determine
12 that she was not selling property of Aiken Electric?

13 A Correct. When we finally saw the video at Sunshine, it
14 was sheathing that she was taking out of the back of
15 her truck.

16 Q So, by looking at the video, you were able to
17 determine, conclusively, that she wasn't guilty of
18 selling stolen goods, right?

19 A At that point in time, I felt pretty comfortable that
20 that's -- that she was selling sheathing, not copper
21 wire. Not the --

22 Q Aiken Electric --

23 A -- Aiken Electric wire.

24 Q Okay. Now the other thing I want to ask you, at your
25 prior deposition you were shown a copy of what was



1 marked as Exhibit 1 and I understand you have it there?

2 A Yes, sir.

3 Q Your report with your comments and I notice, as we went
4 through the deposition, you would periodically be a
5 asked a question and you would sit and read what was in
6 Exhibit 1 and then answer; is that correct?

7 A Yes, sir.

8 Q And I know y'all handled hundreds of cases for the
9 sheriff's department?

10 A Right.

11 Q If you're like me, sometimes they run together, but do
12 you have -- if we put Exhibit 1 aside, do you have
13 specific recall about what took place?

14 A This is why we write reports.

15 Q So --

16 A Because my memory -- that's why I write reports. I
17 can't tell you, verbatim, word for word, what took
18 place.

19 Q So --

20 A I mean, I vaguely remember most of the case --

21 Q All right.

22 A -- but I couldn't feel comfortable telling you
23 everything I told you last time without the report.

24 Q Without the report. So if I told you to set it aside,
25 you would have to grope for details and --



- 1 A I'm not saying grope for details, but I wouldn't feel
2 as comfortable.
- 3 Q All right. Now, I want you to use what was marked as
4 Exhibit 1. First of all, is Exhibit 1, is it, what I
5 would call, a running document where you put
6 information in, you -- sometimes when the information
7 was the day it occurred, sometimes it would be a gap of
8 a period of time before you would log in and add to
9 your report?
- 10 A Yeah. It would just be -- if it was a gap, you're
11 looking at maybe just a couple of days. Not like a
12 week or a month or anything, no.
- 13 Q I gotcha. Now, tell me what part of Exhibit 1 you
14 complete? Up at the top it has a section called 'The
15 Fence Report.' Is this something that you initiated
16 and completed yourself?
- 17 A No. You see where it says entry date?
- 18 Q Right.
- 19 A There's a name, Sondra Jordon, 5-16-10, that's a
20 dispatcher.
- 21 Q I'm sorry. When you say entry date --
- 22 A Yeah.
- 23 Q -- where?
- 24 A Right here.
- 25 Q So Sondra Jordon --



1 A She's a dispatcher. That -- first it was -- probably
2 when the -- when whoever called it in that night and it
3 got put in the CAD system --

4 Q All right.

5 A -- she did this. The reporting officer, Maurice
6 Hogans, she put all this information in. It's an entry
7 date, Sondra Jordon, 5-16-10.

8 Q All right.

9 A That would be her.

10 Q Who filled it in? Ms. Huggins?

11 A No, Ms. Sondra Jordon.

12 Q Ms. Jordon?

13 A Yeah.

14 Q And what was the source of her information?

15 A Well, I couldn't --

16 Q Was it --

17 A She's a dispatcher.

18 Q And would -- who --

19 A So I would assume whoever called the -- I didn't deal
20 with that part of it, so I never spoke with anybody
21 that night on the site or anything.

22 Q All right. How about Ms. Huggins?

23 A That's Mr. Hogans; that's Maurice. I --

24 Q What --

25 A -- if you look on the -- if you look on the actual

1 incident report --

2 Q Uh-huh.

3 A -- the initial incident report, that's who took the
4 report, was M. Huggins.

5 Q All right.

6 A So that's your officer that actually responded with
7 that date.

8 Q And they set it up as receiving stolen goods?

9 A No.

10 Q Who set that up?

11 A If you look, you'll see, it would had to have gotten
12 changed later because that's what she was charged with.

13 Q Who would have changed it and what was it changed from?

14 A I can override it with my system to change the incident
15 type.

16 Q Did you override it to --

17 A More than likely I had to have, because that's what I
18 charged her with and that's what the -- that has --
19 that charge right there has to go into whatever she was
20 charged with.

21 Q All right. Let me ask you, you said more than likely I
22 changed it.

23 A I can't tell you that I -- you know be it either me or
24 my supervisor could have done it.

25 Q So, in any event, somebody came back after the fact,



1 after the case was originally opened and changed that?

2 A Right.

3 Q Now, the next section is vehicle information. Who
4 would have filled in that information?

5 A I don't -- I didn't.

6 Q And the vehicle --

7 A I don't know.

8 Q -- information refers to a Dodge --

9 A Yeah, that could have been what was given to --

10 Q -- blue --

11 A -- that could have possibly been given to the disp -- I
12 don't know.

13 Q It was Dodge and the color was blue?

14 A Yeah.

15 Q Now, the suspect/arrestee information.

16 A Yeah, the report says EPN DTE was the date/time --

17 Q Yeah.

18 A -- my name. I -- this is information that I put in.

19 Q All right. So you got in on June the 1st --

20 A No. That's when I put in her name.

21 Q Her name?

22 A Because you see it says suspect/arrestee information?

23 That's when her name was put in, was June the 1st.

24 Q Now, was this before you talked to her or after you
25 talked to her?

1 A Looks like it's going to be the day before because
2 that's what? We're on June 2nd.

3 Q All right. And where did you get this information?

4 A Well, I already had her information from -- I had her
5 driver's license and everything I had received from
6 Sunshine.

7 Q So you took birth date and social ---

8 A Correct.

9 Q Well, that wouldn't have had her Social Security number
10 would it?

11 A Yes, sir. It's on your driver's license.

12 Q Okay.

13 A The DMV. You pull that up. Your Social Security
14 number's on -- on the information that we see through
15 DMV.

16 Q Oh.

17 A I mean, we can get that information.

18 Q All right. So you think you got it from DMV?

19 A I would have, yes, sir.

20 Q Now, then it goes to narrative.

21 A Yeah, that's me.

22 Q All right. I want you to look at the narrative
23 portion --

24 A Uh-huh.

25 Q -- and tell me when you became actually involved in the

1 case. When did you start your work?

2 A I'm going to say the 18th.

3 Q And what is the basis for your saying the 18th?

4 A Well, that's when I started --

5 Q May 18th?

6 A -- that's when I put in this information right here.

7 That's when I started putting in the information.

8 Q And when did the incident occur?

9 A The 16th.

10 Q Now, was the 16th the taking of the items or was it the
11 sale of the items?

12 A The incident report -- that's when the taking of the
13 items on May 16, 2010. Officers responded at 2201, so
14 it would have been 10 o'clock that night.

15 Q And items were sold the next day?

16 A On the 18th is when I went to Sunshine with Don -- with
17 Mr. Goss.

18 Q Is that the day of the sale?

19 A I'd have to look at -- I'd have to look at the tickets
20 because it's on the -- it's on the ticket.

21 Q Let me look. See if I can help you out. You talking
22 about the ticket where she sold --

23 A Correct.

24 Q See if that's what you're referring to.

25 A [Witness reviews document] Yeah, on the 17th.



- 1 Q Seventeenth?
- 2 A That's when they're showing right here. Looks like --
- 3 I can't read the time on there. It was on the 17th.
- 4 Q And then the 18th you got involved?
- 5 A Right. You should have -- there's a supplemental
- 6 somewhere, too, because you got another officer that
- 7 was involved, also.
- 8 Q All right.
- 9 A I mean, I don't --
- 10 Q Now, who assigned you the case?
- 11 A My supervisor.
- 12 Q Are you Sergeant Ethridge who's referred to?
- 13 A Correct.
- 14 Q And then you -- what portion of this first page of
- 15 Exhibit 1 is something that you were told by someone
- 16 else?
- 17 A Well, you got what the first officer noted, he
- 18 responded location, everything -- I mean, what's in
- 19 this incident report.
- 20 Q Okay.
- 21 A The supplemental was done by Huggins. You see here
- 22 the --
- 23 Q Right.
- 24 A -- the third paragraph here where he responded?
- 25 Q Now, let's look in what -- this is what he had in his

1 supplemental report --

2 A Right.

3 Q -- saying the officer noted the place of business as a
4 surveillance cameras and a white truck was seen on the
5 video?

6 A Right.

7 Q Now, that was a white truck where?

8 A That's a white truck at Aiken Electric.

9 Q Aiken Electric?

10 A Yeah.

11 Q And the officer stated the incident type is being
12 changed to a burglary?

13 A Correct.

14 Q And then the next statement, is that something that you
15 put in?

16 A Correct.

17 Q And --

18 A They didn't enter a building or anything. It was --
19 from my understanding it was just taken from the back
20 of some trucks.

21 Q So you said the offense was not a burglary but was
22 petty larceny?

23 A Correct.

24 Q And then you report that you are familiar with Mark
25 Goss and he contacted you about the case and you were

1 going to follow up?

2 A Right, but I still can't -- I mean, it's not my
3 authorization to do that. It has to go through my
4 supervisor.

5 Q Right.

6 A I just have to clear it through my supervisor to take
7 on a case.

8 Q I understand. Now, what did -- do you recall,
9 specifically, what Mark Goss said when he contacted
10 you?

11 A No more than just what had happened. I mean --

12 Q Can you tell me, specifically, what he told you had
13 happened?

14 A No, no, I can't tell you, wherefore of what he told me.

15 Q Can you tell me, generally, what he told you at that
16 time?

17 A More or less that, you know, to my knowledge somebody
18 had, you know, stolen the wire and stuff from Aiken
19 Electric; that I can recall.

20 Q Anything more than that?

21 A I can't -- no, that's all I can remember.

22 Q All right. Then you -- next page it says you obtained
23 a copy of the video, 'But I did not observe suspect
24 vehicles. I did -- do observe a black male, from a
25 distance, walking onto the property and obtaining

1 property from the work trucks.' That's something you
2 did, yourself?

3 A It was a shadow. Yeah, you could see a shadow of an
4 individual. You couldn't -- this is on Mark Goss's
5 video now.

6 Q The Aiken Electric?

7 A The one that he showed us, yeah.

8 Q Okay. So he gave you -- do you recall when he gave you
9 the video?

10 A It would have been the time that we met. It would have
11 been on this 18th.

12 Q And the video showed that the person, who was the
13 suspect, was a black male?

14 A Right.

15 Q Then the next paragraph you state that you question
16 Mark Goss about a white truck and he informs you, the
17 officer, that one of their employees --

18 A Chuck Spells, yeah.

19 Q -- rode by and saw the white F150 coming from behind
20 the fenced area?

21 A Right.

22 Q So does that explain the white truck --

23 A Correct.

24 Q -- that you're referring to in the supplemental report?

25 A Correct.

1 Q And then it says Deputy Aldridge; who is that?

2 A Aldridge. He's just another deputy that responded to

3 Sunshine.

4 Q That's not you with a misspelled name?

5 A No, it's not. No. It's actually another officer

6 because that's what I'm telling you. There's another

7 supplemental to this.--

8 Q All right.

9 A -- to this report.

10 Q Then are you reporting what he put in his report?

11 A Correct.

12 Q And is he the officer who responded to the Sunshine

13 Recycling to investigate the sale?

14 A Correct. Because they would normally just call a

15 deputy out there at that point in time.

16 Q And so what Deputy Aldridge is saying -- let me ask

17 this. When did you learn what he was reporting?

18 A I think Goss was the one that had told me --

19 Q Did Aldridge issue a report?

20 A Yeah. That's what I'm -- there's a supple -- he had to

21 have done it. He did another supplemental, but I don't

22 -- I mean, I don't have control of his paperwork.

23 Q But --

24 A You know.

25 Q -- you would have read it --

1 A Correct.

2 Q -- and you were reporting what you read here?

3 A Yeah, because I even fixed the color of the vehicle,
4 because that's why I noted in here, officer advises a
5 female is Meredith Huffman and she was driving a black-
6 in-color Dodge truck. Officer observed the business
7 video surveillance and observed Huffman bringing the
8 merchandise in and selling it to Sunshine Steel. Goss
9 advised me location this day and --

10 Q Let me interrupt you if I could, Mr. Ethridge.

11 A Go ahead.

12 Q So Aldridge reported that he observed the business's
13 video?

14 A That's what I have in here noted, yes.

15 Q And that's the video of the recycling --

16 A Correct.

17 Q -- center? And he observed Huffman bringing
18 merchandise in and selling it to Sunshine Steel?

19 A That's what I have in here noted.

20 Q So am I to understand that by the 18th, that video had
21 been made available to review?

22 A When I got there, you could not see the back portion
23 where she was selling the items. What he may have been
24 talking about was at the front where she checked out.
25 I don't know. We did not see that video until later.

1 The video in the backside, where she sold those items,
2 was not available. I never saw it. We were going on
3 just the words of the employees in the back at that
4 point in time. That video was not produced until
5 afterwards.

6 Q Let me ask this: Do you know what Deputy Aldridge saw?

7 A You need to talk with him.

8 Q Do you -- yeah, I will, but do you know what he saw?
9 What video he saw?

10 A More or less what he noted in the supplemental. I
11 couldn't -- I can't recall.

12 Q Well, he says that he observed the video surveillance
13 and observed Huffman bringing in merchandise and
14 selling it, so it sounds like he saw her bring it in
15 and then he saw her sell it.

16 A Could have been driving in the gate. You been to
17 Sunshine?

18 Q I'm just asking what he --

19 A I know. I gotcha, yeah.

20 Q But, in any event, you hadn't seen it, yourself?

21 A No, I had not.

22 Q Did you talk to Aldridge about what he saw and what he
23 concluded?

24 A I'm pretty sure we spoke, yeah.

25 Q Do you recall what he said to you about it?



1 A No, no.

2 Q Now, then your next paragraph, is this a conversation
3 with Goss?

4 A Correct.

5 Q And you say he advised me that he went to this location
6 on this date and informed the company of the theft, and
7 give them some samples so they'd know what was taken,
8 and he said that, while he was there, he actually had a
9 conversation with Ms. Huffman?

10 A Correct.

11 Q And did he tell you anything more than he just had a
12 casual conversation with her?

13 A More or less that he had spoken to her. He had
14 actually saw her there and spoken to her.

15 Q Do you know what -- but at that point, did he -- was
16 there any indication that she was the person who was
17 selling the stolen items? I mean, did Mark Goss say I
18 spoke to Ms. Huffman?

19 A No, I -- when he spoke to her, I don't think he had
20 knowledge that she was the individual that possibly had
21 taken the metal in.

22 Q All right.

23 A I think he was just saying that I went there and
24 actually spoke to the same lady that we're suspecting.

25 Q All right... Now, this is something you're doing on May

1 18th?

2 A Correct.

3 Q Then it goes on, next paragraph says that he viewed the
4 items after she left and identified as being theirs?

5 A Correct.

6 Q What items did he identify as being theirs?

7 A It was some metal. I mean, because I went back out
8 later and took pictures of it. I mean, it was just --
9 what they had -- what had been taken off the trucks
10 that night.

11 Q But it wasn't the aluminum siding --

12 A It was not the sheathing, no.

13 Q -- that she brought?

14 A It was not the sheathing that she brought.

15 Q So he saw, at the location, the co-op materials --

16 A Right.

17 Q -- and identified and claimed that they belonged to the
18 co-op?

19 A Correct.

20 Q Now, then you've got -- noted that she had to present a
21 driver's license and, I assume, that's when you got a
22 copy of that?

23 A Correct.

24 Q Then you go on to say that you obtained a copy of the
25 ticket that shows she sold aluminum and copper to

1 Sunshine in the amount of \$53?

2 A Correct.

3 Q And did Mr. Goss ever claim that they had -- were --
4 that aluminum was stolen?

5 A It was wire. I don't remember. I mean, I don't
6 remember the actual -- what all wire that was taken. I
7 mean, there's aluminum, there's copper, I mean, I'm
8 not --

9 Q You --

10 A Yeah.

11 Q -- you were able to see that what they had there was
12 aluminum siding, weren't you?

13 A Do what now?

14 Q Weren't you able to, while you were there on the --

15 A No, no.

16 Q You didn't know?

17 A We didn't -- I didn't go around and look at everything
18 that was there. We looked at what, specifically, Mark
19 Goss had pointed out and said this is what -- these are
20 my items, this is what was taken from Aiken Electric,
21 and that's what we photographed and took. We didn't
22 look around at everything else that was there.

23 Q To your knowledge, were any of the items he claimed
24 were stolen, aluminum?

25 A I don't recall. There was no aluminum siding, no.

1 Q Was there any aluminum wire?

2 A I don't -- I can't recall. All I'm saying is we had to

3 look at the pictures --

4 Q Well, let's --

5 A -- as exactly what he told me. I'm not saying --

6 Q Let me ask this.

7 A Yeah.

8 Q It's the copper wire that's got the value in it?

9 A Right, right.

10 Q Not the aluminum?

11 A Right.

12 Q Aluminum's -- doesn't get you anything to sell it?

13 A Right. Well, I mean, all I can remember is it was

14 wire.

15 Q Okay.

16 A I mean, that was taken and that's what we obtained that

17 day.

18 Q But the ticket showed that she sold some copper and she

19 sold some aluminum?

20 A Correct.

21 Q Now, you also met -- then you go on to say, I also met

22 with Goss at Sunshine on May 18th so they could obtain

23 the property. And you photograph items that you

24 released to Goss?

25 A Correct.

1 Q And Goss told you that those were items that -- the
2 items they were missing?

3 A Correct.

4 Q And I gather you didn't have any objection to releasing
5 them to them?

6 A I didn't, neither did Mr. Rich.

7 Q Then it goes on to say Goss also informed me of the
8 report done by Aldridge and the vehicle Huffman was in
9 was a red Dodge truck, not a black Dodge truck?

10 A Correct.

11 Q Is that the first time you learned that?

12 A Correct.

13 Q So the guy who supposedly was doing the stealing was
14 driving a white Ford F150?

15 A Correct.

16 Q Your Mr. -- your Deputy Aldridge noted a black Dodge --

17 A In his supplemental.

18 Q -- in his supplemental, but the truck was actually a
19 red Dodge?

20 A Hold on there, let's clarify. The red Dodge is what
21 Mark saw her driving at Sunshine. We're clear on that,
22 right?

23 Q Right.

24 A And Aldridge wrote, in his report, that she was driving
25 a black Dodge.

1 Q Right.

2 A So the white truck --

3 Q Was not her truck?

4 A Well, the white truck was what was at --

5 Q Aiken, Aiken.

6 A -- the only mistake was the difference between the

7 truck that she was driving at Sunshine on that date.

8 Q Was red, not black?

9 A It was red, not black, correct.

10 Q And then you ran the tag and the vehicle -- where did

11 you get the tag to run the vehicle? From the ticket?

12 A Yeah, yeah, it's all on that ticket, that information.

13 Should be.

14 Q Vehicle plate and ID number?

15 A Right.

16 Q And then you say, while I was there -- oh, let me ask

17 you this. You say, at this point, I also met with Mark

18 Goss at Sunshine on May 18th so he could release the

19 items. Was your prior contact with him by phone?

20 A Phone, correct.

21 Q So, initially, had a phone conversation --

22 A Correct.

23 Q -- when you saw him at the place so he could get the

24 items? Then you say, while I was there I also spoke to

25 the owner of the business, he obtained a copy of the

1 video, he'll call the company. He advised his
2 employees working there that Ms. Huffman was the
3 individual that brought the merchandise in, that was
4 driving a red vehicle, correct?

5 A Correct.

6 Q So, at this point, you knew, from the owner of
7 Sunshine, that he had talked with his employees and
8 that his employees pointed the finger at Ms. Huffman?

9 A Correct.

10 Q Did you interview or talk to any of the employees?

11 A They were of Hispanic descent. I can't --

12 Q You don't speak Spanish?

13 A No, sir. I'm very --

14 Q No, I --

15 A I do a little bit. Not enough to get that kind of
16 conversation out of them.

17 Q Well, does the sheriff's department have personnel who
18 can interpret?

19 A There was one at that point in time; I'm sure it was,
20 yeah.

21 Q Did you have that person interview the employee?

22 A No, sir.

23 Q And did you know good of Spanish the owner of Sunshine
24 spoke?

25 A Mr. Joe's worked them for years. I mean, he

1 communicates --

2 Q Somehow.

3 A I mean, he seems to do pretty good with them.

4 Q All right. Now and you didn't make contact with Ms.
5 Huffman to interview her?

6 A No.

7 Q Because she lived in Calhoun County?

8 A Correct.

9 Q I assume that that's something you often do if you have
10 someone who's suspected of a crime? You go out and
11 read them their rights and interview them about what
12 went on to try and decide whether they were involved or
13 not?

14 A Correct.

15 Q Now it says, I spoke with Sunshine several times but
16 they still did not have a copy of the incident. So you
17 were waiting, I gather, to review the video?

18 A I wanted to see the video, myself.

19 Q And why did you want to see the video, yourself?

20 A Well, I just --

21 Q Because it would prove or disprove --

22 A Correct.

23 Q -- whether she was involved?

24 A It would be some very good evidence.

25 Q Right. Now, then you say, 'Mark Goss called me several

1 times about moving further with the case?'

2 A Right.

3 Q Do you recall any details --

4 A Well, I was just wanting to know what we were doing.
5 You know, what was going on. I mean, Mark had people
6 that was calling him, too. I mean, I understand he
7 has --

8 Q Right.

9 A -- his people above him.

10 Q I gather it's not --

11 A They had had several incidents so, I mean, they were
12 pretty frustrated. I mean, obviously. I mean, you
13 can't blame a victim for being upset.

14 Q Right. Then it says on May 21, 2010 you talked with
15 Judge Murray in reference to the case and was able to
16 obtain a warrant on Ms. Huffman for receiving stolen
17 goods?

18 A Correct.

19 Q Explain, to me, the process you go through to obtain a
20 warrant.

21 A Sitting down with the judge. I mean, he would swear
22 you in and you would just present the facts that you
23 had at that point in time.

24 Q All right. And let me understand.

25 A Because we're looking at probable cause. That's what

- 1 we're to show, probable cause, to issue that warrant.
- 2 Q Did you -- do you have to get approval from anyone to
- 3 go get a warrant issued? Do you have to report to your
- 4 supervisor and say this is what I found; I want to go
- 5 get a warrant?
- 6 A We would discuss the cases with our supervisors, I
- 7 mean, but I'm not saying more, say we have to get
- 8 approval all the time.
- 9 Q Did you discuss this case with --
- 10 A I don't -- I can't -- I don't remember.
- 11 Q And, in any event, you sat down and talked with the
- 12 Magistrate and he was --
- 13 A Correct.
- 14 Q -- satisfied and you -- did you fill out an affidavit?
- 15 A Yes.
- 16 Q And does that affidavit contain what you told the
- 17 Magistrate?
- 18 A And the affidavit should contain the same thing that's
- 19 on the face of the warrant.
- 20 Q Okay. And so the Magistrate issued the warrant?
- 21 A Correct.
- 22 Q And how long did that process take?
- 23 A I don't know. I mean, I don't know how long it would
- 24 have taken him. I mean, it could take up to --
- 25 Q And then you said --

1 A -- 10 minutes, 15 minutes, I mean, 30 minutes. I mean,
2 I don't know.

3 Q The warrant is in NCIC. What is that?

4 A National Crime -- where it goes nationwide. It's put
5 in the NCIC because she was going -- she was in Calhoun
6 County, she wasn't right here in Orangeburg County. So
7 that would have Calhoun County's authority to pick her
8 up if needed to be so.

9 Q Then you note on June 2, 2010, Ms. Huffman came in and
10 talked with you.

11 A Correct.

12 Q How did that come to be?

13 A See I don't -- I don't recall that. I'm pretty sure I
14 -- because I know guys in Calhoun. They may have made
15 contact with her but I mean, I'm pretty sure --

16 Q She called you --

17 A Yeah.

18 Q -- and said I want to come in?

19 A Yes, and she came in. She came in on her own accord --

20 Q And --

21 A -- and met me at the office.

22 Q Did you advise her of her rights?

23 A Yes, sir, I did.

24 Q And she agreed to talk with you --

25 A Yes, sir, she did.

1 Q And --

2 A She gave me a statement, yes, sir.

3 Q And let me ask you this: You said she gave a statement

4 saying she did go, but none of the items she took were

5 stolen?

6 A Correct.

7 Q She brought in metal similar to what she took to

8 Sunshine and pictures of where she got it from?

9 A Correct.

10 Q And did those pictures show aluminum siding?

11 A Correct.

12 Q And is what she told you, and gave you in the

13 statement, to the best of your knowledge, accurate and

14 true?

15 A Do what now?

16 Q Is what she told you in her statement, that you have

17 recorded in Exhibit 1, based upon what you now know,

18 was that what she was telling you was the truth?

19 A Yes. She brought in metal sheathing, yes.

20 Q Now, did you serve her with the warrant at that time?

21 A I did.

22 Q And when you served her with the warrant, what does

23 that trigger?

24 A It's just where the -- that's her charging document.

25 That's where she was actually formally arrested and

1 charged.

2 Q All right. And when she's formally arrested, what
3 happens to her?

4 A I know she was taken to the detention center and we --
5 they processed her and then we -- I mean, we took her
6 before a judge to be bonded.

7 Q What does processing involve?

8 A I don't work for the jail. You'll have to deal with
9 the jail.

10 Q Yeah.

11 A We -- the sheriff's office doesn't control the jail
12 here. It's controlled by a Board of Directors.

13 Q How long was she kept --

14 A She came in that morning. And they have bond hearing
15 at 9:30 and 2 o'clock here in Orangeburg, during the
16 week --

17 Q Right.

18 A -- and if your -- your paperwork has to be in by noon
19 to be bonded at 2:00.

20 Q At 2:00.

21 A Your paperwork has to be in at 8:00 for the warrant's
22 division to be bonded at 9:30. So when she came in
23 there, you know, we got everything done at my office
24 where we could get her into the detention center where
25 she was bonded. I'm almost 100 percent sure she was

1 bonded at 2:00 that afternoon.

2 Q Do you recall what time she came in?

3 A It was morning time. It would be on the -- it would be
4 on her statement and stuff, because it's documented on
5 her statement and on the Miranda rights what time she
6 came in.

7 Q And so she would have been arrested and then processed
8 as you described?

9 A Well, processing was more or less fingerprinting,
10 getting her general information, they photograph her at
11 the detention center. I mean, I'm -- but I don't work
12 at the detention center.

13 Q Was she required to post a bond?

14 A I'm pretty -- I don't --

15 Q You don't remember?

16 A I don't remember. I wouldn't think that she -- she
17 would -- she had no criminal history, misdemeanor. I
18 wouldn't think it would.

19 Q All right. And this was June 2nd?

20 A Correct.

21 Q All right. Then you -- your next paragraph says, 'I
22 then later was contacted by Allen Price, advising that
23 he could meet you and show you -- let you view the
24 video?'

25 A Correct.



1 Q When was that?

2 A The same day.

3 Q June 2nd?

4 A That afternoon, yeah.

5 Q And so did you go meet with him and observe Ms. Huffman
6 on the property in a red truck?

7 A Right. We went and viewed the video that day.

8 Q And did you watch the video and determine -- see the
9 items she took off her truck?

10 A Correct.

11 Q And did you see that she also had some aluminum
12 sheathing that was not wire?

13 A Correct.

14 Q And was that aluminum sheathing that was similar to the
15 metal she brought in?

16 A Correct.

17 Q And then you spoke with Mr. Joe Rich and you note that
18 he advised that his employees had observed her with
19 items and that he would come to court and testify?

20 A Correct.

21 Q Was he maintaining that she still had -- his employees
22 said she still had the stolen items?

23 A That's what I have noted here in my report, yes.

24 Q Now, let me ask you this: Between seeing Mark Goss and
25 meeting with him on May 18, 2010, other than him

1 calling you and asking you, several times, about moving
2 on with the case, did you have any communication with
3 him regarding the substance of the investigation?

4 A Do what now?

5 Q Did you -- according to your report, you saw him on May
6 18th at Sunshine. You called him, then you saw him on
7 the 18th at Sunshine?

8 A Right.

9 Q Then you report that he called you several times about
10 moving forward with the case?

11 A Right.

12 Q Then you -- on June 2nd you arrest Ms. Huffman.

13 A Correct.

14 Q In the interim between May 18th and June 2nd, did you
15 have any communications with Mark Goss other than him
16 asking about how the case was moving forward?

17 A I don't recall. I mean, I -- I couldn't --

18 Q Now, you then report that after you viewed the video
19 you say, it does not show her with the same items that
20 were taken. Due to these facts, there's not evidence -
21 - enough evidence to support this case. I'll be
22 dismissing the charges on Huffman.

23 A Correct.

24 Q So, the same day you arrested her -- no, I'm sorry.

25 No, it's the same day you arrested her, you went and



1 looked at the video, learned that the video showed it
2 wasn't her, and you made a decision, then, that you
3 were going to dismiss the charges. And, I assume, that
4 it's because it showed --

5 A What I saw on the video, yeah.

6 Q -- the video showed?

7 A Correct.

8 Q Showed that she wasn't selling what was stolen?

9 A Correct.

10 Q Then you report that, I then, later, was contacted by
11 Mark Goss --

12 A Yeah. Now, I don't know what day that was on. I don't
13 -- it's not dated.

14 Q -- and Sunshine. So they called you together?

15 A Well, I think Mark Goss was at Sunshine.

16 Q And they said they were going back and review the --
17 that they did go back and view the video and the same
18 time Ms. Huffman was at the location, a black male in a
19 white truck came to the business premises and they gave
20 you his name?

21 A Eugene James, correct.

22 Q Is that the first time you had that information?

23 A Correct.

24 Q And then you got a copy of his ticket? That's where he
25 was selling?

1 A Correct.

2 Q And you got the other information Sunshine would have
3 produced --

4 A Yes, sir.

5 Q -- or had him produce when he didn't make the sale?
6 Now, how do you go about dismissing the case when you
7 decide you --

8 A Well --

9 Q -- the suspect --

10 A -- the evidence --

11 Q -- did not --

12 A -- if the evidence doesn't support the case, I mean,
13 there's no need to keep going forward with the case.

14 Q No, I understand that.

15 A How we would allow -- dismissing this case?

16 Q Yeah.

17 A Actually, I spoke with Ms. Huffman, told her some of
18 the information and I told her, when we went to court,
19 we would just dismiss it, because she was issued a
20 court date. It was a Magistrate's Court level offense
21 so she would have a court date within 30 days.

22 Q So you just picked up the phone and called her?

23 A I spoke with her, yes.

24 Q Do you know how long it was after June 2nd? I mean,
25 you learned, June 2nd, that she wasn't the party who

1 was guilty.

2 A Right.

3 Q But did you let her know, pretty promptly, that you
4 were going to be dismissing the charges?

5 A Yeah. I'd say within a couple of days. I mean, I
6 don't -- yeah.

7 Q All right. What did she say when you told her? She
8 say thank you?

9 A Well, I mean, she was happy, but I do remember her
10 saying -- because I do, specifically, remember telling
11 her she didn't have to come to the court date, it would
12 be taken care of, but she said she'd be there. And she
13 showed up, and I don't blame her one bit; she was
14 there.

15 Q Right. Make sure you did what you were saying you
16 would do?

17 A Oh, yeah, and she was there. She was there that day.

18 Q All right. And how long was she there in court?

19 A Oh, I don't know. I mean, I can't recall a specific
20 timeframe.

21 Q Now, did you take the investigation involving Eugene
22 James forward?

23 A We weren't -- because I actually had spoke with my
24 supervisor. We weren't comfortable with the case at
25 this point in time but, yes, I did take all the same

1 information and it was all reviewed with, actually, the
2 Chief Magistrate at the time.

3 Q Let me ask you this. On this page four, you said, at
4 this time I'm not comfortable with this case --

5 A Right.

6 Q -- due to the witnesses gave me false information the
7 first time. Did Mark Goss give you any false
8 information?

9 A He was more -- no. I mean, he -- what he was giving
10 was being relayed from what was at Sunshine. I mean,
11 he -- I mean, everything he had given me I would say,
12 you know -- because he knew what was taken and all this
13 stuff. I mean, he --

14 Q He gave you the details on what was taken?

15 A Correct. I mean -- no. I mean, I'm not saying that he
16 -- I would say the only -- the only false information
17 that we're speaking of is mainly what the individuals
18 in the back had --

19 Q Told.

20 A -- had said that she was the only that actually had
21 brought the metal in, and the video doesn't show that.

22 Q Right. And does that --

23 A I'm not saying anybody lied, or I'm not trying --

24 Q Right.

25 A -- I'm just saying what they observed is not the same

1 thing --

2 Q That the video --

3 A -- that's on the video, and the video -- if the video
4 supported what they said, we would have been fine.

5 Q All right. Now let me ask you this, specifically.

6 A Okay.

7 Q You learned what the employees of Sunshine said through
8 what Mr. Rich told you, correct?

9 A Correct.

10 Q Not from anything Mr. Goss told you?

11 A No. It was coming from Mr. Rich.

12 Q And is it correct that Mr. Goss did not give you any
13 false information?

14 MR. GOINGS: Object to the form of the question.
15 You can answer it.

16 THE WITNESS: I mean, besides -- I mean what --
17 it's according to what you're going to say false,
18 because if he was to tell me that Joel Rich's people
19 said that that -- I mean, you see what I'm saying? I
20 mean, I don't recall him directly giving me anything
21 that was more or less -- I mean, what he -- what took
22 place at Aiken Electric -- I mean, everything he told
23 me, all that was true. I mean someone had --

24 BY MR. JOHNSON:

25 Q Right.

- 1 A -- taken everything, to our knowledge, so.
- 2 Q So the best of your knowledge he didn't give you any
- 3 false information?
- 4 A No.
- 5 MR. GOINGS: Object to the form.
- 6 BY MR. JOHNSON:
- 7 Q Now -- well, let me -- since he objected, let me
- 8 rephrase the question, satisfying Robert. Did Mr.
- 9 Goss, to your best knowledge, provide you with any
- 10 false information?
- 11 A No. I mean, not to my knowledge, no.
- 12 Q All right. And then, the next sentence you said, Goss
- 13 says he can identify the property, but it's metal and
- 14 it's not marked in any way?
- 15 A Correct.
- 16 Q But -- and that's something you would have known from
- 17 the start, correct?
- 18 A Right. We would have been dealing with that with
- 19 copper and --
- 20 Q All right.
- 21 A -- everything.
- 22 Q They're going to put their names on it.
- 23 A Right. From the beginning, right.
- 24 Q And, ultimately, Mr. James --
- 25 A But remember -- can I go back now? Just -- and that's

1 not just me at that point in time. That was -- if you
2 look there that was Judge Dash, Chief Magistrate, that
3 was our conversation. That's -- he was -- he advised
4 that metal is metal. Unless it's marked a specific
5 way, that it would not issue a warrant; you see what
6 I'm saying? He was --

7 Q He --

8 A -- he was stressing on that point, too, because
9 everything had gone through and he was like well,
10 just --

11 Q All right.

12 A -- you know, metal is metal, it's not identifiable. He
13 wasn't comfortable with issuing a warrant at that point
14 in time either.

15 Q And so you went back to Mr. Goss for more information
16 about the metal?

17 A Right.

18 Q And what you have recorded is what Mr. Goss told you?

19 A Yeah. That he would go back and inform his corporate
20 or whoever he has to relate --

21 Q This related to the prosecution of Mr. --

22 A Eugene.

23 Q -- James?

24 A Is it -- yes, James.

25 Q And now, below is Narrative 2 on page four. Who's

1 doing that narrative?

2 A Okay. He is a Eugene Connor. You see where it says
3 report?

4 Q Yeah.

5 A Yeah.

6 Q And is it dated -- is he entering it on May 19th?

7 A Correct.

8 Q And who is Mr. Rushton?

9 A Your Complainant. If you look at the incident report
10 it says Charles Rushton.

11 Q With who?

12 A The sheriff's office. Look --

13 Q I'm sorry.

14 A -- on the incident report, Charles Rushton is the
15 Complainant, so that's who would have called the
16 incident into the sheriff's office.

17 Q Oh, okay. Oh, he's -- why is he, Mr. Connor, involved
18 in that form?

19 A Good question. You'd have to ask Sheriff Larry
20 Williams, which is not here anymore. I mean, I -- Mr.
21 Connor was brought in as a PR person at the sheriff's
22 office. We were flooded with cases and investigations
23 and what he would do is every case that come through,
24 he would, even when they got assigned to an
25 investigator, he would call the Complainant, also, just

1 to touch base, hēy, you know, we're looking into it, an
2 investigator will be in touch with you soon. And him
3 not -- the communication was not there, Mr. Connor was
4 a PR person to get in contact with victims and
5 Complainants like you see, because the only person he
6 contacted was the Complainant on there. I mean, he
7 didn't gather hardly any information or anything. He
8 just -- you see where it says --

9 Q Right.

10 A -- quality assurance checklist was followed and
11 everything was great? Do you see that on there?

12 Q Right.

13 A I mean, that's all he was. He wasn't even a police
14 officer. He's not a certified officer.

15 Q Let me ask you this, Mr. Ethridge, have you now told
16 me, as best you can, what you remember and have had
17 your recollection refreshed by looking at Exhibit 1
18 regarding your communications with Mark Goss?

19 A Correct.

20 Q Now let me ask this. I think you told me -- how many
21 years have you been in law enforcement?

22 A Almost 11.

23 Q And does law enforcement, the sheriff's department, is
24 that the agency that has the responsibility for
25 investigating matters such as we have here?



1 A Correct.

2 Q And is it your practice, usually, to try and interview
3 suspects if they're available and it's reasonable to
4 interview them?

5 A Correct.

6 Q And you also gather information from witnesses, don't
7 you?

8 A Correct.

9 Q Let me ask you this: Apparently the information Mr.
10 Rich got from his employees turned out to be incorrect?

11 A Correct.

12 Q But you relied on it in making your decision to move
13 forward?

14 A Sometimes you have -- if all you have is witnesses at
15 that time, you don't have a choice.

16 Q All right. And is it unusual to have witnesses who
17 provide information that's not accurate, or is
18 incomplete, or is incorrect?

19 A It happens.

20 Q And as the law enforcement representative with the
21 sheriff's department, are you the person who is
22 responsible, in this case, for deciding if and whether
23 a warrant would be sought?

24 MR. GOINGS: Object to the form of the question.

25 You can answer it.



1 THE WITNESS: Yeah, I had the final say so whether
2 to go speak with the judge and seeing if we had enough
3 probable cause, yes.

4 BY MR. JOHNSON:

5 Q Who is the person, in this case, who had the
6 responsibility for making the decision as to whether to
7 seek a warrant or not?

8 A I did.

9 Q And there was conflicting information, at this point,
10 wasn't there?

11 A Not at the time we got the warrant.

12 Q Well, we know that, factually, there was evidence a
13 black male had stolen --

14 A People have -- people have more than one vehicle. I
15 mean, you can't just base on just a vehicle as to, um,
16 to that. I mean, that's --

17 Q Let me finish.

18 A Go ahead, I'm sorry.

19 Q You may have seen where I'm going.

20 A Oh, I --

21 Q See if you've figured it out right. We do know that it
22 was a black male who was reportedly involved in the
23 theft of the items?

24 A Correct.

25 Q And we know that he was riding in a white F150 pickup?

1 You'd have known that at the time you got the warrant?

2 A Correct.

3 Q And then you had information from the supplemental
4 report that from Mr. Aldridge, that he had looked at
5 some surveillance video and he saw Ms. Huffman bringing
6 in merchandise and selling it to Sunshine, and he
7 reported that she was driving a Dodge truck which was
8 black, correct?

9 A Correct.

10 Q And you later learned -- and Ms. Huffman is a white
11 female, correct?

12 A Correct.

13 Q And then you learned, later, that she was driving --
14 actually driving a red truck --

15 A Correct.

16 Q -- a red Dodge truck. So to the extent that any of
17 that information was conflicting, you had that
18 information, didn't you?

19 A Correct.

20 Q Am I correct that but for the information that Mr. Rich
21 gave you, you would not have initiated or sought the
22 warrant at that stage, if all you knew was there was a
23 black male, white lady, different colored auto --
24 vehicles, no one actually pointing the finger at her, I
25 assume you would not have issued the warrant?

1 MR. GOINGS: Object to the form of the question.

2 You can answer.

3 THE WITNESS: Correct. I would not have felt
4 comfortable, no.

5 BY MR. JOHNSON:

6 Q And what gave you your comfort level was the report of
7 the employees to Mr. Rich --

8 A Correct.

9 Q -- that he related to you. Now, in retrospect, would
10 you agree with me that it would have been better to
11 wait till you had the video --

12 A Correct.

13 Q -- and, I assume, you wish you would have done that?

14 A Yes.

15 Q And, as we've discussed earlier, had you done that, you
16 would have never issued the warrant in the first place?

17 A No, I would not have.

18 Q Do you know what the outcome of the suit by Ms. Huffman
19 against the sheriff's department was? Has anybody told
20 you?

21 A I have no idea.

22 Q You --

23 A I don't --

24 Q Do you know that she settled her claim against the
25 sheriff's department for \$25,000?



1 A No, I do not know that.

2 MR. GOINGS: Object to the form of the question.

3 You can answer.

4 THE WITNESS: You -- but also remember, too, I'm
5 not at the county anymore --

6 BY MR. JOHNSON:

7 Q Right.

8 A -- so my only communication has been through -- and not
9 even the attorney, just her paralegal's called me on
10 dates. She's called me several times but, I think,
11 this has been postponed like five or six different
12 times, at least the dates and times I've given.

13 Q Right.

14 A So other than that I -- that's the only communication.

15 Q Did you tell Ms. Huffman that there was -- what took
16 place was videos, and you were waiting to see a video?

17 A I don't -- I may have. I don't know if I -- I don't
18 recall that. I mean, I'm not saying I did and I'm not
19 saying I didn't. I could have when we spoke, and when
20 I told her I was dropping the charges, I could have
21 told her that I watched the video and it was, you know,
22 clearly -- I mean, I don't recall.

23 Q Okay.

24 MR. JOHNSON: Thank you. I believe that's all I
25 have.



1 THE WITNESS: You sure?

2 MR. JOHNSON: Positive.

3 THE WITNESS: All right.

4 MR. JOHNSON: For now.

5 MR. GOINGS: Do you want to ask your questions?

6 I'm going to have some follow up. Do you want to ask
7 yours first though?

8 MS. WALKER: You can go ahead.

9 MR. GOINGS: Okay.

10 EXAMINATION

11 BY MR. GOINGS:

12 Q Mr. Ethridge, as I understand, you prepared the
13 application for the arrest warrant of Meredith Huffman,
14 correct?

15 A I did. Yes, I did.

16 Q And was the application for the arrest warrant based on
17 information that you were given by individuals of
18 Sunshine Recycling and Aiken Electric?

19 A Yes.

20 MR. JOHNSON: Object to the form.

21 BY MR. GOINGS:

22 Q Okay. At the time you sought the warrant for the
23 arrest of Meredith Huffman, you had no reason to
24 believe that what Sunshine Recycling or Aiken Electric
25 was telling you was false, correct?



1 MR. JOHNSON: Object to the form.

2 THE WITNESS: Correct. You -- you take everything
3 as a true -- I mean, as -- yes.

4 BY MR. GOINGS:

5 Q Right. So you didn't believe -- well, at any time
6 prior to obtaining a warrant for Meredith Huffman, you
7 have no reason to suspect that the information you
8 were being given from Sunshine Recycling or Aiken
9 Electric was anything other than the truth, correct?

10 MR. JOHNSON: Object to the form.

11 THE WITNESS: Correct.

12 MS. WALKER: Same objection.

13 BY MR. GOINGS:

14 Q Okay. Regarding questions you were asked about the
15 relaying of false information that's listed on
16 paragraph or page four of your report, giving you false
17 information the first time, as it relates to Mr. Gross,
18 is it fair to state that you understood or now you
19 understand that Mr. Gross was relaying false
20 information that he received from Sunshine Recycling?

21 MR. JOHNSON: Object to the form.

22 MS. WALKER: Object to the form.

23 THE WITNESS: Right. I mean, his stuff was coming
24 through third-hand information to me.

25 BY MR. GOINGS:



1 Q And that's what I want to understand. Mr. Gross did
2 not have personal knowledge --

3 A No.

4 Q -- information he gave you, correct?

5 A No.

6 MR. JOHNSON: Object to the form.

7 MS. WALKER: Objection.

8 BY MR. GOINGS:

9 Q He was getting that information from?

10 A Sunshine.

11 MR. JOHNSON: Object to the form.

12 BY MR. GOINGS:

13 Q Okay. I understand. Now, you're not required to
14 obtain a copy of the video before issuing or obtaining
15 an arrest warrant; is that correct?

16 A You're not required. It's nowhere written down; no,
17 it's not.

18 Q Okay.

19 A No.

20 MR. GOINGS: I don't have any further questions,
21 thank you.

22 MR. JOHNSON: Let me respond since we're doing my
23 part of it.

24 FURTHER EXAMINATION

25 BY MR. JOHNSON:



1 Q Mr. Ethridge, so that the record's clear, you don't
2 have any recollection of Martin Goss telling you what
3 Mr. Rich had reported his employee said? Do you recall
4 that coming from Mr. Rich?

5 MR. GOINGS: Object to the form.

6 MS. WALKER: Object to the form.

7 THE WITNESS: It was -- Mr. Goss was relaying
8 information from -- I mean, through what he had going
9 on at Sunshine.

10 BY MR. JOHNSON:

11 Q Here's my specific question.

12 A Yeah, go --

13 Q Do you have any specific recollection of Mark Goss
14 saying to you that Mr. Rich had told him --

15 A No, because I have it noted in here that that
16 information came from Mr. Rich.

17 Q That's what I thought.

18 A Yes, sir.

19 Q So, no, you don't have a recollection of that?

20 A No.

21 Q And when you saw Ms. Huffman at the courthouse, at the
22 Magistrate's Court --

23 A Correct.

24 Q -- did you visit with her?

25 A Spoke with her. I mean, I --



1 Q Was she pleasant?

2 A Yeah, she was pleasant the whole time. I mean, she --

3 Q Was she pleased that you did what you said, and she
4 thank you for dismissing it and investigating it?

5 A I mean, I don't -- I mean, I'm sure she did. I mean,

6 I --

7 Q And I assume -- did she show that she was upset by the
8 fact that she had been arrested for something she
9 didn't do, or did she make any comment about that?

10 A I don't -- I'll be honest, I don't know.

11 Q I guess what I'm trying to find out is, you know,
12 someone's arrested for something they didn't do, have
13 to go through this, they may come in and be real sour
14 and resentful --

15 A Right.

16 Q -- or they may come in and say look, I know things can
17 happen and I really appreciate that you dropped the
18 charges. Which was she; the former or the later?

19 MR. GOINGS: Object to the form of the question.

20 THE WITNESS: Yeah, I don't remember. I mean,
21 I -- I don't -- I mean, I don't remember getting a
22 lashing from her or anything, I mean, I really don't.
23 I mean, I don't remember her being --

24 BY MR. GOINGS:

25 Q As far as you recall it was --



1 A Far as I --

2 Q -- professional and civil?

3 A Yes. I don't think -- she never was -- I never
4 remember her being out of the way the day that I spoke
5 with her at the office. I mean, she was a little bit
6 upset because she was going through what she was going
7 through, but I don't remember her -- she being irate or
8 anything with me the whole time. She was -- I'm pretty
9 a laid-back person, so I don't -- you know, I don't --
10 I don't see her -- I don't remember her getting that
11 upset with me or anything. I mean, I know what you
12 want, but I don't --

13 Q No, no. I know --

14 A -- I don't recall. I mean, I don't -- I don't --

15 Q All I want to know is what you recall, and I think
16 you've answered that.

17 A I don't --

18 Q In any event, we know she was arrested for something
19 she didn't do?

20 A Yes.

21 MR. JOHNSON: Thank you.

22 EXAMINATION

23 BY MS. WALKER:

24 Q Officer Ethridge, my name is Breon Walker, we met
25 before. I represent Sunshine Recycling.



1 A Yes, ma'am.

2 Q And I have follow-up questions. Who was the victim in
3 this case?

4 A Aiken Electric Cooperative.

5 Q So Sunshine Recycling was not the victim, correct?

6 A No, ma'am.

7 Q Does Sunshine Recycling have any sort of interest in
8 the outcome of this case or whether Meredith Huffman
9 was prosecuted?

10 A Not to my knowledge, no.

11 Q Did Sunshine Recycling, any employee of Sunshine
12 Recycling, or Joseph Rich call you to push forward to
13 see what's going on in the case as you indicated that
14 Mark Goss did several times?

15 A No. No, ma'am.

16 Q Did Sunshine Recycling do anymore than cooperate with
17 your investigation in this case?

18 A Correct. Yeah, they gave us all the information and
19 everything. Yeah, they cooperated.

20 Q They were pleasant to deal with?

21 A Oh, yeah. I've never had a problem with Mr. Rich or
22 any of his employees.

23 Q We've used the word 'misinformation' several times
24 throughout the course of your deposition and it's been
25 alleged that Sunshine Recycling, in fact, is the one

1 that provided the misinformation; I think you testified
2 to that earlier?

3 A Right.

4 Q On page two of your report, there's a paragraph that
5 says that Mark Goss said that he viewed the items after
6 she, I'm assuming that took and left, and identified
7 them as being theirs. Do you know what I'm talking
8 about?

9 A Correct.

10 Q Okay. So even if there was a mistake made based on
11 information that was provided to Sunshine Recycling,
12 Mark Goss came back, after the fact, and told you --
13 looked at the items and said yeah, these are Aiken
14 Electric items, correct?

15 A Correct.

16 MR. JOHNSON: Object to the form.

17 BY MS. WALKER:

18 Q So you testified earlier that Mark Goss did not provide
19 you any misinformation --

20 A Well --

21 Q -- but it sounds like he, in fact, did?

22 MR. JOHNSON: Object to the form.

23 THE WITNESS: Yeah. By going back and looking at
24 that, yes, but -- and then he's getting that -- he
25 wasn't there when she came there, so obviously somebody



1 had to tell him that she brought those in, and then
2 he's identifying these items as being hers. You see
3 what I'm saying?

4 BY MS. WALKER:

5 Q Yeah.

6 A I'm not trying to say that he -- I mean, he -- he
7 relayed false information.

8 Q Well --

9 A How about that?

10 Q -- the information came from Aiken Electric, correct?
11 I mean these items, the stolen items, were taken from
12 Aiken Electric?

13 A Came from Aiken Electric, correct.

14 Q Right?

15 A Yes, ma'am.

16 Q So an employee of Aiken Electric is the only person
17 that could actually identify --

18 A Correct.

19 Q -- yes, these items belong to us?

20 A Right.

21 Q Joseph Rich and Sunshine Recycling were only going by
22 information they got from Mark Goss when he showed up
23 at Sunshine Recycling and said these are samples of
24 what was taken from ours, if you see anything that
25 matches this, let us know.

1 A Correct.

2 MR. JOHNSON: Object to the form.

3 BY MS. WALKER:

4 Q Okay. So Joseph Rich -- did Joseph Rich do anything
5 more than take the information that he got from Aiken
6 Electric and Mark Goss and say yeah, this matches the
7 samples you provided, so we'll let you know, but you're
8 going to have to come identify this as being theirs?

9 A Correct.

10 MR. JOHNSON: Object to the form.

11 BY MS. WALKER:

12 Q And Mark Goss, in fact, according to your report, came
13 in, identified the items and said yes, this belongs to
14 Aiken Electric?

15 A Correct.

16 MR. JOHNSON: Object to the form.

17 THE WITNESS: Correct.

18 BY MS. WALKER:

19 Q So then the misinformation that you got, you did not
20 get from Sunshine Recycling, you got from Mark Goss'
21 identification of --

22 MR. JOHNSON: Object --

23 BY MS. WALKER:

24 Q -- the actual metal?

25 MR. JOHNSON: Object --



1 BY MS. WALKER:

2 Q Is that correct?

3 MR. JOHNSON: -- to the form?

4 BY MS. WALKER:

5 Q I mean he's the only one that can identify that --
6 actually identify them and say yes, these are the items
7 that were taken from us?

8 MR. JOHNSON: Object to the form.

9 THE WITNESS: He identified his items that was
10 taken from him.

11 BY MS. WALKER:

12 Q And when you say he, you're talking about Mark Goss?

13 A Mark Goss.

14 Q And not anybody from Sunshine Recycling?

15 MR. JOHNSON: Object to the form.

16 BY MS. WALKER:

17 Q Correct?

18 A Correct.

19 Q Okay. Do you understand what I'm asking you? I
20 mean --

21 A Yeah, but I just want to clarify, too, because I'm
22 sitting on this side so --

23 Q Right.

24 A -- what -- but the problem being, when Mr. Goss came
25 in, he identified these items as being his, and then

1 later on, when we find out -- he's identifying these
2 items as being his and then Joe Rich and then says
3 Meredith Huffman brought these items in. But when we
4 get the video, we find out yeah, he -- Mark Goss
5 identified these items, but she brought -- she didn't
6 bring those items in, she brought these items in.

7 Q Okay.

8 A So what I'm saying is -- because you talking fast. I
9 mean, I'm good with that but --

10 Q I didn't mean to talk fast.

11 A No, no, you're good, but what I'm saying is she -- you
12 know, he did not falsely say that these items were ours
13 and they were stolen, that's true, I mean to our
14 knowledge, because those -- that's what he had picked
15 out. The problem was what she brought in was not his
16 merchandise.

17 Q Well, so -- and let me ask you about that. On page
18 three of your report it says that he observed -- let me
19 see. Okay. Mid-page says, 'I did go and meet him, I
20 did observe her on the property in a red truck.' I
21 assume, at this point, you're observing the video.
22 'We, then, went to the back area and watched the video
23 where she took the items off of her truck and she did
24 have some copper that resembled what was taken in the
25 back of her truck, but the aluminum was sheathing and

1 not wire.' So she did have copper on her truck, from
2 your own observation, that was similar to what Mark
3 Goss said was taken from Aiken Electric?

4 A Yeah, but --

5 Q Is that correct?

6 A Yeah.

7 Q Okay. So to say that it was false information -- I
8 mean, from your own observation of the video, it looks
9 like what she had was similar to what Aiken Electric
10 reported as being stolen; is that correct?

11 MR. JOHNSON: Object to the form.

12 THE WITNESS: That's what's noted in the report,
13 correct, yes.

14 BY MS. WALKER:

15 Q This is your report?

16 A Yes.

17 Q And you wrote this?

18 A Yes.

19 Q Okay. So since you're the only person that wrote it,
20 you're the only person that can give me this
21 information --

22 A Yes.

23 Q -- and, at the time, you observed Meredith Huffman on a
24 video with metal that looked like it was similar to
25 what Aiken Electric --

1 A It was -- it was similar to what Aiken Electric had
2 taken -- that was taken, correct.

3 Q Okay. And --

4 A Copper is copper.

5 Q Exactly. So you're Sunshine Recycling and someone
6 comes in with metal that's similar to a sample that's
7 provided to you, did Sunshine Recycling do anything, in
8 this case, other than say hey you brought samples,
9 these samples match, we're going to call you, call law
10 enforcement, and cooperate because this looks like it's
11 the same metal?

12 MR. JOHNSON : Object to the form.

13 THE WITNESS: Yeah. I think, though, what Mr.
14 Rich was speaking of was the metal that Mark Goss had
15 identified, that pile of metal that he identified, is
16 what -- because you got a pile of metal that Aiken
17 Electric had identified as being theirs.

18 BY MS. WALKER:

19 Q Uh-huh.

20 A And we was informed that that pile of metal was brought
21 in by Huffman that he identified.

22 Q Okay. Some of that had copper that was similar to what
23 was taken -- you get the confusion? I mean, it seems
24 like somebody between law enforcement, between Aiken
25 Electric and between Sunshine Recycling, you're looking



1 at this metal, metal is metal, the only person that can
2 actually identify what was taken and what was being
3 stolen was Mark Goss or somebody with Aiken Electric?

4 A Right.

5 Q Okay. So you, as law enforcement, are accommodating,
6 doing your investigation, relying on what's been
7 identified as the type of metal that was taken?

8 A Right.

9 Q Sunshine Recycling, as you just said earlier, was doing
10 nothing more than cooperating with your investigation?

11 A Right.

12 Q They don't have any interest --

13 MR. JOHNSON: Object to the --

14 BY MS. WALKER:

15 Q -- to the outcome, correct?

16 MR. JOHNSON: Object to the form.

17 THE WITNESS: Right.

18 BY MS. WALKER:

19 Q And the only thing they're doing is saying this metal
20 looks like the metal that you, Aiken Electric,
21 identified as being taken?

22 MR. JOHNSON: Object to the form.

23 THE WITNESS: Right.

24 BY MS. WALKER:

25 Q And even further than that, when Mark Goss walked in

1 and this is, I think this is an area of confusion, but
2 the actual victim in the case, the one that does have
3 an interest in the outcome, comes in, looks at the
4 actual metal and says yeah, this is ours; this is what
5 was taken from our facility?

6 A Correct.

7 MR. JOHNSON: Object to the form.

8 THE WITNESS: Correct.

9 BY MS. WALKER:

10 Q You testified, earlier, that there was a -- the video
11 from Aiken Electric shows a black male taking the
12 copper?

13 A Yes. The lighting back there is pretty -- it's like
14 street lights.

15 Q Uh-huh.

16 A Is the lighting they have under the shed, and you could
17 -- you see, more or less, like a shadow, and you can
18 see --

19 Q Well, that's -- I'm just going to -- so why did you
20 identify him as a black male if you can only see a
21 shadow?

22 A No. That's what was noted in the report, and it had to
23 be in the --

24 Q It's on page two, it's at the top of page two, and I
25 assume the 'I' is you?



1 A Yeah, he could have. I mean, like I say I'm not saying
2 that he did not look like a black male but I'm just
3 saying it's not -- you couldn't see his face or facial
4 features or anything like that, or not a close-up shot
5 or anything.

6 Q So do you know why -- I'm just trying to get
7 clarification --

8 A I would assume that -- well, you had to be able to see
9 it on the video that he was a black male to put black
10 male in there.

11 Q Okay. But, sitting in here today, you said it was more
12 -- it was a shadow and you couldn't really see it?

13 A Well, I mean it's not -- I mean, you can't -- it's not
14 a real clear picture of who it is.

15 Q So if that black male turned out to be a Hispanic male
16 or a white male, would you say that you gave
17 misinformation or would you say that you made a mistake
18 in viewing the video?

19 A I'd say I want to go back and look at the video.

20 Q Bear with me one second, please. Do you ever remember
21 Joe Rich contacting you throughout this case?

22 A No.

23 Q So your only contact with Joe Rich --

24 A Was when I was at the facility.

25 Q When you or another investigating officer went to him

1 to get information from them?

2 A To my knowledge, correct, yeah.

3 Q Have you dealt with Sunshine Recycling and Joe Rich
4 other than this case?

5 A Yes.

6 Q And would you say that they both cooperated in your
7 investigations?

8 A Always. I've never had a problem with Mr. Rich.

9 Q Do you have, yet, any other example or a time where you
10 felt like they've given you misinformation or provided
11 false information in an investigation?

12 A No. But I usually made sure we got all the videos,
13 because he has excellent video. He has a -- he
14 spent -- when he first put it in I remember being there
15 and it was around \$60,000 that he had spent on
16 surveillance equipment and stuff. He has -- when you
17 come in, he gets tag numbers. I mean, he does
18 excellent. He really was trying to do right when he
19 opened the facility up --

20 Q All right.

21 A -- because we had -- they, because I don't work
22 anymore, Orangeburg County's had problems, you know,
23 with their recycling places, but he's always
24 cooperated.

25 Q You might have been asked this earlier but I think you



1 testified that the mistake that was made was arresting
2 her before viewing the video?

3 MR. JOHNSON: Object to the form of the question.

4 BY MS. WALKER:

5 Q A mistake that, I guess, you made?

6 A Yeah. I would not have arrested her if I had seen the
7 video. I would have never spoken to a Magistrate and
8 try and obtain a warrant on her if I would have seen
9 the video.

10 Q And you agree that that video is the best -- I think
11 you testified earlier, in your first deposition, that
12 the video was the best evidence in a case like this?
13 Where you can actually see -- I mean, you can see
14 what's going on, you're not relying on what somebody
15 else is telling you?

16 A Well, yes. Through my course of, you know, being in
17 law enforcement, juries and, well, not much the judge,
18 but everybody likes to see for theirself. They don't
19 like hearing people's word for it, so video would have
20 been great.

21 Q Yeah. And why didn't you wait to see the video before
22 arresting her?

23 A More or less being contacted numerous times by the
24 victim, and felt like we need to move on the case and
25 do something.

1 Q By the victim, you're referring to Mark Goss?

2 A And Aiken Electric, correct, yes.

3 Q Is it Sunshine Recycling's fault that you arrested Ms.
4 Huffman before watching the video?

5 MR. GOINGS: Object to the form of the question.

6 THE WITNESS: Well, I'm just saying the
7 information that we gathered through Sunshine, that was
8 the only evid -- that was -- that was the best evidence
9 that we had to obtain probable cause, was eyewitness
10 testimony, and it came through Sunshine. I would not
11 have arrested her just on the tickets. Does that make
12 sense? Just obtaining the information from the
13 tickets --

14 BY MS. WALKER:

15 Q Yeah.

16 A -- and her information on the tickets. I would not
17 have done that.

18 Q Okay. Let's look at page two of your report.

19 A Okay.

20 Q One, two, four paragraphs down. It says Goss advised
21 me that he went to this location on this day to inform
22 the company of their theft and give them some samples
23 of the wire so that they will know what was taken.

24 A Correct.

25 Q While he was there, he actually spoke and carried on a

1 conversation with Huffman while she was waiting to get
2 paid for the items that she had just brought in.

3 A Correct.

4 Q Goss said that he viewed the items after the left and
5 identified them as being theirs.

6 A Correct.

7 Q Okay. So you don't mention Sunshine Recycling at any
8 point in those two paragraphs?

9 MR. JOHNSON: Object to the form.

10 BY MS. WALKER:

11 Q Is that correct?

12 A Correct.

13 Q I mean, right there you're saying that the victim told
14 you that he went to the location which just happened to
15 be Sunshine Recycling, actually talked to Ms. Huffman,
16 waited for her to leave and said those are the items
17 that were taken --

18 MR. JOHNSON: Object to the form.

19 BY MS. WALKER:

20 Q -- from Aiken Electric; is that correct?

21 A Correct.

22 Q Okay. So how -- at what point, during that, is
23 Sunshine Recycling involved in providing any sort of
24 misinformation?

25 A Well, he had to get that information from somebody. He

1 didn't get it from me, and he was at Sunshine
2 Recycling. So he had to be told, number one, who Ms.
3 Huffman was, because he doesn't know Ms. Huffman. So
4 somebody had to provide him with that information as
5 who Huffman was, and somebody had to show him what
6 items that she had just brought in, and -- because he
7 didn't watch her bring it in, he was talking to her,
8 from my understanding --

9 Q You understand that's not what your report says, right?
10 I mean, your report says that --

11 A He was there. He actually spoke and carried on a
12 conversation with Huffman while she was waiting to get
13 paid. That's at the front. That's at the very front.
14 He had to go all the way around back and be sitting
15 there when she dumped the stuff off. So he's way up
16 front and you got half an acre, acre back -- that
17 you've got to drive back there so he's carrying on a
18 conversation with Huffman. How did he know who Huffman
19 was?

20 Q Well, it doesn't even say when he identified her as
21 Huffman. I mean, he could have found out what her name
22 after she left and he looked at her ticket, correct?

23 A Could be.

24 Q I mean, he just knows -- all you know from this is that
25 he was talking to a lady that brought in some metal --



1 A Right.

2 Q -- and that when she left --

3 MR. JOHNSON: Object to the form.

4 BY MS. WALKER:

5 Q -- he, at some point, went and --

6 A But he's advising -- but he's telling me -- he's
7 telling me that he's at Sunshine Recycling, he was
8 speaking to the lady at the pay counter, Ms. Huffman,
9 and come to find out he had -- she had just brought his
10 merchandise in. But somebody had to provide him with
11 that -- I didn't provide it because he was telling me,
12 so me and him didn't have a conversation and then jump
13 forward; you see what I'm saying? I didn't provide --
14 somebody had to provide him with that information for
15 him to know who she was and what merchandise --

16 Q Well, your very next paragraph says Huffman was also
17 identified, having to present her driver's license to
18 make the transaction.

19 MR. JOHNSON: Object to the form.

20 THE WITNESS: Right. That's presented to
21 Sunshine.

22 BY MS. WALKER:

23 Q Right.

24 A She -- she --

25 Q So do you know whether, after she pulled off, if Mark

1 Goss walked up to the ticket and said hey, who was the
2 lady that just left?

3 A I don't know.

4 Q Can I have that information, and all they did was
5 provide him with the information of the lady who had
6 just left that he talked to?

7 MR. JOHNSON: Object --

8 THE WITNESS: I don't know.

9 MR. JOHNSON: Object to the form.

10 BY MS. WALKER:

11 Q Okay.

12 A I don't know that.

13 Q I mean, there's a lot of -- this is your report and
14 it's pretty clear. and in these three paragraphs you
15 talk about what Mark Goss did at Sunshine Recycling,
16 who he talked to at Sunshine Recycling that he then
17 identified the items that the Plaintiff dropped off as
18 being Aiken Electric?

19 MR. JOHNSON: Object to the form.

20 BY MS. WALKER:

21 Q Correct?

22 A Correct.

23 Q And there's nowhere in there where it states or says
24 anything that Sunshine Recycling did other than happen
25 to be the location where the items were provided?



1 MR. JOHNSON: Object to the form.

2 THE WITNESS: Besides Mark Goss could tell you
3 where obtained that information.

4 BY MS. WALKER:

5 Q And we've talked to Mark Goss but I'm just --

6 A Yeah.

7 Q -- there's a lot of -- there are a lot of assumptions
8 that are being made in your testimony today that don't
9 really match what is just objective in your report.

10 MR. GOINGS: Object to the form of the question.

11 MR. JOHNSON: Object to the form.

12 THE WITNESS: Right.

13 BY MS. WALKER:

14 Q Is there anybody else that was investigating this case
15 other than you and Alridge -- Aldridge?

16 A And Huggins responded.

17 Q Huggins was only involved as the responding officer?

18 A Correct.

19 Q And he responded to Aiken Electric? He was never at
20 Sunshine Recycling; is that correct?

21 A Not that I know of.

22 Q Do you remember why, when you were at Sunshine
23 Recycling, you did -- the first, you know, couple of
24 times you didn't just go back in the back and observe
25 the surveillance vehicle I mean, I'm sorry,

1 surveillance video?

2 A Yeah. It was -- it was not working.

3 Q Okay.

4 A That's why we had to get Allen Brice. I'm not saying
5 it wasn't working as in recording, it just -- there was
6 something going on that we weren't able to obtain a
7 copy of it and do it.

8 Q But your --

9 A That's why Mr. Price had to meet us out there.

10 Q So you're not claiming or testifying that Sunshine
11 Recycling did anything to prevent you from viewing the
12 video. You're just saying that, at the time, it wasn't
13 working?

14 A Yeah.

15 Q Okay.

16 A The one in the back, that I recall, because, like I
17 said, he had several systems in there.

18 Q Well, you said, 'I never made contact with Huffman due
19 to the fact that she lived in Calhoun County.' Are you
20 prevented from --

21 A No. What I'm more or less saying there, I guess, is,
22 you know, she wasn't right here, at our access, easy to
23 get a hold to, you know. I would have had to gone
24 through Calhoun County to get over there and speak with
25 her.

1 Q Okay. So you could have done that? You just -- it
2 would have just been a little more complicated --

3 A Correct.

4 Q -- then if she just lived in Orangeburg County?

5 A Correct.

6 MS. WALKER: All right. Those are all the
7 questions I have. Thank you.

8 MR. GOINGS: I have no further questions. Thank
9 you.

10 MR. JOHNSON: I have just a couple in follow up.

11 FURTHER EXAMINATION

12 BY MR. JOHNSON:

13 Q You were asked questions about who was the victim in
14 the case?

15 A Correct.

16 Q I know you have Aiken Electric listed on the report as
17 the victim, but let me ask you when stolen goods are
18 sold, when Aiken picked the items up from Sunshine,
19 did, as far as you know, Aiken get back what had been
20 stolen?

21 A To my knowledge, he got back what was there. I don't
22 know if he got back every bit of what was stolen.

23 Q But you don't know that he didn't or did or did not get
24 everything?

25 A I don't know, no.

1 Q But Sunshine had paid somebody, as it turned out, was
2 Eugene James for those items, correct?

3 A Correct.

4 Q So if Aiken got everything they had lost or had been
5 stolen back, and Sunshine was out the money that they
6 paid Mr. James, would the loss actually fall on
7 Sunshine?

8 MS. WALKER: Object to the form.

9 THE WITNESS: As for a victim wise or as for just
10 a loss?

11 BY MR. JOHNSON:

12 Q Who suffered the losses ultimately?

13 MS. WALKER: Object to the form.

14 THE WITNESS: I -- well --

15 BY MR. JOHNSON:

16 Q Does anybody repay Sunshine?

17 A No.

18 Q Okay.

19 A No.

20 Q The other thing, you were asked questions about, Mr.
21 Rich and what he told you. In fairness to Mr. Rich, if
22 he had Hispanic employees who told him that Ms. Huffman
23 had stole and sold the items, would it be appropriate
24 for him to tell you that? In other words, if they told
25 him should he, as a good citizen, tell you what he knew

1 about it?

2 A Yes, I mean.

3 Q And I assume had they not been Hispanic and Spanish
4 speakers, that if they'd been -- if they'd spoken
5 English, you'd have interviewed them, yourself?

6 A Correct.

7 Q And you could have found out what they said from
8 interviewing them, yourself?

9 A Correct.

10 Q And you had the opportunity to have them interviewed by
11 the sheriff's department representative who could speak
12 Spanish and did not do that?

13 A Correct.

14 Q And do you have any reason to believe that what Joe
15 Rich told you is not what he understood from talking to
16 them?

17 A No.

18 Q And when you interview people who have knowledge about
19 things like this, do you normally ask, tell me what you
20 know and what you heard and what you saw?

21 A Right.

22 Q Know anything else?

23 A Right.

24 Q And you count on good citizens to come forward and tell
25 you what they know and then you process it accordingly?

1 A Correct.

2 MR. JOHNSON: Thank you.

3 (WHEREUPON, THERE BEING NO FURTHER QUESTIONS, THE DEPOSITION

4 WAS CONCLUDED AT 11:56 A.M.)

5 (DEPONENT HAS WAIVED READING AND SIGNING.)

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STATE OF SOUTH CAROLINA)
) CERTIFICATE
 COUNTY OF LEXINGTON)

BE IT KNOWN THAT I TOOK THE FOREGOING DEPOSITION
 OF JAMES ETHRIDGE;

THAT I WAS THEN AND THERE A NOTARY PUBLIC IN AND
 FOR THE STATE OF SOUTH CAROLINA-AT-LARGE;

THAT BY VIRTUE THEREOF I WAS DULY AUTHORIZED TO
 ADMINISTER AN OATH;

THAT THE WITNESS WAS BY ME FIRST DULY SWORN TO
 TESTIFY THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
 TRUTH, CONCERNING THE MATTER IN CONTROVERSY AFORESAID;

THE FOREGOING TRANSCRIPT OF 78 TYPEWRITTEN PAGES
 REPRESENTS A TRUE, ACCURATE AND COMPLETE TRANSCRIPTION OF
 THE TESTIMONY SO GIVEN AT THE TIME AND PLACE AFORESAID TO
 THE BEST OF MY SKILL AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF ANY OF
 THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE OF ANY
 ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO, NOR
 INTERESTED IN THE OUTCOME OF THIS ACTION.

WITNESS MY HAND AND SEAL THIS 10TH DAY OF JANUARY,
 2014.

 WENDY SHANNON SULLIVAN

NOTARY PUBLIC FOR SOUTH CAROLINA
 MY COMMISSION EXPIRES FEBRUARY 4, 2018

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG) CIVIL ACTION NO.: 2012-CP-38-672

MEREDITH HUFFMAN,)
)
 PLAINTIFF,)
)
 VS.)
)
 ORANGEBURG COUNTY SHERIFF'S)
 DEPARTMENT, SUNSHINE)
 RECYCLING, LLC AND AIKEN)
 ELECTRIC COOPERATIVE, INC.,)
)
 DEFENDANTS.)

DEPOSITION

OF

MARK GOSS

DEPOSITION OF MARK GOSS, TAKEN BEFORE LORI BOGGS REILLY,
PROFESSIONAL VERBATIM REPORTER, AND NOTARY PUBLIC IN
AND FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR
OF 12:00 P.M., THURSDAY, THE 5TH DAY OF DECEMBER, 2013, AT THE
LAW OFFICES OF WILLIAM & WILLIAM, 1281 RUSSELL STREET,
ORANGEBURG, SOUTH CAROLINA.

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(803) 787-7242

APPEARANCES**FOR THE PLAINTIFF**

ROBERT F. GOINGS, ESQUIRE
GOINGS LAW FIRM, LLC
914 RICHLAND STREET, SUITE A-101
POST OFFICE BOX 436
COLUMBIA, SOUTH CAROLINA 29202

**FOR THE DEFENDANT
SUNSHINE RECYCLING**

BREON C. M. WALKER, ESQUIRE
GALLIVAN, WHITE & BOYD, PA
POST OFFICE BOX 7368
COLUMBIA, SOUTH CAROLINA 29202

**FOR THE DEFENDANT
AIKEN ELECTRI COOPERATIVE, INC.**

POPE D. JOHNSON, ESQUIRE
JOHNSON & JOHNSON, LLP
POST OFFICE BOX 11209
COLUMBIA, SOUTH CAROLINA 29211-1209

REPORTED BY

LORI BOGGS REILLY
VERBATIM, INC.
2418 DEVINE STREET
COLUMBIA, SOUTH CAROLINA 29205

ALSO PRESENT

ROBYN MCKAY

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*DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS
FROM DATE OF CERTIFICATION.

STIPULATIONS

IT IS STIPULATED BY AND BETWEEN COUNSEL FOR THE
RESPECTIVE PARTIES THAT ALL OBJECTIONS ARE RESERVED
UNTIL THE TIME OF TRIAL, EXCEPT AS TO THE FORM OF THE
QUESTION.

THIS DEPOSITION IS BEING TAKEN PURSUANT TO THE
SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

THE READING AND SIGNING OF THIS DEPOSITION IS
WAIVED BY THE DEPONENT AND COUNSEL FOR THE
RESPECTIVE PARTIES.

WHEREUPON, MARK GOSS, BEING DULY SWORN AND
CAUTIONED TO SPEAK THE TRUTH, THE WHOLE TRUTH, AND
NOTHING BUT THE TRUTH, TESTIFIED AND DEPOSED AS FOLLOWS:

EXAMINATION

BY MR. GOINGS:

Q State your full name for the record.

A Mark Mitchell Goss.

Q Could you spell your name?

A M-A-R-K, M-I-T-C-H-E-L-L, G-O-S-S.

Q All right. My name is Robert Goings and I represent Michelle Huffman -- excuse me, Meredith Huffman -- in a case involving her arrest in 2010. Have you ever had your deposition taken before?

A No, sir.



1 Q Well, you are here under oath to testify truthfully and
2 accurately. Are you aware of that?

3 A Yes, sir.

4 Q If I ask you a question that you don't understand,
5 under the Rules you have to direct any question to me.
6 If you need me to rephrase the question, I will kindly
7 do that. If you answer my question, I'm going to
8 understand that you fully understood my question. Is
9 that fair?

10 A Yes, sir.

11 Q All right. During the course of the deposition your
12 attorney may state an objection. Regardless of his
13 objections, you still have to answer the question
14 unless he instructs you not to answer. Okay?

15 A Okay.

16 Q What is your address?

17 A , Aiken, South Carolina 29803.

18 Q How long have you lived there?

19 A Twenty plus years.

20 Q Are you married?

21 A Yes, sir.

22 Q How long have you been married?

23 A About 27 years.

24 Q Do you have any children?

25 A Yes, sir, two.

1 Q What are their names and ages?

2 A Courtney, 23; 16.

3 Q Are you currently employed?

4 A Yes, sir.

5 Q Where are you employed?

6 A Aiken Electric.

7 Q How long have you worked at Aiken Electric?

8 A I'm working on 30 years now. September was the start
9 of my 30th year.

10 Q Where did you grow up?

11 A In Montmorenci.

12 Q Say that again.

13 A Montmorenci, right -- a little town about six miles out
14 of Aiken. It's in Aiken County.

15 Q I understand. So you are from Aiken?

16 A Uh-huh. Yes, sir.

17 Q Born and raised?

18 A Yes, sir.

19 Q Lived there all your life?

20 A Yes, sir.

21 Q Okay.

22 A Other than when I was in the military.

23 Q All right. And tell me about the times you were in the
24 military.

25 A I traveled to Europe for a little bit and worked in

- 1 Kansas and Arizona.
- 2 Q What branch of the military were you in?
- 3 A Army, the infantry.
- 4 Q All right. And give me the years in which you were
- 5 serving in the military.
- 6 A '81 to '84.
- 7 Q When were you discharged in '84?
- 8 A 1984.
- 9 Q When were you, in 1984, discharged?
- 10 A It was in June, 1984.
- 11 Q Were you honorably discharged?
- 12 A Yes, sir.
- 13 Q Will you provide me your educational background, sir?
- 14 A High school diploma.
- 15 Q Where did you go to high school?
- 16 A Aiken High School.
- 17 Q What year did you graduate?
- 18 A '81.
- 19 Q What is your date of birth?
- 20 A 5-5-63.
- 21 Q Have you ever been arrested?
- 22 A No, sir.
- 23 Q Have you ever been charged with a crime?
- 24 A No, sir.
- 25 Q What did you do in preparation for today's deposition?

1 Other than speak with your attorney, what did you do?

2 A Really, I picked up my file and came here and met with
3 my attorney, and that was it.

4 Q Okay. Did you bring your file here today?

5 A Yes, sir.

6 MR. GOING: I'd like to see what file he's
7 referring to. We can look through it and see if
8 there is any attorney/client privilege
9 information.

10 MR. JOHNSON: I don't think we have it here.
11 It's in the car.

12 MR. GOING: Can we get that after the break?

13 MR. JOHNSON: Let me think about it.

14 MR. GOING: Okay.

15 BY MR. GOINGS:

16 Q What documents did you review in that file?

17 A I've reviewed none. I picked it up and walked to the
18 car.

19 Q What's contained in the file?

20 A It's about some of the robberies that we have had in
21 the North office. It's got several different robberies
22 that we have had there.

23 Q What years?

24 A I don't remember to be exactly, but I want to say some
25 of them were in 2008, 2009.

1 Q Why is the file that contains other robberies
2 important, or is it important?

3 A It's not. It's just where I had all my notes and my
4 file at.

5 Q Okay. And in your file you had notes?

6 A I have one note that was signed by an employee.

7 Q Who is the employee?

8 A Chuck Spires.

9 Q Chuck Spires?

10 A Yes, sir.

11 Q Does he still work there?

12 A No, sir.

13 Q What type of note did Chuck Spires write?

14 A He wrote what he saw that night during the break-in.

15 Q Is it a document that's been attached to the Affidavit?

16 A Yes, sir. I believe that's in there.

17 Q And you have provided an Affidavit in this case, too,
18 correct?

19 A Yes, sir.

20 (OFF-THE-RECORD CONVERSATION)

21 BY MR. GOINGS:

22 Q What else did you do in preparation for today's
23 deposition?

24 A Nothing, sir.

25 Q Did you talk to anyone outside of Aiken Electric?

1 A No, sir.

2 Q Did you talk to anyone from Sunshine Recycling, LLC?

3 A No, sir.

4 Q Did you talk to anybody from the Orangeburg County
5 Sheriffs Department?

6 A No, sir.

7 Q Did you discuss this matter at all with anyone within
8 Aiken Electric Cooperative, Incorporated?

9 A No, sir. Other than the time we were supposed to be
10 here. And that was it.

11 Q I understand.

12 (MARKED AS PLAINTIFF'S EXHIBIT 1 FOR IDENTIFICATION

13 PURPOSES, AFFIDAVIT)

14 BY MR. GOINGS:

15 Q I'm going to hand you what has been marked as
16 Plaintiff's Exhibit 1. If you could identify this
17 document for the record, sir?

18 A Yes, sir. This is -- I believe this is my Affidavit.

19 Q Was this Affidavit provided in this case that we are
20 here about today?

21 A Yes, sir.

22 Q When was this Affidavit signed?

23 A June the 21ST.

24 Q And is that your signature on the third page of
25 Plaintiff's Exhibit 1?

- 1 A Yes, sir.
- 2 Q Did you sign this document?
- 3 A Yes, sir.
- 4 Q Did you actually type this document up?
- 5 A No, sir.
- 6 Q Who typed this document?
- 7 A I believe Mr. Johnson typed it.
- 8 Q Okay. How did Mr. Johnson get the information to type
- 9 this document up?
- 10 A He came down and talked to me.
- 11 Q When did he talk to you?
- 12 A I don't remember the date.
- 13 Q Did he ever send you a draft of this Affidavit at any
- 14 point in time?
- 15 A Yes, sir, I had a draft.
- 16 Q Did you make any changes to that draft?
- 17 A I believe there were a few changes.
- 18 Q So as I understand it, he met with you, and following
- 19 the meeting you were sent an Affidavit based on the
- 20 substance and information you provided him at that
- 21 meeting, correct?
- 22 A It was a draft to look at, yes, sir.
- 23 Q Okay. And did you make any changes to that draft?
- 24 A I want to say there were a few changes made, but I
- 25 don't remember. It wasn't much. It was a few little

1 -- little things on it.

2 Q Like, give me an example. Let me back up. Do you
3 recall any changes that were made to the final -- from
4 the original draft to the one that is marked as
5 Plaintiff's Exhibit 1?

6 A I can't remember, recall the exact changes, but I think
7 we made a couple, yes, sir.

8 Q Do you recall the nature of the changes that were made?

9 A No, sir.

10 Q Where is that draft Affidavit that you made changes to?

11 A I don't know.

12 Q Did you make pen and ink changes and send them back to
13 Mr. Johnson?

14 A No, sir. It was on an e-mail, I believe, and it was
15 just a few little small things and I believe we sent it
16 back, back to him with that.

17 Q In the body of the e-mail did you note the changes that
18 needed to be made?

19 A I don't know. I don't know. I was working with my
20 boss on that, and she said --

21 Q Who was your boss?

22 A Ms. McCay, Ms. Robyn McCay.

23 Q Say her name for the record.

24 A Robyn McCay.

25 Q And is she present in the room today?

1 A Yes, sir.

2 Q And she works for Aiken Electric?

3 A Yes, sir.

4 Q What is your title with Aiken Electric?

5 A It's loss control and safety coordinator.

6 Q What is her title?

7 A Vice-president of HR.

8 Q Let's go back to the draft Affidavit. Do you recall
9 whether you or anyone at Aiken Electric Cooperative
10 went into the draft document and made changes in that
11 draft document and then sent those changes back to your
12 attorney, or did you make notations like in an e-mail
13 that certain sentences needed to be changed or words
14 needed to be changed?

15 A I believe it was the notation part in it. We didn't
16 retype the draft.

17 Q Okay. You didn't go in and retype it or --

18 A (SHAKES HEAD)

19 Q Okay. You just advised --

20 A Uh-huh.

21 Q -- portions that needed to be made?

22 A Yes, sir.

23 Q Were those revisions made?

24 A I don't remember what revisions it was, to be honest
25 with you. It was -- from the best that I can remember,

1 it was small stuff like a date or a time or something
2 like that. It wasn't anything major.

3 Q I understand. So you don't believe there were
4 substantive changes that were made?

5 A I don't believe so.

6 Q Okay. Did you review all sentences and paragraphs for
7 purposes of determining whether or not those sentences
8 and paragraphs were true and accurate before you signed
9 this document?

10 A Yes, sir.

11 MS. WALKER: Can we go off the record for --
12 I need a tissue. My allergies have attacked me, so
13 I'll be back in two seconds. Can you stop for a
14 second? Thank you very much.

15 (OFF THE RECORD)

16 BY MR. GOINGS:

17 Q I didn't remind you of this at the very beginning, but
18 you are doing a good job. Let me try to finish my
19 question before you answer and I'll try to let you
20 finish your answer before I go into the next question.
21 It just helps out.

22 A Oh, I'm sorry.

23 Q No, you're good. You have been doing great. I just
24 wanted just to --

25 A Okay..

1 Q -- just to say that because that always helps our court
2 reporter, because she's actually the hardest working
3 person in here, other than Bre at the end of the table.
4 Now, your job title is loss control and safety
5 coordinator?

6 A Yes, sir.

7 Q How long have you been the loss control and safety
8 coordinator?

9 A I want to say I was moved over in 1998, if I remember
10 correctly. It's been a while. I've been there for a
11 long time for that position.

12 Q Before you were the loss control and safety
13 coordinator, what job title or job position did you
14 hold?

15 A Manager of operations.

16 Q So was it a promotion to be named the loss control and
17 safety coordinator?

18 A It -- I considered it to be a promotion, but it was
19 probably more of a lateral move over to it. We had no
20 one doing the OSHA and the safety stuff at the time, so
21 -- and that's what I wanted to be more involved in.

22 Q Describe to me your job function and responsibilities
23 as the loss control and safety coordinator.

24 A I handle the safety issues, safety training, work with
25 the OSHA rules and regulations. I also handle some of

1 the environmental stuff. I handle the thefts. When we
2 have a theft or something like that, I am called in to
3 do the best I can with that to get everything organized
4 for the police department and work with the police
5 departments on that. I handle a lot of DOT stuff. I
6 have numerous responsibilities, but those are probably
7 the primary ones right there so.

8 Q Do you have a written job description?

9 A Yes, sir.

10 Q Where is the written job description kept?

11 A It's on file at the co-op. We have one for all the
12 jobs.

13 Q Okay. Do you recall signing the job description upon
14 becoming the loss control and safety coordinator?

15 A I don't think I signed the job description.

16 Q Sometimes employers have a signature line at the bottom
17 for you to approve that this is your job duties and
18 functions. I didn't know if that's a document that you
19 signed?

20 A No, sir.

21 Q You mentioned that in that capacity you are principally
22 responsible with the issues related to thefts; is that
23 correct?

24 A Yes, sir.

25 Q And you are aware that the case we are here today is

1 about a theft?

2 A Yes, sir.

3 Q Does Aiken Electric Cooperative have any policies or
4 procedures related to how an incident of theft should
5 be investigated or handled?

6 A No policy or procedures. We have a written guidelines,
7 so to speak, that we distributed to some of the other
8 people when they come upon a theft when I'm not
9 available, to notify the sheriff's office and to get
10 the case number and the things like that.

11 Q Who put together these written guidelines?

12 A I put them together.

13 Q Okay. When did you put that document together?

14 A It was a few years ago. I don't remember the exact
15 date, but it was a few years ago.

16 Q Five years ago or less than five years?

17 A It was probably closer to the five year range.

18 Q Was that written guideline in force and effect at the
19 time in which a theft occurred back on May 16th, 2010?

20 A Yes, sir.

21 Q Okay. And what did you do to put that document
22 together? Did you rely on any other sources or
23 materials in putting that together?

24 A No, sir, not really. We just put it together to advise
25 people. We have a lot of our meter department that

1 stumble across -- this is more for like a meter theft,
2 when someone is stealing power at a house, the
3 guidelines to use for that. And we kind of put it
4 together as a reminder to make sure that the sheriff's
5 office is notified, make sure that you get the case
6 number, you know, and the things like that so.

7 Q Other than those two requirements, what are the
8 guidelines that are written down in the case of theft
9 or loss?

10 A We want to make sure we get good detailed pictures of
11 the event that's happened there. We want to make sure
12 that the scene is safe for the law enforcement and
13 other personnel that are going to be coming there, by
14 making sure that the power is disconnected to the
15 place. We want to help in the process of collecting
16 the evidence. A lot of times some of the law
17 enforcement officers will let us keep the jumpers to
18 hold for the court case, so we will hold onto those.
19 But we don't want a law enforcement officer to reach in
20 and grab something that may hurt them or something like
21 that, so we help with the removal of the items used to
22 steal the power.

23 Q In performing an investigation following a theft or a
24 loss, is it important for you or those at Aiken
25 Electric Cooperative, Incorporated, to make sure that

1 the incident is properly investigated?

2 A We rely on the sheriff's office and the law enforcement
3 to do the investigation part of it. You know, that's
4 their profession.

5 Q But your company, or your entity, provides the
6 information to the sheriff's department, correct?

7 A We provide a certain amount of information to the
8 sheriff's office. Like in the theft of -- if someone
9 were stealing power at a house, we would provide the
10 name of the person who the bill was in, you know, who
11 had the bill and the stuff like that, the things that
12 they would need for that.

13 Q Other than power being, you know, stolen, what other
14 types of losses for purposes of thefts has Aiken
15 Electric Cooperative, Incorporated, been involved in in
16 the last five years?

17 A Metal theft.

18 Q Describe that to me.

19 A People will break into the offices and steal copper and
20 aluminum or they will steal it from a jobsite. When we
21 used to leave some out there for big jobs, they will
22 steal it from those job sites right there. They will
23 take it from poles, too. They will strip the copper
24 off the pole, copper.

25 Q What is the typical investigation that you, with Aiken

1 Electric Cooperative, goes through after there has been
2 a metal theft?

3 A When we find that one of our offices are being broke
4 into, we have video surveillance in all of our offices,
5 so there is an alarm that goes out the minute someone
6 comes onto the yard and it is automatically recording.
7 The police are not always available to get there in
8 enough time to stop the actual theft and if they get
9 off the yard with the theft -- with the copper or the
10 aluminum, I'm notified right away and I will go out and
11 get an inventory of what was stolen, what was damaged,
12 and then the next morning I will go to the metal
13 recycling centers to see if I can identify the copper,
14 the copper or the aluminum that's been stolen.

15 Q Okay.

16 A And I will carry -- I try to carry the description of
17 the video. I don't always get a copy of the video
18 right away because the IT department is not in to make
19 a copy of it, but I can review the video on my stuff to
20 see what the person looked like that came in.

21 Q Is gathering and obtaining video evidence of a theft
22 important?

23 A Yes, sir.

24 Q And video evidence is important in the evidence
25 gathering that you do as part of your investigation,

1 correct?

2 A Yes, sir.

3 Q Okay. And oftentimes the video is the best evidence of
4 who the criminal is that committed the crime, right?

5 A No, sir.

6 Q Well, what is the best evidence of who we'll say stole
7 metal from one of your facilities?

8 A I would say the best estimate would be caught on the
9 yard in the process of stealing it.

10 Q Does that happen often, that you actually catch them on
11 the yard --

12 A No, sir.

13 Q -- in the process of stealing? All right. So let's
14 take that scenario out of the picture. If you don't
15 catch them in the act, what is the best evidence that
16 Aiken County -- I mean, excuse me, Aiken Electric would
17 have that would assist law enforcement in determining
18 who the person was that committed the crime?

19 A Finding the metal that was stolen at the recycling
20 center. The recycling centers work real well with us,
21 and actually finding the metal there would be the next
22 thing. The video stuff, sometimes they have masks and
23 gloves on, and you don't get anything from it.

24 Q Okay. And I'm just trying to figure out what types of
25 evidence are typically available for someone like you

1 in the event of a theft. You have a video, correct?

2 A Uh-huh. Yes, sir.

3 Q Is that a yes?

4 A Yes, sir.

5 Q I know you said yes, but sometimes uh-huh. Your lawyer
6 probably told you that in prepping for today's
7 deposition. You have a video, correct?

8 A Yes, sir.

9 Q You would have -- if the metal is sold to a recycle
10 center, you would have the actual metal that was sold
11 to the recycling center, correct?

12 A Yes, sir.

13 Q What else would there be?

14 A The metal recycling place working with us to give us
15 the descriptions of the person that sold the metal.

16 Q Okay. So you would rely on the actual --

17 A Recycling center.

18 Q Recycling center, what they say, correct?

19 A Yes, sir.

20 Q All right. You said there are recycling centers in the
21 area. Describe or list the recycling centers in this
22 area that you would be referencing.

23 A We work -- I work in nine counties. We serve nine
24 counties, so I see a lot of -- I got to a lot of the
25 recycling centers. You want some for this area here?

1 Q Yes, sir.

2 A Sunshine Recycling. I want to say there's an
3 Orangeburg Recycling right over there by where they are
4 at and I want to say there is one more, but I don't --
5 I haven't been to it in a long time. I don't recall.

6 Q So in this area, and we're in Orangeburg today, you
7 have Sunshine Recycling and Orangeburg Recycling,
8 correct?

9 A I believe it's called Orangeburg Recycling. I don't
10 remember the name, but I believe it is. It's right
11 there about on the corner where you go to go to
12 Sunshine.

13 Q What is the largest recycling center in this area?

14 A Sunshine Recycling, that I know of.

15 Q Okay. So in the case of metal theft when you are
16 unable to catch the perpetrator in the act, the
17 evidence you would have would be the video from Aiken
18 Electric, correct?

19 A Yes, sir.

20 Q Being able to locate where the metal was actually sold?

21 A Yes, sir.

22 Q So you have the metal, your goods that were stolen, you
23 are able to get them back. And lastly, any statements
24 or evidence that the recycle center would have,
25 correct?

1 A Yes, sir.

2 Q What other types of evidence would you as the loss
3 control safety coordinator for Aiken Electric attempt
4 to gather?

5 A I let the sheriff's office go from there.

6 Q So you just turn it over to the sheriff's department?

7 A I work with the sheriff's office on that and give them
8 all the stuff that was taken, you know, and where we
9 found it at, and let them handle it from there.

10 Q And you would agree with me that the sheriff's office
11 is accepting the information that you give them, or the
12 recycle center gives them, as if that information is
13 true and accurate, correct?

14 MR. JOHNSON: Object to the form.

15 Q Let me ask it this way. Does the sheriff's department
16 have a right to rely on the information that you
17 provide them?

18 MR. JOHNSON: Object to the form.

19 A We've got to go back to the first. Now, do I still
20 answer the question even though it was a --

21 MR. JOHNSON: You can answer it.

22 BY MR. GOINGS:

23 Q Yes, but I kind of asked you another question instead.
24 Why don't you answer the second one. The second one is
25 does the sheriff's department have a right to rely on

1 the information you provide them for purposes of a
2 theft at Aiken Electric?

3 MR. JOHNSON: Object to the form.

4 A Okay. I still answer now?

5 Q Right.

6 A Okay.

7 Q Unless he says, "Do not answer --

8 A Okay, I'm with you now.

9 Q -- then you answer.

10 A I'm with you. Yes, sir, they -- they have to trust in
11 me that I'm going to give them a reliable account of
12 what was stolen, how it was stolen. I turn over the
13 video evidence to them when it's made. Sometimes it's
14 a couple of days because the IT department may not be
15 there and I need to get it done. I don't have the
16 stuff to make the video, okay. But, yes, sir, they
17 have to believe that I'm giving them a true statement
18 of what's there.

19 Q You would agree with me that's it's important for you
20 as the loss control and safety coordinator to give
21 accurate information to the police, correct?

22 MR. JOHNSON: Object to the form.

23 A I believe that the information that I should give to
24 the police should be accurate, yes, sir.

25 Q Right. Why?

1 A So that they have accurate information to conduct a
2 proper investigation.

3 Q And you are aware that the sheriff's department is
4 going to go off the information that you give them in
5 order to determine who the potential suspects are,
6 right?

7 MR. JOHNSON: Object to the form.

8 A I believe that the sheriff's office is going to conduct
9 -- or police department is going to conduct a proper
10 investigation into the information that I provided.

11 Q And the information -- and the investigation that they
12 undertake is based in part on the information you
13 provided, correct?

14 MR. JOHNSON: Object to the form.

15 A Their investigation will start with the information
16 that I provide them.

17 Q How many metal thefts have Aiken Electric Cooperative,
18 Incorporated, had within the last five years from
19 today?

20 A We have had a few. I don't know right off the top of
21 my head.

22 Q Is it once a month or once every two months?

23 A It comes in spurts. Sometimes we will have one every
24 few months and then sometimes it will be a year or two
25 years before we have one.

1 Q Do you keep a log or a list of thefts?

2 A I have a list of -- of thefts. I don't know how up-to-
3 date it is.

4 Q Why do you keep a log or a list of the thefts?

5 A To help determine if we have an area getting hit more
6 than other places and things like that.

7 Q Is there an area that's been hit more than other
8 places, to your knowledge?

9 A Yes, sir.

10 Q Where is that area?

11 A The North office.

12 Q Did the incident involving the case we are here about
13 today involve the North office?

14 A Yes, sir.

15 Q Where is the North office located?

16 A It's in the little town of North and I forget the exact
17 address.

18 Q My grandma is from there, so I am aware of where North
19 is. It's a good little area. What's the address; do
20 you know?

21 A I forget the address right offhand. I may have it on a
22 card.

23 Q Yes.

24 A Do you want me took on the card?

25 Q Yes, please do.

1 A This is small and I don't have my glasses, but it looks
2 like 8381 North Road, North, South Carolina 29112.
3 8381 North Road.

4 Q Thank you. The Affidavit in front of you marked as
5 Exhibit 1, is this the only written statement that you
6 have or that Aiken Electric Cooperative has related to
7 the incident we are here about today, including the
8 attachments?

9 A Yes.

10 Q Does Aiken Electric possess any other documents that
11 you know of related to this incident, and the incident
12 is that theft that occurred on May 16th, 2010, other
13 than this Affidavit and the attached documents and
14 materials?

15 A To this incident right here or to the person that
16 actually was caught and convicted, the one that was
17 convicted for it?

18 Q To the person that -- the one that was convicted and
19 to --

20 A I have some, yes, sir.

21 Q You do have additional documentation?

22 A Yes, sir.

23 Q Do you keep the documentation or is this documentation
24 kept in a particular file?

25 A Yes, sir.

1 Q Do you know the name of this file? Is it notated?

2 A It's not -- it's got wrote on the front of it the North
3 Office Break-ins.

4 Q Okay.

5 A It's got several different break-ins in it.

6 Q So you keep a file folder or an accordion folder that
7 says North Office Break-ins?

8 A Yes, sir.

9 Q Okay. And the information related to this particular
10 theft would be contained in that file folder?

11 A Yes, sir.

12 Q Along with other thefts that occurred at the North
13 Branch?

14 A Yes, sir.

15 Q Any reason why the North location is more susceptible
16 to thefts than some other locations of Aiken Electric?

17 A I -- we have had a new recycling center open up in
18 Aiken and I don't know if it's just the availability of
19 someone being able to get to a recycling center quickly
20 in Orangeburg. You know, they could hit the North
21 office and be in Orangeburg or Columbia very quickly.
22 I don't know. Really and truly, I don't know. I don't
23 know if it's just the availability to unload the stuff
24 quickly or what, but when we had the new center open in
25 Aiken, we had some metal theft down there and then it

1 started dying off and it's slowly done dribbled to a
2 stop, so.

3 Q In 2010 -- let's go back to 2010, when this theft
4 occurred, was thefts in this North location prevalent?

5 A I want to say, and I'd have to look at my notes, but I
6 believe we were actually broken into three times that
7 year in the North office, starting January 2nd, but I
8 would have to look to make sure of the dates because we
9 have had several break-ins there.

10 Q Would three break-ins a year be considered a high rate
11 of break-ins?

12 A Yes, sir.

13 Q And the year prior, let's go back to 2009, would you
14 agree that the break-ins were prevalent in that period
15 of time, as well?

16 A There were break-ins, yes, sir.

17 Q Okay. Looking at three or four maybe a year?

18 A No, I would have -- really and truly, I would have to
19 go back and look because I do it for all three offices
20 and all and I don't want to get confused.

21 Q I understand. How many offices do you have, the North
22 office?

23 A We have three offices, Edgefield, Aiken and North, and
24 we have a pay station in New Ellington.

25 Q I understand. But far and away, the North office had

1 more break-ins than the others?

2 A Yes. Oh, yes, sir, by far.

3 Q Okay. Let's go to this particular incident. What do
4 you recall?

5 A I recall that night getting the call that there was
6 someone underneath the truck shed stealing copper.

7 Q Who did you get that call from?

8 A Our dispatch. They monitor the cameras in there.

9 Q Okay.

10 A I told her that I would be on the way there, that she
11 needed to contact the Orangeburg County Sheriff's
12 Office, even though she was already on the other line
13 calling them.

14 Q When did you get this call, roughly?

15 A It was sometime at night. I don't remember what time.

16 Q And were you at 74 Citadel Drive in Aiken at this time
17 you got the call?

18 A Yes, sir, I was.

19 Q How far is that located, your house, your residence, to
20 the North branch?

21 A About 45 minutes.

22 Q Did you get in the car immediately to come to the North
23 branch?

24 A Yes, sir.

25 Q Is it appropriate to call it branch or office? What do

1 you --

2 A We refer to it as office.

3 Q Okay. Throughout the deposition if I refer to it as a
4 branch, you know we are talking about the same
5 location, right?

6 A We say branch sometimes, too, but mostly we say office.

7 Q Well, interchangeably, I may use branch or office and
8 you may, as well, but we're on the same -- I just want
9 to make sure we are on the same page. So you got a
10 phone call at night at your house, there had been a
11 break-in. You got this from dispatch, correct?

12 A Uh-huh.

13 Q And tell me what you did.

14 A I got dressed, got in the car and started heading that
15 way. I contacted the manager of that office, Charles
16 Rushton. He was getting dressed, heading that way,
17 because he can get there before I do. The dispatch
18 actually got on the phone with the sheriff's office and
19 by the time that I got there, the person had already
20 left, had already gotten away, and the sheriff's office
21 was there, but the person was already gone.

22 Q Did you look at the video surveillance at that time?

23 A Looked at it that morning when we were getting the list
24 of stuff together that was stolen. We looked at it on
25 Charles' -- if I'm not mistaken, we look at it on

1 Charles' computer in his office there.

2 Q When did the sheriff's department first come to the
3 scene?

4 A That night when they were called.

5 Q And the night in which they were called, do you know
6 who came?

7 A This guy on the first report for trespassing because he
8 wrote it up as a trespassing. And I think that's a
9 Higgins.

10 Q Just for clarity, you are looking at Exhibit B of your
11 Affidavit?

12 A Yes, sir, Exhibit B.

13 Q Did you see Officer -- it looks like Higgins.

14 A It might be Higgins. I can't tell too good.

15 Q Did you talk to Officer Higgins that night?

16 A I don't remember if he was wrapping everything up by
17 the time I got there with Charles or not, to be honest
18 with you.

19 Q That night of the 16th of May, did you notice any items
20 stolen?

21 A You could see in the truck where items had been taken,
22 but we didn't know how much and of what.

23 Q What truck are you referring to?

24 A There were several trucks under the truck shed. We
25 have --

1 Q Describe to me what the truck looks like.

2 A We have -- on the back of a truck, we will have rolls
3 of copper, aluminum, things like that, and you could
4 see where some of those had been pulled off, the wire
5 had been snatched off.

6 Q What do you recall doing next? It was written up as a
7 trespass. What happened next?

8 A We waited for that morning. We secured -- made sure
9 that the fence was secure, and secured the place and
10 waited for the linemen to get in that morning so that
11 we could get an accurate count of what was missing.

12 Q How did you go about determining what was missing?

13 A We had each lineman go to their trucks and review what
14 was on their trucks and what had been taken, what had
15 been taken off of it.

16 Q What was determined was stolen that night?

17 A We had a list. I don't remember what all was on the
18 list, but it was mostly copper and aluminum.

19 Q Let's go to Exhibit A of your Affidavit. This in your
20 Affidavit purports to be a listing of items stolen; is
21 that correct?

22 A I've got a list, I mean -- or had a list. Here it is.

23 Q Exhibit A?

24 A Yes.

25 Q Who made this document, generated this document?

1 A Our accounting department. I turned in what we had
2 missing and they gave me the prices for it.

3 Q Describe to me what each of these four items are.

4 A The one bare stranded, that's a piece probably about as
5 big as my thumb. It's got seven strands to it. It's
6 unique to our industry. We are probably one of the few
7 people in the world to actually use it. That's the
8 easiest piece of wire there is out there for me to
9 find. If I find seven-stranded, bare copper, one-ought
10 copper, I can pretty much say it came from an
11 electrical utility.

12 Q So let me get this straight. The notation that says 1,
13 dash, OCU bare stranded?

14 A Uh-huh.

15 Q -- is?

16 A One ought copper and it has no coating on it.

17 Q Okay. And it's seven --

18 A Seven little small strands that wrap together.

19 Q And you would say it's about an inch in diameter?

20 A About the size of my thumb.

21 Q Okay.

22 A The number 2 solid copper is what we use for pole
23 grounds and transformers and things like that, and
24 number 6, we also use that, too. The aluminum tie wire
25 is the aluminum that we run all the way up the pole.

1 We don't run copper to the top anymore for cost and
2 theft, but we run aluminum all the way up and the
3 aluminum wire is also used to tie phases in.

4 Q What is larger, a number 2 solid copper or a number 6
5 solid copper?

6 A Number 2.

7 Q Is it fair to say that the metal that were stolen, all
8 the metal that was stolen from Aiken consisted of wire,
9 correct?

10 A Yes, sir.

11 Q And there was no sheet metal --

12 A No, sir.

13 Q -- stolen from your location, correct?

14 A No, sir.

15 Q All right. So when is the next time you spoke to an
16 Orangeburg County sheriff's deputy after May 16, 2010?

17 A That morning when I had my list together, I left out to
18 go to the metal recycling centers in Orangeburg, and I
19 stopped at the first one down there and they hadn't had
20 anything come in. My next stop was at Sunshine
21 Recycling and I met with Joe there. Me and Joe went
22 back to the back. The wire was back there on the
23 ground and Joe and them called the law enforcement out
24 then. The law enforcement came out then, a deputy.

25 Q Do you know who came out?

1 A It's in the report. No, I don't remember his name
2 right off the bat. I don't remember which one it was.

3 Q Well, Exhibit D says Supplemental Incident Report and
4 it says on 5-17-2010, this deputy spoke to the above
5 complainant, and is that your name right there?

6 A Yes, sir, it is.

7 Q Mark Goss?

8 A Yes, sir.

9 Q In reference to case number 2010-005803. Are you
10 looking at Exhibit 3. It's Exhibit E, as well?

11 A Yes, sir.

12 Q Okay. Does this incident report accurately reflect
13 your conversation or meeting with Orangeburg County
14 sheriff's deputy the following day on 5-17-2010?

15 MR. JOHNSON: Object to the form.

16 A If I'm not mistaken, the deputy came out to the office
17 that morning and got this list of the items that were
18 taken and we talked with him then, and then I left to
19 go get the -- look at the recycling centers.

20 Q When was the list of items marked as Exhibit A to your
21 Affidavit, when was this document generated?

22 A This particular piece was documented a day or two
23 afterwards. I had the note. We wrote it on a tablet
24 what we had taken and I turned that note into the
25 accounting department.

1 Q So I understand -- of course, I wasn't there and I'm
2 trying to piece all this -- put all the pieces
3 together. It's a lot of moving parts here. You did
4 speak to an officer from the Orangeburg Sheriff's
5 Department on the 17th of May at the North location,
6 correct?

7 A If my memory serves me correct, he came out that
8 morning for us to give him the list of the items taken.

9 Q Did you give him a list of items taken that morning?

10 A I think he wrote them down on his pad, if I remember
11 right.

12 Q And was that --

13 A I don't remember giving him a note saying that this is
14 all the stuff on it.

15 Q Okay. So you didn't hand him the list marked as
16 Exhibit A --

17 A No, sir.

18 Q -- on the date --

19 A On the morning of the 17th, no, sir..

20 Q On the morning of the 17th?

21 A No, sir.

22 Q Okay. This was just an estimate, at least at this
23 point, correct?

24 A Yes, sir.

25 Q Was the estimate provided before Aiken Electric's

1 accounting and bookkeeping departments were able to
2 determine how many pounds of metal stolen and the price
3 of the metal?

4 A Run that by me again.

5 Q You gave an estimate on the 17th of May?

6 A Right.

7 Q And that estimate was prior to you saying that the
8 accounting department determining what was actually
9 stolen and how much, right?

10 A Yes, sir.

11 Q Okay.

12 A The stuff that the accounting department got here was
13 the most accurate count that we had. The morning of
14 the 17th, I was working with an estimate of what we
15 thought was actually taken.

16 Q Did you write that estimate down on any type of piece
17 of paper or document?

18 A If I remember correctly, I wrote it down on a pad that
19 I had in the truck. I keep a scratch pad in there and
20 I wrote it down on that.

21 Q Okay. Do you know where that scratch pad is where you
22 wrote down the estimate of what you believed was taken?

23 A I don't remember if I turned that piece of paper into
24 accounting or if I wrote it on another piece of paper
25 and gave to accounting, so honestly, no, sir, I'm not

1 sure where that one is at.

2 Q Okay. Well, let's look at Exhibit E.

3 A Okay.

4 Q That's the Supplemental Report. It's regarding to you.
5 You stated that an unknown subject stole the following
6 items from the incident location. One, 60-foot copper,
7 two, number 6 copper, and one roll of alumini, is that
8 how you say it, aluminum.

9 A Aluminum.

10 Q Aluminum?

11 A Yes, sir. It's just short for aluminum.

12 Q Okay. Would that be -- you believe that was an
13 accurate description that you gave the officer on May
14 17th of the estimate of what was taken?

15 A To the best of our ability, yes, sir.

16 Q Then it says estimated value of items taken, \$330. Is
17 that information that he got from you?

18 A Yes, sir.

19 Q Okay.

20 A We were estimating at that time.

21 Q Then it says, "Complainant stated that a white Ford F-
22 150 was seen on the security camera at the incident
23 location." Is that information that Officer Huggins
24 would have gotten from you?

25 A He actually got from me that an employee saw the white

1 Ford leaving the office that night.

2 Q Okay.

3 A Okay. Because our cameras doesn't -- they don't go
4 over that far and they are in black and white, so.

5 Q But he got that information from you?

6 A Yes, sir.

7 Q You provided that information?

8 A Yes, sir.

9 Q Okay.

10 A When I got in that morning and Chuck, the guy I named
11 earlier, had told me that he saw a white Ford long-bed,
12 two gas tanks on it, leaving that night.

13 Q Who told you that?

14 A Chuck Spires.

15 Q Does he still work for -

16 A No, sir.

17 Q What is his -- do you know his reason for departure or
18 termination?

19 A It was not of his doing, that's all I know.

20 Q Were you involved in his termination?

21 A No, sir.

22 Q Who at Aiken Electric would know or have the most
23 knowledge of Charles Spires' employment status and
24 eventual termination?

25 A The HR department.

1 Q Do you know why he no longer works with Aiken Electric?

2 A I know that he was missing a lot of days.

3 Q Do you believe he was terminated for cause?

4 A As in -- cause, as in?

5 Q As in, I mean, was he fired?

6 A I believe him to be fired, yes, sir.

7 Q And I understand you are not the HR guy, but --

8 A Yes, sir.

9 Q Does this document which is marked as Exhibit E appear
10 to be an accurate recitation of information that you
11 provided to Officer Huggins on the 15th -- on the 17th of
12 May 2010?

13 A Up until the point that it states in there that the F-
14 150 was seen on the security camera at the incident
15 location, no, sir, that's not accurate. Our video
16 cameras will not go over to that point to where the
17 truck was at.

18 Q Was there ever a video or video footage taken from
19 Aiken Electric that has a white truck in it?

20 A No, sir.

21 Q Or a truck of any nature related to this incident?

22 A No, sir.

23 Q I noticed that the initial Incident Report says
24 trespassing?

25 A Yes, sir.

1 Q Were you concerned that it was marked up as trespassing
2 at first?

3 A At that time I was, but we did not have a good,
4 accurate count of what was missing and what wasn't
5 missing. Even though the wire was seen pulled off the
6 back like that --

7 Q Yes, sir.

8 A -- it was a good indicator that something had been
9 stolen, but until the linemen come in that morning to
10 verify what all had been taken, I understand why the
11 officer wrote it up as trespassing.

12 Q Okay. And looking at Exhibit E, at this point, on May
13 the 17th, 2010, it lists the subject as unknown,
14 correct?

15 A Yes, sir.

16 Q And at this date you didn't know who was the -- who was
17 responsible for this theft, did you?

18 A No, sir.

19 Q What happened next? What do you recall happening next?

20 A Well, I went to Sunshine Recycling and I met with Joe.
21 Joe has always worked real well with me out there. And
22 we went to the back back there and --

23 Q Are you referring to Joe Rich?

24 A Yes, sir.

25 Q I'm sorry.

1 A And we went to the back back there, and the copper and
2 aluminum, the type that I was looking for, was there on
3 the floor. And if I remember correctly, it was on top
4 of some like tin, sheet metal, right there by that. I
5 don't remember if it was actually on top of it, but it
6 was right there by it. It was pulled off to the side.
7 Now, when we were driving back there to the back --

8 Q You saw copper and aluminum back here?

9 A Yes, sir.

10 Q And is the copper and aluminum that you saw have any
11 distinguishing characteristics that would allow you to
12 know that that copper and aluminum actually came from
13 Aiken Electric?

14 A As far as anything that specifically said Aiken
15 Electric on it, no, sir, there's nothing like that, but
16 for the amount of copper that I was looking for, the
17 amount of new copper that I was looking for and the
18 type of aluminum wire that was there, I knew that it
19 had come from an electrical utility.

20 Q Okay. In this you said you saw some copper wire. Did
21 the copper wire that you saw, was it the solid copper
22 wire, number 2 or number 6 copper wire, or was it that
23 copper wire, bare-stranded?

24 A It was number 6 and number 2 and aluminum, that I can
25 remember, that was the largest amounts of it that were

1 taken.

2 Q You didn't see the bare-stranded there, did you?

3 A I don't know. I'm sure it was there, but I don't --

4 Q You don't recall?

5 A I don't recall.

6 Q Okay.

7 A I don't recall seeing it right away.

8 Q Now, you would agree with me that number 2 solid copper
9 and number 6 solid copper can come from a variety of
10 locations in or around Orangeburg County or in the
11 surrounding counties, other than Aiken Electric, right?

12 A Uh-huh. Yes, sir.

13 Q Is that correct? Heating and air companies, correct?

14 A They could come from SCE&G or Santee Cooper, from other
15 electrical utilities.

16 Q Okay.

17 A And the -- I'm sorry.

18 Q I'm sorry, keep going. Where else could it come from?

19 A It can come from electrical contractors. Now, they
20 don't use aluminum tie wire. The aluminum tie wire is
21 going to come from a utility. I don't know of any of
22 them that use aluminum tie wire because it's not used
23 in any type of wiring jobs or anything like that.

24 Q Tell me when you went to Sunshine Recycling, what date?

25 A The morning of the 17th.

1 Q You went over there and you saw Joe Rich the morning of
2 the 17th?

3 A Uh-huh.

4 Q What did you tell Joe when you saw him?

5 A I told Joe that we had a theft that night, that to the
6 best of my knowledge we had a white Ford pickup leaving
7 there with a black male in it and that's what we were
8 looking for, to see if we had anyone come through there
9 like that.

10 Q You told him the best of your knowledge a white Ford
11 pickup truck, --

12 A And we had --

13 Q -- possibly a black male?

14 A We had a black male on video -- because we reviewed the
15 video that morning, so we were looking for a black
16 male.

17 Q And at the time that you saw Officer Huggins on 5-17-
18 2010, did you tell him that you saw the video and the
19 video showed a black male?

20 A Yes, sir. If my memory serves me correct, we were
21 looking for a black male and I told him about the
22 video, too, because the white Ford pickup in E, in the
23 Incident Report for E --

24 Q Yes, sir.

25 A -- that's what I told him about the white Ford pickup,

1 that we actually had an employee that saw the suspect
2 leaving and that we had the video. Because he didn't
3 wear a mask or anything. This guy came up under there
4 with nothing on.

5 Q So you talked to Joe. You said we had a theft last
6 night, and he takes you to the back?

7 A Uh-huh.

8 Q Where is the back? Describe where that location is.

9 A They have different places where different items are
10 dropped off and in the back they have got a warehouse-
11 type building back there that people can drive their
12 cars and trucks through and unload the items that they
13 have for copper and aluminum, and different things like
14 that back there, that type metal. It's got, if I'm not
15 mistaken, another place for cars and appliances and
16 things like that. He's got video back there for all of
17 that stuff right there.

18 Q Did you take anything with you to Aiken Electric -- I
19 mean to Sunshine Recycling on the 17th?

20 A I think I had my handwritten note of the items that
21 were taken.

22 Q Anything else?

23 A No, sir.

24 Q You didn't have any samples of metal or anything like
25 that?

1 A No, sir.

2 Q Okay. You saw Joe Rich. He took you to the back.

3 Keep going now.

4 A When we got to the back, the aluminum and the copper
5 were there. Joe spoke to some of the employees back
6 there in the back in Spanish. He speaks outstanding
7 Spanish. And when we came back and was leaving out, he
8 said that one of his employees there had stated that a
9 lady had dropped off all the copper and all that.

10 Q So he's telling you what he was told in Spanish by a
11 Spanish-speaking employee?

12 A Yes, sir.

13 Q Okay. Did you ask him any follow-up questions to ask
14 the Spanish-speaking person?

15 A No, sir.

16 Q Do you know the name of the person he was speaking
17 with?

18 A No, sir.

19 Q Did you see Mr. Rich speak directly with the Spanish-
20 speaking person?

21 A Yes, sir. I was standing there by him.

22 Q What did he look like or she look like?

23 A I don't remember.

24 Q Was it a male or female?

25 A It was a male.

1 Q Had you ever seen him before at Sunshine?

2 A I have never paid him no attention.

3 Q What else happened? What happened after -- after Mr.
4 Rich conveyed to you what he was told by his Spanish-
5 speaking employee?

6 A We left to go out front. Joe was going to try and have
7 them held there for the police department, but they had
8 already checked out and left. I believe that Joe
9 called the sheriff's office at that time because the
10 sheriff's office was notified. I didn't call them and
11 I don't know who there called, but someone there called
12 the sheriff's office and the deputy came out.

13 Q Did you talk to anyone at Sunshine Recycling, other
14 than Mr. Rich, on May 17th?

15 A No, sir.

16 Q You didn't talk to -- did you talk to a female?

17 A Not that I remember at all.

18 Q Did you talk to a lady that either identified herself
19 as Meredith Huffman or you later learned to be Meredith
20 Huffman?

21 A No, sir.

22 Q Did the sheriff's deputy eventually come out?

23 A Yes, sir.

24 Q What happened?

25 A He came out. He got the case number and everything

1 that, you know, we were working on and got the
2 information from me about what was stolen, and we went
3 back to the back and looked at the copper and aluminum
4 back there. Joe has good video back there for all the
5 stuff, so -- I had another court case that I had to
6 work on, so I had to leave early to go on back there.
7 They were going to review the video and see who
8 actually had come back there.

9 Q Did you review the video?

10 A Not at that time.

11 Q When was the first time you reviewed the video of Aiken
12 Electric -- excuse me, of --

13 A Sunshine?

14 Q Of Sunshine?

15 A It was sometime after that. Joe had made me a copy and
16 I rode down there to pick it up. I don't remember the
17 exact number of days.

18 Q What video did you recall reviewing first, the Aiken
19 Electric video or the Sunshine Recycling video?

20 A Aiken Electric.

21 Q Did you eventually obtain a copy of the Sunshine
22 Recycling video?

23 A Yes, sir.

24 Q How did you receive that video?

25 A I went to the office up there and picked it up.

1 Q Office? Whose office?

2 A Sunshine Recycling.

3 Q Do you know when you picked it up?

4 A I don't remember.

5 Q You said you had a court case that you needed to get
6 back for?

7 A Yes, sir.

8 Q And this was on the 17th?

9 A Well, actually, the court case was on the 18th. On the
10 way back -- I had gotten my dates mixed up and I
11 thought it was the 17th, so on the way back I called the
12 courthouse to let them know I'd be a few minutes late
13 and that's when they told me that it was on the 18th,
14 but I had done gotten far enough down the road that,
15 you know.

16 Q I understand. Where was the court case?

17 A It was in Aiken.

18 Q In Aiken. And what was it about?

19 A It was a theft of power. I don't remember the exact --

20 Q Theft of power case?

21 A Yes, sir.

22 Q Okay. Have you ever testified in court on behalf of
23 Aiken Electric regarding theft?

24 A For a power theft, yes, sir.

25 Q For a power theft?

- 1 A Uh-huh.
- 2 Q You have testified?
- 3 A Yes, sir.
- 4 Q Have you ever testified in court for a metal theft?
- 5 A No, sir.
- 6 Q Okay. So what --
- 7 A The fellow that was eventually caught for this, I was
8 called up to ask what we had stolen and all that, so
9 let me restate. That's the only one.
- 10 Q So you actually did testify in court against the
11 gentleman that you know eventually did steal this?
- 12 A Of what we -- the judge asked me what was missing and
13 all the other stuff like that, so as far as sitting in
14 the little chair on the side and being asked questions
15 and all, that didn't happen there, but I had to testify
16 of what was taken and the stuff like that.
- 17 Q So on the 17th at Sunshine Recycling, did you see any
18 police officer show up that day?
- 19 A Yes, sir.
- 20 Q Did you talk to any police officer?
- 21 A Yes, sir.
- 22 Q On the 17th?
- 23 A Uh-huh. That morning.
- 24 Q That morning?
- 25 A Uh-huh. One met me and Joe outside.

1 Q Do you know his name?

2 A I don't remember his name. The one on this report back
3 here at the back sounds -- it sounds like it's
4 familiar, but I don't remember his name.

5 Q Do you recall what he looked like?

6 A If I'm not mistaken, he was a black male.

7 Q You talked with him along with Joe Rich, correct?

8 A Uh-huh.

9 Q Have you had the opportunity to read this Supplemental
10 Incident Report, which is the second page to Exhibit E,
11 completed by Officer Eddie Aldridge?

12 A I read it sometime ago, yes, sir.

13 Q Does this appear to be the incident report that was
14 taken related to the information that you provided
15 Orangeburg County Sheriff's Department at Sunshine
16 Recycling on May 17th?

17 MR. JOHNSON: Object to the form.

18 Q You can answer.

19 A I need to re-read it again and, to be honest with you,
20 I've left my glasses in another vehicle, so --

21 Q I'll read it out loud to you, sentence by sentence, and
22 just ask you, you know, did that happen or is that
23 correct, okay? First it says, "This unit met with
24 Joseph Rich, owner of Sunshine Recycling, in reference
25 to subject being -- bringing in metal that had been

1 identified as stolen from the victim, period.

2 A Yes, sir, that's a true statement.

3 Q Okay. It says, "This unit met with Mark Goss from
4 Aiken Electric verify that the metal at Sunshine
5 matched samples that he had brought. This unit
6 observed the subject on video at the payment window and
7 this unit was also provided with a copy of the receipt,
8 period. Mr. Rich advised that he would provide OCSO,
9 that's Orangeburg County Sheriff's Office, with a copy
10 of the video. The subject was driving a black, and
11 then it has a line red underneath the word black, Dodge
12 pickup truck, SC tag AFB 106. This unit will follow
13 this to -- will forward this to R, slash O, which means
14 responding officer, Deputy Huggins. Did I read it
15 correctly to the best of your --

16 A I don't remember carrying samples, but I have always
17 kept samples in the vehicle that I drive of all the
18 type of wires that we have, so I may have had a piece
19 or two of samples with me. I just don't remember right
20 offhand for that. But yes, sir, it --

21 Q I mean, does this narrative appear to be truthful and
22 accurate as to describing what happened at Aiken
23 Electric -- excuse me, at Sunshine on the 17th with an
24 Orangeburg County sheriff's officer?

25 MR. JOHNSON: Object as to form.

1 A Yes, sir, it does appear to be accurate.

2 Q You see under that it says red --

3 A Uh-huh.

4 Q -- underneath the word black? Whose handwriting is
5 that?

6 A I don't -- I don't know.

7 Q Where and how did you receive this document which is
8 marked as Exhibit E?

9 A When we have some type of break-in or something like
10 that, I will go by the police departments or sheriff's
11 offices and pick up a report on it.

12 Q Do you recall when you received this report?

13 A It was several days after. It usually takes about
14 three or four days for a report to get ready, and down
15 here in Orangeburg I don't come this way a lot, so it -
16 - I don't remember. It could have been quite a few
17 days.

18 Q The name Meredith Huffman is on this document, correct?

19 A Yes, sir.

20 Q And she's marked as the suspect, isn't she?

21 A Yes, sir.

22 Q How did she become the suspect?

23 A When we went back there where the copper was at, when
24 Joe talked to the employee there in Spanish, he told me
25 that the lady that had come in beforehand was the one

1 that dropped it off. That's how they got her name
2 right there to go there. Because they went up to the
3 video, up to the window there, and it was only like two
4 people had come in so far that morning. I was there
5 right away when they opened up. It wasn't very many
6 people that had come through. So the employee in the
7 back that accepted the copper said that a lady had come
8 up there and dropped it all off.

9 Q Okay. But the information that you gave Orangeburg
10 County Sheriff's Department linked up the samples that
11 you apparently had with you to the metal that she had
12 brought in, correct?

13 A That was brought in.

14 Q That was brought in.

15 A Yes, sir. I have no way of knowing who brings what in.
16 All I did was verify that the metal there matched the
17 metal that I was looking for. At that time, my video
18 showed a black male in there, but in the metal
19 industry, it's not uncommon for girlfriends and wives
20 to bring metal in and drop them off. It happens all
21 the time, so.

22 Q But you didn't see a female --

23 A She had already left.

24 Q -- in the video?

25 A I'm sorry.

1 Q You didn't see a female in the video at Aiken Electric,
2 did you?

3 A No, sir.

4 Q And you didn't see a female taking any copper wire or
5 any metal of any nature from Aiken Electric on the 16th
6 of May from the North branch?

7 A No, sir.

8 Q What do you recall happening next?

9 A I had to leave to go to Aiken for what I thought to be
10 my court case. Joe and the officer were going to talk
11 about the video, about reviewing it, and I made
12 arrangements with Joe. He said he would make me a copy
13 of it and I could come back later on and pick that up.

14 Q What happened next after -- well, did anything else
15 happen on the 17th regarding this incident that you
16 recall?

17 A Not that I can recall.

18 Q Do you recall any conversation with Officer Aldridge
19 who completed the Supplemental Incident Report, which
20 is the second part of Exhibit E to your Affidavit,
21 other than what is stated on this document?

22 MR. JOHNSON: Object to the form.

23 Q Stated in their portion.

24 A I don't remember -- I don't remember talking with him
25 anymore, other than I think he said that he would catch

1 up with Huggins, Higgins/Huggins, to let him know. He
2 would do a supplemental and attach to it. But other
3 than that, I don't -- I don't recall.

4 Q But at -- let me get this straight. Sunshine
5 Recycling, Mr. Rich, wasn't able to match the metal up
6 with your metal, was he? Match the metal that you saw
7 -- he wasn't able to identify that metal as Aiken
8 Electric metal, was he?

9 A No, sir. There's -- there's no way to identify it as
10 actually Aiken Electric. It was the right type of
11 metal that I was looking for, in the quantity that I
12 was looking for and, you know, as you stated earlier,
13 it could have come from, you know, another utility,
14 like SCE&G or Santee Cooper, but no one else had
15 experienced a theft that day.

16 Q Right. But you would agree with me though on the 17th
17 of May, you had no way of knowing that the metal that
18 you saw at Sunshine Recycling was actually the metal
19 that was stolen from Aiken Electric, did you?

20 MR. JOHNSON: Object to the form.

21 A I had every reason to believe by the quantity, the type
22 of metal that was there that it had come from us.

23 Q Okay.

24 A Okay. But now to sit down and say, you know, this
25 definitely come out of this spool at this time at this

1 location, you know. If another utility had walked in
2 at that time and said, Mark, I think that might be our
3 wire, I couldn't have disputed that.

4 Q But that metal could have come from any source? That's
5 fair, right?

6 A That's a fair statement, yes, sir.

7 Q Okay. The metal that you saw could have come from
8 other places, other than Aiken Electric, correct?

9 A Other utilities, yes, sir.

10 Q All right. And it was based on the information that
11 you provided, along with information provided by
12 Sunshine Recycling that led the Orangeburg County
13 Sheriff's Department to make Meredith Huffman the
14 suspect, correct?

15 MS. WALKER: Object to the form.

16 MR. JOHNSON: Object to the form.

17 Q You can answer the question.

18 A I'm trying to -- you said that one kind of fast. I'm
19 trying to decipher it.

20 Q Let me slow it down and break it up for you.

21 Orangeburg County Sheriff's Department determined that
22 Meredith Huffman was a suspect, correct?

23 A Yes, sir.

24 Q And they determined that on the 17th of May 2010,
25 correct?

1 A Yes, sir.

2 Q And in order to determine that Meredith Huffman was the
3 suspect, listed as suspect one on the second page of
4 Exhibit E, they obtained her name and the fact that she
5 was a suspect, from information you provided, correct?

6 A No, sir.

7 MR. JOHNSON: Object --

8 Q Okay. What information did they get to link Meredith
9 Huffman up as a suspect to this crime?

10 A The only information that Meredith Huffman had given to
11 anyone was to Sunshine Recycling. I had no way of
12 getting any information about anyone. My subject at
13 that time was unknown and a black male, that's what I
14 had video to show and that's what I had a witness that
15 saw that night. So when the employee in the back told
16 Joe that the lady that had just drove through dropped
17 all of that off, that's when Ms. Huffman became the
18 suspect.

19 Q Okay. So you are saying that it's evidence or
20 information -- I say information. It was information
21 from Sunshine Recycling that made Orangeburg County
22 Sheriff's Department determine that Meredith Huffman
23 was a suspect?

24 MS. WALKER: Object to the form.

25 A The only way that her name is obtainable is through

1 Sunshine Recycling on the stuff that she gave them and
2 they signed -- they keep great records there, okay, so
3 that's -- I mean, I have no way of having a name or a
4 number, but, you know --

5 Q I got that. I'm just trying to -- just answer my
6 question.

7 A Uh-huh.

8 Q If you didn't tell Orangeburg County Sheriff's
9 Department that Meredith Huffman was a suspect, the
10 only other person would have been or entity would have
11 been Sunshine Recycling, correct?

12 A Yes, sir.

13 Q Okay. Because when you met with them earlier that
14 morning at the North location, it was in your mind a
15 black male, correct?

16 A Yes, sir.

17 Q And then by the time you got to Aiken Electric --
18 excuse me, Sunshine Recycling, the suspect now, based
19 on information you know or Sunshine knows, the suspect
20 now is Meredith Huffman?

21 MS. WALKER: Object to the form.

22 MR. JOHNSON: Object to the form.

23 A After we saw the metal that was back there and the
24 employee in the back stated that it was the white lady
25 that come up there, it was the white -- the lady that

1 had come up there beforehand, that's when that started.

2 Q Okay. So take me from the 17th forward. What happened
3 next?

4 A The sheriff's office conducted an investigation.

5 (OFF THE RECORD)

6 BY MR. GOINGS:

7 Q All right. What happened next?

8 A Later on, Joe had -- I had called Joe or Joe called me
9 and told me that he could get a copy of it. Then I got
10 a copy. I rode down and got a copy of it. I had
11 called the sheriff's office on several occasions to see
12 how the investigation was going and talked to Billy
13 Ethridge. Then --

14 Q Did you know Billy Ethridge?

15 A I had just met him on that case. I didn't know him.

16 Q You had never met previously, had any interaction with
17 him?

18 A No.

19 Q What do you know about Billy Ethridge?

20 A Nothing but except that he was an investigator for the
21 Orangeburg County Sheriff's office at the time.

22 Q Do you believe he did a good job investigating this
23 incident?

24 MR. JOHNSON: Object to the form.

25 MS. WALKER: Same objection.

1 A To answer that question, no, sir, I do not.

2 Q Why not?

3 A Because if you look at the video that Sunshine
4 Recycling provided, you can clearly see the white Ford
5 pickup and the black male come in after Ms. Huffman and
6 drop off all the copper and aluminum that I'm looking
7 for. If the deputy had taken the time to view the
8 video at Sunshine that morning, he would have the right
9 person to start with.

10 Q Do you know if anyone from Sunshine Recycling or Aiken
11 Electric took the time that morning, the morning of the
12 17th of May, to review the video before a Supplemental
13 Incident Report was generated by Officer Aldridge?

14 MR. JOHNSON: Object to the form.

15 A I don't. I don't know.

16 Q Okay. So on the 17th at Sunshine, you never reviewed
17 the video with any sheriff's deputy, did you?

18 A I don't remember viewing the video. I can't say that I
19 had because it's so clear in the video that Joe has.
20 You can see the lady unload the little small pile of
21 copper that she has and just a minute -- I mean she's
22 probably not even out the building when this other guy
23 pulls in and the helper, Joe's helper's out there,
24 helped him take all this massive of quantities of
25 copper and aluminum out of his truck, putting it there,

1 and then it's put right there with the other stuff that
2 she just brought in.

3 Q Okay.

4 A So I don't -- I don't recall reviewing the video that
5 morning because it was so -- so quick.

6 Q Right.

7 A I don't remember why, but --

8 Q You didn't view it on the morning of the 17th?

9 A I don't recall doing it, no, sir.

10 Q And you would agree with me that any reasonable person
11 that reviewed that video would clearly see that
12 Meredith Huffman, the white female, had nothing to do
13 with this theft, right?

14 MS. WALKER: Object to the form.

15 A Yes, sir.

16 Q Right. I mean, it doesn't take a rocket scientist to
17 look at that video and say Meredith Huffman, the white
18 female, didn't have Aiken Electric Metal, right?

19 A Looking at that video, you are correct.

20 Q And video evidence, especially in this type of an
21 incident, is important when you don't have -- when you
22 don't catch the man or female or whoever the person is
23 red-handed at the North location, right?

24 A Yes, sir.

25 Q All right. So the best evidence at this time of who

1 the perpetrator was would be the video evidence,
2 correct?

3 A Yes, sir.

4 Q Okay.

5 A And the statement that I had from the person seeing the
6 white Ford at that break-in.

7 Q Correct, correct. Because that links up the video now
8 at Sunshine?

9 A It links up the video at Sunshine to Aiken Electric.

10 Q That's right. All right. And I know I have
11 interrupted you just to try and get additional
12 information as you kind of go along, the chronology of
13 what happened. I do apologize for that. I'm just
14 trying to figure it all out. What do you recall
15 happening next? You said you contacted the sheriff's
16 department or they contacted you? What happened?

17 A If I remember correctly, Billy Ethridge with the
18 sheriff's office called me and told me that they had
19 arrested Ms. Huffman and she was maintaining her
20 innocence, and then he told me he viewed the video and
21 I don't remember -- I don't recall if they actually
22 viewed the video right away or not. I don't -- I don't
23 know. But he reviewed the video and could clearly see
24 in the video that it was the black male that was
25 unloading all the copper and aluminum and that they

1 were going to dismiss the charges, but that we still
2 had to go to court to dismiss the charges. Because I
3 actually talked to Ms. Huffman at the court that was
4 held in Neeses late that day.

5 Q What did she tell you or what did you -- actually, what
6 did you tell her and what did she say back to you?

7 A I'll never forget one of the statements that she made
8 to me. I don't remember the conversation of
9 everything, but she told me that she had never been so
10 humiliated in her life, that they had actually taken
11 her underwear.

12 Q Did she seem generally humiliated by the situation?

13 MS. WALKER: Object to the form.

14 A I -- I -- we talked. I don't remember --

15 Q It didn't appear to you that she was just making that
16 up, right?

17 A Oh, no, no, sir.

18 Q Okay.

19 A Not at all.

20 Q Do you recall the date in which you first received the
21 video from Sunshine Recycling?

22 A No, sir.

23 Q When you received the video, did you receive it on a
24 DVD or did you receive it on a VHS cassette tape or --

25 A It was a CD.

1 Q It was a CD. Did you play that CD immediately upon
2 receiving the video?

3 A No, sir. I have no way to do that in the field. I
4 actually at that time had to come up to the office to
5 do so and I don't remember what happened, but with all
6 the duties that I do, it was a little while after that,
7 and I don't remember how long after that it was.

8 Q But you had the video in hand and it was sometime later
9 that you actually looked at the video, correct?

10 A Yes, sir.

11 Q When is the first time you recall actually looking at
12 the video?

13 A I don't -- I don't remember if I looked at the video
14 and was calling Billy, Mr. Ethridge, or if he called me
15 and I looked at it then. All of it was right there
16 together. I don't remember.

17 Q But when you did review the video for the first time,
18 you were able to determine that Aiken Electric metal
19 that was stolen was sold to Sunshine Recycling by a
20 black male, correct?

21 A Yes, sir.

22 Q Okay. And when you saw the video, that it was the
23 black male and not a white female, did you do anything?

24 A I called Billy to let him know, but I don't remember if
25 he had just called me. All that was right there

1 together.

2 Q When did you call Billy?

3 A I don't -- I called him several times throughout the
4 investigation to see how things were going and
5 sometimes he would answer, sometimes he wouldn't,
6 sometimes he would return a call, sometimes he
7 wouldn't. It was really frustrating with that part of
8 it. But she had already been determined innocent, if
9 I'm not mistaken, because I viewed the video and tried
10 to get in touch with Billy or he had just called me, so
11 I don't remember then. After that, though, I got with
12 Joe again and got the ticket and the receipts and
13 everything that -- you know, what he paid for it. You
14 know, I came down and brought him a check and I
15 collected the copper and the aluminum up and brought it
16 back to our company.

17 Q When you reviewed the video for the first time, do you
18 recall attempting to contact Billy Ethridge from
19 Orangeburg County Sheriff's Department immediately?

20 A Yes, sir.

21 Q Okay. And how would you have contacted him?

22 A By phone.

23 Q What phone would you have used to contact him?

24 A My cell phone.

25 Q Is that cell phone provided to you by Aiken Electric?

1 A They pay -- they pay for it, yes, sir.
2 Q Okay. So it's a company phone?
3 A They pay a certain amount on it, yes, sir.
4 Q Do you pay a certain amount, as well?
5 A Uh-huh.
6 Q Is that a yes?
7 A Yes, sir.
8 Q So you pay a pro-rata portion?
9 A Yes. It's a -- it would be considered a company phone.
10 Q Okay, I understand. What is that phone number?
11 A 803-221-3590.
12 Q Who is the provider for this phone?
13 A Verizon.
14 Q Verizon. Was Verizon the cell phone provider back --
15 A Yes, sir.
16 Q -- in May, June and July of 2010?
17 A Yes, sir.
18 Q Still the provider?
19 A Yes, sir.
20 Q Would that be the phone that you would have used to
21 contact Billy Ethridge?
22 A I believe so, yes, sir.
23 Q Okay. Did you have a number for Billy Ethridge?
24 A I did, yes, sir.
25 Q What was his number?

1 A I think I have done deleted all of that because he
2 moved on to Charleston PD.

3 Q Yes.

4 A But I'll check real quick.

5 (OFF-THE-RECORD CONVERSATION)

6 A I don't see it now. It was a phone to his office desk,
7 though.

8 Q Okay. But the number that you called him on was his
9 desk number --

10 A Desk, yes.

11 Q -- direct dial to his office?

12 A Yes, sir.

13 Q It wasn't a cell phone number?

14 A No, sir. He wouldn't give me no cell phone. So it
15 actually may have been going -- because they have got a
16 desk in the investigation part that they have actually
17 got a lady out front that answers, so it may actually
18 have went to her and they transferred it back, I don't
19 know. But it was a phone at the office.

20 Q Did you speak with him when you called him to tell him
21 what you saw on the video?

22 A We talked about the video and what was found, because
23 he said that -- he told me that, you know, when you
24 clearly watch the video, you can see that the black
25 male is the one that drives in with all the stuff

1 loaded into it, so that they were going to drop all the
2 charges against Ms. Huffman, but we still had to go to
3 court to do that. So I met him -- and I forget what
4 the court date was, but I met him at the court date
5 with Ms. Huffman.

6 Q So you ended up, I guess, watching the video after Ms.
7 Huffman was arrested then?

8 A Yes, sir.

9 Q Okay. So I'm just trying to understand the timeline.

10 A Yes, sir.

11 Q The first time you watched the video was after you had
12 learned that Meredith Huffman had been arrested?

13 A If memory serves me correct, yes, sir.

14 Q Okay. The video, though, was in your possession prior
15 to you ever watching it, correct?

16 A Yes, sir. Uh-huh.

17 Q Nothing prevented you from watching the video at
18 anytime before the time that you did, right?

19 A No, sir. I can honestly say that it didn't.

20 Q And you did receive the video prior to the time that
21 Meredith Huffman was arrested, right?

22 A Yes, sir, I did.

23 Q Okay.

24 A But, now, at that time, I was letting the sheriff's
25 office do their investigation.

1 Q I understand. Did you ever have any conversations with
2 anybody at Sunshine Recycling contemporaneous to you
3 receiving the video on CD about who the -- who was
4 responsible for this theft?

5 A You are going to have to explain contemporaneous or the
6 word you used.

7 Q I'm sorry.

8 A Yes.

9 Q You're doing a good job. Contemporaneous. At the time
10 when you picked up the video, did you talk to anybody
11 at Sunshine Recycling about who the thief was?

12 A I don't remember. To be honest with you, I don't
13 remember if a lady gave it to me or Joe gave it to me.
14 Joe's busy down there. Sometimes he gets a chance to
15 see me, sometimes he is tied up and busy and can't, so
16 I don't remember.

17 Q Did anyone at Sunshine Recycling tell you when you
18 received the video or shortly thereafter that the
19 person that stole Aiken County Electric metal was a
20 black male?

21 A I don't remember talking to anyone that day. If
22 someone had told me that, I believe I had went straight
23 to the Orangeburg County Sheriff's office at that time
24 because I was right there at it. I mean, the sheriff's
25 office is just right down the road.

1 Q Okay. Just so I'm clear, you received a video prior to
2 Ms. Huffman being arrested, but you watched the video
3 after you learned Ms. Huffman had been arrested?

4 A If I remember correctly, that's about the way it went.
5 She had -- they had called to tell me that she had been
6 arrested, and I don't remember if Billy called me to
7 tell me that, you know, the video showed it clearly or
8 different. But yes, sir, I watched the video after she
9 had been arrested.

10 Q From the time you left with the video from Sunshine
11 Recycling, did you have any communications with anyone
12 at Sunshine Recycling about the theft until you -- or
13 about the theft before you heard about someone being
14 arrested?

15 A I don't recall having -- after she was cleared, I
16 talked with Sunshine about the new suspect that we had,
17 the black male, but I don't remember talking with them
18 about the other stuff.

19 Q And I guess my question was, describe to me any
20 communications that you had with individuals, Mr. Goss,
21 excuse me, Mr. Rich or anybody at Sunshine Recycling
22 about this theft from the time in which you picked up
23 the video until when you learned that Meredith Huffman
24 was arrested.

25 A I think, if memory serves me, that me and Joe talked

1 about it was the wrong person when I went up to get the
2 information on the new -- on the black male because he
3 provided me with a ticket of what the black male had
4 sold and everything like that so that I could get him a
5 check cut for it. Unlike a lot of the other utilities
6 and people out there, we will try to pay a recycling
7 center what they lost in taking in our stolen stuff or
8 we will allow them to have it and we'll just get a
9 small piece of it off, you know, for court or something
10 like that later on. So I had to get the information
11 about the black male and the ticket and stuff that was
12 sold so that I could come back and get all that put
13 together. So Mr. -- Joe was very helpful in that, in
14 helping with that.

15 Q I understand. What I'm trying to figure out is did you
16 have any communications with Joe Rich, Sunshine
17 Recycling, at any time for the period of time in which
18 you picked up the video to when you learned that
19 Meredith Huffman was arrested?

20 A I don't recall. I don't recall.

21 Q Okay. But you do know that you would have had some
22 communications with Joe Rich or Sunshine Recycling
23 after you'd learned that Meredith Huffman had been
24 arrested?

25 A Yes, sir.

1 Q What about communications that you had, oral or in
2 writing, with anyone from Orangeburg County Sheriff's
3 Department from May 17th until when you learned that
4 Meredith Huffman was arrested?

5 A Well, we talked to the deputies that day, you know, on
6 the 17th. It was turned over to investigations, to
7 Billy Ethridge, and I talked to him about it and, you
8 know, let him know that we did want to prosecute the
9 responsible party, you know. And so he started his
10 investigation and started conducting his investigation,
11 so.

12 Q Did you tell Mr. Ethridge from Orangeburg County
13 Sheriff's Department that you did not want to prosecute
14 Meredith Huffman?

15 MR. JOHNSON: Object to the form.

16 A When it was determined that she hadn't done it, I
17 definitely told them that we did not want to prosecute
18 anyone innocent over it, so I don't know that I
19 actually come right out and said we don't want to
20 prosecute Ms. Meredith Huffman, but we don't want to
21 prosecute anyone that's innocent.

22 Q Okay. And prior to you learning that she didn't in
23 fact steal the metal, you thought that she was a
24 suspect?

25 MR. JOHNSON: Object to the form.

1 A I had no way of knowing that she was not.

2 Q I understand.

3 A And, you know, in the industry that I am in, it's not
4 uncommon for ladies to sell the metal for their
5 boyfriends and husbands and things like that. So I had
6 no way to know that she really wasn't involved.

7 Q And did you know Meredith Huffman?

8 A No, sir.

9 Q Do you know Meredith Huffman to this day?

10 A No, sir.

11 Q Do you know anybody that knows Meredith Huffman?

12 A No, sir.

13 Q During the course of this incident from the time that
14 the metal was stolen from when the charges were dropped
15 against Ms. Huffman, did anybody tell you that they
16 knew Meredith Huffman and that she possessed
17 characteristics or traits of a thief?

18 A No, sir.

19 Q Did you go to court at anytime and see Ms. Huffman?

20 A I went to court the day that the charges were dropped.

21 Q Okay. And you did have a conversation with her,
22 correct?

23 A Yes, sir.

24 Q Did she approach you or did you approach her?

25 A I sat down next to her.

1 Q Did you introduce herself or did she introduce herself
2 to you?

3 A I introduced myself to her.

4 Q What did you say to her?

5 A I introduced who I was and who I worked for, and I
6 don't remember if I apologized that all this has
7 happened. I'm sure I said something along those lines.
8 And we just started talking. So like I said earlier,
9 the main thing about our conversation that I will never
10 forget is her telling me about them taking her
11 underwear from her.

12 Q Would you agree with me that it is foreseeable that if
13 you are arrested, that you will be detained?

14 A Uh-huh.

15 Q Okay. You agree with me that it is foreseeable that if
16 you are arrested, that you will be handcuffed?

17 A Yes, sir.

18 Q It is also foreseeable that they may take your clothes
19 and issue you a jumpsuit?

20 A Yes, sir.

21 Q And it's foreseeable that if you are arrested, you may
22 be put behind bars?

23 A Yes, sir.

24 Q And it is also foreseeable that being wrongfully
25 arrested would humiliate someone?

1 A Yes, sir.

2 Q Okay. Do you believe Meredith Huffman was falsely
3 arrested?

4 A Yes, sir.

5 Q Do you know why Sunshine Recycling did not give the
6 sheriff's department a copy of the video that was
7 obtained from Sunshine on the 17th of May?

8 MS. WALKER: Object to the form.

9 BY MR. GOINGS:

10 Q You can answer it.

11 A I don't recall. I don't recall.

12 Q Are there any conversations that you have had with
13 anyone of Sunshine Recycling, LLC, or the Orangeburg
14 County Sheriff's Department, that we have not
15 discussed?

16 A No, sir.

17 Q Is there any facts or information that you know about
18 concerning the arrest of Meredith Huffman or this theft
19 that occurred on May 16th, 2010, that we have not
20 discussed?

21 MR. JOHNSON: Object to the form.

22 A No, sir.

23 Q I mean, is there information that we have not discussed
24 that you know about?

25 A No, sir.

1 Q Did the investigation that Aiken County -- excuse me,
2 Aiken Electric Cooperative conduct eventually determine
3 that Meredith Huffman was not a suspect and was not the
4 guilty party for this theft?

5 MR. JOHNSON: Object to the form.

6 A When we looked at the video, when I looked at the
7 video, it was very clear that she was not a part of the
8 theft.

9 Q Did you ever contact your supervisor or anyone with
10 Aiken Electric Cooperative to advise that the wrong
11 person had been arrested?

12 A Immediately.

13 Q Who did you tell?

14 A Mike Campbell.

15 Q Who is Mike Campbell?

16 A He was the vice-president over Steechick (sic) Services
17 I believe is what it was called then when I worked for
18 him. It was accounting and different things like that.
19 I don't remember his exact title, but he was the vice-
20 president over accounting, and IT, and things like
21 that.

22 Q Does he still work there?

23 A No, sir, he's retired.

24 Q He's retired. What did you tell him?

25 A I let him know that the wrong person had been arrested,

1 but that we were still going to have to go to court to
2 have the charges dropped.

3 Q What did he tell you?

4 A He told me that wasn't good.

5 Q Why not? I mean, why did he think that wasn't good
6 that the wrong person got arrested?

7 A Because we don't want the wrong person arrested. We
8 want -- we will -- we want the people who are
9 responsible for what has happened to be prosecuted,
10 okay. If you stole from us, we want you to be
11 prosecuted for it and want the investigation to be
12 conducted, and conducted in a proper manner, for the
13 responsible party. This one was not. When I saw the
14 video and realized that it was that clear on that
15 video, you know -- if the Orangeburg County had looked
16 at that video, we wouldn't be sitting here today.

17 Q Other people could have looked at that video, too,
18 besides Orangeburg County Sheriff's Department to
19 determine that Meredith Huffman was not the suspect;
20 isn't that correct?

21 MR. JOHNSON: Object to the form.

22 MS. WALKER: Object to the form.

23 A I don't know how long -- I don't remember how long I
24 was in possession of the video before she was arrested,
25 but I could have looked at that video.

1 Q I understand. Any other communications that you had
2 with your superior, other than the one you just
3 described?

4 A After the trial, I come back to let him know that I did
5 speak to her and I relayed the same message about them
6 taking her underwear to her and that I had talked to
7 her, and then I went there to the trial. I let him
8 know that I went there. But we had talked about how
9 unfortunate that was.

10 Q Did you speak to anyone with the Orangeburg County
11 Sheriff's Department about this arrest following the
12 dismissal of the charges against Meredith Huffman?

13 A I talked to Billy Ethridge on the phone that day that
14 he called to tell me that we were going to drop -- that
15 they were going to drop the charges. I talked to him
16 some that day at that time and I talked to him at court
17 that day when he dropped the charges.

18 Q What did you tell him at the court house that day?

19 A I told him that we don't want anyone innocent to be
20 prosecuted. We want to prosecute the responsible
21 party.

22 Q And does Aiken Electric Cooperative prosecute to the
23 fullest extent of the law for thefts?

24 MR. JOHNSON: Object to the form.

25 A Yes, sir, we try to, as much as the agency that we are

1 working for will do.

2 Q Did you ever contact anyone at the sheriff's department
3 to complain about the investigation conducted by the
4 sheriff's department concerning this theft and the
5 arrest of Meredith Huffman?

6 A No, sir, I did not.

7 Q Do you know if anyone from Aiken Electric called to
8 complain?

9 A No, sir.

10 Q Do you have an e-mail address?

11 A Yes, sir.

12 Q What is your e-mail address?

13 A mgoss@aikenco-op.org.

14 Q .org?

15 A .org, yes, sir.

16 Q Did you send any e-mails to anyone concerning the
17 arrest of Meredith Huffman or this theft at anytime?

18 A No, sir.

19 Q So, back in 2010, you don't recall sending any e-mails
20 to anyone about this incident?

21 A In 2010, I would get in a vehicle around 6:30 or 7:00.
22 I wouldn't get in until about 4:30 or 5:00 a lot of
23 times and my day was spent investigating and looking at
24 copper theft or doing crew visits, things like that. I
25 spent very little time at all on the computer, other

1 than to check e-mails that were sent to me.

2 Q Okay. Did you receive any e-mails from anyone --

3 A No, sir.

4 Q -- concerning this arrest or this theft?

5 A None that I know of, no, sir.

6 Q Are you issued a laptop?

7 A Yes, sir, I have one now.

8 Q Did you have a laptop in 2010?

9 A I had one in 2010, but it's very limited. It has no
10 WIFI or anything like that. The main thing that I use
11 it for is to view -- we have cameras in our substations
12 and I can put the card in it and view the pictures in
13 the substation to show a deputy or someone like that
14 during a substation theft, what the suspect looks for,
15 so he can start his report. And then I've got to go
16 back to the office to have a copy made of it to bring
17 to him.

18 Q I understand. What type of laptop did you have in May
19 and June of 2010?

20 A It's a Dell. I don't --

21 Q It's got a CD-ROM on it --

22 A Yes, sir.

23 Q -- drive?

24 A It's DVD and CD.

25 Q Drive that's on the side of the laptop?

1 A Yes, sir.

2 MR. GOINGS: Sir, I have no further questions
3 for you and I do appreciate your time today. I
4 don't know if any of the other lawyers have any
5 questions.

6 EXAMINATION

7 BY MS. WALKER:

8 Q Mr. Goss, my name is Breon Walker. I represent
9 Sunshine Recycling and I do have some follow-up
10 questions. First, what is your wife's name?

11 A Michelle.

12 Q Michelle Goss?

13 A Uh-huh.

14 Q Where does she work?

15 A Phelon.

16 Q Phelon? Can you spell that for me?

17 A Oh, gosh. I think they spell it P-H-E-L-O-N.

18 Q Okay. What exactly is that, what kind of business?

19 A They sell Honda parts and all kind of stuff. I don't
20 know.

21 Q Where is it located?

22 A It's located on the bypass, the 118 Bypass in Aiken,
23 and to be honest with you, I don't know the address to
24 it.

25 Q Okay.

1 A But, now, it does have -- that's where the Hastings
2 Wise shooting happened a few years back. What,
3 probably about 15 years ago, where he had one of those
4 (INAUDIBLE).

5 Q Okay. Is she from Aiken, as well?

6 A She's from Wagener.

7 Q And this your only marriage?

8 A Uh-huh.

9 Q You indicated earlier in your deposition that the bare-
10 stranded -- is that copper?

11 A Yes, ma'am.

12 Q Is unique to your industry. Did you mean specifically
13 that it is unique to the electrical industry or it is
14 unique to Aiken Electric?

15 A The electrical industry.

16 Q Okay.

17 A That piece of copper could come from like SCE&G, Santee
18 Cooper, but it's used in our industry for certain type
19 connections that we do. It makes a good connection.

20 Q Okay. So if someone tried to sell that, it's obvious
21 that it came from either you all, SCE&G or some big
22 electrical entity? This is not something that just I
23 would be walking around with as a private citizen; is
24 that correct?

25 A Yes, ma'am.

1 Q Okay.

2 A That is correct.

3 Q Do you believe Sunshine Recycling did anything wrong in
4 this case?

5 A I don't think Sunshine Recycling did anything wrong
6 because I was standing there with Joe when Joe asked
7 the employee that took the metal in who dropped it off
8 and that employee -- well, they were speaking Spanish,
9 but that employee told Joe and then Joe looked right at
10 me and said, the lady that had just come in here is the
11 one that's responsible for this, and we went right
12 straight out there to try to get everything stopped on
13 her.

14 Q And when you say "responsible for this," you mean
15 responsible for the --

16 A For dropping the copper that I was looking for off,
17 because it was all right there in like a big pile kind
18 of, and I don't remember if it was on top of each other
19 or what. It was all right there in one section.

20 Q Okay. And the employee was telling you all that based
21 on -- I mean, this had just happened? The person had
22 just dropped this metal off?

23 A It was all within minutes.

24 Q All right. Sunshine Recycling, in this case, did what
25 Sunshine was supposed to do anytime there is a report

1 of stolen metals in the area, correct?

2 A Since we are on record, I don't know if this is right
3 or not, but Sunshine Recycling has worked wonderful
4 with us in the metal theft arena of it and they have
5 done an outstanding job with their cameras and things
6 like that. So I can't help but think that that morning
7 they did everything that they could to help me and the
8 sheriff's office, the deputy.

9 Q And what I mean by that is -- and you kind of answered
10 it a little bit. The only thing Sunshine Recycling can
11 do is if you, Aiken Electric or SCE&G or anybody says,
12 well, we have had this amount and this type of metal
13 stolen, be on the lookout for anything that matches or
14 is close to that description and let us know? If
15 something that matches that description comes in, the
16 only thing they can do is call you as the entity
17 complaining and call the sheriff's department; is that
18 correct?

19 A Exactly, that's -- yes, that is correct. He has called
20 me before to come down and look at stuff that's not
21 ours, but --

22 Q Now, when that happens, if something matches and he'll
23 call you in and you will go look at it and you make the
24 determination, yes, that's ours, that's probably ours
25 or it's not ours; is that correct?

1 A That's 100 percent correct.

2 Q Okay.

3 A When I looked at the copper and aluminum that morning
4 with the poundage that I was looking for and the
5 footage that I was looking for, I told Joe that that
6 looked like it was our stuff.

7 Q And Sunshine has no way of actually knowing? I mean,
8 Sunshine was not at Aiken Electric that night before?

9 A Right.

10 Q Sunshine did not have access to the video camera to
11 actually see who had stolen the metal; is that correct?

12 A That is correct.

13 Q In fact, you indicated that it's not uncommon for the
14 person that actually steals the metal to be completely
15 different from the person that actually brings the
16 metal in to sell it; is that correct?

17 A That is correct.

18 Q And Aiken Electric nor Sunshine has any idea -- I mean,
19 the metal can change hands ten times or zero times
20 between when it is stolen and when it's actually
21 dropped off or delivered to be sold; is that correct?

22 A That's correct, yes.

23 Q In this case, or whenever there is stolen metal like
24 this, the victim is Aiken Electric not Sunshine
25 Recycling; is that correct?

1 A We were the victim.

2 Q You were the victim.

3 A It was stolen from us.

4 Q Okay. Earlier, Robert asked you if you had any
5 knowledge as to why Sunshine did not provide Orangeburg
6 County Sheriff's officer with a copy of the video on 5-
7 17. Do you remember that question?

8 A Uh-huh.

9 Q Do you know whether Sunshine did or did not provide the
10 video to the officer?

11 A At the moment up until the time that I left, he had
12 not, because I left pretty quickly to try to get back.
13 Really and truly, I thought I had a nine o'clock court
14 case. Up until that point, I don't --

15 Q Right.

16 A I don't recall it.

17 Q You were only there for a little bit after the officer
18 got there and then you were gone?

19 A Uh-huh.

20 Q So Sunshine could have provided the video. You have no
21 way of knowing either way because you weren't there.

22 A I have no way of knowing, no. Yes, he could have
23 burned a disc right then and given it to him and they
24 could have left with it.

25 Q And if he testified that that's exactly what happened,

1 you have no reason to dispute that Sunshine gave
2 Orangeburg County the video?

3 A Not at all.

4 MS. WALKER: Give me one second.

5 (OFF THE RECORD)

6 BY MS. WALKER:

7 Q All right. Mr. Goss, do you remember Mr. Rich telling
8 you that on May 17th, that morning when you were there,
9 before you left, telling you and the officer that you
10 could both go and watch the surveillance video or view
11 the surveillance video of the person dropping of this
12 metal?

13 A He may have, I don't -- I don't remember. He may have,
14 though.

15 Q Okay. And do you recall whether you took him up on
16 that offer?

17 A I did not look at it that morning that I can remember.

18 Q Do you know whether the officer took him up on that
19 offer?

20 A I don't.

21 Q Is that when --

22 A When I actually left -- because, if I remember
23 correctly, the officer got there pretty quickly and if
24 I remember correctly, the officer told me that he was
25 going to get with Mr. Rich to go view the video, so I

1 don't know what happened after that.

2 Q In your experience in dealing with Sunshine Recycling
3 -- because I assume this is not the first time that you
4 have had a theft and you had to go out and contact Joe
5 Rich or somebody at Sunshine Recycling; is that
6 correct?

7 A Right.

8 Q All right. In your experience in dealing with
9 Sunshine, is it not a normal practice for Sunshine to
10 say, look, here's our surveillance video, come in, take
11 a look at it and we will also give you a copy of it and
12 you can do it right here and see if that's the fellow
13 you are looking for or if this person matches the
14 description?

15 A Yes.

16 Q That's something that they normally do?

17 A Yes..

18 Q Do you recall whether the copper or the aluminum that
19 Ms. Huffman in this case did actually drop off at
20 Sunshine, whether it matched the description at all of
21 the copper and aluminum you were missing from Aiken?

22 A If I remember correctly, it was -- she was stripping a
23 mobile home that had been given to her. That's what
24 the siding stuff was. And the copper that she dropped
25 off was the coated copper, the small copper, that would

1 have come out of that. So, to answer your question, it
2 would not match anything that we have.

3 Q Okay.

4 A I'll say anything that was stolen. We do have some
5 like that for a special project, but anything that we
6 had stolen that morning, what she dropped off, it would
7 not match.

8 Q Okay. So what she dropped off was totally different in
9 -- was totally different from what you were missing and
10 what you described --

11 A Right.

12 Q -- and I guess the -- what is that Exhibit A?

13 A The list right there, yes. The one ought and the 2 and
14 6. Yes, A, Exhibit A.

15 Q Do you know -- give me one second.

16 (OFF THE RECORD)

17 (MARKED AS DEFENDANT SUNSHINE RECYCLING EXHIBIT NUMBER 1 FOR
18 IDENTIFICATION PURPOSES, TICKET NUMBER 91775)

19 BY MS. WALKER:

20 Q Mr. Goss, I am showing you what's been marked as -- I
21 guess it's going to be Sunshine Exhibit 1. Have you
22 ever seen this before?

23 A I may have.

24 Q Okay. Do you know what it is? Are you familiar with
25 it?

1 A It's a ticket, uh-huh.

2 Q Is that the type of ticket that's given to someone when
3 they sell metal to Sunshine Recycling?

4 A Yes, ma'am.

5 Q At the top it says -- this is also included in the
6 Orangeburg County Sheriff's office file that we got
7 that was a part of Ms. Huffman's case and this ticket
8 was included in it. And if you look at the very top of
9 it, this is the ticket that was given to Ms. Huffman
10 after she sold it. And the top of it says bare -
11 Bare/Bright. Do you see that?

12 A Uh-huh.

13 Q -- 260, amount 20.80. And wasn't it your testimony
14 earlier that the -- one of the main things I guess that
15 stood out to you or that's unique to the industry was
16 it's bare-stranded -- is it copper?

17 A Yes, ma'am.

18 Q Is that what you said?

19 A Uh-huh.

20 Q Okay. So is that bare/bright that's indicated on this
21 ticket not similar to the bare copper that you
22 indicated was missing from Aiken Electric?

23 A The terminology that the metal recycling centers use,
24 like the bare/bright and all like that, I really don't
25 know how to classify all that or how to judge all that,

1 so to speak. It's a different thing. The wire that we
2 turned in has no coating on it. There's none
3 whatsoever on it. So if they are -- they are listing
4 this as bare/bright as no coating. You know, I don't
5 know.

6 Q So, is it your testimony now, based on seeing this
7 receipt, that you don't know if what Ms. Huffman turned
8 in was similar or not? I mean, you had bare on some
9 pieces --

10 A No, ma'am. What I looked at down there on the thing
11 that was mixed in with the copper by the tin, it looked
12 like it had some insulation on it, if I remember
13 correctly, some small insulation. It was like wire
14 that you would wire in the house here. But it was a
15 big pile of stuff there, so, you know, it didn't look
16 like our stuff.

17 Q And you're talking about -- I need you to be more
18 specific.

19 A On the morning of the 17th, when me and Joe rode back
20 there and saw the big pile of copper, and tin, and all
21 the stuff that was there, there was some copper there
22 that was not ours. And it was like a wiring -- wiring
23 in the house. It had some insulation on it.

24 Q And how do you know that that's the copper that Ms.
25 Huffman dropped off?

1 A It was right there by the tin, so --

2 Q So you don't know?

3 A I really don't know, but it shows that she dropped off
4 the copper, you know, so.

5 Q If you look at the quantity -- you see at the very top
6 where it says Quantity? I'm looking on the same
7 receipt.

8 A Oh, okay.

9 Q It says Quantity 8 pounds?

10 A Uh-huh.

11 Q Next to it, it says 8:47 a.m.?

12 A Uh-huh.

13 Q All right. And then the quantity that you have in this
14 Exhibit A that was part of your Affidavit has also
15 identified as the quantity 8 pounds; is that correct?

16 A Yes, ma'am.

17 Q Okay. So we have -- looking at these two documents,
18 this is a receipt that was generated when she drops --
19 when she sold the metal?

20 A Yes, ma'am.

21 Q And a receipt that documents -- generated by you or
22 somebody in accounting at Aiken Electric, and they both
23 say bare and both say 8 pounds. You agree with that?

24 A Yes, ma'am.

25 Q And it is still your testimony that there is no

1 similarity in the metal that Ms. Huffman dropped off
2 and the metal that you indicate was stolen from Aiken
3 Electric?

4 A The 1 ought copper, bare stranded, it's as big as the
5 end of my thumb. It's got seven small strands that
6 bind it together. It's spiral. I may be wrong, but I
7 think the electrical industry is the only people that
8 can buy it. It's unique to our industry, that we use
9 it for certain type things. A homeowner that's in
10 possession of this type copper, 1 ought stranded, would
11 more than likely have gotten it from an electrical
12 utility. There is no reason for them to have it any
13 other way.

14 Q And that is -- I mean, you are kind of making my point.

15 A Okay.

16 Q So if you go to Sunshine Recycling and report, hey,
17 Joe, we had this metal stolen. We had this bare
18 stranded copper and 8 pounds and it was stolen, can you
19 go back, can you look at your receipts, can you pull
20 the files, can you look at your receipts of whoever
21 sold stuff this morning? Can you go back and look in
22 the back and see what you have? And he goes and pulls
23 the receipt, and you said there have only been a couple
24 of people here that morning, correct, because you got
25 there early?

1 A Right, uh-huh.

2 Q And he goes and pulls a receipt that shows that 8
3 pounds of bare or bright listed as the items was sold
4 at 8:47 a.m. that morning. Is there any reason - and
5 it matches your complaint of 8 pounds of bare stranded
6 being stolen, is that not a match?

7 MR. JOHNSON: Object to the form.

8 BY MS. WALKER:

9 Q I mean, if someone got it -- even if Ms. Huffman got it
10 or the other individual got it, you're saying that they
11 would have to get it from someone in your industry.

12 They would have to get it from Aiken Electric or SCE&G?

13 MR. JOHNSON: Object to the form.

14 MR. GOING: Same objection.

15 BY MS. WALKER:

16 Q Is that your testimony?

17 A To the best of my knowledge, yes, they would have to
18 get it. But, now, two different wires. It's the right
19 poundage and the wording is there, but it's -- the 9
20 pounds that I'm looking for is a seven-stranded 1 ough
21 wire. It's as big as the end of your thumb.

22 Q All right.

23 A The wire that I saw that was not identifiable as ours,
24 it's a very small wire that's used in wiring a house,
25 or a mobile home, or something like that. So it's not

1 the same. The poundage is right. It's 8 pounds. And
2 the wording may be right there right, but it's two
3 totally different wires.

4 Q And you are basing that based on your memory from what
5 you observed when you went back in the back with Joe
6 Rich?

7 A Yes.

8 MR. JOHNSON: Object to the form.

9 A From what I remember going back there that morning.

10 Q I think I'm done. Give me one second.

11 (OFF THE RECORD)

12 BY MS. WALKER:

13 Q I think I asked this earlier, but forgive me if I'm --
14 the person that made the determination that day, May
15 17th, 2010, that the metal that was dropped off at
16 Sunshine Recycling matched the metal that was stolen
17 from Aiken Electric was you; is that correct?

18 A The metal that -- in the big pile, I determined that
19 that was ours, yes.

20 Q Okay.

21 A By the quantity that we had missing and the type of
22 metal that we had missing.

23 Q And you agree with me that Joe Rich cannot make the
24 determination as to whether that's the stolen metal or
25 not?

1 A I agree, yes.

2 Q He can only say, look, we have a match. You come look
3 at it and you say yes, it is yours or no, it's not?

4 A Yes.

5 MS. WALKER: That's all the questions I have.

6 EXAMINATION

7 BY MR. JOHNSON:

8 Q Just a couple of questions. Was the metal released to
9 you --

10 A Yes, sir.

11 Q -- by Sunshine?

12 A We finally got the metal.

13 Q And did anyone else make a claim that it was their
14 metal?

15 A The employees at the work claimed -- said that it was
16 the metal that they had. I mean, when I took it back
17 they all looked at it and said, yes, this is --

18 Q Oh, recognized it.

19 A Yes.

20 Q Now, you were asked about Exhibit 2 and there being an
21 8 pound listing there?

22 A Uh-huh.

23 Q How many pounds were you missing, total? Eight plus
24 twelve --

25 A Yes, sir. There's a hundred and --

1 Q Twelve and a half?

2 A It was well over a hundred, so.

3 Q And the receipt doesn't reflect a hundred pounds of --
4 the Exhibit 1 doesn't reflect a hundred pounds of
5 copper metal, does it?

6 A No, sir.

7 Q Now, how long was the video we've been talking about
8 showing the lady and the black male?

9 A It was not but a few minutes long.

10 Q Whether Mr. Rich offered it to the deputy or not, could
11 the deputy have viewed the video at the place, asked to
12 view it at the place of business, Sunshine?

13 A Oh, yes. Mr. Rich -- at the video, yeah, right there
14 in the back.

15 Q And had the investigating deputy merely taken the time
16 to look at a two- or three-minute video, could he have
17 readily seen that what the Hispanic was saying was
18 incorrect?

19 A Yes, sir.

20 Q But the deputy didn't do that?

21 A When I left, it had not been viewed yet.

22 Q Now, you were asked about does Aiken Electric prosecute
23 to the full extent of the law?

24 A Yes, sir.

25 Q Does Aiken Electric rely upon law enforcement to

1 investigate and prosecute as appropriate?

2 A Yes, sir. And, as a matter of fact, they will
3 determine how far to go and how far not to go.

4 Q You were asked a series of questions by the plaintiff's
5 attorney about who could have looked at the video and
6 could it have been looked at earlier. Do you remember
7 that series of questions?

8 A Yes, sir.

9 Q Any reason Ms. Meredith Huffman couldn't have looked at
10 it?

11 A Huh-uh.

12 Q And if she could have looked at it, she could have
13 brought it to the attention of the investigative
14 authorities immediately, couldn't she?

15 A Yes, sir.

16 Q You were asked whether you had -- let me ask you. Your
17 Affidavit, did you spend some time with me trying to
18 put into sequence and in order what took place?

19 A Yes, sir, we met that day.

20 Q And that was marked as Exhibit 1?

21 A Yes, sir.

22 Q And do you rely upon what's contained in the Affidavit
23 as being as accurate a description as you can provide
24 as to what occurred?

25 A Yes, sir.

1 Q And if counsel didn't ask you a question about every
2 sentence in the Affidavit, does it contain your best
3 effort at describing what took place?

4 A Yes, sir.

5 MR. GOING: Object to the form.

6 MR. JOHNSON: All right.

7 FURTHER EXAMINATION

8 BY MR. GOING:

9 Q I've got a couple of follow-up questions. There was no
10 probable cause for Meredith Huffman's arrest, was it?

11 MS. WALKER: Object to the form.

12 MR. JOHNSON: That's not in --

13 A Sir, I -- I don't know how to answer that one as
14 probable cause because I didn't -- the Orangeburg
15 County Sheriff's office was the one that would have to
16 determine the probable cause for it.

17 Q Do you know what probable cause is?

18 A The possibility that they did it.

19 Q And you have used the word probable cause several times
20 throughout your Affidavit, didn't you?

21 MR. JOHNSON: Can you tell us where, Robert?

22 MR. GOING: Right -- let's see, the paragraph
23 right before your signature.

24 BY MR. GOINGS:

25 Q You said probable cause. Do you see that?

1 A Okay, I'm looking.

2 Q You know what probable cause means, don't you?

3 A Yes, sir.

4 Q In actuality, there was no probable cause to arrest
5 Meredith Huffman for stealing Aiken Electric metal, was
6 there?

7 MR. JOHNSON: Object to the form.

8 MS. WALKER: Same objection.

9 A I -- no, sir, not that I know of, but other than
10 relying upon the person that took the metal in.

11 Q Okay.

12 A The person that took the metal in said that the lady
13 had dropped it off, so I don't know if that would be
14 the probable cause, to go on there.

15 Q And you think somebody should be arrested based on what
16 a Hispanic man tells an English-speaking man, that an
17 English-speaking man tells a sheriff's deputy?

18 MS. WALKER: Object to the form.

19 MR. JOHNSON: Same objection.

20 A No, sir, I do not think that that should be the way it
21 goes. I think that the sheriff's office should conduct
22 a proper investigation on it.

23 Q Let's talk about the video a little bit more. You
24 never heard that the sheriff's department was given a
25 copy of the video from Sunshine on the 17th of May, have

1 you?

2 A I don't know if the sheriff's office received a video
3 from Sunshine on the 17th.

4 Q You have never been told by anyone in the three years
5 since this has happened that the sheriff's department
6 did in fact get a copy of the video on May 17, 2010,
7 have you?

8 A Not that I can recall, no, sir.

9 Q Never even heard that before?

10 A Not that I can recall.

11 Q Okay. And you've never heard in the three years, you
12 know, since May of 2010, that the sheriff's department
13 or sheriff's deputy even reviewed the video at Sunshine
14 on May the 17th, have you?

15 A If they had reviewed it, Ms. Huffman wouldn't have been
16 arrested.

17 Q Right. You didn't review it on the 17th, did you?

18 A No, sir. I had to get back to Aiken.

19 Q Do you remember a question your lawyer asked you was
20 that Ms. Meredith Huffman could have reviewed the video
21 before she was arrested. Do you remember that
22 question?

23 A Yes, sir, I remember that question.

24 Q You said, yes, she could have reviewed the video.

25 A I believe Joe would have showed it to her and -- no

1 problem.

2 Q Well, how would Meredith Huffman know to even look at
3 the video if she wasn't allowed to view it until after
4 she was arrested, and after she had to take her
5 underwear off, and after she was handcuffed, and after
6 she was arrested and detained by the sheriff's
7 department? How would she have known to look at the
8 video?

9 MS. WALKER: Object to the form.

10 MR. JOHNSON: Same objection.

11 A I don't know how she would have known, but I do believe
12 if she had known, I don't think Joe would have any
13 problem showing her the video.

14 Q Did Meredith Huffman even know she was a suspect until
15 she was arrested?

16 A I don't know.

17 MS. WALKER: Object to the form.

18 BY MR. GOINGS:

19 Q Do you have any evidence to believe that Meredith
20 Huffman should have reviewed a video at Sunshine
21 Recycling, LLC, at anytime before she was handcuffed by
22 the sheriff's department?

23 MR. JOHNSON: Object to the form.

24 MS. WALKER: Same objection.

25 A No, sir. I have nothing to believe that -- I don't

1 know. I don't know if anyone from the sheriff's office
2 had called her to ask her to come in. I don't -- I
3 don't know.

4 Q So I guess the answer is you don't know, right?

5 A I don't know if -- you know, I don't. I do believe
6 that Joe would have showed her the video had she come
7 in and asked for it.

8 Q But that would assume that Joe -- she would have known
9 that she was a suspect.

10 A She would have known it, yes, sir.

11 Q Right. Is it reasonable for a person to walk into a
12 store or a location and sell something or buy something
13 and then come back for no reason at all a week later
14 and say, hey, can I see your picture of that video of
15 me coming in or can I see that video of me coming in --

16 MR. JOHNSON: Objection --

17 BY MR. GOINGS:

18 Q -- last week? Is that reasonable for a human being?

19 A I would think that's not reasonable.

20 Q Yes. People don't do that, do they, unless they --

21 A No.

22 Q -- have a reason to, right?

23 A You're right.

24 Q Okay. And Sunshine didn't show you the video on the
25 17th, did they?

1 A We did not review the video that morning.

2 Q And I think it begs the obvious question. Why didn't
3 you and Sunshine and the sheriff's department review
4 the video on May 17th?

5 A I had to get back for the court case that I thought
6 that I had that day, which was actually the day after,
7 and I relied upon the professionalism of the Orangeburg
8 County Sheriff's office to conduct a proper
9 investigation and carry it from there. I only go so
10 far in the investigations and they -- when I left that
11 morning, I was under the understanding that he was
12 going to go back there and review that tape.

13 Q You were never told that he did review that tape, did
14 you?

15 A No, sir.

16 Q You were never told? And nobody from Sunshine
17 recycling has ever told you that they tried to get the
18 officer on the 17th of May to review the tape but he
19 refused to? You have never been told that, have you?

20 A I don't recall being told that. I don't know if -- I
21 don't recall being told that, but now, when -- when we
22 were talking about her innocence with Billy Ethridge,
23 investigator, Billy may have told me that day that the
24 officer didn't view the footage that morning. So if I
25 had found out, it was only after she was determined to

1 be innocent.

2 Q I understand.

3 MR. GOING: I have no further questions.

4 Thank you.

5 FURTHER EXAMINATION

6 BY MS. WALKER:

7 Q Do you have any knowledge how Orangeburg County
8 Sheriff's Department actually confirmed that this
9 Eugene James, the black male in the video, was actually
10 the one that sold the metal from Aiken Electric?

11 A Mr. James, Eugene James -- I went up and got with Joe.
12 He gave me the ticket on that right there. It had an
13 address on it, and I went out there to the address and
14 it was an abandoned property. One of the employees at
15 Aiken Electric knew him, knew Mr. James, and the
16 sheriff's office got the information from Joe on the --
17 if I'm not mistaken, they got the information from him
18 to conduct the investigation on him, and Mr. James
19 confessed to -- well, he did in court anyway. He
20 confessed to stealing the copper. He pled guilty to
21 everything, so -- to be honest with you, I don't know.
22 I knew that I had gotten -- I had went out and checked
23 the address and actually took some pictures of the
24 address that was abandoned, and one of the employees at
25 work knew that he worked at the Zodiac night club, down

1 there as the manager, so -- but the people at the
2 sheriff's office had already known all that.

3 Q One of the employees from Sunshine or from Aiken
4 Electric?

5 A From Aiken Electric.

6 Q What kind of time frame are we talking about? I mean,
7 when was it that Eugene James' name first came up?

8 A It was right after Ms. Huffman was -- they viewed the
9 video and determined that she was innocent.

10 Q Okay. And then you -- you went back to Sunshine, went
11 back to Joe Rich, and said, look, you think it was
12 somebody else --

13 A No, I -- I think he had already been told that she was
14 innocent, too, because --

15 Q By talking with Orangeburg County?

16 A I believe so. I'm not sure. At that point in time
17 everybody knew that Ms. Huffman was not the responsible
18 party.

19 Q Okay. And you said that Mr. Rich gave them, I guess
20 the information. What information would that have been
21 other than the same ticket?

22 A Uh-huh.

23 Q Did you get the ticket, the same ticket that we talked
24 about with Ms. Huffman?

25 A Right, the ticket on this.

1 Q Is that the extent of it or is there anything else that
2 you are saying that he would have --

3 A Oh, I don't know.

4 Q Is there anything else that he gave you?

5 A I got the ticket and I believe he gave me his driver's
6 license. Yes, he gave me his driver's -- the picture
7 of his driver's license. And they take a certain
8 amount of stuff when you sell that, and I believe he
9 gave me all of that right there.

10 Q Okay.

11 A So it's the exact same thing that the sheriff's office
12 would have got, I would -- I can't help but say, but I
13 would have assumed. Because Mr. Rich had been
14 extremely helpful in helping with this stuff.

15 Q And then, other than giving you that information, Mr.
16 Rich is out of it, Sunshine is out of it? He gives you
17 the requesting information and then they are done; is
18 that correct?

19 A He gave the requesting information to the sheriff's
20 office, too.

21 Q Right.

22 A So yes. After that we are both out of it, other than
23 me waiting for a court date.

24 Q Okay.

25 A To go in for that.

1 MS. WALKER: That's all the questions I have.
2 (WHEREUPON, THE DEPOSITION CONCLUDED AT 2:35 P.M.)
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CERTIFICATE

This is to certify that the foregoing deposition of **MARK GOSS**, consisting of 111 pages is a true and correct transcript of the testimony given by said deponent after first being duly sworn; said deposition was reported by method of Stenomask utilizing speech recognition with digital backup. This transcript may contain quoted material; said material is transcribed as read or quoted by the speaker.

I further certify that I am neither employed by nor related to any of the parties in this matter nor their counsel; nor do I have any interest, financial or otherwise, in the outcome of the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 16TH day of DECEMBER, 2013.

Lori Boggs Reilly
Professional Verbatim
Reporter

Notary in and for the State of South Carolina
My Commission Expires: May 14, 2014

 **Verbatim, Inc.**
Professional Court Reporters
info@verbatiminc.com
(803) 787-7242

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS

Meredith Huffman,)
Plaintiff,)

Civil Action No. 2012-CP-38-672

vs.)

AFFIDAVIT OF MARK GOSS

Orangeburg County Sheriff's)
Department, Sunshine Recycling,)
LLC, and Aiken Electric)
Cooperative, Inc.,)
Defendants.)

PERSONALLY APPEARED BEFORE ME, Mark Goss, who being duly sworn,
deposes and says:

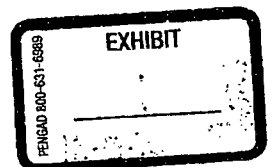
1. I am Mark Goss. I am employed by Aiken Electric Cooperative, Inc. ("Aiken Electric") as the Loss Control and Safety Coordinator. I have worked for Aiken Electric for 29 years. I make this affidavit based upon personal knowledge.

2. Aiken Electric suffered a theft loss that occurred on May 16, 2010. The thief stole the items listed on Exhibit A. Attached hereto marked Exhibit B is the Incident Report regarding the theft. Also attached as Exhibit C is a CD showing a black male in the Aiken Electric building.

3. An Aiken Electric employee saw a white truck driving out of the Aiken Electric parking lot. Attached as Exhibit D is the employee's statement.

4. I became involved in the matter on May 17, 2010. When Aiken Electric suffers a theft loss of this nature, I normally check with the metal recyclers in the area to see whether the thief has tried to sell the copper and aluminum. When I went to Sunshine Recycling, LLC on May 17, 2010, I saw the goods which had been stolen from Aiken Electric and sold to Sunshine Recycling, LLC. I had reviewed the surveillance camera footage from AEC and saw it had filmed a black male on the Aiken Electric grounds, but I did not have a copy.

5. When I saw the Aiken Electric goods, I spoke to the owner who spoke to his employee in Spanish. According to the owner, his Hispanic employee told him that a white woman had sold the cooper wire and aluminum wire, not a black male.



6. Deputies from the Orangeburg County Sheriff's Department arrived at Sunshine Recycling, LLC. I told them what our video showed and our employee reported and Joe and I told them what the Hispanic employee of Sunshine Recycling, LLC had said. Attached as Exhibit E are Supplemental Incident Reports. I also told him that Sunshine Recycling, LLC had a video showing the transaction. A copy of the video is attached as Exhibit F. I told him that Aiken Electric wanted the person who sold the copper and aluminum to be charged and prosecuted. I asked that the deputies review the video to determine who had sold the Aiken Electric copper and aluminum, and I was assured that they would view the video to identify the thief.

7. I did not review the video tape because I had to get back to the office to work on another matter. Later, I went to Sunshine Recycling, LLC to get a copy of the video for my file. When I reviewed the video, I was able to determine that the Aiken Electric goods had been sold by a black male driving a white truck. See Exhibit F.

8. The Orangeburg County Sheriff's Department contacted me to let me know they had arrested Meredith Huffman, a white female. Investigator Etheridge told me Mrs. Huffman maintained she did not do it. I again told them we believed the thief to be a black male, and again asked them to review the video from Sunshine Recycling. I secured a copy of the video and contacted the Orangeburg County Sheriff's Department to determine what action, if any, the Sheriff's Department had taken. I reiterated to the investigator, Mr. Ethridge, that the Sheriff's Department had arrested the wrong person. I asked that the investigator confirm this by reviewing the video, which the investigator did. He subsequently told me that the charges would be dropped against Meredith Huffman but the charges could not be dropped until the day of the hearing. I got the impression that Mr. Ethridge already knew that they had arrested the wrong person.

9. I did not direct or request that the Sheriff's Department arrest and restrain Meredith Huffman. The decision to arrest her was made by the Orangeburg County Sheriff's Department. The video clearly showed the black male who sold the copper and aluminum.

10. Aiken Electric had nothing to do with the pursuit of the case against the plaintiff and never told or repeatedly told law enforcement that she was responsible for the theft, as alleged in the Complaint. I understood that the Sheriff's Department investigator would review the video. If he had, he could have readily and easily determined that the copper and aluminum was sold by a black male driving a white truck.

11. Aiken Electric did not institute or continue any criminal proceedings against the plaintiff. As soon as I realized that the person who sold the copper and aluminum to Sunshine Recycling, LLC was a black male but that the plaintiff, a white female, had been arrested, I called those matters to the attention of the Orangeburg County Sheriff's Department and advised them that the Sheriff's Department had arrested the wrong person.

12. The Amended Complaint contains the following allegation:

"16. The conduct of the Defendants was negligent, careless, reckless, gross negligent, willful and wanton to wit, in one or more of the following particulars:

- a. Ignoring information that Plaintiff was not the suspect in this case, in particular, the description of the suspect vehicle(s) contained in Incident Reports and video surveillance footage in the possession of the Defendants;
- b. In failing to conduct a proper investigation; and
- c. For other acts or omission as may be revealed in discovery."

Aiken Electric did not ignore any information or fail to conduct a proper investigation. Aiken Electric was a victim of the crime of theft. Under Section 16-3-1505, et.seq., the South Carolina Victim's Rights Act, crime victims have a civil and moral right to cooperate with law enforcement and prosecuting agencies, which is what Aiken Electric did. Aiken Electric relies upon law enforcement and prosecuting agencies to properly investigate crimes and prosecute only where probable cause exists.

SWORN TO AND SUBSCRIBED BEFORE ME

this 21 day of June, 2013

Robyn R. McElay
Notary Public for South Carolina

My Commission Expires: _____

Mark Goss

Mark Goss

	Pounds	Price/pound	Total
1/0 CU Bare Stranded	8	\$ 4.68	\$ 37.44
# 2 Solid Copper	12.5	\$ 5.42	\$ 67.75
# 6 Solid Copper	50	\$ 4.82	\$ 241.00
Aluminum Tie Wire	50	\$ 2.34	\$ 117.00
Total			\$ 463.19



Agency I.D.
SCO 380000

INCIDENT REPORT

INFORMATION
ONLY

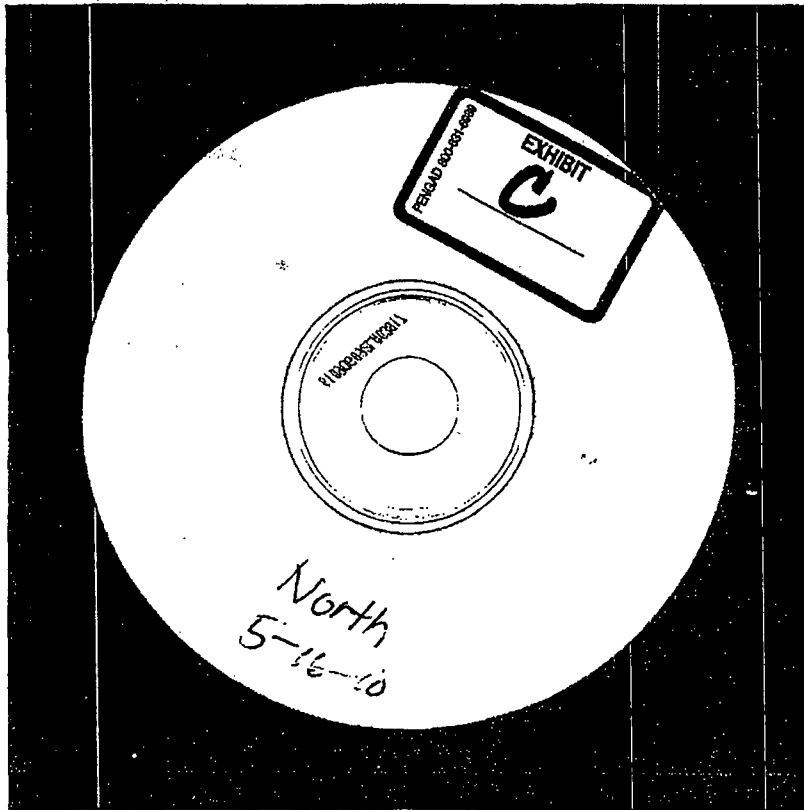
CASE NUMBER

NCIC
INQ. ENT.D.

20110100518013

INCIDENT TYPE Trespassing		COMPLETED ☒ YES ☐ NO	FORCED ENTRY ☐ YES ☐ NO	PREMISE TYPE Parking	UNITS ENTERED 1	TYPE VICTIM ☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Police Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.														
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 8381 North Rd		DATE 5-16-10	TIME 2130	DATE 5-16-10	TIME 2247	ZIP CODE 29112														
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Rushon, Charles		RELATIONSHIP TO SUBJECT SC	RESIDENT ☒ YES ☐ NO	RACE W	SEX M	AGE 4														
ADDRESS 8381 North Rd		CITY North	STATE SC	ZIP CODE 29112	LOCATION NO. 04															
VICTIM'S NAME (LAST, FIRST, MIDDLE) Aiken Electric		RELATIONSHIP TO SUBJECT SC	RESIDENT ☒ YES ☐ NO	RACE W	SEX M	AGE 4														
ADDRESS 8381 North Rd		CITY North	STATE SC	ZIP CODE 29112	LOCATION NO. 04															
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO		EXPLAIN																		
VISIBLE (NO. 1) USING ALCOHOL ☐ YES ☒ NO		TYPE																		
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/PLASNT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐		COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES ☒ NO																		
NAME (LAST, FIRST, MIDDLE) Unknown		RACE U	SEX U	AGE U	DATE OF BIRTH UNK	HEIGHT UNK														
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. Unknown		WEIGHT UNK	HAIR UNK	EYES U																
ADDRESS Unknown		CITY Unknown	STATE U	ZIP CODE Unknown	LOCATION NO. Unknown															
SUBJECT (NO. 1) USING ALCOHOL ☐ YES ☒ NO		ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST														
DRUGS: ☐ YES ☒ NO		TOTAL # ARRESTED																		
On 5-16-10 This deputy responded to the above incident type. Upon arrival I spoke to the complainant (Charles Rushon) and he stated that the Security camera showed a Unknown Subject on the premise. At the security camera showed a conducted a security check of the incident location. This unit locate the subject. Complainant stated that it is unknown if any items were taken.																				
I HAVE RECEIVED A COPY OF THE 1997 VICTIMS AND WITNESS SERVICES STATUTE.																				
<table border="1"> <tr> <td>TYPE (GROUP)</td> <td>STOLEN</td> <td>DAMAGED</td> <td>BURNED</td> <td>RECOVERED</td> <td>SEIZED</td> <td>TOTAL VALUE</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>							TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	SEIZED	TOTAL VALUE							
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<table border="1"> <tr> <td>SUBJECT IDENTIFIED</td> <td>SUBJECT LOCATED</td> <td>ACTIVE</td> <td>ADJ. CLOSED</td> <td>ARRESTED UNDER 18</td> <td>EX-CLEAR UNDER 18</td> </tr> <tr> <td>☒ YES ☐ NO</td> <td>☒ YES ☐ NO</td> <td>☒ YES ☐ NO</td> <td>☒ YES ☐ NO</td> <td>☒ YES ☐ NO</td> <td>☒ YES ☐ NO</td> </tr> </table>							SUBJECT IDENTIFIED	SUBJECT LOCATED	ACTIVE	ADJ. CLOSED	ARRESTED UNDER 18	EX-CLEAR UNDER 18	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO		
SUBJECT IDENTIFIED	SUBJECT LOCATED	ACTIVE	ADJ. CLOSED	ARRESTED UNDER 18	EX-CLEAR UNDER 18															
☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO															
<table border="1"> <tr> <td>SON FOR EXCEPTIONAL CLEARANCE</td> <td>1. OFFENDER DEATH</td> <td>2. NO PROSECUTION</td> <td>3. EXTRADITION DENIED</td> <td>4. VICTIM DECLINES COOPERATION</td> <td>5. JUVENILE-NO CUSTODY</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>							SON FOR EXCEPTIONAL CLEARANCE	1. OFFENDER DEATH	2. NO PROSECUTION	3. EXTRADITION DENIED	4. VICTIM DECLINES COOPERATION	5. JUVENILE-NO CUSTODY								
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<table border="1"> <tr> <td>Signature</td> <td>Date</td> <td>Signature</td> <td>Date</td> </tr> <tr> <td>Huggins, M</td> <td>5-16-10</td> <td>Sgt Hunter</td> <td>5-16-10</td> </tr> </table>							Signature	Date	Signature	Date	Huggins, M	5-16-10	Sgt Hunter	5-16-10						
Signature	Date	Signature	Date																	
Huggins, M	5-16-10	Sgt Hunter	5-16-10																	

EXHIBIT
B



On May 16, 2010 I was returning to my home in North from Orangeburg around 9 to 10 o'clock. Upon approaching the truck entrance to Aiken Electric I noticed a white F150 pickup truck turn out of the drive and head towards Orangeburg. The truck was an older model long bed pickup.

Charles J. Spivey Jr.
June 3 2010

Mark Joss
June 3 2010.



AGENCY I.D.
SC0 380000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

2010005803

NGIC
ING. ENTE

☐ ORIGINAL REPORT
☐ MODIFIED ORIGINAL
☒ SUPPLEMENTAL REPORT
☐ CASE STATUS CHANGE
☐ ADDITIONAL VICTIMS
☐ ADDITIONAL OFFENDERS
☐ ADDITIONAL STOLEN PROPERTY
☐ ADDITIONAL RECOVERED PROPERTY

PAGE 1 of 1 PAGES

VICTIM #1
☒ COMPLAINT
☐ VICTIM #
☐ SUBJECT #
☐ RUNAWAY
☐ WANTED
☐ WARRANT
☐ ARREST
☐ JAIL
☐ SUMMONS

NAME (LAST, FIRST, MIDDLE) Goss, Mark
HEIGHT 511 WEIGHT 200 HAIR brn EYES brn
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
ADDRESS 8381 North Rd CITY North STATE SC ZIP CODE 291 LOCATION NO. 803 DAY PHONE 221-3590 EVENING PHONE 221-3590
RESIDENT ☒ RACE W SEX M AGE 47 D.O.B. 5-5-63 ETH
VICTIM RELATIONSHIP TO SUBJECT
COMPLAINANT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES
VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK
DRUGS: ☐ NO ☐ YES TYPE ☐ UNK
ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

VICTIM #2
☒ COMPLAINT
☐ VICTIM #
☐ SUBJECT #
☐ RUNAWAY
☐ WANTED
☐ WARRANT
☐ ARREST
☐ JAIL
☐ SUMMONS

NAME (LAST, FIRST, MIDDLE) Unknown
HEIGHT U WEIGHT U HAIR U EYES U
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
ADDRESS Unknown CITY Unknown STATE U ZIP CODE U LOCATION NO. U DAY PHONE Unknown EVENING PHONE Unknown
RESIDENT ☒ RACE U SEX U AGE U D.O.B. U ETH U
VICTIM RELATIONSHIP TO SUBJECT
COMPLAINANT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES
VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK
DRUGS: ☐ NO ☐ YES TYPE ☐ UNK
ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

NARRATIVE
On 05-17-10 This deputy spoke to the above complainant (Mark Goss) in reference to case #2010005803. Complainant stated that an unknown subject stole the following items from the incident location: (1) boat cooper, (2) #6 cooper, (1) roll of aluminum. Estimated value of items taken are \$330.00. Complainant stated that a white Ford F-150 was seen on the security camera at the incident location. This incident type has been changed to Burglary.

VEH. / GUN / ETC. 1
STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM
TYPE ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE
VIN AND/OR LICENSE NO. 0C50 BOAT HULL NO. AND/OR REG. NO.
SERIAL AND/OR OWNER APPLIED NO.
YEAR OF REGISTRATION YEAR OF EXPIRATION YEAR MAKE TYPE
MODEL STYLE COLOR BRAND NAME CALIBER
MISC. NO. DENOMINATION ISSUER SECURITIES DATE
MISCELLANEOUS

PROPERTY EST.
TYPE (GROUP) Cooper Aluminum
STOLEN 300 30 TOTAL VALUE 330
DAMAGED
BURNED
RECOVERED
SEIZED

ADMINISTRATIVE
SUBJECT IDENTIFIED ☐ YES ☒ NO
SUBJECT LOCATED ☐ YES ☒ NO
ACTIVE ☒ ADM. CLOSED
UNFOUNDED
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ ARRESTED UNDER 18 6. ☐ EX-CLEAR UNDER 18
ARRESTED 18 AND OVER EX-CLEAR 18 AND OVER
JUVENILE - NO CUSTODY
REPORTING OFFICER(S) Det Sgt. M. [Signature] DATE 5-17-10 UNIT NUMBER 123
APPROVING OFFICER Sgt. [Signature] DATE 5-17-10 UNIT NUMBER 109
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO OFFICER

WHITE - RECORDS



YELLOW - S.F.E.D.

AGENCY I.D.
SC0 380000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

2010005803

NCIC

INV. ENT'D.

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE <u>1</u> of <u>1</u> PAGES.
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☒ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	☒ VICTIM #1	AIKEN ELECTRIC	#1	ST	Q	O U				
	☐ SUBJECT #	HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
	☐ RUNAWAY	ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE		
☐ WANTED		8381 NORTH RD	ORONHURST	SC	29115	0				
☐ WARRANT										
☐ ARREST										
☐ JAIL										
☐ SUMMONS										
☐										

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	☒ VICTIM #1	HUEFFMAN, MEREDITH	#1		Q	U	W F	40	10-8-71	N
	☐ SUBJECT #	HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
	☐ RUNAWAY	ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE		
☐ WANTED		506 170 DAN								
☐ WARRANT										
☐ ARREST										
☐ JAIL										
☐ SUMMONS										
☐										

THIS UNIT MET WITH JOSEPH RICH, OWNER OF SCISSOR REPAIRING, IN REGARDS TO THE SUBJECT BRIDGING IN METAL THAT HAD BEEN IDENTIFIED AS STOLEN FROM THE VICTIM. THIS UNIT MET WITH MARK CROSS OF AIKEN ELECTRIC, VERIFY THAT THE METALS AT SCISSOR MATCHED SAMPLES THAT HE HAD BROUGHT. THIS UNIT OBSERVED THE SUBJECT ON VIDEO AT THE PARKING LOT, AND THIS UNIT WAS ALSO PROVIDED WITH A COPY OF THE RECEIPT. MR. RICH ADVISED THAT HE WOULD PROVIDE CDSO WITH A COPY OF THE VIDEO. THE SUBJECT WAS DRIVING A BLACK DODGE PICK-UP TRUCK SC TAG: AFB 106. THIS UNIT WILL FORWARD THIS TO R/D REP HIGGINS.

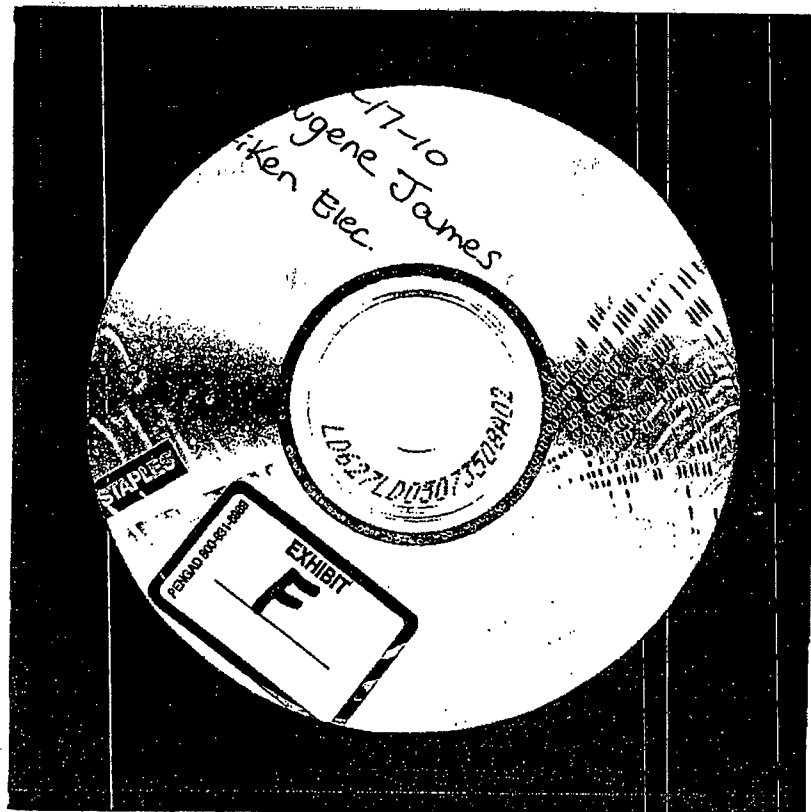
VEH. / GUN / ETC. 1	STATUS	TYPE	VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.
	☐ STOLEN	☐ VEHICLE		
	☐ RECOVERED	☐ GUN	SERIAL AND/OR OWNER APPLIED NO.	STATE
	☐ FOUND	☐ BOAT	YEAR OF REGISTRATION	YEAR OF EXPIRATION
☐ TOWED	☐ LICENSE PLATE	MODEL	STYLE	COLOR
☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS	NC NO.	DEFORMATION	ISSUER
☐ VICTIM	☐ ARTICLE	MISCELLANEOUS		SECURITIES DATE

PROPERTY EST.	TYPE (GROUP)								TOTAL VALUE
	STOLEN								
	DAMAGED								
	BURNED								
☐ RECOVERED									
☐ SEIZED									

ADMINISTRATIVE	SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE	☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
	☒ YES	☐ YES	☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ VICTIM DECLINES COOPERATION	☐ EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH	2. ☐ NO PROSECUTION	3. ☐ EXTRADITION DENIED	4. ☐ VICTIM DECLINES COOPERATION	5. ☐ JUVENILE - NO CUSTODY	
	REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
A. BLDRIDGE	5-17-10	C100	Sgt. J. J. Jones	5/17/10	5106	
			FOLLOW-UP OFFICER			
			INVESTIGATION	☐ YES	☐ NO	

WHITE - RECORDS

YELLOW - SLED



STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS

Meredith Huffman,)
Plaintiff,)

Civil Action No. 2012-CP-38-672

vs.)

CERTIFICATE OF SERVICE

Orangeburg County Sheriff's)
Department, Sunshine Recycling,)
LLC, and Aiken Electric)
Cooperative, Inc.,)
Defendants.)

I, Sherry W. Wise, of Johnson & Barnette, LLP, hereby certify that I have served Robert F. Goings, attorney for the Plaintiff, Norma A. T. Jett, attorney for Defendant Orangeburg County Sheriff's Department, and Breon C. M. Walker, attorney for Defendant Sunshine Recycling, LLC, with the foregoing pleading(s) by mailing a copy of same, postage prepaid and return address clearly indicated, to them at the following addresses on the 27th day of June, 2013.

COUNSEL SERVED:

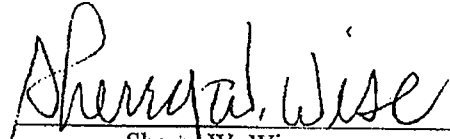
Robert F. Goings, Esquire
Goings Law Firm, LLC
P.O. Box 436
Columbia, SC 29202

Norma A. T. Jett, Esquire
Ness & Jett, LLC
P.O. Box 909
Bamberg, SC 29003

Breon C. M. Walker, Esquire
Gallivan White & Boyd, P.A.
P.O. Box 7368
Columbia, SC 29202

PLEADINGS:

Notice of Motion and Motion to Dismiss by Defendant Aiken Electric Cooperative, Inc.


Sherry W. Wise

Walgh Master
License # 2147-000

Sunshine Recycling
1105 Southland Road
Orangeburg, S.C. 29115
803-531-4408

[91775]

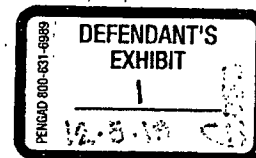


Purchased / Sold Meredith Huffman

Vehicle Plate AFB 706
ID # 007248484 Date _____

Item	Price	Amount	Quantity
Bare/Bright	26.00	26.80	8 lb 08:47AM 05/17/2010
No. 1 Copper			
No. 2 Copper			
Light Copper			
Insulated # 1			
Insulated # 2			
Yellow Brass			
Red Brass			
Plumber Brass			
Hard Brass			
Auto Rad.			
Irony Auto Rad.			
A/C Rad.			
Irony A/C			
Aluminum (O.S.)	35.00	32.20	92 lb 08:44AM 05/17/2010
Aluminum (N.S.)			
Aluminum (ext.)			
Aluminum (MLC)			
Aluminum (Cast)			
Aluminum (Painted)			
Aluminum (L. Irony)			
Aluminum (H. Irony)			
Aluminum Cans			
Stainless Steel (304)			
Stainless Steel (316)			
Heater Coils			
TOTAL		53.00	
WEIGHED BY <u>malca</u>			
PRINT NAME _____			
SIGNATURE <u>Meredith Huffman</u>			
			I acknowledge that I have read and understand the terms and conditions on the back of this form.

SAFEGUARD LITHO USA Form No. 85-3/W09CS000701 4/10



STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

) IN THE COURT OF COMMON PLEAS
) CASE #: 2012-CP-38-00672
)
)

MEREDITH ANN HUFFMAN,

PLAINTIFF,

VS.

ORANGEBURG COUNTY SHERIFF'S
DEPARTMENT AND SUNSHINE
RECYCLING,

DEFENDANTS.

DEPOSITION

OF

MEREDITH ANN HUFFMAN

THE DEPOSITION OF MEREDITH ANN HUFFMAN WAS
TAKEN BEFORE SUESAN L. RICHARDSON, A NOTARY PUBLIC IN AND
FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF
11:01 A.M., WEDNESDAY, MAY 22, 2013, AT THE OFFICE OF
WILLIAMS AND WILLIAMS LAW FIRM, 1281 RUSSELL STREET,
ORANGEBURG, SOUTH CAROLINA.

REPORTED BY
SUESAN L. RICHARDSON

APPEARANCES

FOR THE PLAINTIFF:

Robert F. Goings, Esquire
Goings Law Firm, LLC
914 Richland Street
Suite A-101
Post Office Box 436
Columbia, South Carolina 29201

FOR THE DEFENDANTS:

Representing Orangeburg County Sheriff's Department
Norma A.T. Jett, Esquire
Ness & Jett, LLC
Post Office Box 909
2878 Main Highway
Bamberg, South Carolina 29003

and

Representing Sunshine Recycling
Breon C.M. Walker, Esquire
Gallivan, White & Boyd, P.A.
Post Office Box 7368
Columbia, South Carolina 29201

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EXHIBITS

NO EXHIBITS WERE MARKED FOR THIS DEPOSITION.

*DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS
FROM DATE OF CERTIFICATION.

STIPULATIONS

The deposition of MEREDITH ANN HUFFMAN is taken in accordance with provisions of the circuit court rules for the purpose of discovery or for use as evidence, or for both purposes, and all questions as notice are waived.

It is stipulated that all objections will be reserved until the time of trial, with the exception of objections as to the form of the question.

It is stipulated that the witness waives the reading and the signing of the deposition.

- - - -

MEREDITH ANN HUFFMAN, having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JETT:

Q Ms. Huffman, good morning, I'm Norma Jett. We met a few minutes ago.

A Uh-huh (affirmative).

Q I'm here on behalf of the Orangeburg County Sheriff's Office. I'll be asking you some questions about yourself and about your case; and as I do, if you don't understand one of my questions or you need it repeated, just let me know. I'll be glad to do that. If you have a question about my question, our civil procedure

1 rules in South Carolina require that you address that
2 question to me and not to your attorney. If there's a
3 question you should not answer, I'm sure your
4 attorney's going to let you know that. And I'll try
5 not to ask that kind of question of you today. But
6 there is one special rule about this. I can't in
7 general ask you about conversations you've had with
8 your attorney, with one exception. If we take a break
9 today, and we'll be glad to anytime you need a break --

10 A Uh-huh (affirmative).

11 Q -- you are not allowed to discuss the case nor your
12 testimony not only with your attorney but with any
13 person during that break. And if you do take a break,
14 at the end of that break, I'm allowed to ask you what
15 you discussed and with whom and I really don't want to
16 invade your attorney/client relationship and I ask that
17 you please stick to that rule.

18 A Understood.

19 Q If I ask you a yes or no question, please state yes or
20 no clearly for the benefit of our court reporter who's
21 taking down everything you say. You certainly may
22 elaborate on your answer, but we tend to nod our heads
23 or shake our heads and say uh-huh and unh-unh. We need
24 to not do that if we can avoid in this deposition. So
25 for the record, would you state your full name, please?

- 1 A Meredith Ann Huffman.
- 2 Q And is your Ann with or without an "E"?
- 3 A Without.
- 4 Q Okay. And that is your full legal name?
- 5 A Yes.
- 6 Q Have you ever been known by any other names?
- 7 A I was married once before, Meredith Ann Sally. That
- 8 was over 20 years ago.
- 9 Q Okay. And are you divorced?
- 10 A Yes.
- 11 Q Okay. Or from that marriage?
- 12 A Yes.
- 13 Q Okay. Are you legally married today?
- 14 A We've been together for 21 years.
- 15 Q Okay. Do you have a marriage certificate?
- 16 A No.
- 17 Q Okay. Then with whom do you reside?
- 18 A Jeffrey Miller, and our two children.
- 19 Q Okay. And what is your current address?
- 20 A 879 Great Circle Drive.
- 21 Q Did you say Great?
- 22 A Great, G-R-E-A-T, Circle Drive, Saint Matthews, South
- 23 Carolina 29135.
- 24 Q And are your children over the age of 18?
- 25 A One.

1 Q Okay. And what is that child's name?
2 A Zachary Huffman.
3 Q And where does Zachary live?
4 A With me.
5 Q And do you live in Calhoun County or Orangeburg County?
6 A Calhoun.
7 Q Okay. And how old is your other child?
8 A Nine.
9 Q Okay. And do you consider yourself married to Mr.
10 Miller?
11 A Yes.
12 Q Okay. So that we can try to avoid having relatives of
13 a party on the jury, would you tell me whether you have
14 any relatives over the age of 18 years old who reside
15 in Orangeburg County, and if so, what are their last
16 names?
17 A I'm not sure.
18 Q Okay. Well --
19 A If there are, I don't associate with them.
20 Q Okay. And so you have none that you are aware of; is
21 that a safe --
22 A Yes.
23 Q -- way to put it?
24 A My grandmother owns a trailer in -- well, no, not
25 anymore. My stepfather owns a trailer in Eutawville,

1 but that's -- that's all I know of in Orangeburg County
2 that I would be related to.

3 Q And your stepfather's last name is what?

4 A Pinkleton. We don't have any contact.

5 Q Okay.

6 A And he doesn't live in Orangeburg County.

7 Q Okay. Are you employed?

8 A No.

9 Q And is your husband employed?

10 A Yes.

11 Q And where does Mr. Miller work?

12 A The Department of Health and Human Services.

13 Q And does he work in Orangeburg County or outside of the
14 county?

15 A Outside.

16 Q And, did you attend high school or college or any other
17 schools in Orangeburg County?

18 A No.

19 Q Do you belong to any social or civic organizations in
20 Orangeburg County?

21 A No.

22 Q Do you regularly attend any house of worship in
23 Orangeburg County?

24 A No.

25 Q What is your date of birth, Ms. Huffman?

1 A October 8th, 1971.

2 Q And your social security number?

3 A

4 Q And do you have a current South Carolina driver's

5 license?

6 A I do.

7 Q What is the number of that?

8 A 007248484.

9 Q And other than the current address in Saint Matthews

10 have you lived at any other residents in the last 10

11 years?

12 A No. One thing: I moved next door out of one of my

13 homes into another, which was

14 Q Okay.

15 A And is right next door.

16 Q Okay. And where were you born?

17 A Orangeburg County.

18 Q And other than high school do you have any further

19 education?

20 A No.

21 Q Okay. Do you have any licenses or certifications that

22 are occupational?

23 A Forklift certification. I'm certified for two

24 different forklifts.

25 Q Okay.

1 A That's all certified.

2 Q Okay. And, where were you most recently employed?

3 A IHS, which is Industrial Housekeeping Services --

4 Q Uh-huh (affirmative).

5 A -- at Amazon in Cayce.

6 Q Okay. When did you start that job? Approximately.

7 I'm not holding you to month and date, but...

8 A November of 2011.

9 Q Okay. And why did you leave that job?

10 A They were laying. Work --

11 Q Okay.

12 A -- got slow.

13 Q And before that where did you work?

14 A Siemens. That would've been 2002.

15 Q Okay. That you left or you started?

16 A That I was there and left.

17 Q Okay. And that was where?

18 A In Blythewood.

19 Q Okay. And why'd you leave that job?

20 A Because I was unable to perform duties. I was

21 pregnant.

22 Q Okay. And before there where did you work?

23 A Oh, gosh. The Hess on North Main in Columbia.

24 Q Okay. Have you ever worked in Orangeburg County?

25 A Uh-huh (affirmative).

1 Q And where was that?

2 A I worked for May's Bonding.

3 Q Okay.

4 A That was in the 90s.

5 Q Okay.

6 A I also worked at Lizards Thicket way back.

7 Q Here in Orangeburg?

8 A Uh-huh (affirmative). Early 90s.

9 Q Okay. Have you ever been fired from any job?

10 A No.

11 Q Other than a lay off -- other than an economic lay off?

12 A No.

13 Q Okay.

14 A And most of the gaps I worked for my father at Support

15 Systems in Saint Matthews.

16 Q Okay. Tell me about the day that you were arrested, if

17 you would, and I want you to start with the -- and

18 actually not the day you were arrested. Let me back up

19 and change that question. Tell me, when did you first

20 learn that there was some question related to you and

21 the metal that you took to a recycling facility that

22 had come to the attention of law enforcement.

23 A When I learned about it, as I recall, a Calhoun County

24 deputy came by my house, and I went out and he told me

25 that Orangeburg County had a warrant for my arrest.

1 And I said, "A warrant for my arrest, for what?" And,
2 he said he couldn't discuss it. And I found out from
3 him who I needed to speak with here in Orangeburg. And
4 he -- that's when I called and talked with Mr.
5 Etheridge and he explained that if I come the next
6 morning, because I told him I had children.

7 Q Uh-huh (affirmative).

8 A And he explained that if I could be there at nine
9 o'clock the next morning, he could serve his warrant,
10 get me in front of the judge and get me right back out,
11 so I could go home to my children.

12 Q Okay. And who was the Calhoun County Deputy; do you
13 know? Was it anyone you knew before?

14 A No, I don't know him.

15 Q All right. It was a male?

16 A Uh-huh (affirmative). Yes.

17 Q And, was he black? White?

18 A White.

19 Q Okay. And did you agree to do as Mr. Etheridge had
20 asked you to do?

21 A Of course, I was -- I was at his office the next
22 morning and -- just as he asked, and I waited for him.

23 Q Okay. And, before you went to his office, did you make
24 any inquiry or look at any records, call anybody to
25 find out what all this was about or --

1 A I spoke with Mr. Etheridge that evening after -- after
2 I learned about it.

3 Q Okay. And what did he tell you, other than for you to
4 come the next morning and he would get you --

5 A I tried to explain to him that I was not the person he
6 was looking for and I had evidence to show that. And
7 he told me to be there at 9:00 the next morning.

8 Q So he did tell you that it involved the metal wire that
9 had been turned into the recycling center?

10 A Uh-huh (affirmative).

11 Q Okay. And had you indeed gone to the recycling center
12 --

13 A Yes.

14 Q -- and taken some wire? Okay.

15 A Yes.

16 Q Tell me about that.

17 A We had a mobile home.

18 Q Okay.

19 A And it was just in the next yard over from my house.

20 Q So it was on that property?

21 A Yes.

22 Q Okay.

23 A It's on my property.

24 Q Okay.

25 A It was our trailer.

1 Q All right.

2 A And, we found out there was termites.

3 Q Okay.

4 A And so my husband and I talked about it, and he said
5 that he would tear it down and we could take it to the
6 recycling. I said, "Okay." So, that Saturday morning,
7 he tore the back siding off, and, the electrical
8 wiring, and the window frames. And so, my son and I,
9 that Monday morning, took it to Sunshine. And --

10 Q And that's your son?

11 A Zachary.

12 Q Zachary.

13 A Uh-huh (affirmative).

14 Q Okay. And what did you drive it there in?

15 A My 2005 red Dodge Hemi.

16 Q Okay. And, did you have a permit to transport the
17 metal, and was one even required for the metal that you
18 were --

19 A At that time --

20 Q -- were transporting?

21 A -- not to my knowledge there was not one required.

22 Q Okay. So you didn't have one then?

23 A No.

24 Q Okay. And you transported the metal to the recycling
25 center?

1 A Uh-huh (affirmative).

2 Q And what happened next?

3 A We went to the back, and the man that was working back
4 there, we took it off of the truck and put it over on
5 the scale, and he gave me my ticket, and I went back to
6 the trailer.

7 Q Okay. And you got paid?

8 A Fifty-two or fifty-three dollars, yes.

9 Q Okay. And, when did -- how long was it between taking
10 the metal and finding out there had been a problem?

11 A As I recall, between one and two months, maybe.

12 Q Okay. And you found out that there was a warrant for
13 you.

14 A Uh-huh (affirmative).

15 Q And you said you went to the sheriff's office, or to
16 the law enforcement complex?

17 A To -- not to the complex. To the -- it's right around
18 the corner from there. It's a -- it's a part of the
19 sheriff's department.

20 Q Okay. And what was that?

21 A It's -- I don't know what you call it, but it's part of
22 the sheriff's department. It's -- it's in the -- it's
23 in a little shopping strip right up from the complex.

24 Q Okay. All right. And you met Mr. Etheridge there?

25 A Uh-huh (affirmative). Yes.

1 Q And what happened next?

2 A We went in and he showed me pictures. I took an
3 example of what I had taken to the recycling --

4 Q So you still had some of that material?

5 A I still have an example of all of it, yes.

6 Q Okay.

7 A And, he showed me in the book the stuff that was stolen
8 from Aiken Electric, and he pretty much told me that I
9 was not telling the truth. That he also had a picture
10 of my husband in the file. And my husband's not the
11 only black male in Orangeburg or around Orangeburg.
12 And they had his picture in there. And, he --

13 Q You did -- it -- was it indeed your husband's picture
14 he --

15 A Yes.

16 Q -- was showing you?

17 A Yes.

18 Q Okay. And do you know where that picture had come
19 from?

20 A No.

21 Q I take it didn't -- it wasn't taken at the recycling
22 center?

23 A No.

24 Q Okay.

25 A Because he was not there. He was at work.

1 Q Okay. What type of picture was it? And what type of
2 background? I mean, was it just a, like a head shot?

3 A Yes.

4 Q Do you know what color the background was?

5 A No.

6 Q Did it appear to be perhaps a DMV photo or could you
7 tell?

8 A It could have been. I don't -- I'm -- I'm not sure.

9 Q Okay. So a photo of your husband was in the file?

10 A Yes.

11 Q Okay. And did he indicate where he had gotten the
12 photo or --

13 A No.

14 Q -- how he came to have it?

15 A No.

16 Q Okay. So you said he told you that he didn't believe
17 you?

18 A Uh-huh (affirmative).

19 Q And what happened next?

20 A And he told me that he had a warrant that had to be
21 served. And that we needed to go around to the
22 complex. He then asked me --

23 THE DEPONENT: [Clears throat.] Excuse me.

24 A -- he then asked me, "You're not going to run, are
25 you?" And I said, "I've come this far. Why would I

1 run? I haven't done anything." So then, we went
2 around to the complex --

3 Q Let me stop you there and ask you: Did you take your
4 own car and drive to the complex?

5 A Yes, I did.

6 Q Okay.

7 A Parked it right outside under the tree in the front.

8 Q Okay. And what happened next?

9 A We went into the Warrant's Division and he served the
10 warrant or -- and from there, he put me in handcuffs
11 and took me to the back.

12 Q Uh-huh (affirmative).

13 A And, like I said, he told me when I come there that I'd
14 be in and out. Because of my children's situation, I
15 had to get --

16 Q Uh-huh (affirmative).

17 A -- back to my children.

18 Q And about what time was it that you and he got to the
19 complex?

20 A Probably, as I recall it was around eleven o'clock.

21 Q Okay.

22 A Maybe a little after.

23 Q Okay. And, so after he cuffed you, what happened next?

24 A Then we went to the back, and they had me sit there in
25 the front until, as I recall it was pretty close to two

1 o'clock. Then they decided to take me and dress me
2 out. So then, whenever the lady took me in the room
3 where -- where they dress you out and -- in their
4 jumpers --

5 Q Uh-huh (affirmative).

6 A -- we went in there and she then asked me, did I have
7 on a underwire bra. And I said, "Yes."

8 Q Now, let me ask you about the lady. Who was the lady;
9 do you know?

10 A It was a correctional officer. I do not know.

11 Q All right. And you told her you did.

12 A And then she said that I would either have to take the
13 bra off or take the wire out. So --

14 Q Okay.

15 A -- I stood there and by then I was crying and she said
16 -- she said, "I'm going to ask you one more time." I
17 said, "Well, can you give me something to split the
18 stitch and take -- so that I can pull the wire out and
19 then I can just stitch it back when I get back home?"

20 Q Uh-huh (affirmative).

21 A And, the correctional officer told me to use my -- she
22 said, "Use your teeth." And so, I gave her my bra to
23 put with my other stuff. They then escorted me through
24 to get a bag of stuff and a mat right on back to the
25 jail. And, I went back there, and I don't -- I don't

1 recall how long I was back there. Until the next bond
2 hearing which was around 2:30 maybe.

3 Q Okay.

4 A And, when they came to get me, they handcuffed me and
5 shackled me, and so, I went in front of the judge and
6 everybody else with no bra and their jumpsuit, and
7 handcuffed and shackled.

8 Q And was this within the complex or did you have to go
9 elsewhere?

10 A It was --

11 Q Did you ever have to get in a van, in other words?

12 A No, it was within the complex.

13 Q Okay. Now, you had said earlier that you sat out front
14 until 2:00 p.m. What -- where -- or in the front, what
15 do you mean by the front of the --

16 A No, ma'am, I -- oh, oh, in the front of the --

17 Q Right. Was it a cell?

18 A -- of the detention?

19 Q Was it a cell or what was it?

20 A It -- when you go in the jail, they have those little
21 rooms to the right.

22 Q Yes, ma'am.

23 A Right there. In the -- in one of those little rooms.
24 I did not use the phone. I had not even a drink of
25 water. And I couldn't call and check on my children.

1 So then after the bond hearing -- when we went to the
2 bond hearing --

3 Q And let me ask you this: What date was this? Were
4 your children in school?

5 A No, they were at home. That's why it was so imperative
6 for me to be there.

7 Q Okay. And were they home alone?

8 A Yes.

9 Q Now, that's the younger child who's nine now?

10 A Uh-huh (affirmative).

11 Q And Zachary?

12 A Uh-huh (affirmative).

13 Q Okay.

14 A There's ten years and one day between them.

15 Q And has Zachary ever kept the younger child before for
16 you?

17 A Uh-huh (affirmative). Yes.

18 Q Okay. So, you went to the bond hearing and what
19 happened next?

20 A And that's when Mr. Etheridge told the judge what an
21 upstanding citizen I was and ties to the community.
22 And, I got a PR bond and went back to the back, still
23 handcuffed and shackled, and sat and waited to be
24 released.

25 Q And, so you had not -- you had not pulled the wire out

1 of your bra during this transaction?

2 A No, I took it off and gave it to her.

3 Q You gave it to her. So you got a PR bond, waited to be
4 released and about what time were you released?

5 A As I recall, it was around 5:00 p.m.

6 Q And by that time, did any of your family members know
7 where you'd been?

8 A My husband called all day long and could not get anyone
9 or get a return call.

10 Q And he was calling where, to the sheriff's office?

11 A To -- he was calling to speak with Mr. Etheridge where
12 I told him I was.

13 Q Okay. And, how long was it after your release before
14 the charges were dismissed?

15 A When I went to court?

16 Q Yes, ma'am.

17 A I don't remember the exact court date.

18 Q Were you represented by counsel?

19 A No.

20 Q And how did you learn that the charges were being
21 dismissed?

22 A Etheridge called and told me.

23 Q And that was before the court date?

24 A Yes.

25 Q Okay.

1 A It was -- yes, and I -- I told him I needed that in
2 writing and he said he could not give me anything in
3 writing.

4 Q And how far before the court date was that that he
5 called you, or how -- maybe if -- if you can tell me
6 how long after your arrested, do you know about when he
7 called you?

8 A As I recall, the next day.

9 Q The day after your arrest?

10 A He called and told me he then had the video.

11 Q So the day after your arrest Etheridge called you. He
12 had the video.

13 A Yes.

14 Q And the charges were to be dropped?

15 A Yes. He -- but he couldn't give me anything in
16 writing.

17 Q Right. And, how long was it after that call to the
18 courthouse, approximately?

19 A A couple months maybe.

20 Q Now your complaint alleges that you were forced to
21 cancel two family trips to Greenville, Tennessee and
22 Reevesville, Georgia. Tell me about those family
23 trips.

24 A I had trips planned to go visit relatives. We don't
25 get to visit very often. And when you're out on bond

1 you can't leave the state. So they had to be
2 cancelled.

3 Q Do you remember what the dates of those trips were?

4 A No.

5 Q Had you reserved any hotel rooms or paid any expenses
6 for those trips?

7 A No, we had just made plans.

8 Q Had your husband requested paid leave from a job for
9 that?

10 A No.

11 Q Is there any documentary evidence that you can provide
12 that these trips were indeed planned?

13 A Ma'am, my family and I were going. That's all the
14 proof I have. I didn't realize that I would need some
15 type of --

16 Q I understand. I'm just trying to find out if, you
17 know, if -- sometimes when people book hotels --

18 A Yes.

19 Q -- or book vacations, they've got some proof of that or
20 they have requested leave --

21 A Uh-huh (affirmative).

22 Q -- from work. Okay.

23 A I have a brother-in-law in Reevesville --

24 Q Okay.

25 A -- and he's sick and we go down and check on him when

1 we can.

2 Q That's your husband's brother?

3 A Yes.

4 Q Okay. And who is in Greenville, Tennessee?

5 A My lifelong best friend; we grew up together. He has
6 moved back since then.

7 Q Okay. Back to?

8 A Saint Matthews.

9 Q And at the time of this event what school did Zachary
10 attend, if any?

11 A Calhoun County High School.

12 Q Okay. And, how about your younger child?

13 A She goes to Saint Matthews K through eight.

14 Q As a result of this incident, did you seek any medical
15 care?

16 A No.

17 Q Any mental health treatment?

18 A No.

19 Q Have you ever had any mental health treatment?

20 A No.

21 Q Okay. Have you ever had any substance abuse treatment?

22 A No.

23 Q Other than Etheridge was there any Orangeburg deputy
24 that you dealt with on this case?

25 A There was a deputy in the Warrant's Division or room,

1 but I don't recall any of their names.

2 Q Okay. Do you recall whether it was a male or a female,
3 black or white?

4 A They were males.

5 Q Okay. And other than the one female detention officer,
6 was there anyone from the detention center that you
7 specifically dealt with during this time?

8 A Not that I recall.

9 Q Okay. And you believe you got to the detention center
10 sometime around 11:00 a.m.?

11 A To the detention center.

12 Q Right.

13 A To the other part where I first went, I got there a
14 little before 9:00.

15 Q At the detention center did you have to give them any
16 other property other than your brazier?

17 A My clothes. I had left --

18 Q Did you turn in keys or anything like that with them?

19 A My truck keys.

20 Q Okay. Did you have to undergo any medical screening?

21 A No.

22 Q Did you answer a medical questionnaire at all while you
23 were there?

24 A Not that I recall.

25 Q Were you photographed there?

1 A Yes.

2 Q Okay. And, since the date of your arrest have you
3 spoken with anyone from the Orangeburg Sheriff's Office
4 --

5 A No.

6 Q -- about these matters? Except for, you said Etheridge
7 also came to your court hearing, correct?

8 A Yes.

9 Q Okay. Do you remember which magistrate or other judge
10 did your bond hearing?

11 A No.

12 Q Okay. And since the date of these events have you ever
13 spoken with anyone from the Aiken Electric Cooperative
14 about the events?

15 A Not since the court date.

16 Q Okay. And was the court date the first time you'd
17 talked with anybody from the coop about the situation?

18 A I'm pretty sure, yes.

19 Q Okay. So from arrest to today, you've only spoken with
20 someone from Aiken Electric at court that one time?

21 A As I recall, yes.

22 Q And do you know who that was?

23 A Mark Gross.

24 Q And from the date of your arrest to today, have you
25 spoken with anyone from Sunshine Recycling about these

1 matters?

2 A No.

3 Q Never?

4 A No.

5 Q Okay. And do you know who you dealt with at Sunshine
6 Recycling when you took the wire?

7 A There was a signature on the ticket.

8 Q Uh-huh (affirmative). But it wasn't someone you knew?

9 A No.

10 Q Had you ever been there before?

11 A Uh-huh (affirmative). Yes.

12 Q And what had you gone there before -- what had led you
13 to go there before?

14 A We used to save -- we save cans and stuff for kids as
15 growing up.

16 Q Okay.

17 A And that was their spending money as they grow up.

18 They --

19 Q Okay. Had you ever torn down a mobile home before?

20 A No.

21 Q All right. So you were not necessarily a person that
22 frequently went there taking wire and things like --

23 A No.

24 Q -- building materials and stuff?

25 A No.

1 Q That's all I was trying to get at.

2 A No, I also had the title for the mobile home and --

3 Q Right.

4 A -- everything.

5 Q Sure. Okay. Since the date of your arrest have you
6 tried to gain employment? Have you applied anywhere
7 for work?

8 A Yes.

9 Q And where was that?

10 A A lot of them. I went for an interview at Merry Maids.

11 Q Okay.

12 A Dollar General. I filled out a lot of them online. I
13 -- it's just --

14 Q Okay.

15 A -- too many to recall.

16 Q Have you been denied any employment for reasons related
17 to your arrest? Has anyone ever said, "You've been
18 arrested and we're not going to hire you."?

19 A The background came back and I was turned down. I --
20 they didn't specifically say --

21 Q Uh-huh (affirmative).

22 A -- but the background came back, and no, I didn't get
23 the job.

24 Q Have you ever sought an expungement of your criminal
25 record?

1 A They told me in court --

2 Q Your arrest record?

3 A -- the judge told me that it was supposed to be

4 expunged.

5 Q Okay. Have you asked to have it expunged?

6 A Uh-huh (affirmative). Yes, I did, when -- they said

7 they would handle it.

8 Q Have you filed an application and paid a fee?

9 A No, they told me I wouldn't have to do that. It was

10 dismissed and the judge said they would take care of

11 that.

12 Q Have you ever brought it to the attention of the

13 sheriff's office that that had not happened?

14 A Yeah, I went to the -- was it the district? No. Over

15 in the courthouse. I'm not sure which office it is.

16 Where they would have it on file or whatever.

17 Q But you haven't been to the -- called anyone from the

18 Orangeburg Sheriff's Office and --

19 A No.

20 Q -- brought that to their attention? That's my

21 question.

22 A No.

23 Q Okay.

24 A I'm sorry, I misunderstood.

25 Q Have you communicated any requests for expungement in

1 any manner to the Orangeburg Sheriff's Office?

2 A No, ma'am.

3 Q Please answer any questions the other attorneys have.

4 Thank you.

5 A Uh-huh (affirmative).

6 CROSS-EXAMINATION

7 BY MS. WALKER:

8 Q Ms. Huffman, my name is Breon Walker. I represent
9 Defendant Sunshine Recycling. I don't have a ton of
10 questions for you; just a couple of basic questions.
11 What do you feel that Sunshine Recycling did in this
12 case; how were you harmed by Sunshine Recycling?

13 MR. GOINGS: Object to the form of the question.
14 You can answer it.

15 THE DEPONENT: Excuse me?

16 MR. GOINGS: I objected to the form of the
17 question --

18 THE DEPONENT: Okay.

19 MR. GOINGS: -- but you still have to answer the
20 question.

21 THE DEPONENT: Oh, okay.

22 A Because I was wronged. I was accused of something I
23 hadn't done.

24 Q And how did Sunshine Recycling accuse you of doing
25 something?

1 A They are the ones that went to the Orangeburg County
2 Sheriff's Department and said that it was me.
3 Q Okay. And where are you getting that information from?
4 A From the sheriff's department.
5 Q Okay. Do you know who went to the Orangeburg County
6 Sheriff's Department and said it was you?
7 A I was told the date of court the owner.
8 Q The owner. Do you know the owner's name?
9 A No.
10 Q Have you ever spoken with anyone at Sunshine Recycling
11 -- well, let me -- let me back up. The date of this
12 incident when you actually took the copper --
13 A Uh-huh (affirmative).
14 Q -- or took the metal to Sunshine Recycling, you don't
15 know the person that you spoke with or dealt with when
16 you were there, do you?
17 A No.
18 Q Okay. So you just -- your only information is the
19 signature that's on the bottom of your receipt?
20 A Uh-huh (affirmative).
21 Q And approximately how long were you there?
22 A At Sunshine? Twenty minutes. Thirty minutes. I'm
23 guessing.
24 Q Okay. In your discovery responses you identified
25 Joseph Rich and Charles Rushton of Sunshine Recycling

1 for being two individuals that reported you for
2 criminal acts. Have you had any conversation with
3 Joseph Rich?

4 A No.

5 Q Okay. Do you have any personal knowledge that Joseph
6 Rich reported you for criminal acts?

7 A No.

8 Q Have you had any personal conversation with Charles
9 Rushton?

10 A No.

11 Q Do you have any personal knowledge that Charles Rushton
12 reported you for criminal acts?

13 A No.

14 Q So your only basis for thinking that Sunshine Recycling
15 did anything in this case is because of what the deputy
16 told you when you were arrested?

17 MR. GOINGS: Object to the form of the question.
18 You can answer.

19 A Yes.

20 Q Did you say you'd been out -- you said you'd been out
21 with Sunshine Recycling prior to --

22 A Yes.

23 Q And what's the date -- I think it was the date that you
24 dropped it off was May 17th, 2010; does that sound
25 right?

1 A April maybe. April or May.

2 Q Okay. The complaint --

3 A But I think it --

4 Q -- says May 16th, two thousand --

5 A Okay. I think that's when the complaint was made.

6 Q Okay. Prior to that time though, you'd been to
7 Sunshine Recycling before?

8 A Yes.

9 Q Approximately how many times?

10 A I don't recall. Like I said, with our children, they
11 save cans and took them there. That was their spending
12 money.

13 Q And that will maybe help us figure it out. Some people
14 do that weekly. Some people do it one Saturday a
15 month.

16 A No, it was more like every couple months maybe.

17 Q Approximately how many years?

18 A Guessing maybe five/seven.

19 Q Okay. So, you think you'd been out there for at least
20 the prior -- or the previous five to seven years
21 occasionally with your kids.

22 A Uh-huh (affirmative).

23 Q And over the course of that timeframe was there anyone
24 out at Sunshine Recycling that you got to know --

25 A No.

1 Q -- on a first name basis?

2 A No.

3 Q And that you could recognize if you saw them and you'd
4 speak to them?

5 A No.

6 Q Okay. Your complaint says that Defendant Orangeburg
7 County Sheriff's Department at the direction and
8 request of Defendant Sunshine Recycling -- and this is
9 the amended complaint I'm looking at -- and Aiken
10 Electric Coop did intentionally and unlawfully
11 restrained the Plaintiff. Again, do you have any
12 personal knowledge that Sunshine Recycling -- or that
13 the sheriff's department did anything at the direction
14 and request of Sunshine Recycling specifically?

15 MR. GOINGS: Object to the form of the question.
16 You can answer.

17 A None other than what I told you.

18 Q Okay.

19 MS. WALKER: Give me one second. [Reviews
20 records.]

21 Q You indicated that you are a homemaker?

22 A Yes.

23 Q Okay. So just to confirm, you were not working at the
24 time of this incident. You're not claiming that you
25 lost any wages as a result of this incident; is that

1 correct?

2 A Correct.

3 MS. JETT: Can we take care of one thing on the
4 record?

5 MR. GOINGS: Yeah, absolutely.

6 MS. JETT: Robert, you had objected to my request
7 for tax returns and said you were not making a lost
8 wage claim. But today we're hearing --

9 MR. GOINGS: I'll talk to her about it.

10 MS. JETT: -- about --

11 MR. GOINGS: I'll talk to her about it --

12 MS. JETT: Well, I mean, do I -- are you making a
13 lost wage claim? This is my --

14 MR. GOINGS: I'll talk --

15 MS. JETT: -- one and only deposition. I -- I
16 think maybe --

17 MR. GOINGS: I told you I'd --

18 MS. JETT: -- take a break and talk to her about
19 that. But --

20 MR. GOINGS: All right, I'll do that.

21 MS. JETT: -- I don't want to recess the
22 deposition --

23 MR. GOINGS: Uh-huh (affirmative).

24 MS. JETT: -- without covering that if there is
25 going to be a lost wage claim.

1 MS. WALKER: Or we can agree to leave it open as
2 to any lost wages. And --

3 MR. GOINGS: I'll talk -- I'll step outside and
4 talk --

5 MS. WALKER: I mean, whichever one --

6 MR. GOINGS: -- with her.

7 MS. WALKER: -- but --

8 MS. JETT: Yeah. Yeah, I just don't want to not
9 cover --

10 MR. GOINGS: You're finished? You want me to talk
11 with her now?

12 MS. WALKER: No, let me just make sure.

13 MS. JETT: No, I'm -- I'm interrupting. Sorry.

14 MR. GOINGS: That's all right.

15 MS. WALKER: [Reviews notes.] Give me one second.

16 Q Okay. Ms. Huffman, Paragraph 15 of your Complaint says
17 that, "Defendant Sunshine Recycling continued to pursue
18 a case against you by repeatedly telling law
19 enforcement that you were responsible for the
20 incident." Do you have any knowledge or information
21 that Sunshine Recycling repeatedly told law enforcement
22 that you were responsible for this incident?

23 A The only knowledge I have is what Officer Etheridge
24 told me.

25 Q And that was what exactly?

1 A That Sunshine had accused me of bringing the stolen
2 merchandise there.

3 Q Okay. So you have no information that this was done
4 repeatedly or that Sunshine was pursuing a case against
5 you?

6 MR. GOINGS: Object to the form of the question.
7 You can answer.

8 A No.

9 Q Okay. And just so I have this timeline right. How
10 much time passed between when you dropped the metal off
11 and got the receipt at Sunshine and when you informed
12 by Officer Etheridge that there was a warrant out for
13 your arrest?

14 A One to two months.

15 Q One to two months?

16 A Uh-huh (affirmative).

17 Q Okay.

18 A I'm not sure if it was April or May when I went to
19 Sunshine with the stuff.

20 Q And how did Officer Etheridge initially contact you?

21 A When I called him that evening. After I heard that
22 there was a warrant for my arrest here I called him.

23 Q And that's what I'm trying to -- I think I missed that
24 earlier. How did you even initially hear it?

25 A Calhoun County deputy told me they had a warrant in

1 Orangeburg for my arrest.

2 Q Did they come to your house? Did they call you? I
3 mean how did you receive this information?

4 A They just stopped by.

5 Q So he stopped by, said -- stopped by your house --

6 A Uh-huh (affirmative).

7 Q -- said there was a warrant out for your arrest.

8 A Uh-huh (affirmative).

9 Q And that you needed to turn yourself in.

10 A Uh-huh (affirmative).

11 Q And you did that the next day?

12 A Uh-huh (affirmative).

13 Q Okay.

14 MR. GOINGS: Is -- is --

15 A Yes.

16 MR. GOINGS: -- that a yes.

17 THE DEPONENT: I'm sorry.

18 MR. GOINGS: Just for the court reporter.

19 THE DEPONENT: I realized it after I said it. I'm
20 sorry.

21 MS. WALKER: Okay.

22 Q Those are all the questions I have. Thank you.

23 MS. JETT: I do have one more --

24 THE DEPONENT: Okay.

25 MS. JETT: -- if I may.

STATE OF SOUTH CAROLINA)

COUNTY OF BAMBERG)

CERTIFICATE

Be it known that I took the foregoing deposition
of MEREDITH ANN HUFFMAN;

That I was then and there a Notary Public in and
for the State of South Carolina-At-Large;

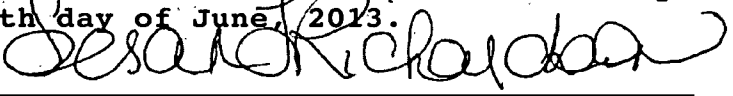
That by virtue thereof I was duly authorized to
administer an oath;

That the witness was by me first duly sworn or
affirmed to testify the truth, the whole truth, and
nothing but the truth, concerning the matter in
controversy aforesaid;

The foregoing transcript represents a true,
accurate and complete transcript of the testimony given
by said deponent after first being duly sworn, at the
time and place aforesaid, to the best of my skill and
ability; said deposition was reported by method of
Stenomask utilizing speech recognition with digital
backup. This transcript may contain quoted material;
said material is transcribed as read or quoted by the
speaker.

I further certify that I am neither employed by
nor related to any of the parties in this matter nor
their counsel; nor do I have any interest, financial or
otherwise, in the outcome of this action.

IN WITNESS WHEREOF I have hereunto set my hand and
seal this 12th day of June, 2013.



Suesan L. Richardson
Professional Court Reporter

Notary in and for the State of South Carolina

My Commission Expires: August 3, 2017

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG) C/A #: 2012-CP-38-672

Meredith Huffman,)
Plaintiff,)
v.)
Sunshine Recycling, LLC)
and Aiken Electric,)
Defendants.)
-----)

DEPOSITION OF
MEREDITH HUFFMAN

Thursday, January 9, 2014
2:30 p.m. - 3:16 p.m.

The deposition of MEREDITH HUFFMAN, taken on behalf of the Defendant at the law offices of Johnson & Barnette, LLP, 1230 Richland Street, Columbia, South Carolina, on the 9th day of January, 2014 before Jennifer L. Cash, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.



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APPEARANCES

Robert F. Goings, Esquire

Goings Law Firm, LLC
Post Office Box 436
Columbia, South Carolina 29202
Attorney for the Plaintiff

Pope D. Johnson, III, Esquire

Johnson & Barnette, LLP
1230 Richland Street
Columbia, South Carolina 29201
Attorney for the Defendant, Aiken Electric

Breon C. M. Walker, Esquire

Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200
Columbia, South Carolina 29201
Attorney for the Defendant, Sunshine Recyclers

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EXHIBITS

(There were no exhibits marked during this deposition.)

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby waived.



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1 **MEREDITH HUFFMAN**, having been duly sworn, deposes
2 and testifies as follows:

3 **MS. HUFFMAN - EXAMINATION BY MR. JOHNSON:**

4 Q: Would you state your name for the record,
5 please?

6 A: Meredith Ann Huffman. Meredith Ann Huffman.

7 Q: Ms. Huffman, we just met. I'm Pope Johnson.
8 I represent Aiken Electric and I have some
9 questions to ask you. The rules of this
10 deposition are like your prior deposition. If
11 I ask you a question you don't understand or
12 need help, need me to explain it, ask me for
13 help, not your lawyer. Will you do that?

14 A: Got you.

15 Q: If we take a break, we probably won't be here
16 long enough for a break and you and he go out
17 in the hallway to talk about it and you talk
18 about the deposition, there's no privilege and
19 I get to ask you about that. Do you
20 understand?

21 A: Yes, I do.

22 Q: Okay. As I told you, I represent Aiken
23 Electric in this matter. Do you know of
24 anything Aiken Electric did or failed to do
25 that caused you to suffer damage?



1 **MR. GOINGS:** Object to the form of the question.
2 You can answer.

3 **A:** They accused me of something I didn't do.

4 **Q:** Who accused you?

5 **A:** Aiken Electric and Sunshine are the ones.
6 After the discovery was done I found out that
7 Aiken Electric and Sunshine were the ones who
8 pushed the sheriff's department to press -- to
9 arrest me.

10 **Q:** Let me ask you this. Were you -- have you ever
11 spoken with anyone from Aiken Electric?

12 **A:** Yes.

13 **Q:** Who?

14 **A:** Mark Gross.

15 **Q:** Do you recall what you and he discussed?

16 **A:** Nothing. How are you. Just at the court.

17 **Q:** Were you present at any time when Aiken
18 Electric allegedly pressed the sheriff's
19 department to do something?

20 **A:** No. The sheriff's department -- the paperwork
21 and everything from the sheriff's department,
22 everybody from the sheriff's department said
23 it.

24 **Q:** So you're telling me what you heard the
25 sheriff's department say or someone else say?



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1 A: No. I'm telling you what the video showed that
2 no one showed any interest in looking at before
3 they pushed the issue to have me arrested.

4 Q: Who pushed the issue to have you arrested?

5 A: Aiken Electric and Sunshine.

6 Q: All right. I'm going to ask you about Aiken
7 Electric and confine my questions to Aiken
8 Electric.

9 A: Okay.

10 Q: Tell me what, if anything, you know Aiken
11 Electric did to cause you to be arrested?

12 **MR. GOINGS:** Object to the form of the question.
13 You can answer it.

14 A: They accused me and had the video showing the
15 correct person that had committed the crime,
16 did not look at it and pushed it with the
17 sheriff's department for me to be arrested. I
18 did no crime.

19 Q: All right. Who told you that?

20 A: The sheriff's department.

21 Q: All right. You weren't present when Aiken
22 Electric did any of that?

23 A: No.

24 Q: Who is they?

25 A: At the sheriff's department? That ---



1 Q: No, no. At Aiken Electric. You said they did
2 something.

3 A: Well, I'm referring to Aiken Electric as they.
4 Excuse me. I'm sorry.

5 Q: Who is -- do you know who at Aiken Electric?

6 A: The only person that I know the name of from
7 Aiken Electric is Mark Gross.

8 Q: Do you know anything Mark Gross did or didn't
9 do that caused you to be arrested?

10 A: He had the video that no one ever looked at and
11 rode around until -- until we got to court and
12 that's when it all came -- when -- whenever I
13 saw it.

14 Q: How do you know he had the video?

15 A: Because he said he had the video.

16 Q: When did he tell you he had the video?

17 A: When we were at court.

18 Q: He told you he had a video from where?

19 A: He had the video from Aiken Electric showing
20 what happened. When the -- when the place was
21 robbed or ---

22 Q: Okay. So he ---

23 A: And that's when we looked at it.

24 Q: And you looked at the Aiken Electric video?

25 A: Uh-huh (affirmative response.) In the



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1 courtroom with the judge.

2 Q: All right. Did he have any other video?

3 A: Not to my knowledge.

4 Q: And what did the video you looked at show?

5 A: It showed a black man pushing the gate open,
6 going in and getting whatever he was getting.

7 I don't know what he got.

8 Q: All right. Did you look at any other videos?

9 A: Yes, I did.

10 Q: What other videos?

11 A: Not from Aiken Electric.

12 Q: Who were they from?

13 A: Sunshine.

14 Q: Who had that?

15 A: That was also in court?

16 Q: Who brought it to court?

17 A: I guess the sheriff's department.

18 Q: And you looked at that?

19 A: Yes, I did.

20 Q: And what did it show?

21 A: It showed the black man that had broken in to
22 Aiken Electric in a white truck behind me at
23 Sunshine.

24 Q: Okay. Now, back to my question. When I ask
25 you do you know, I'm asking about your personal



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1 firsthand knowledge where you were present when
2 something happened or didn't happen and you
3 heard it or saw it yourself.

4 A: Uh-huh (affirmative response.)

5 Q: Can you tell me anything that you have personal
6 firsthand knowledge of that Aiken Electric did
7 or failed to do that caused you to be arrested?

8 **MR. GOINGS:** Object to the form of the question.
9 You can answer.

10 A: They -- Aiken Electric was also the one that
11 said that I was responsible. I did the crime.
12 I went to jail. I didn't do the crime.

13 Q: Who at Aiken Electric said that?

14 A: They did -- no one at Aiken Electric told me
15 this. This was in the discovery files and
16 everything and when we went to court.

17 Q: So you didn't hear Aiken Electric say -- anyone
18 from -- any employee actually say or do those
19 things

20 A: No. I just had the documentation.

21 Q: Okay. And what documentation are you referring
22 to?

23 A: All of the reports from this case from the
24 police department.

25 Q: What reports specifically do you have?



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1 **MR. GOINGS:** Object to the form of the question.

2 You can answer.

3 A: I have all of them.

4 Q: And how many are all of them?

5 A: Oh, gosh. It's a stack.

6 Q: Do you have them with you?

7 A: No, I don't.

8 Q: Did you give them to ---

9 A: I didn't leave from home.

10 Q: Did you give them to your lawyer?

11 A: Yeah, I have a copy of all of it.

12 Q: Did you -- did you ---

13 **MR. GOINGS:** We're off the record.

14 (Off the Record)

15 Q: And so, you've read those documents?

16 A: Yes.

17 Q: And what specifically in any of those documents
18 say that Aiken Electric did or failed to do
19 something that caused you to be arrested?

20 **MR. GOINGS:** Object to the form of the question.

21 Q: Can you remember?

22 **MR. GOINGS:** You can -- you can answer.

23 A: In those it just says that where the -- where
24 the report was done and all Aiken Electric had
25 accused me. There again, I hadn't done



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1 anything.

2 Q: Now, have you ever had anything like this
3 happen to you before?

4 A: No, sir. Never.

5 Q: Ever been -- ever been arrested before?

6 A: I've had tickets. Speeding tickets.

7 Q: Other than traffic tickets?

8 A: No. I've never been in trouble.

9 Q: All right. And have you ever sold metal
10 before?

11 A: We've taken cans and that type of stuff, yes.

12 Q: Did you go -- had you been to Sunshine
13 previously?

14 A: Yes, I've been there.

15 Q: And did you have to -- you were selling copper
16 that day?

17 A: Uh-huh (affirmative response.)

18 Q: Did you have to have a permit?

19 A: Not at that time.

20 Q: Do you have to have a permit now?

21 A: Yes.

22 Q: Okay. So you loaded up your truck with what
23 you were going to sell and took it over to
24 Sunshine to sell it?

25 A: Yeah, but it wasn't a load. It was just --



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1 what we do is like the cans and stuff when our
2 children are small, we let them save the cans
3 and stuff like that and take it. And the metal
4 was just off of a mobile home we were tearing
5 down.

6 Q: All right. And were you aware that you were --
7 that Sunshine has video cameras?

8 A: Yes.

9 Q: You would have known that that day?

10 A: Everywhere, yes.

11 Q: And anyway, you sold it. Did you speak to
12 anyone -- did you deal with any Hispanic
13 employees while you were there?

14 A: Yes, I did.

15 Q: Do you speak Spanish?

16 A: No, I do not.

17 Q: Did they speak English, insofar as you know?

18 A: I have no idea. Very little was said.

19 Q: Did they help unload or pull off ---

20 A: Yes.

21 Q: --- what you had off the truck? Did you know
22 the owner of Sunshine?

23 A: No.

24 Q: Now, once you sold everything when was the next
25 time you heard something about it?



1 A: Whenever Calhoun County -- one of the deputies
2 there told me that there was a warrant for my
3 arrest in Orangeburg. And so, then I called
4 over there and went there the next morning to
5 take care of it.

6 Q: And did you -- what did the deputy tell you?
7 Did he tell you any more than what you've
8 described?

9 A: No. He just said there's a warrant in
10 Orangeburg and that's when I called to see what
11 was going on, because I knew I hadn't done
12 anything wrong.

13 Q: Right. And then who did you talk to when you
14 called? Do you know?

15 A: James Etheridge.

16 Q: And what did he tell you?

17 A: He said there was a warrant for me for
18 receiving stolen goods and that they needed me
19 to come in so they could serve the warrant.

20 Q: And what did you tell him when he said there
21 was a warrant for your arrest?

22 A: I asked him for what. I haven't done anything.
23 But he didn't discuss it with me until I got
24 there.

25 Q: Okay. So, then when you went the next day did



1 you take anything with you?

2 A: Yes. I took one of the window frames like I
3 had took. I took the electrical socket and a
4 piece of the siding off of the outside mobile
5 home, so that I could show him what I took.

6 Q: All right. And when you got there tell me what
7 you and he discussed. What do you remember him
8 saying to you and you saying to him?

9 A: He showed me pictures of what was stolen from
10 Aiken Electric and told me that I wasn't being
11 accused of stealing. That I was being accused
12 of receiving it. And I said no, that's not
13 correct either. And so, I spent the day in
14 jail.

15 Q: What time did you go over there?

16 A: He told me to be there at 9:00. I got there
17 probably a quarter of.

18 Q: And what time did you and he end your
19 conversation?

20 A: Ending, do you mean ending -- what time was it
21 all over or ---

22 Q: What time were you booked?

23 A: Oh, okay. That -- well, he wasn't prepared
24 when I got there. He was with someone else.
25 So I'm going to say around 11:00 a.m. maybe,



1 give or take a little.

2 Q: Was that when you and he talked -- first talked
3 about it?

4 A: That's when I was booked. When we went to
5 warrants and I was ---

6 Q: When did you talk about it? When you got
7 there?

8 A: When he finished what he was doing, yes.

9 Q: So sometime between 9:00 ---

10 A: 9:00 and 10:00. 9:00, 10:30, 11:00, something
11 like that.

12 Q: And did you explain to him that you were
13 innocent and hadn't done it?

14 A: Yes.

15 Q: Why -- did you ask him why he didn't believe
16 you?

17 A: Yeah. And he said because Aiken Electric and
18 Sunshine said that it was me.

19 Q: Okay. And did you ask to be able to call a
20 lawyer or anyone to help you?

21 A: No. Because he assured me that if I didn't do
22 it or whatever when we went to court that it
23 would all be straightened out.

24 Q: I see. So he tried to reassure you about it?

25 A: Uh-huh (affirmative response.)



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1 Q: Did he say anything else to you about why you
2 -- why you were being arrested even though you
3 said you were innocent?

4 A: No.

5 Q: Did -- and then, so you were booked at 11:00?

6 A: Uh-huh (affirmative response.)

7 Q: What was the process of your being booked?

8 A: They served the warrant. Handcuffed me and
9 took me to the detention center and there they

10 ---

11 Q: What time did you get to the detention center?

12 A: It was probably between 11:00 and 11:30. It
13 was very shortly thereafter.

14 Q: Did they give you lunch?

15 A: No.

16 Q: So you got to the detention center and what did
17 they do there?

18 A: They made me change into one of their jump
19 suits and they took me through to get the -- a
20 little bag of stuff and a mat and took me right
21 on to the back of the jail. And then they --
22 they came, I think, around 2:00 or 2:30 and
23 handcuffed me and shackled me and took me in
24 front of the judge and that's where the PR bond
25 was done and ---



1 Q: Was that in the jail?

2 A: Yes. It's all ---

3 Q: Held in the same building?

4 A: It's all right there, yes.

5 Q: Let me ask you this. When they gave you the
6 clothes to change into did they give you a
7 receipt for what -- for anything -- what did
8 they do with your clothes?

9 A: They put them in a bag and gave them back to
10 me when I came out.

11 Q: And where did you go to change?

12 A: It was a little -- it was a little room with
13 all the jump suits. It was the same room ---

14 Q: Were you in there by yourself?

15 A: No.

16 Q: Who was in ---

17 A: It was a lady correctional officer in there.

18 Q: Okay. So then they took you to the magistrate
19 and he did what?

20 A: That's when they gave -- they set my bond and
21 ---

22 Q: What did they set your bond at?

23 A: Thousand dollar PR bond, I think.

24 Q: Okay. And what time did you get out?

25 A: It was, I want to say, around 5:00, 5:30 maybe.



1 Q: So you got to the jail around ---

2 A: I spent the day.

3 Q: Well, let's see whether you did or didn't.
4 When you got to the jail was -- did you tell me
5 it was around 11:30 or 12:00?

6 A: It was probably around 11:30, yes.

7 Q: And then you left the jail for a portion of it
8 to go to court at 2:30?

9 A: I think so.

10 Q: And then when you were released on personal
11 recognizance bond did they take you back so you
12 could get your clothes?

13 A: They took me back and had to do their
14 paperwork. And also, I remained in jail until
15 they were -- until, like I said, around 5:00 or
16 5:30.

17 Q: Okay. And then did you drive back home?

18 A: Uh-huh (affirmative response.) Yes, I did.

19 Q: And what did you do when you got home?

20 A: Spent time with my kids. They were glad to see
21 mama.

22 Q: Did you have to do anything else regarding
23 jail? Did you have to go back to jail or
24 anything of that nature?

25 A: No.



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1 Q: Were you employed at the time?

2 A: No.

3 Q: Did you have any -- what did you do the next
4 day? Did you have a normal day?

5 A: It was kind of depressing. Other than that it
6 was pretty normal.

7 Q: What was depressing about it?

8 A: I mean, the jail. There's nothing good about
9 that.

10 Q: But you knew you were innocent?

11 A: Uh-huh (affirmative response.)

12 Q: You knew you were out of jail. You knew that
13 the officer had told you that if you went to
14 court and you told the truth you'd likely be
15 found innocent.

16 A: Yes.

17 Q: Those things aren't depressing, are they?

18 A: They're depressing to be accused of something
19 and have your -- be humiliated and have your
20 name -- when you have a good reputation or
21 whatever, have your name scarred for something
22 you did not do.

23 Q: Well, who -- let me ask you this. Who knew you
24 went to jail?

25 A: Anybody that reads the newspaper or ---



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1 Q: Which paper?

2 A: In Calhoun County, the Calhoun Times, the Times
3 And Democrat.

4 Q: It carried it?

5 A: In Times And Democrat they do list arrests.

6 Q: In Orangeburg County?

7 A: Yes.

8 Q: And so, your name was in the paper?

9 A: I don't know that. I'm saying it could have
10 been.

11 Q: Could have been.

12 A: But a lot of people around Orangeburg and St.
13 Matthews, it's small and everybody knows
14 everybody just about.

15 Q: Well, what I'm trying to find out is who do you
16 know who knows that you were in jail that day?

17 A: The sheriff of Calhoun County.

18 Q: All right. Anybody else?

19 A: Yeah. There's several other people, yes. And
20 there were kids at my house when -- whenever
21 the deputy came and told it. So yes, other
22 people knew and I didn't have to tell it.

23 Q: Well, can you name anyone who did know -- how
24 did the sheriff know?

25 A: Because I called him and talked -- well, my



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1 husband called him that day while I was locked
2 up trying to find out why.

3 Q: All right. And what did he say?

4 A: But it was a different county, so.

5 Q: Okay. So that's somebody your husband told
6 about it?

7 A: Yes.

8 Q: Do you know of anyone else who knows that you
9 were in jail?

10 A: Wait a minute. I also told him, because after
11 the deputy came and told me I told -- I called
12 and talked to him.

13 Q: Before you went to meet ---

14 A: Yes. The same day that the deputy came and
15 told me.

16 Q: And what did you -- tell me about that
17 conversation.

18 A: It wasn't much to it. It was just they had a
19 warrant for me, and he didn't know anything
20 about it because it was -- the sheriff didn't
21 know anything because it was in another county.

22 Q: What did he tell you to do?

23 A: Let him know what happened.

24 Q: Did you?

25 A: Yes.



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1 Q: So you came back and told him?

2 A: Yes, I did.

3 Q: Anyone else you know who knows about it?

4 A: There's a string of people. But, sir, you
5 wouldn't know them if I told you. It's a very
6 close knit community. Everybody knows
7 everybody. When you see a police car somewhere
8 you automatically know something's not right.
9 In our community, like I said, it's very tight
10 knit.

11 Q: But my -- if you'd just give me some names of
12 anybody you know who knows it.

13 A: Dina Vernon, Tim Weatherford, Mark Stuart. A
14 lot of people. Friends, family.

15 Q: Who told them?

16 A: My grandparents.

17 Q: Did you or your husband tell them?

18 A: I don't know who told them.

19 Q: And have they told you they knew it?

20 A: Yes.

21 Q: And so -- but you don't know whether it was
22 somebody you told about it and that's how they
23 know or your husband knows about -- told them
24 about it?

25 A: Two of the names that I called I'm very close



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1 to and I do talk to. I told them. But I
2 shouldn't have to tell anybody anything like
3 that.

4 Q: Well, let me ask you ---

5 A: I was wronged.

6 Q: Do you tell them that you were innocent?

7 A: Yes, I did.

8 Q: Did they seem to believe you?

9 A: Yes, they did.

10 Q: Okay. Have you told anyone about it that
11 didn't believe you were innocent?

12 A: No. People that know me -- no.

13 Q: To your knowledge and from your observation has
14 it changed those person's opinion of you?

15 A: Some maybe.

16 Q: Who?

17 A: Like in the law enforcement part and all. I
18 don't bother anybody and I don't -- I don't
19 think that people should have the wrong
20 impression when someone is wronged for
21 something they had -- they had nothing to do
22 with.

23 Q: How would someone have a wrong impression about
24 someone who had been wrongfully arrested and
25 was innocent?



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1 A: Because they probably feel like if there's
2 enough evidence to lock somebody up then it
3 most be more to it.

4 Q: Do you know anybody who feels that way about
5 you?

6 A: I don't know anyone's personal opinion.

7 Q: Do you know of anyone whose opinion of you has
8 changed because of what happened?

9 **MR. GOINGS:** Object to the form of the question.

10 A: Not sure. Like I said, opinions, everybody's
11 got them. I don't know anyone's personal
12 opinion.

13 Q: Now, after you were released from jail how long
14 -- did you consult a lawyer?

15 A: Yes.

16 Q: Who did you go see?

17 A: Todd Rutherford.

18 Q: And what did he tell you?

19 **MR. GOINGS:** Object on the grounds of privilege.
20 Instruct the client not to answer any of those
21 questions.

22 Q: Well, let me ask you this. Did you go see him
23 before or after the deputy told you that they
24 were going to drop the case?

25 A: I called and made the appointment and that



1 afternoon is when the deputy called. It was
2 either the day after -- I want to say it was
3 two days after. But it was the same day, I
4 think, that I called and made the appointment.
5 And that afternoon is when Mr. Etheridge called
6 and said that it would be dropped when they
7 went to court.

8 Q: What were you doing to see Mr. Todd Rutherford
9 for?

10 **MR. GOINGS:** Object to the form of the question and
11 also instruct the witness not to answer because
12 it would call for advice that she would be
13 seeking from an attorney. Her attorney that
14 she retained.

15 **MR. JOHNSON:** Actually, Robert, I ask you to
16 reconsider this. It protects confidential
17 communications, not why she made a decision
18 personally to go see a lawyer.

19 **MR. GOINGS:** Well ---

20 **MR. JOHNSON:** I'm not asking about what she talked
21 to Todd about. Let me rephrase ---

22 **MR. GOINGS:** Okay.

23 **MR. JOHNSON:** --- so it's clear.

24 Q: What -- why did you decide to go to see Mr.
25 Rutherford?



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1 A: Because I was wrongfully accused and
2 incarcerated, and I felt that I had been
3 wronged.

4 Q: Okay. And did you talk with anyone else about
5 that before you saw him?

6 A: No.

7 Q: Okay. And then that afternoon the deputy
8 called you and what did he tell you?

9 A: He said that if I could still make my trips out
10 of state to go ahead and take them because they
11 were going to drop the charges when they went
12 to court because they had the video. They had
13 looked at the video.

14 Q: And what did he tell you the video showed?

15 A: That it was not me.

16 Q: This is Mr. Ethridge?

17 A: Yes.

18 Q: Do you recall him telling you anything else?

19 A: Not -- not really. That was the most important
20 part, so that's the part that stuck out.

21 Q: Do you recall anything you said to him?

22 A: Yes. I told him that I needed the paperwork
23 saying that because in the bond it says you're
24 not supposed to leave the state. And he said,
25 well, I can't give you the paperwork and I



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1 said, well, then I'm not leaving the state.

2 Q: All right. And do you recall anything else?

3 A: No.

4 Q: Did you miss any trips out of state?

5 A: Yes, I did.

6 Q: What did you miss?

7 A: A trip to Tennessee and a trip to Georgia.

8 Q: And what trips were those?

9 A: Those were family planned trips ahead of time.
10 We have family in both places.

11 Q: And so, he told you you could go but he
12 wouldn't put it in writing, so you weren't ---

13 A: That's correct.

14 Q: How were your dealings with Mr. Etheridge? Was
15 he pleasant and professional with you?

16 A: Yeah.

17 Q: And were you civil and polite with him?

18 A: I try to be with everyone.

19 Q: Did you -- when he told you they were going to
20 drop the charges did you say thank you, I'm
21 glad you're doing that?

22 **MR. GOINGS:** Object to the form of the question.
23 You can answer.

24 Q: Or did you say -- or did you say, well, I told
25 you so. I told you I was innocent. What was



1 your attitude?

2 **MR. GOINGS:** Same objection. You can answer it.

3 A: I tried to tell you that. I tried to tell him
4 that I didn't do it.

5 Q: You just told him that you ---

6 A: But I'm still not leaving the state.

7 Q: Right. And then -- so then, what would have
8 been the next thing that happened? Court?

9 A: Uh-huh (affirmative response.)

10 Q: Did you talk to anyone between then and court?

11 A: No.

12 Q: And so, where did you go to court? Back ---

13 A: In Neeses.

14 Q: In Neeses. And tell me what happened at court.
15 Who was there and what you recall being said
16 and done.

17 A: Mr. Etheridge was there, Mr. Gross was there,
18 my grandparents were there, I was there and the
19 judge. And they showed the videos and that was
20 pretty much it. I told them I didn't do it.

21 Q: The judge, was he the one who signed the ---

22 A: She.

23 Q: She. Did she sign the warrant?

24 A: I'm not sure.

25 Q: Okay.



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1 A: I'd have to look back. I'm not sure.

2 Q: How about your conversations with Mr. Gross?
3 Were you all polite and civil to one another?

4 A: Just hello, how are you.

5 Q: Yeah. And so, then after you -- so they
6 dropped the charges?

7 A: Uh-huh (affirmative response.)

8 Q: And then what would have been the next thing
9 you did in connection with the matter? Did you
10 go see Mr. Rutherford?

11 A: I had already seen him, yes, prior to that.

12 Q: And has anything else occurred regarding the
13 arrest or have you pretty well told me the
14 story?

15 A: Pretty much.

16 Q: Did Mr. Etheridge apologize?

17 A: I don't recall anyone apologizing.

18 Q: Did you ask for an apology?

19 A: No. I don't ask for those. Those should come
20 natural.

21 Q: When you were at the jail was anybody -- was
22 the jail staff, were they pleasant and ---

23 A: No.

24 Q: I mean, did they deal with you in a proper
25 fashion?



1 A: No.

2 Q: Who -- who didn't and what happened?

3 A: When the -- whenever I went to go change into
4 their attire they asked for -- they asked me
5 questions about my undergarments and things and
6 the lady threatened to mace me if I didn't give
7 it to her.

8 Q: What did they ask you about your undergarments?

9 A: If there was a wire in the bra.

10 Q: And so, what did you tell her?

11 A: Yes.

12 Q: There was a wire in the bra?

13 A: Yes.

14 Q: And then what did she say?

15 A: She said either take it out or take it off.

16 Q: And what did you do or say?

17 A: Well, by that time I was in -- I was a river of
18 tears. I told her to give me something to
19 split the stitch and she told me to use my
20 teeth.

21 Q: And did you?

22 A: No.

23 Q: What did you do?

24 A: I gave it to her.

25 Q: And did you understand that she needed to get



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1 the wire -- I mean, they have rules that they
2 have to go by ---

3 A: I should have never been there.

4 Q: That wasn't my question.

5 A: I understand and I apologize for that.

6 Q: That's all right. But you understand that all
7 she was doing was complying with the rules of
8 the facility when she needed the bra off or the
9 wire from the bra?

10 **MR. GOINGS:** Object to the form of the question.
11 You can answer it if you can.

12 Q: You understood that, didn't you?

13 A: Yes.

14 Q: And did anyone do anything out of the ordinary
15 or improper towards you while you were in jail?

16 A: No more than being there.

17 Q: Right.

18 A: Handcuffed and shackled and no bra. Yeah,
19 that's pretty humiliating to have to walk in
20 front of a bunch of people in a courtroom.

21 Q: Right. Was anybody in there you knew?

22 A: I didn't look around to see.

23 Q: So as far as you know there weren't any?

24 A: I have no idea. I did not look around to see.

25 Q: Has anybody ever come to you and said, hey, I



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1 saw you in jail that day and ---

2 A: No.

3 Q: --- whatever?

4 A: No.

5 Q: You said you were a river of tears. When were
6 you in tears?

7 A: Going in jail. Going in there and having to
8 change out of my clothes into their clothes.
9 The whole situation was humiliating.

10 Q: Well, didn't you expect when the deputy told
11 you that you had to come over and get a warrant
12 that if you couldn't convince him that you were
13 innocent that you might have to go through that
14 process?

15 A: I don't think there's any preparation for that
16 when you haven't done anything.

17 Q: I'm not asking you whether there's preparation
18 ---

19 A: But you asked didn't I think that it would be
20 like that. Yes. And I'm not the type of
21 person that goes around stealing or bothering
22 other peoples things. Therefore, I should have
23 never been there.

24 Q: I understand that. But you would have expected
25 that if you were unable to persuade him that



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1 you were telling the truth that you might be
2 arrested and you might have to be booked. And
3 that's what the warrant was about, wasn't it?

4 **MR. GOINGS:** Object to the form of the question.

5 A: Yes.

6 Q: Let me ask you this. Did you contact anybody
7 at Sunshine to see about the video before you
8 went to see the officer?

9 A: Before the day I went to jail?

10 Q: Yes, ma'am.

11 A: No.

12 Q: Did you tell the officer -- did the officer
13 tell you there was a video?

14 A: Yes.

15 Q: Did you ask him have you looked at it?

16 A: Yes.

17 Q: What did he say?

18 A: No.

19 Q: Did you say to him, well, let's go look at it
20 together and see what it ---

21 A: I'm pretty sure he didn't have it yet. He
22 didn't get it until the day after.

23 Q: But did you ask him to hold off on what he was
24 doing until he looked at it or for the two of
25 you to go look at it together?



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1 A: Like I said, he didn't have it the day I went
2 to jail. He got it the next day and that's
3 when he called and asked about my trips.

4 Q: But he didn't -- he didn't -- you didn't ask
5 him and he didn't volunteer for the two of you
6 to go look at the video?

7 A: No.

8 Q: But simply looking at the video from Sunshine
9 would have made it clear to anyone that you
10 weren't -- that you were innocent, right?

11 A: That one or the one from Aiken Electric because
12 he ---

13 Q: Well, how would that one have shown that you
14 were innocent?

15 A: How would the one from Aiken Electric?

16 Q: Yes, ma'am.

17 A: Even though my husband is black, you can
18 clearly see he does not resemble the man in the
19 video.

20 Q: That wouldn't mean that ---

21 A: That was not me. I had nothing to do with it.

22 Q: Let me -- let me finish my question. The fact
23 that it showed a black man stealing it doesn't
24 mean that it couldn't be given to a white woman
25 to sell, does it?



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1 A: No, it doesn't. But not this one.

2 Q: I understand you wouldn't do that. But my
3 question is, there's nothing on the video at
4 Aiken that proves you took it or disproves that
5 you took it? It was just the pictures of a guy
6 taking the stuff in the first place, correct?

7 A: Same one that -- that was showed on the
8 Sunshine videos.

9 Q: Right. But there's nothing in the Aiken video
10 that would show that you were innocent or
11 guilty of doing something the next day, is
12 there?

13 A: It's the same person in both videos, so why
14 would that tie me to -- I mean ---

15 Q: Well, you have to look at the second video to
16 know the relation to the first video, wouldn't
17 you?

18 A: Well, if you look at the one from Aiken
19 Electric where the -- where the break-in was
20 done and then you look at the one from
21 Sunshine, sure, you can see it like that. But
22 where it happened should have been the first
23 video and then the video showing him behind me
24 where I had nothing to do with it. So no, that
25 wouldn't tie me to it.



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1 Q: The first video alone wouldn't prove or
2 disprove you, did it, correct?

3 A: I think you'd have to see both videos to see
4 the same person.

5 Q: Right. And if you looked at the second video
6 by itself you could tell that you weren't the
7 person who was selling the wire?

8 A: That's correct.

9 Q: It's the second video that's the key to prove
10 your innocence or guilt, isn't it?

11 A: I don't think so. Like I said, I think it's a
12 combination of both.

13 Q: Well, the first may add weight to the second,
14 but the second is the only thing that would
15 prove or disprove your involvement because you
16 weren't in the first one, right?

17 A: That's correct.

18 **MS. WALKER:** Object to the form.

19 Q: Now, let me ask you this. Do you -- I mean,
20 you would agree with me that theft is a problem
21 and causes loss to the person who's had their
22 items stolen?

23 A: Uh-huh (affirmative response.)

24 Q: Is that a yes?

25 A: Repeat the question, please.



1 Q: Yeah. Theft causes loss to the person who's
2 had their items stolen?

3 A: Yes.

4 Q: And you can understand that someone who's had
5 something stolen from them would be upset about
6 it?

7 A: Yes.

8 Q: And would want to have whoever it was did it
9 prosecuted?

10 A: Of course.

11 Q: You would feel that way yourself if somebody
12 stole from you, I'm sure.

13 A: Uh-huh (affirmative response.)

14 Q: If -- and if the person does -- going to law
15 enforcement to have the matter handled is what
16 a person should do, isn't it?

17 A: That's correct.

18 Q: And if they go to law enforcement and law
19 enforcement says tell me what you know about it
20 so I can investigate the crime, it would be
21 appropriate, would it not, for that person to
22 disclose what they knew?

23 A: Yes.

24 Q: And as long as they told the truth about what
25 they knew, that would be appropriate, wouldn't



1 it?

2 **MR. GOINGS:** Object to the form of the question.

3 You can answer it if you can.

4 A: Yes.

5 Q: The gentleman at Sunshine Recyclers who
6 apparently went and talked to his Hispanic
7 employees and his Hispanic employees told him
8 that you were the person who had sold the wire.

9 A: Uh-huh (affirmative response.)

10 Q: When he talked to law enforcement, you would
11 agree with me it would be appropriate for him
12 to tell law enforcement about that?

13 **MR. GOINGS:** Object to the form of the question.

14 Q: In other words, I didn't see what happened
15 myself but my employees say this lady took it.

16 A: Uh-huh (affirmative response.)

17 **MR. GOINGS:** Same objection.

18 Q: I mean, that would be something that you would
19 hope -- mean, as a citizen you ought to be
20 able to tell if the officer says tell me what
21 you know about it.

22 **MR. GOINGS:** Same objection.

23 A: That's correct.

24 Q: And if -- if, in fact, the Hispanic employees
25 told him that and he told him that it came from



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1 the Hispanic employees, he would be doing
2 nothing more than telling the truth and doing
3 what any ordinary citizen should do when law
4 enforcement says what do you know about it?

5 **MR. GOINGS:** Object to the form of the question.

6 A: The videos would have proved all of it and I
7 wouldn't have had to go through any of it, in
8 my opinion.

9 Q: If you will get back to my question. Do you
10 recall my question? If the Hispanic employees
11 told him that it was a white lady and
12 identified or pointed a finger at you and the
13 law enforcement said tell me what you know
14 about it and all he did was report what his
15 employees told him, you would agree with me
16 that there would be nothing inappropriate about
17 that?

18 **MR. GOINGS:** Object to the form of the question.

19 A: I agree that when you -- when he talked with
20 his employee. But there again, I still say if
21 they would have watched the video then the
22 employee's -- what he had to say, it wouldn't
23 have mattered because it was right there video.
24 You can see it better than you can tell it.

25 Q: Right. I don't -- I'm not arguing the point



1 with you.

2 A: I'm not being ugly. It's ---

3 Q: I mean, I wish -- I'm not either.

4 A: --- my opinion.

5 Q: But if they had looked at the video they could
6 have seen you were innocent?

7 A: They could have saw I was in a big red truck
8 and he was in a white truck.

9 Q: But ---

10 A: I didn't do it.

11 Q: --- if we separate out what -- what Mr. -- the
12 gentleman did, all he did was tell law
13 enforcement what they asked him, isn't that
14 correct?

15 **MR. GOINGS:** Object to the form of the question.

16 A: To my knowledge.

17 Q: And if law enforcement asks Mr. Gross at Aiken
18 Electric to tell him what he knew about it and
19 he told them that they had a video that showed
20 a black male stealing the items and that he
21 left in a white truck because that's what their
22 video and their employee told him, it wouldn't
23 be anything wrong with that, would there?

24 **MR. GOINGS:** Object to the form of the question.

25 A: No. I don't see anything wrong with that.



1 That's a black man in a white truck. I mean --
2 -

3 Q: Would you hope that people when they talk with
4 law enforcement tell law enforcement what they
5 know and tell them the truth about what they
6 know?

7 A: Yes.

8 Q: And then it's law enforcement's responsibility
9 to take all that, sift it through and decide
10 what to do with it ---

11 **MR. GOINGS:** Object to the form of the question.

12 Q: --- correct?

13 **MR. GOINGS:** Object to the form of the question.

14 A: Yes.

15 Q: You are upset about the fact that you were
16 wrongfully accused and arrested, aren't you?

17 A: Very much so.

18 Q: You, I assume, wouldn't want to accuse somebody
19 else of doing something they didn't do, would
20 you?

21 A: No.

22 Q: Because that would be doing what was done to
23 you?

24 A: That's correct. That's wrong. Whether it was
25 done to me or not, that's wrong.



1 Q: And had the sheriff's deputy simply gotten the
2 tape and looked at it, he could have figured it
3 out from looking at it that it wasn't you,
4 couldn't he?

5 **MR. GOINGS:** Object to the form of the question.

6 A: Yes.

7 Q: Did you have to see a doctor for anything?

8 A: No.

9 Q: Did you have to see a psychologist, counselor
10 or anything of that nature?

11 A: No.

12 Q: Let me get a few bits of background. Where are
13 you born and raised?

14 A: I was born in Orangeburg. I was raised in St.
15 Matthews.

16 Q: And what's your education?

17 A: I quit high school.

18 Q: What year?

19 A: 1990.

20 Q: I meant what year of school.

21 A: Oh, I'm sorry.

22 Q: The ninth, tenth, twelfth. That's all right.

23 A: The tenth.

24 Q: Tenth grade?

25 A: Yes.



1 Q: And why did you -- and have you worked since
2 you quit school?

3 A: Yes.

4 Q: What type work have you done?

5 A: Machine operator.

6 Q: Give me your period -- from high school --
7 quitting high school on give me a quit rundown.

8 A: I worked for my father.

9 Q: What did he do?

10 A: Machine operating. He owned an interest in a
11 couple of different companies and I worked at
12 -- the last one was Support Systems in St.
13 Matthews. It -- he closed some years before he
14 passed away.

15 Q: And when was the last time you were employed
16 outside the home?

17 A: I worked for a few months during peak season at
18 Amazon in 2011, I think.

19 Q: Before that when did you last work?

20 A: October or November of 2002, right before -- it
21 was right after I found out I was going to have
22 another baby.

23 Q: How many children do you have?

24 A: I have two in my home.

25 Q: Are you married?



1 A: Yes.

2 Q: Have you been married more than one ---

3 A: Twenty-one years.

4 Q: Twenty-one years. And how old are you?

5 A: I'm 42.

6 Q: And what does your husband do?

7 A: He works at the Department of Health and Human
8 Services.

9 Q: Doing what?

10 A: It's a whole lot -- part of it is called
11 support services or whatever. He's been there
12 several years now.

13 Q: And do you have any family you're related to by
14 blood or marriage who live in Orangeburg
15 County?

16 A: I don't associate with anyone. But, yeah, I do
17 have relatives in Orangeburg County but haven't
18 seen them, talked to them in years.

19 Q: Could you give me any of their last names?

20 A: Walker.

21 Q: Any other?

22 A: I'm not sure of them. They -- they married off
23 and got different last names and stuff like
24 that.

25 Q: How about your husband? Does he have any



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1 family in Orangeburg?

2 A: No.

3 Q: I thank you.

4 MR. GOINGS: We're done.

5 (There being no further questions, the deposition
6 concluded at 3:16 p.m.)

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG) CIVIL ACTION NO.: 2012-CP-38-672

MEREDITH HUFFMAN,)

PLAINTIFF,)

VS.)

ORANGEBURG COUNTY SHERIFF'S)
DEPARTMENT, SUNSHINE)
RECYCLING, LLC AND AIKEN)
ELECTRIC COOPERATIVE, INC.,)

DEFENDANTS.)

DEPOSITION

OF

JOSEPH RICH

DEPOSITION OF JOSEPH RICH, TAKEN BEFORE LORI BOGGS
REILLY, PROFESSIONAL VERBATIM REPORTER, AND NOTARY PUBLIC IN
AND FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR
OF 3:36 P.M., THURSDAY, THE 5TH DAY OF DECEMBER, 2013, AT THE
LAW OFFICES OF WILLIAMS & WILLIAMS, 1281 RUSSELL STREET,
ORANGEBURG, SOUTH CAROLINA.

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APPEARANCES**FOR THE PLAINTIFF**

ROBERT F. GOINGS, ESQUIRE
GOINGS LAW FIRM, LLC
914 RICHLAND STREET, SUITE A-101
POST OFFICE BOX 436
COLUMBIA, SOUTH CAROLINA 29202

FOR THE DEFENDANT**SUNSHINE RECYCLING**

BREON C. M. WALKER, ESQUIRE
GALLIVAN, WHITE & BOYD, PA
POST OFFICE BOX 7368
COLUMBIA, SOUTH CAROLINA 29202

FOR THE DEFENDANT**AIKEN ELECTRI COOPERATIVE, INC.**

POPE D. JOHNSON, ESQUIRE
JOHNSON & JOHNSON, LLP
POST OFFICE BOX 11209
COLUMBIA, SOUTH CAROLINA 29211-1209

REPORTED BY

LORI BOGGS REILLY
VERBATIM, INC.
2418 DEVINE STREET
COLUMBIA, SOUTH CAROLINA 29205

ALSO PRESENT

ROBYN MCKAY

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EXHIBITS

(NO EXHIBITS MARKED)

*DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS
FROM DATE OF CERTIFICATION.

STIPULATIONS

IT IS STIPULATED BY AND BETWEEN COUNSEL FOR THE
RESPECTIVE PARTIES THAT ALL OBJECTIONS ARE RESERVED
UNTIL THE TIME OF TRIAL, EXCEPT AS TO THE FORM OF THE
QUESTION.

THIS DEPOSITION IS BEING TAKEN PURSUANT TO THE
SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

— — — — —

THE READING AND SIGNING OF THIS DEPOSITION IS
WAIVED BY THE DEPONENT AND COUNSEL FOR THE
RESPECTIVE PARTIES.

WHEREUPON, JOSEPH RICH, BEING DULY SWORN AND
CAUTIONED TO SPEAK THE TRUTH, THE WHOLE TRUTH, AND
NOTHING BUT THE TRUTH, TESTIFIED AND DEPOSED AS FOLLOWS:

EXAMINATION

BY MR. GOINGS:

Q Can you state your full name for the record?

A Yes, sir. Joseph Allen Rich, J-O-S-E-P-H, A-L-L-E-N,
R-I-C-H.

Q Mr. Rich, you were present for the deposition of Mr. Mark Goss, correct?

A Yes, sir.

Q Okay. Were you present for his entire deposition?

A Yes, sir.

Q Okay. Have you ever been deposed before?



1 A Yes, sir.

2 Q Okay. So you're familiar with the process. I'm asking
3 you questions and you're answering those questions
4 under oath here today?

5 A Yes, sir.

6 Q If you have any questions related to my questions, need
7 me to rephrase, you need me to explain my question,
8 please direct any of those types of questions you may
9 have of me to me and not -- not your attorney.

10 You probably know this already but if she
11 objects, you're required to answer the question unless
12 she instructs you not to -- not to answer. I don't
13 think we'll have any of those problems here today.

14 Let me finish my question before you answer
15 to help the court reporter, and I'll try my best to let
16 you finish before going on to the next question. But
17 the hardest working person here, as you know, is the
18 court reporter. She's taking down everything you and I
19 say. Try to keep your answers audible. Try to avoid
20 head nods or head gestures, uh-huh, or uh-uhs because
21 she's taking a verbatim transcript.

22 What is your address?

23 A , Orangeburg 29115.

24 Q How long have you lived at that address?

25 A About three years.

- 1 Q Prior to that address, where did you live?
- 2 A in Cope, South Carolina, 29118.
- 3 Q How long did you live at that address?
- 4 A About 15 years. Somewhere in there.
- 5 Q Before living in Cope, where did you live?
- 6 A I lived in Arizona.
- 7 Q Are you originally from Arizona?
- 8 A No, sir. From California.
- 9 Q Okay. Where did you grow up?
- 10 A A little bit in California, a little bit in Arizona,
- 11 and graduated from Edisto High here in Orangeburg.
- 12 Q Okay. So you graduated from -- just from a high school
- 13 in South Carolina?
- 14 A Uh-huh.
- 15 Q When did you move to South Carolina?
- 16 A 1994 or somewhere in there, '93.
- 17 Q And are you married?
- 18 A Yes, sir.
- 19 Q How old are you?
- 20 A I am 40.
- 21 Q Forty years old.
- 22 A Yes, sir.
- 23 Q What is your wife's name?
- 24 A Lena, L-E-N-A, R-I-C-H.
- 25 Q Where is she from?

1 A Virginia originally. Met her in Orangeburg.

2 Q Do you have any relatives in Orangeburg by blood or
3 marriage with a last name other than Rich?

4 A By than by blood or marriage. I -- no, sir. I don't
5 think so.

6 Q Do you have any children?

7 A Yes, sir.

8 Q How many children do you have?

9 A Three.

10 Q And what are their names?

11 A Nicholas, Courtney, and William.

12 Q How old are they?

13 A Nicholas is 15, Courtney is 12, and William is seven,
14 getting ready to turn eight this month.

15 Q So you have your hands full.

16 A She does. Yes, sir. I can't take credit for that.

17 Q What's your phone number?

18 A It's 803

19 Q And your cell phone number?

20 A 803-

21 Q You said you'd been previously deposed before?

22 A Uh-huh.

23 Q What type of matters have you been deposed in?

24 A Truck accidents, things related to, you know, the
25 company.

1 Q And what company are you referring to?

2 A Sunshine Recycling.

3 Q Are you currently employed?

4 A I hope so. Yes, sir.

5 Q Okay. And what's the name of your employer?

6 A Sunshine Recycling.

7 Q Do you own Sunshine Recycling?

8 A The bank does.

9 Q Other than the bank, you're the owner of record?

10 A Yes, sir.

11 Q All right. Any other owner of Sunshine Recycling
12 besides yourself?

13 A I wish there was. No, sir.

14 Q How long have you been in the recycling business?

15 A About 17 years.

16 Q Do you hope to stay in the recycle business?

17 A If the economy will allow it. It's been pretty tough.

18 Q How long have you -- how did you get started in
19 recycling?

20 A Really by happenstance. I didn't have a lot of
21 experience in recycling, *per se*. I did a lot of
22 general contracting work as a young man with my hands
23 and had an opportunity to run the recycling operation.
24 The gentleman that was going to run it that had all the
25 recycling experience wasn't really, you know, business

1 oriented. So I came in and took over the business
2 really within the first 30 days of it opening and then
3 ran it ever since and basically learned the business
4 from the ground up.

5 Q What was the name of that business?

6 A The same -- same name.

7 Q Did you buy the business from him?

8 A Just bought him out. He was a partner actually at the
9 time.

10 Q Okay. What was his name?

11 A Mike Weeks.

12 Q And he's no longer associated with Sunshine Recycling?

13 A No, no.

14 Q I see your shirt says Sunshine Solutions.

15 A Uh-huh.

16 Q What's the difference in Sunshine Solutions and
17 Sunshine Recycling?

18 A That's our tag name. It's recycling solutions, you
19 know.

20 Q Yes, but the company is actually --

21 A Sunshine Recycling, LLC. Yes, sir.

22 Q Okay. Got you.

23 And describe your education and training over
24 the years?

25 A High school. Strictly -- went back to high school at

1 the age of 20. You know, dropped out of school at a
2 young age. Thought I knew everything there was to know
3 in my riotous living days. And then my parents
4 convinced me to come back home and go back to school at
5 the age of 20 and graduate because my brothers had.

6 Q So you graduated from high school at the age of 20?

7 A The day I turned 21, I believe, yes.

8 Q All right. And what high school was that again?

9 A Edisto.

10 Q Is that a private school or public school?

11 A Public school. George Benton was the principal.

12 Q Does -- do your parents live in Orangeburg now?

13 A My mother was killed in a car accident a couple of
14 years back and my father has since remarried and, yes,
15 he lives here in Orangeburg.

16 Q Okay. Sorry about your mother and that.

17 What is your father's name?

18 A Keith, K-E-I-T-H, Rich, R-I-C-H.

19 Q Does he help out at Sunshine Recycling?

20 A Fortunately for me, yes, sir, he does.

21 Q So he's your boss?

22 A Yes, sir. He doesn't draw a paycheck either.

23 Q What did you do to prepare for today's deposition?

24 A I came here.

25 Q Did you review any documents?

1 A No, sir.

2 Q Did you listen to the deposition of Mark Goss?

3 A Yes, sir.

4 Q Did that help prepare you for your testimony here
5 today?

6 A Yes, sir.

7 Q Did you read the lawsuit that was filed?

8 A Yes, sir. I think so.

9 Q Did you make any notes or notations to the documents?

10 A No, sir.

11 Q You were served with some discovery requests. I'm
12 going to hand you what has been provided in response to
13 those requests. I'm not going to mark them as an
14 exhibit, but it's Sunshine 18, there's Sunshine 0126.

15 A Page 18, sir?

16 Q Yes.

17 A Or Sunshine 18. It's -- okay.

18 Q It's Bates labeled by your attorney.

19 A Uh-huh.

20 Q Did the -- are there any other documents you have or
21 your company has in response to the discovery that's
22 served other than -- than these documents? With the
23 exception of the documents listed on a privileged log,
24 these are the ones that I understand were produced by
25 your company in discovery.

1 A I don't. I have no reason to believe so.

2 Q The last page -- before I say that, would you agree
3 with me that the majority of all those documents in
4 your hand, it's a copy of an insurance policy --

5 A Yes.

6 Q -- more than anything else?

7 A Uh-huh.

8 Q And --

9 A That's what it looks like.

10 Q -- as it relates to documentation, photographs or the
11 like related to Meredith Huffman's arrest on the theft
12 of Aiken Electric, I notice on your last page there's a
13 document. What is that?

14 A Is the wording on the back of every weight ticket that
15 we have for customers that's in their paperwork to
16 certify that all the material they're bringing is
17 theirs and belongs to them and --

18 Q Why was that produced in discovery?

19 A It's part of the weight ticket possibly. I don't know.

20 Q Does Sunshine Recycling, LLC, intend to rely on any
21 language contained on the back of that ticket that's
22 marked as Sunshine 0126 as a defense to this case?

23 MS. WALKER: Object to the form.

24 A I don't know.

25 Q Okay. Who else at Sunshine would know other than you?

1 A There would be.

2 Q Okay. What is your title at Sunshine Recycling?

3 A The CEO.

4 Q Okay. When did you first learn or become involved in a
5 matter related to the theft of metal of Aiken Electric
6 that occurred in May of 2010?

7 A I believe we had been visited by Mr. Goss previous to
8 that date -- I can't recall when -- regarding possible
9 theft of materials and different items to be on the
10 lookout for.

11 Q When were you contacted by him?

12 A I don't remember. I want to say it was several months
13 prior to this particular event. I don't think this was
14 the first event that had occurred at Aiken Electric.

15 Q All right. Are you aware that a lady named Meredith
16 Huffman was arrested by Orangeburg County Sheriff's
17 Department in 2010?

18 A Yes, sir.

19 Q As it relates to the incident giving rise to her
20 arrest, when did you come to learn that there were
21 materials stolen from Aiken Electric in May of 2010?

22 A I believe I was notified by phone or in person by Mr.
23 Goss to be on the lookout for some materials.

24 Q Do you know when he contacted you?

25 A I don't know, sir.

- 1 Q How would he have contacted you?
- 2 A By either cell phone or calling the office and --
- 3 Q Does he have your cell phone number?
- 4 A Yes, sir.
- 5 Q Okay. And what number would he have contacted you at?
- 6 A The 664 number.
- 7 Q And who's your cell phone service provider?
- 8 A Alltel, I believe.
- 9 Q Alltel. Is it Alltel now?
- 10 A I think it always has been.
- 11 Q Okay. So -- so back in 2010, it would have been
- 12 Alltel, as well?
- 13 A Yes, sir.
- 14 Q And he has your contact information and you know Mr.
- 15 Goss because he regularly contacts you as it relates to
- 16 potential thefts in the area?
- 17 A That's correct.
- 18 Q Okay. Is it fair to say that you and him have a --
- 19 have a -- have a nice working relationship?
- 20 A Yes, sir. It's pretty standard with any of the power
- 21 companies that they contact the recyclers and let them
- 22 know if they're looking for something.
- 23 Q Would you consider him to be a friend?
- 24 A No, sir. I don't know him personally.
- 25 Q Is it my understanding that to the best of your

1 recollection, you received a phone call from him saying
2 be on the lookout for metal?

3 A Yes, sir. I think initially -- and I think he came by
4 with an actual small, little board with, I think, an
5 electrics card attached to the top and different pieces
6 of wire samples stapled to it that we then left in our
7 warehouse with our employees to, you know, continue to
8 be vigilant looking for their material if it ever were
9 to come in.

10 Q All right. Did he call you as it relates to the theft
11 that occurred on May 16th, 2010?

12 A I don't think so, specifically. No, sir.

13 Q All right. How did you first learn or discover that
14 there was a theft on May 16th, 2010, at Aiken Electric?

15 A When we spoke to Mr. Goss and he related to us that
16 they'd experienced a theft. After we had contacted law
17 enforcement that we had some material in our warehouse
18 that resembled what we were looking for.

19 And let me back up. I don't remember if I
20 called Mr. Goss to say that we had some material in the
21 warehouse that resembled what he was looking for and
22 then we called the sheriff's office, or if he called
23 the sheriff's office. I don't remember who actually
24 called the sheriff's office regarding the material, but
25 I know we called Mr. Goss and notified him because he

1 would be the person that could identify it. We
2 couldn't.

3 Q All right. Now, did he call you ahead of time and say
4 be on the lookout for some stolen metal?

5 A No, sir, not that I recall.

6 Q How did you know to contact him about stolen metal?

7 A Because we have the samples and his card. That we've
8 dealt with him in the past and these were items he was
9 specifically looking for.

10 Q All right. Did there come a time when Mr. Goss came to
11 Sunshine Recycling in May of 2010 regarding stolen
12 metal?

13 A Yes, sir.

14 Q What date was that, that he came by?

15 A I believe it was the date of the police report. I
16 believe it was the date of the 17th.

17 Q Okay. And did you recall talking to him?

18 A Yes, sir.

19 Q How did he eventually get to your recycle center? I
20 mean, did he call in advance or did he just show up
21 or --

22 A Yeah, we -- we --

23 Q Help me -- help me understand what happened.

24 A We called him and made him aware that we had some
25 material resembling the samples that he had left us

1 and, as usual, could he come and look at it and see
2 whether or not, you know, this is what he was looking
3 for. He said he was on the way, could we call law
4 enforcement or -- call law enforcement or he would call
5 law enforcement. I don't remember if he told us to or
6 we initiated the call.

7 Q When did he leave these samples with you?

8 A I want to say it was months prior to this particular
9 theft.

10 Q Okay. So the samples that he left you were not actual
11 samples for purposes of this incident?

12 A No, sir.

13 Q Okay. They were just samples that he wanted y'all just
14 to be on the lookout for in the future should something
15 be dropped off there?

16 A Yes, sir.

17 Q Okay. So do you believe that you reached out to him
18 first to notify him of these samples or did he --

19 A Yes, sir.

20 Q -- contact you and say we had a theft last night, do
21 you have anything?

22 A No, sir. I believe I called him.

23 Q Okay. And what did he say?

24 A Said, you know, we're on the -- I'm on the way. I'll
25 come that way. I'm somewhere. And I don't recall if

1 he mentioned the theft or not at that time or -- or
2 what. I don't believe he did.

3 Q Okay. He -- but he eventually did come to the recycle
4 center?

5 A Yes, sir, he did.

6 Q And what did he say then to you?

7 A I don't recall speaking directly with Mr. Goss. I
8 recall talking to Investigator Ethridge and taking him
9 to the back and looking at the material as we were
10 waiting for Mr. Goss to arrive. And then Mr. Goss
11 arrived, I think, and then we went to the back again,
12 and then Mr. Goss reviewed the materials that were in
13 the warehouse.

14 Q So you remember meeting with an officer from the
15 Orangeburg County Sheriff's Department?

16 A Yes, sir.

17 Q And that was on May the 17th, correct?

18 A I believe so. Yes, sir. That's the day Ms. Ethridge -
19 - or Ms. Huffman was arrested. Yes, sir.

20 Q When do you recall the first time you met with Officer
21 Ethridge?

22 A That day.

23 Q The day that Meredith Huffman was arrested?

24 A Yes, sir.

25 Q Okay. I understand Meredith Huffman was arrested in

1 June.

2 A Maybe it was in June. Whenever the police report said
3 it was that she was arrested is when I remember meeting
4 with Officer Ethridge.

5 Q Okay, and who was there for this meeting with Officer
6 Ethridge?

7 A It was me and myself, and then Mr. Goss joined us
8 however long later when he showed up.

9 Q And what did he -- what did you and Mr. Ethridge talk
10 about?

11 A Well, let me -- let me back up. I don't remember if
12 Ethridge showed up first or if Mr. Goss showed up
13 first. I don't remember which one actually showed up
14 on the scene first, if it was the sheriff's deputy
15 or it was him.

16 Q Okay. What do you recall happening?

17 A We went to the back. We looked at the material. We
18 showed them the material that we were calling them
19 regarding. Mr. Goss identified that, you know, these
20 items here in the area where our scales are were,
21 indeed, the items that he was looking for.

22 Q What items did he point to?

23 A Some miscellaneous wire. We call it ACSR wire. They
24 would call it aluminum wire, I guess. The scrap
25 terminology for it is ACSR wire. And some copper, I

1 believe, and some other miscellaneous things.

2 Q Okay. And then what happened next?

3 A We then -- I think Officer Ethridge, at that point,
4 wanted to, you know, initiate the investigation because
5 obviously he had identification of the material. We
6 advised him at that time -- I'm sorry. I believe in
7 speaking with the scale operator regarding who had
8 brought the material in, he indicated that the first
9 person that came in was a white woman that sold
10 material resembling the material that Mr. Goss was
11 indicating in the -- in the general area that we were
12 identifying material.

13 And then we advised Mr. Ethridge at that time
14 and Mr. Goss that they were welcome to go ahead and
15 review the video at this time if they wanted to or they
16 could go up to the front and identify whichever tickets
17 that we had in the warehouse. They were all time-
18 stamped and they corresponded with the video camera
19 system to identify, you know, which customer brought
20 their material in.

21 Q Okay. What do you recall happening next?

22 A That was it. I think at some point I witnessed or saw
23 someone being placed in a car, and I believe it was Ms.
24 Huffman being arrested.

25 Q Okay. And you saw Ms. Huffman being arrested?

1 A I think so. Yes, sir. If I recall correctly.

2 Q All right. And what happened next?

3 A They, you know, left, and I didn't hear from them again
4 until we heard something from Ethridge sometime later
5 that they had arrested the wrong person.

6 Q Okay. And --

7 A I'm -- I'm sorry. He -- Mr. Ethridge also asked -- I
8 don't know if it was before he left, right before he
9 left with Mrs. Huffman that -- or someone did anyway,
10 forward a copy of the videotape that we had. Asked us
11 to burn one.

12 Q Okay. And what was your response?

13 A We would get one burned. We don't do that. The
14 sheriff's office can do it themselves of course or we
15 would have Alan Price from Media Security Services or
16 Media -- Palmetto Cameras would burn the video for him.

17 Q All right. So Ms. Huffman to your -- to your
18 recollection, Ms. Huffman was arrested on the same day
19 that she brought the -- the metal to the Sunshine
20 Recycling location, right?

21 A Yes, sir. On the spot, I thought.

22 Q Yeah. And you witnessed that?

23 A I don't remember her -- you know, seeing them cuff her
24 but I thought I remembered seeing her go into a -- into
25 a police car.

1 Q Okay. What other officers were there besides Officer
2 Ethridge, if any?

3 A I don't remember. I don't remember if he called
4 someone else and someone else actually came, if he was
5 a supervisor and he didn't actually take her. I don't
6 recall the specific circumstances of how she was
7 arrested or who arrested her.

8 Q Right. I mean --

9 A The sheriff's office.

10 Q Okay. Was there anybody at the sheriff's office there
11 present other than Ethridge, to your recollection?

12 A Not to my recollection, unless another deputy joined
13 him later. I don't know.

14 Q What does Officer Ethridge look like?

15 A He's a white gentleman, probably in his -- I don't
16 know, about our age. In his 40's, somewhere in there.

17 Q Do I really look like I'm in my 40?

18 A Yeah.

19 MR. JOHNSON: Fifties.

20 A Yes, . sir.

21 Q Good. Maybe it's all this weight I've been gaining.
22 We all can't be young like Briana.

23 A I started P90X every morning about two years ago and
24 I'm doing an hour and a half every morning. You don't
25 want to do it.

1 Q I doubt it. It's not worth it. Too intense. That's
2 funny.

3 What do you recall specifically telling the
4 police officers on the day that you saw Ms. Huffman get
5 arrested?

6 A When we first had a conversation with --

7 Q Yeah. And I want to back up a little bit.

8 A Uh-huh.

9 Q Because I want to take it kind of step by step now that
10 you gave me the big picture. Step by step of what
11 happened.

12 Do you recall where you were when the police
13 officers came to the scene?

14 A I was out in the yard working somewhere.

15 Q Okay.

16 A They radioed me and told me that they were there. So I
17 think I came front -- came up front and got with them
18 and went to the back.

19 Q Can you specifically recall your conversation with any
20 officer of the Orangeburg County Sheriff's Department?

21 A Not really, no.

22 Q Okay.

23 A It's -- it's pretty routine. This happens all the
24 time. So this is one of literally many times that this
25 has taken place in the last several years. So they're

1 kind of analogous. It's kind of the same routine every
2 time.

3 Q Okay. What do you recall happening as it related to
4 this incident with Aiken County --

5 A Uh-huh.

6 Q -- Aiken Electric, and Meredith Huffman, when the
7 police officers came?

8 A We went to the back with law enforcement either before
9 or after Mr. Goss arrived with Mr. Goss. He identified
10 the material in the warehouse as being his or some of
11 the material that was in the warehouse in that area as
12 being his. And then as we normally do, we turn -- we
13 basically walked away from the investigation at that
14 point in time and advised them, as we always do, that
15 of course, you know, the camera system is 50 to a
16 hundred feet away, you're welcome to access it. That's
17 why we have it. It's an amazing camera system. It's
18 really great color. It's high def DVR. Some great
19 technology. We've actually updated it since, but even
20 at the time it was cutting edge.

21 There's even tag cameras that fill in the
22 back of the vehicles as they enter into the warehouse.
23 So they could even identify the tag numbers of each
24 vehicle. It films the person exiting the vehicle, it
25 films the person unloading the material on the scales,

1 it films the person signing the ticket testifying that
2 the material is theirs, re-entering the vehicle, and
3 then films them leaving.

4 So, as far as we're concerned, that's --
5 instead of me telling law enforcement what it is,
6 that's what the camera system is for.

7 Q Is it fair to say then that your recollection of what
8 you told law enforcement or what law enforcement told
9 you is really based on, like, routine and habit because
10 this has happened so many times?

11 A Yes, sir.

12 Q Okay. So it's fair to say that you don't know exactly
13 what you told law enforcement or what law enforcement
14 told you as it related to this particular incident but
15 you believe it's similar to what has happened in other
16 -- many other instances that's occurred for theft of
17 metal. Correct?

18 A Yes, this is an identical situation to everyone that we
19 handle. You know, scrap theft alert has changed the
20 system a little bit in that they send us a posting and
21 a picture of what they're looking for. But even scrap
22 theft alert's identical, it says notify local law
23 enforcement. Local law enforcement comes. They look
24 at the material. They identify it and they do what
25 they do from there.

1 Q Did you take any notes or create any incident reports
2 or related documents or memorandi on that day, which is
3 the 17th of May, or any other day related to this
4 particular incident and Meredith Huffman?

5 A No, sir. Once we put Mr. Goss and the Orangeburg
6 County Sheriff's Office together, we -- we go back to
7 work.

8 Q So the -- just so I'm clear, the metal that Ms. Huffman
9 brought into the -- to your location at Sunshine
10 Recycling was the metal that Mr. Goss identified as
11 Aiken Electric metal?

12 A I don't know that.

13 Q Okay. All I'm trying to figure out is who identified
14 the metal that Ms. Huffman brought in as Aiken
15 Electric's metal?

16 A I don't know.

17 Q Did anybody do that?

18 A I don't know. They identified material that they said
19 was theirs. I didn't ask them which material it was.

20 Q Who's they? Who's they identified?

21 A Aiken Electric identified to the sheriff's office what
22 was theirs.

23 Q Okay. And what metal did they identify as theirs?

24 A The metal I described, miscellaneous material that was
25 in there. I don't know who it belonged to.

1 Q I understand that, but what metal was being pointed to?

2 A Some wire, some copper. Just like I said, it was all -
3 - all in one area piled up. So, you know, indicated
4 this material here, this material here. In other
5 words, they didn't pull it all out of where the buying
6 area was and segregate it and separate it all. They
7 identified it where it sat.

8 So I don't know if he was indicating Ms.
9 Huffman's material. I don't know if he was indicating
10 the other gentleman's material. He was indicating
11 material in that area. In other words, when we buy
12 scrap metal, it's bought all in one area and it's
13 basically thrown into a pile and then it's later picked
14 up from that pile and put in various containers.
15 That's the reason why we have the camera system, so
16 that you can go back and identify exactly what was
17 whose, and that's why it points right down at the
18 scale.

19 Q On the 17th of May --

20 A Uh-huh.

21 Q -- did you review the video?

22 A No, sir.

23 Q Did anybody at Sunshine Recycling, LLC, to your
24 knowledge, review the video on the 17th of May?

25 A No, sir.

- 1 Q On the 18th of May, did you review the video at
2 Sunshine Recycling?
- 3 A No, sir.
- 4 Q Did you or anybody at Sunshine review the video on the
5 18th?
- 6 A No, sir. Never reviewed the video.
- 7 Q Never?
- 8 A No, sir.
- 9 Q To this day, you never seen the video?
- 10 A No, sir.
- 11 Q Okay. Did you, at some point on the 17th, communicate
12 with an employee in Spanish?
- 13 A Yes, sir.
- 14 Q Do you speak Spanish?
- 15 A Not fluently, but enough to get by.
- 16 Q You have a good reputation of being pretty fluent in
17 Spanish. You do speak, right?
- 18 A I can -- I can communicate. Yes, sir.
- 19 Q Okay. Good. And do you have Hispanics that work for
20 you?
- 21 A Yes, sir.
- 22 Q And did you hear Mr. Goss testify earlier today about
23 you speaking in Spanish to one of your employees?
- 24 A Yes, sir.
- 25 Q Did that happen that day, that you recall?

1 A Yes, sir.

2 Q And what did this gentleman tell you?

3 A That the first person in the warehouse that was selling
4 material in that group was a white woman.

5 Q Okay. And who is this employee?

6 A One of my guys that worked in the warehouse, weighing
7 customers as they came in.

8 Q What's his name?

9 A I don't recall which one of the guys it was that was
10 weighing that day.

11 Q Does he still work for you?

12 A I don't think so.

13 Q Do you have any records as it relates to the
14 individuals that were actually working on the 17th of
15 May, 2010?

16 A You mean as far as the entire company?

17 Q Yes, sir.

18 A Yes, sir.

19 Q And your employees, were they paid by the hour?

20 A Yes, sir.

21 Q And at Sunshine Recycling, you all keep time cards of
22 time people worked, right?

23 A Yes, sir.

24 Q And so I could -- or you, or someone at Sunshine
25 Recycling could decipher the names of the employees

1 that were actually working on -- on May the 17th, 2010,
2 correct?

3 A Right. We have 30 something or 40 something employees.
4 So I don't know -- you know, guys will rotate and work
5 at different spots for the recycling facility.

6 Q How many Spanish speaking employees do you generally
7 have working at one period of time?

8 A Probably 12 or 15. Somewhere in there.

9 Q Okay. And is it your understanding that a Spanish
10 speaking -- or a Hispanic -- is it fair to call him a
11 Hispanic?

12 A It is. Yes, sir.

13 Q A Hispanic told you that a white woman brought some of
14 that metal into Sunshine Recycling?

15 A No, he indicated who the first person was. There was a
16 group of people that came through that sold material.
17 He indicated who the first was, that she was the first
18 in that series.

19 Q Did you ask him who the second person was?

20 A No, sir.

21 Q Did you ask him who the third person was?

22 A No, sir. That's what the cameras are for.

23 Q And you never reviewed the cameras?

24 A No, sir.

25 Q Did you ever provide Orangeburg County Sheriff's

1 Department with a copy of -- of video footage from May
2 17th, 2010?

3 A Yes, sir. We did.

4 Q When did you provide that information?

5 A I don't know when Alan recorded it or when he burned it
6 off of the DVR.

7 Q Now, who's Alan?

8 A Alan Price.

9 Q Who is Alan Price with?

10 A Palmetto Security Cameras. They're located here in
11 Orangeburg. He actually does a pretty good bit of work
12 for the sheriff's department. So he's one of their
13 trusted sources for video or whatever else. I believe
14 we notified him that day, which is, you know, policy
15 with regards to, you know, sheriff's office needing
16 video, that they were going to need the video. And
17 when he could, to go ahead and burn them a copy of the
18 video.

19 Q Did you provide Orangeburg County Sheriff's Department
20 with a copy of the ticket that showed Meredith
21 Hoffman's name and receipt?

22 A Yes, sir.

23 Q Did you -- or do you recall Mr. Goss with Aiken
24 Electric, taking photographs of the metal?

25 A No, sir.

1 Q Do you recall Orangeburg County Sheriff's Deputy
2 Ethridge asking you for a copy of the video but you
3 responding that you don't have a copy of the video,
4 you'll have to call the company to obtain it? Do you
5 recall that?

6 A No, sir. We have -- we have the original. The
7 sheriff's office can obtain a copy on site if they so
8 choose.

9 Q Have you ever dealt with Officer Ethridge before this
10 incident?

11 A I don't recall. No, sir.

12 Q Did you -- have you ever dealt with him after this
13 incident?

14 A I believe when he contacted us regarding getting
15 additional information, but I don't know if I
16 personally dealt with him or not or he just came to the
17 scale house and went through tickets as they normally
18 do to get tickets that corresponded with the video tape
19 that we sent him, I assume.

20 Q Do you recall Orangeburg County Sheriff's Department
21 contacting you several times to obtain the video but no
22 video copy being provided to the sheriff's department?

23 A It could have been possible that Mr. Price was occupied
24 and hadn't gotten to it. It's not our responsibility
25 to burn DVDs for the sheriff's office. The DVD

1 container sits next to the DVR; that they can take a
2 disk out we provide and they can put it in the DVR and
3 record it.

4 Q Did you hand any officer a disk for -- for him or her
5 to make a copy of the video?

6 A No, sir. They sit on the DVR.

7 Q Did you ever instruct anyone from the sheriff's
8 department to physically come and -- or physically make
9 their own copy of the video?

10 A Yes, sir.

11 Q What time and date did you do that?

12 A One of -- one of the times they called and asked for a
13 copy of the DVD, and we always advise them they are
14 welcome to come and do it themselves. If they want to
15 wait for Alan, they're obliged to do so.

16 Q Did you tell Orangeburg County Sheriff's Department
17 that Meredith Huffman was the suspect of this -- this
18 theft?

19 A No, sir.

20 Q Did anyone at the Orangeburg County Sheriff's
21 Department -- excuse me. Did anyone at Sunshine
22 Recycling tell the Orangeburg County Sheriff's
23 Department that Meredith Huffman was the suspect?

24 A No, sir.

25 Q Was there probable cause to arrest Meredith Huffman for

1 -- for a crime related to these stolen goods?

2 MS. WALKER: Object to the form.

3 MR. JOHNSON: Object to the form.

4 A I don't know. I didn't -- I didn't see whatever
5 evidence gathering that they had.

6 Q Did you see her -- did you physically see her commit a
7 crime in your presence?

8 A No, sir.

9 Q Did you hear anyone tell you that she committed a
10 crime?

11 A No, sir.

12 Q Did you receive any information of any kind that -- to
13 -- that would link Meredith Huffman to the theft that
14 occurred on May 16th, 2010, at Aiken Electric?

15 A You said did I receive any information that would link
16 her?

17 Q Did you -- did you -- did you receive any information,
18 obtain any information, learn any information that
19 would link Meredith Huffman to the stolen goods at
20 Aiken Electric?

21 A No, sir. I did not.

22 Q Has Meredith Huffman ever come to Sunshine Recycling
23 before?

24 A I don't know.

25 Q Do you know what she looks like?

1 A No, sir.

2 Q Have you now learned that she was just a customer
3 coming and trying to --

4 A Yes, sir.

5 Q -- do the right thing and make a little bit of money
6 off the scraps from her dilapidated mobile home that
7 she was gifted?

8 A Yes, sir.

9 Q So you don't have any evidence sitting here today that
10 Meredith Huffman stole anything from Aiken Electric, do
11 you?

12 A No, sir. I do not.

13 Q And you don't have any evidence that she even received
14 any stolen goods from Aiken Electric, do you?

15 A No, sir. I do not.

16 Q Do you believe Meredith Huffman was innocent of
17 receiving stolen goods from Aiken Electric?

18 MS. WALKER: object to the form.

19 A I've never seen the video tape. I can't say. This has
20 all been hearsay by law enforcement telling me.

21 Q When did you learn that Meredith Huffman was arrested?

22 A I believe it was the day she was arrested. I assumed
23 she was being arrested when I saw a police car there
24 and someone being arrested and I thought it was a
25 female.

1 Q Okay.

2 A I didn't actually know what her name was.

3 Q Okay. So no one called to tell you she was arrested.
4 You saw her being arrested?

5 A I believe so. Yes, sir.

6 Q Okay. When did you learn that the wrong person had
7 been arrested?

8 A I believe that's when Mr. Ethridge contacted us and
9 started to -- I guess I can say it -- actually
10 investigate who the material came from.

11 Q So you don't believe he actually investigated who the
12 material came from until after he found out that the
13 wrong person was arrested?

14 A No. I think that -- are you asking me my opinion? My
15 opinion is I think that the weights that Mr. Goss
16 provided him coincided with Mrs. Huffman's ticket
17 somewhat and that's how he did his investigation. He
18 went in the office and went through tickets until he
19 found the one that was similar to what he told him he
20 was looking for. And she happened to have been there
21 and she happened to have been mentioned in the
22 warehouse as being in there the first time, and he
23 arrested her.

24 Q Now, no one from Orangeburg County Sheriff's Department
25 actually went in and reviewed tickets --

1 A Yes, sir.

2 Q -- from -- from Sunshine Recycling, did it?

3 A Yes, sir. They did.

4 Q You physically saw an Orangeburg Deputy, Orangeburg
5 County Deputy, physically go through tickets?

6 A Yes, sir. He stood in our scale house -- scale house
7 and flipped through tickets.

8 Q You didn't provide him the ticket of Meredith Huffman?

9 A If he asked for it, yes, sir. So if he asked us for a
10 white woman's ticket at this particular time, yes, sir.
11 We would have flipped through the tickets ourselves and
12 handed it to him.

13 Q Let me ask you, is it a crime for a recycle center to
14 knowingly accept metal that they reasonably believed to
15 be stolen?

16 A Yes, sir.

17 Q And when someone comes up and brings a metal that they
18 -- that is stolen -

19 (OFF THE RECORD)

20 BY MR. GOINGS:

21 Q Are your employees trained to spot potential stolen
22 metal as they come in?

23 A No, sir.

24 Q So the types of metal that came in from Aiken Electric,
25 I mean, your employees are not able to see that metal

1 and know that it's stolen when it comes in?

2 A No, sir.

3 Q Did you tell Orangeburg County Sheriff's Department to
4 arrest Meredith Huffman?

5 A No, sir.

6 Q After Mrs. Huffman was arrested, do you recall having a
7 conversation with Officer Ethridge?

8 A No, sir. Unless it was to request the copy of the CD.

9 Q Okay. Do you not recall you and Officer Ethridge
10 discussing this incident after Meredith Huffman had
11 been arrested where you advised the officer that
12 employees observed Huffman with the stolen goods and
13 that you and your employees were willing to come to
14 testify in court against Ms. Huffman?

15 A No, sir.

16 Q That didn't happen?

17 A No, sir.

18 Q Did you provide anyone from Orangeburg County Sheriff's
19 Department with a ticket bearing the name of Eugene
20 James at any time prior to Ms. Huffman's arrest?

21 A It was in the tickets. Yes, sir.

22 Q Have you ever been arrested?

23 A Yes, sir.

24 Q And what have you been arrested for?

25 A Where do I start? Let's see, underage consumption,

1 possession of marijuana, failure to appear. Things
2 like that.

3 Q You -- I want you to answer it a little more
4 definitively. Been arrested for -- first of all, how
5 many times have you been arrested?

6 A I don't remember. Probably three, four times.

7 Q Okay. Any more than three, four times?

8 A I don't think so.

9 Q Have you been arrested more than five times?

10 A No, sir.

11 Q Okay. And what have you been arrested for?

12 A Underage consumption, I think.

13 Q When was that?

14 A Twenty years ago.

15 MR. JOHNSON: When he was underage.

16 BY MR. GOINGS:

17 Q Right. How old -- how old were you? You had to be
18 less than 21 --

19 A Yeah, 18, 19. Somewhere in there.

20 Q Okay.

21 A That's when most of my felonious ways occurred.

22 Q What about the charge involving marijuana?

23 A Same thing.

24 Q Okay. You were under the age of 21 when that occurred?

25 A Yes, sir.

1 Q And then, what's your other time you've been arrested?

2 A I think I was picked up because I didn't pick up a --
3 didn't appear for a speeding ticket that I didn't
4 realize I had or didn't pay or whatever the case may
5 be.

6 Q When was that?

7 A Around the same time.

8 Q Okay. In the last ten years have you been arrested?

9 A No, sir.

10 Q Have you ever spent a night in jail?

11 A No, sir.

12 Q Okay. Have you ever spoken to Meredith Huffman to this
13 day?

14 A I don't believe so. No, sir. Not that I remember.

15 Q Did you ever call and apologize to her for being
16 arrested?

17 A No, sir. I didn't know her phone number to call her,
18 so --

19 Q Have you testified truthfully and accurately here
20 today, sir?

21 A Yes, sir.

22 Q Have you fully answered my questions?

23 A Yes, sir.

24 Q Is there anything that we've not discussed that you
25 know concerning the arrest of Meredith Huffman or the

1 stolen goods claimed by Aiken Electric in May of 2010?

2 MS. WALKER: Object to the form.

3 A No.

4 Q So there's no conversations that you know about with
5 anyone related to this incident you haven't told me
6 about?

7 A No, sir.

8 Q There is no facts or details related to this incident
9 that you haven't told me about?

10 A No, sir.

11 MR. GOINGS: That's all the questions I have.

12 Thank you.

13 EXAMINATION

14 BY MR. JOHNSON:

15 Q Am I hearing this correctly that you -- your employees
16 came to you and said they thought there was some Aiken
17 Electric materials that had been brought in by someone,
18 and you then turned and called Mark yourself?

19 A I believe so. Yes, sir.

20 Q Okay.

21 A Or someone in the office did. I think we had Mr. Goss'
22 card in the office as well to reference.

23 Q All right. And then he comes and the Officer Ethridge
24 comes.

25 A Uh-huh.

1 Q And the conversation with your Hispanic employee, did
2 you report what he told you to the officer?

3 A Yes, sir. I believe so.

4 Q Okay. And I'm hearing what you recall about that being
5 a little different than what Mr. Goss testified to. He
6 said that he thought the Hispanic person put -- pointed
7 towards Ms. Huffman and said she brought the material
8 in. Your recollection is he said some of the material
9 over there was brought in by the first person who came
10 in, this lady?

11 MS. WALKER: Object to the form.

12 A No. Specifically, it was all that material that was
13 there, everybody that dumped there, the first person
14 that dumped was Mrs. Huffman. So there was a group of
15 people that their material was there.

16 Q They dumped there?

17 A Yes, sir.

18 Q And that is what you reported to the officer?

19 A Yes, sir.

20 Q And you believe -- did you tell them her name?

21 A Sir?

22 Q Did you tell him it was a white lady or did you tell
23 him a name?

24 A It was a -- it was -- it was a white lady because
25 that's what the employee told me.

1 Q All right. And you didn't mention Ms. Huffman's name
2 to him?

3 A Didn't know it until --

4 Q Later?

5 A Yes, sir.

6 Q And then he went and looked at the tickets, the deputy
7 did, an investigator looked at your tickets, and then
8 saw the -- a white lady in the parking lot, and went
9 over and arrested her?

10 A No, sir. I believe he came into the scale house first,
11 went through the tickets or requested the ticket for
12 the white lady or the person at that point -- at that
13 time, I think, and then did whatever he did from there.

14 Q And she was still there?

15 A Yes, sir. To my recollection, she was still on the
16 yard.

17 Q And he went over and arrested her?

18 A Yes, sir.

19 Q Did you know who she was?

20 A No, sir.

21 Q Had Mr. Goss already left by the time this occurred?

22 A No, sir. I believe he was still there. I think he was
23 still outside.

24 Q When the lady got arrested?

25 A Yes, sir. I believe they were conversing or talking

1 about the case. I don't know. I wasn't present for
2 their discussion.

3 Q Mr. Goss was talking with who?

4 A Mr. Ethridge.

5 Q Okay. Now, did you direct or request the sheriff's
6 department to arrest and restrain Ms. Huffman?

7 A No, sir.

8 Q Did you hear anyone -- Mark Goss request or direct the
9 sheriff to arrest or restrain her?

10 A No, sir.

11 Q Did you have anything to do with the pursuit again- --
12 of the criminal case against Ms. Huffman?

13 A No, sir.

14 Q To your knowledge today, did Aiken Electric have
15 anything to do with the pursuit of the case against Ms.
16 Huffman?

17 A I don't know.

18 Q Did you institute or continue any criminal proceedings
19 against her yourself?

20 A No, sir.

21 Q Or your company?

22 A No, sir.

23 Q To your knowledge did Aiken Electric institute or
24 continue any criminal proceeding against her?

25 A No, sir.

1 MR. JOHNSON: Thank you. That's all I have.

2 MS. WALKER: I don't have any questions.

3 MR. GOINGS: Thank you.

4 (WHEREUPON, THE DEPOSITION CONCLUDED AT 4:26 P.M.)

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CERTIFICATE

This is to certify that the foregoing deposition of JOSEPH RICH, consisting of 45 pages is a true and correct transcript of the testimony given by said deponent after first being duly sworn; said deposition was reported by method of Stenomask utilizing speech recognition with digital backup. This transcript may contain quoted material; said material is transcribed as read or quoted by the speaker.

I further certify that I am neither employed by nor related to any of the parties in this matter nor their counsel; nor do I have any interest, financial or otherwise, in the outcome of the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 16th day of DECEMBER, 2013.

Lori Boggs Reilly
Professional Verbatim
Reporter

Notary in and for the State of South Carolina
My Commission Expires: May 14, 2014

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(803) 787-7242

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)

COVENANT NOT TO SUE

WHEREAS, Meredith Ann Huffman has filed an action in the Orangeburg County Court of Common Pleas, entitled, *Meredith Huffman v. Orangeburg County Sheriff's Department, Sunshine Recycling LLC, and Aiken Electric Cooperative, Inc.*, Case Number 2012-CP-38-672, alleging multiple causes of action involving the arrest on June 2, 2010, of Meredith Ann Huffman by the Orangeburg County Sheriff's Department; and,

WHEREAS, Meredith Ann Huffman and the Orangeburg County Sheriff's Office, captioned in the above-entitled action as Orangeburg County Sheriff's Department, desire to end the litigation only as to defendant Orangeburg County Sheriff's Office, and to compromise and settle all matters in controversy between Meredith Ann Huffman and Orangeburg County Sheriff's Office, but not to end the litigation as to the remaining defendants in the action, and, therefore, this Covenant Not to Sue is being executed,

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, Meredith Ann Huffman, for and in consideration of the payment to me of the sum of Twenty-Five Thousand (\$25,000.00) Dollars, paid by the South Carolina Budget and Control Board Insurance Reserve Fund on behalf of the Orangeburg County Sheriff's Office, the receipt and sufficiency of which is hereby acknowledged, do hereby covenant and agree that I will never again at any time make demand or claim or commence, prosecute, cause, or permit to be prosecuted any action or proceeding of any description whatsoever against Orangeburg County Sheriff's Office, its servants, employees, officers, agents, insurers, successors, and assigns, for losses, injuries, damages, attorney fees, or expenses arising from the incidents which were the subject of the above-mentioned litigation; and, this Covenant shall include

any and all future losses, claims, expenses, attorney fees, and damages not now known to the parties hereto, but which may later develop or be discovered, including the effects and consequences thereof, sustained by Meredith Ann Huffman as a result thereof.

It is expressly stipulated, understood, and agreed that this covenant is specifically limited to Orangeburg County Sheriff's Office, and is not to be considered complete satisfaction of any damage sustained by Meredith Ann Huffman except as to Orangeburg County Sheriff's Office, nor is the payment made to be construed in any manner as an admission of liability or fault on the part of Orangeburg County Sheriff's Office, in whose sole favor this document is executed, and payment made and accepted herein is solely for the purpose of enabling the said Orangeburg County Sheriff's Office and its insurer to purchase its peace and freedom from claims, demands, and litigation in connection with the matters which are the subject of the litigation, and that any and all rights to make claims, demands, or to prosecute any action or actions against the remaining defendants in the action, including but not limited to Sunshine Recycling LLC and Aiken Electric Cooperative, Inc., are specifically and fully reserved by and to Meredith Ann Huffman.

It is further expressly understood and the undersigned agree, stipulate, and acknowledge that the consideration paid in this matter is and shall be a complete bar to any subsequent action or proceeding to set aside or vacate this instrument because of a mistake in fact or otherwise, and the undersigned further agrees that should the terms of this instrument be breached by the undersigned, Orangeburg County Sheriff's Office may seek injunctive or other equitable relief preventing any breach of this instrument by the undersigned.

The undersigned further declares and represents that no promise, inducement, or agreement not herein expressed has been made to the undersigned and that this covenant not to sue contains the entire agreement between the parties hereto and the terms of this covenant are contractual and not

a mere recital.

It is further understood and agreed by the undersigned that Meredith Ann Huffman shall be solely responsible for and shall satisfy any subrogation interest asserted now or in the future by any and all persons, firms, or corporations providing medical and/or healthcare benefits to Meredith Ann Huffman. The undersigned further agrees to indemnify and forever hold Orangeburg County Sheriff's Office harmless against any claims, actions, and judgments, and any costs and attorneys' fees incurred in defending such claim and actions, asserted or obtained by any such medical and/or healthcare provider or subrogor. The undersigned hereby represents that no claim or cause of action, nor any entitlement to proceeds, has been affirmatively assigned or transferred by her, nor has Meredith Ann Huffman been given any actual notice of any subrogation interest, statutory or otherwise.

~~It is further understood and agreed as part of the consideration for this covenant that the terms and conditions of this agreement shall remain confidential and shall not be disclosed by the parties thereto, or their attorneys except to the attorneys and courts involved in the pending litigation, unless ordered to do so by a Court of competent jurisdiction.~~ MAH

I further declare and state that I have read the foregoing instrument and sign the same as my free act on this 2nd day of December, 2013, and subscribe my name and affix my seal hereto in affirmation of this instrument and its purport and effect.

WITNESS:

Katie G. G. G.

Meredith Ann Huffman
Meredith Ann Huffman

STATE OF SOUTH CAROLINA)

COUNTY OF Richland

PERSONALLY APPEARED BEFORE ME Katie Gould, who made oath and

SWORN to before me this)

3 day of Dec, 2013)

Robert F. Young (L.S.)

Notary Public for SC

My commission expires Sept 2017

ATTORNEY APPROVAL

As attorney for the Plaintiff in the foregoing action and as a member of the South

Dec. 3, 2013

Columbia, South Carolina


Robert F. Goings

Robert F. Goings

Attorney for Plaintiff

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
Maite D. Murphy, Circuit Court Judge

Appellate Case No.: 2014-001492

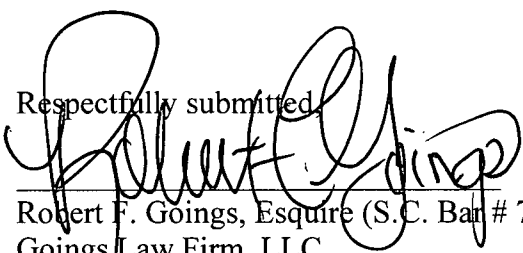
Meredith Huffman.....Appellant,
v.
Sunshine Recycling, LLC and
Aiken Electric Cooperative, Inc. Respondents,

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g), SCACR, the undersigned hereby certifies the Record on Appeal in the above-captioned matter contains all material proposed to be included by any of the parties and not any other material.

By:

Respectfully submitted,


Robert F. Goings, Esquire (S.C. Bar # 74855)
Goings Law Firm, LLC
914 Richland Street, Suite A-101
Post Office Box 436 (29202)
Columbia, South Carolina 29201
Phone: (803) 350-9230
Fax: (877) 789-6340
rgoings@goingslawfirm.com

J. Todd Rutherford, Esquire
The Rutherford Law Firm, LLC
2113 Park Street
P.O. Box 1452
Columbia, South Carolina 29202
(803) 256-3003

Attorneys For Appellant

Columbia, South Carolina
January 19, 2014

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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APPEAL FROM ORANGEBURG COUNTY
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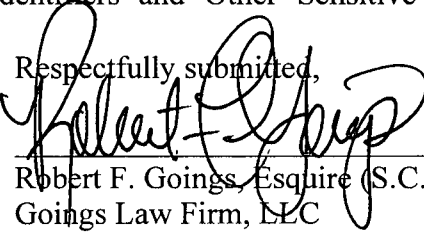
Sunshine Recycling, LLC and
Aiken Electric Cooperative, Inc. Respondents,

CERTIFICATE OF COMPLIANCE

The undersigned counsel hereby certifies that the Record on Appeal complies with Rule 211(b), SCACR, and the August 31, 2007 Order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Identifiers and Other Sensitive Information in the Appellate Court Filings."

Respectfully submitted,

By:


Robert F. Goings, Esquire (S.C. Bar # 74855)
Goings Law Firm, LLC
914 Richland Street, Suite A-101
Post Office Box 436 (29202)
Columbia, South Carolina 29201
Phone: (803) 350-9230
Fax: (877) 789-6340
rgoings@goingslawfirm.com

J. Todd Rutherford, Esquire
The Rutherford Law Firm, LLC
2113 Park Street
P.O. Box 1452
Columbia, South Carolina 29202
(803) 256-3003

Columbia, South Carolina
January 19, 2014

Attorneys For Appellant

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